

Minutes Planning Board, April 18<sup>th</sup>, 2013

Present: Diane Poland (Chair), Joe Strzegowski (Vice-chair), and David Barten.  
Absent: Mike Kurkulonis and Kate Eugin-Moore. Also present: Heidi Flanders  
(candidate for the open seat).

The meeting started at 7:10 pm. There were four agenda items:

(1) Minutes—the draft minutes for the meeting of April 4<sup>th</sup> were unanimously accepted.

(2) Marijuana treatment center moratorium—the Planning Board is placing an article on the Warrant for the Annual Meeting in May asking the Town to grant a year's moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The discussion centered on the wording in the article as it will appear on the Warrant. There was need to amend what will appear.

Selectman John O'Rourke had asked Town Council to review the article as originally proposed by the Board and to rule on whether it should be placed on the Warrant. The article's placement on the Warrant was okayed, but Town Counsel rewrote the article. In doing so he did not include reference to the Town's existing Protective Zoning Bylaws, which make no mention of such a dispensary.

It has been recommended by other authorities, however, that an article include reference to the existing Bylaws and the need to amend them as one of the reasons for the moratorium.

Diane asked how the Planning Board could amend Town Counsel's article to make it more accurate. Joe said that when the article is placed before the residents, that Diane should immediately put forward an amendment.

The discussion shifted to the Draft Regulations 105 CMR 725.000 "IMPLEMENTATION OF AN ACT FOR THE HUMANITARIAN MEDICAL USE OF MARIJUANA", which have just been published by the State's Department of Health. Given the extraordinary amount of regulation—described in 46 pages—that creating and manning these dispensaries will require, the Board members agreed that each should read the set of regulations through in preparation for the May 2nd Public Hearing on the Board's request to grant a moratorium.

It seems for certain that not only will the Planning board have to study issues related to zoning, but of necessity, the Police Department and Board of Health will be required to make adjustments in order to regulate a dispensary.

Diane said that she was in contact with someone in Torrington, Connecticut who had played a role in working through the new zoning bylaws towns in that State have to draw in order to enable dispensaries to exist in them. Connecticut is a year ahead in the process, for a law of the kind passed in Massachusetts allowing

dispensaries had been passed a year ago. Diane thought that it would be useful to see what Torrington had worked up as zoning laws and regulations. The members agreed, and so Diane will try to get a set from her contact.

(3) Master plan—Diane said that the actual amount of money left in the Master Plan account was \$2,200, when Sue Bridge’s bill was for \$2,800. Diane said that in order to pay Sue what she was owed, she (Diane) had taken it upon herself to make up the difference by transferring money from the Planning Board’s own account to the MP account.—was this acceptable to the Board?. The members okayed the transfer.

(4) Zoning Bylaws—This discussion had three aspects: (a) an update about property ownership in Burkeville as it relates to creating an Safety Complex there; (b) the creation of a Central Village District; and (3) cluster development.

(a) Burkeville—Joe’s reason for wanting to discuss the property ownership matter was that at the last Board meeting he had been asked to pursue whether certain landholders in Burkeville might be interested in selling their properties to house a Safety Complex. He had done this, and gave a report.

Additionally, Joe had spoken to Sterling Hubbard about property ownership in Burkeville, seeking specifically the history. Hubbard not only has a memory of how land was transferred, but produced for Joe a map of what he (Hubbard) believes are the current owners. Joe brought copies of the map to the meeting.

Joe said that Hubbard’s map conflicts with the ownership map produced for the same area by the Assessors, and as this relates to the Safety Complex, Hubbard’s map shows that the Langevin brothers do not own a piece of land possibly needed for the complex, whereas the Assessors’ map shows they do.

The reason for the discrepancy is the role of the Hoboken Turbine Company. At one time, the Delabarres had owned almost all land in Burkeville. In 1967, Norm and Thelma French bought a large portion of this property, but by this time the entire land mass on the south side of Rt. 116, and a sliver on the north side originally part of the Delabarre holdings had been sold by the estate in 1946 to the Hoboken Turbine Company of New Jersey, which in turn gave or sold portions to other parties, one of these being the Town.

Two parcels at the north end of Burkeville, one on the south side of Rt. 116 and another almost directly opposite on the north side, according to Hubbard, are still owned by the Hoboken Turbine Company, now defunct.

The discussion focused on the discrepancy in what the maps showed, and the need to clear up the matter of who owns what. Should the Turbine Company have gone out of existence, it remains to be determined, how in fact land that Hubbard says is still owned by the company come to be owned by the Langevins and taxed accordingly by the Assessors?

Joe suggested that research was needed. David volunteered to look into what happened to the Turbine Company. Joe is going to talk with Lee Whitcomb, Assessor, about the discrepancy.

(b) Central Village District—In preparation for the next session of the Board with Peggy Sloan on April 25<sup>th</sup>, those present worked out the parameters of a Center Village District on a FRCOG draft map of Conway's center, which Peggy had presented at the last session.

Because the map shows the property lines from about the Grammar School to the west end of Burkeville, delineating exactly all properties bordering on Rt. 116 and additionally those located up to a third of a mile north and south of the highway, it was possible to draw on the map a likely Center Village District which would be zoned for both residential and small business. The new bylaws which would establish the District would allow for revamping large single family homes into as many as three apartments, thus making it possible both for seniors and newly established young families to live in Conway's center.

(c) Cluster development—The focus on cluster development, both residential and industrial/business, was also in anticipation of Peggy Sloan's visit, for she as an advocate of subdivision control had pressed the members to think of development in the way almost all other towns in the Commonwealth do, and that is to zone for subdivision control.

Since Conway has never had this form of zoning, and the members are unanimous in rejecting it despite Peggy's urging, they were and are compelled to think through how zoning that encourages development of back lots, which is what the members would like to see, can be refined so as to allow for both residential and business development. Because Conway's Protective Zoning Bylaws presently do not make a distinction between the kinds of activities allowed on back lots, two property owners having houses on a back lot could find themselves faced with a third who also has a house and has decided to establish a business in a separate building on his lot. The only rule governing size is the existing 15-50 by law.

The idea was put forward by Diane and Joe that there should be three categories of cluster development: a residential cluster-- no business of any kind allowed; a business cluster—no residences allowed; and a cluster where residences and business would both be allowed. This last cluster, it was decided, would have to include a covenant agreement establishing clearly the kinds of businesses allowed and the size, so there would be no misunderstanding on the part of people who wanted to live in the cluster in residences.

It was noted that the Protective Bylaws need to be revised where solar installations are concerned, because those voted into place a year ago are "boiler plate" and should be refined to fit Conway's situation. Diane suggested that the Board invite Jim Barry to talk with the members about solar installations, since he was the

person who talked the Selectboard into pursuing a “Green Energy” designation for the Town. It was agreed that this was a good idea, and Diane volunteered to invite him.

Because all agenda items had been addressed, Diane asked for a motion to end the meeting. A motion was made and seconded, and the vote was unanimous. The meeting ended at 8:45 pm.

The next meeting of the Planning Board is a Special Meeting with Peggy Sloan on Thursday, April 25<sup>th</sup>, at 9:00 am in the Town Office.

The next regularly scheduled meeting will be on May 2<sup>nd</sup>, when there will be a Public Hearing as required by law, which will be focused on the PB’s request for a year’s moratorium on establishing a Medical Marijuana Treatment Center in Conway. This hearing will be at 7:00 in the Town Hall.

Respectfully submitted,

David Barten, clerk