

PLANNING BOARD
MEETING MINUTES
March 27, 2018

7:12PM

Memorial Hall

Members Present: John Michalak, Rob Ricker, Scott Carlson, Otto Lies, Mike Krikonis, Tina Stratis, Jeff Head (7:49PM)

Others Present: Pam Harding, Director of Planning
Liz Fotos, Town Recorder

J. Michalak called the meeting to order at 7:12PM.

PUBLIC HEARING – ZONING BY LAW AMENDMENT- Prohibition of Marijuana Establishments

J. Michalak read the Public Hearing Notice into record.

J. Michalak stated that the reason for this Public Hearing was based on the results of the ballot question to legalize marijuana. He stated that Holden voted against legalizing recreational marijuana and that the Boards approach would be to submit an amendment to prohibit these establishments in the Town of Holden. He asked if there was anyone from the public that wished to speak regarding this topic.

Margaret Loman, Juniper Lane in Holden was at the meeting. She stated that she felt that those establishments should be kept out of Holden. She stated that she feels as though the Town had changed so much over the years and was not suburban anymore.

P. Harding stated that they had received comments from the Chief of Police supporting the ban on retail establishments selling recreational marijuana. She stated that his concerns involved traffic issues along with the fact that it would be an increased burden on public safety.

P. Harding stated that Fire Chief Hall stated that he was concerned with flammability and the explosive nature of the products. He stated that the fire codes have not caught up with the extraction. He stated that they use butane or grain alcohol in their process and it is explosive and not regulated. He indicated that he was also against this.

O. Lies asked if the Board of Selectmen had given their opinion.

P. Harding replied they had not.

Motion by R. Ricker, seconded by T. Stratis, it was UNANIMOUSLY VOTED TO CLOSE THE PUBLIC HEARING FOR ZONING BYLAW AMENDMENT/ PROHIBITION OF MARIJUANA ESTABLISHMENTS.

Motion by R. Ricker, seconded by T. Stratis, it was UNANIMOUSLY VOTED TO PROHIBIT RECREATIONAL MARIJUANA ESTABLISHMENTS IN THE TOWN OF HOLDEN IN ACCORDANCE WITH THE DRAFT ZONING BYLAW AS PRESENTED.

PUBLIC HEARING- ZONING BYLAW AMENDMENT- Regulations of Marijuana Establishments by Special Permit

J. Michalak read the Public Hearing Notice into record.

J. Michalak stated that this would require a 2/3 vote at Town Meeting. He stated that this amendment was being proposed in the event the first one did not pass. He stated that this would regulate where marijuana establishments could be located and require a Special Permit.

P. Harding stated that as the Board knows this was the back up amendment that would regulate the allowable locations of these facilities. She stated that if there was nothing in place, these facilities could go anywhere so this was the back up to the first amendment.

J. Michalak asked if this was similar to how the medical marijuana locations were located.

P. Harding confirmed it was.

J. Michalak opened it up for public comment; no members of the public stepped forward.

O. Lies asked if the first amendment passed, if this was withdrawn.

P. Harding replied yes; it would be withdrawn on Town Meeting Floor.

M. Krikonis asked about the locations of the industrial zoning in Town.

P. Harding replied it was in the use table.

M. Krikonis asked about the mapping found online.

P. Harding replied that the information he was seeing was incorrect and that she would follow up on it.

Motion by R. Ricker, seconded by M. Krikonis, it was UNANIMOUSLY VOTED TO CLOSE THE PUBLIC HEARING FOR ZONING BYLAW AMENDMENT/ REGULATION OF MARIJUANA ESTABLISHMENTS BY SPECIAL PERMIT.

Motion by R. Ricker, seconded by M. Krikonis, it was UNANIMOUSLY VOTED TO VOTE TO SUPPORT THE ZONING BYLAW AMENDMENT CHAPTER 7.1 / REGULATIONS OF MARIJUANA ESTABLISHMENTS TO BE PRESENTED AT TOWN MEETING ONLY IN THE EVENT THAT THE FIRST ZONING BYLAW AMENDMENT FAILS.

PUBLIC HEARING- ZONING BYLAW AMENDMENT- Accessory Apartment Bylaw Amendment- Removal of Relative Requirement and Transfer of Special Permit

J. Michalak read the Public Hearing Notice into record.

Margaret Loman, Juniper Lane was present at the meeting. She stated that she has been in her home for 55 years and that her home abuts a property that is deteriorating. She stated that there is an apartment in that home that was built for a relative. She stated that person moved out and now they have no idea who is living there. She stated that the home is under surveillance for drug problems. She stated that she is against having an

apartment in a home that is not being occupied by direct relatives. She stated that they don't know who these people are or where they come from. She asked how they would know if it was an Air BNB or a VRHBO. She stated that she has been in contact with the police and the fire departments because of issues with these homes. She stated that when they let one start having these apartments they were going to start to mushroom through. She stated that she has seen Holden change a lot over the years and not for the better. She stated that the only people who should be able to live in these accessory apartments are relatives.

C. Blair was present at the meeting. He asked if this was to approve allowing in law apartments without approval from the ZBA.

J. Michalak clarified that it would still require approval but it would not need to be a blood relative. He stated that the Planning Board spoke with the ZBA and this was a proposed change.

C. Blair stated that currently when someone passes away that lives in the in-law apartment, the owner needed to go back for approval from the ZBA. He asked if this would keep it approved forever.

P. Harding replied that as long as it was owner occupied it would.

J. Michalak stated that they felt that if it was owner occupied the homes would remain in good condition.

C. Blair replied that he felt this was a great change.

J. Michalak asked if anyone else from the public wished to speak; no members of the public stepped forward.

R. Ricker stated that he felt the Board had spoken about this at length. He stated that he thought that the Town Planner did a good job and he did not see any real opposition at Town Meeting, they were simply making this bylaw a little less stringent.

S. Carlson stated that he didn't feel as though they had a lot of choice because of the Baker Deal.

J. Michalak replied that they Board did have a choice. He stated that this was a discussion for the Housing Choice Initiative though. He stated that this was a portion of the bylaw that allowed the Boards to be consistent with this matter.

O. Lies stated that he was opposed to having this as a Special Permit; he felt as though this should be by right.

Margaret Loman stated that she does not think this is fair. She stated that she should have just put money in for an apartment. She stated that she believes that this is downgrading the community.

R. Richer stated that if the owner has to live in the unit then they are in control of the tenant.

Margaret Loman, Juniper Lane stated that she does not think that is true. She stated that she has friends in Worcester that have had to call the police and once you sign a lease you cannot control what happens in the apartment. She stated that the area was designated residential and it should stay that way.

P. Harding stated that was part of the problem; they had no way to confirm if the person living in the apartment was a relative. She stated that it was an unenforceable bylaw.

M. Loman replied that once they sign the agreement they are there until eviction steps were taken.

T. Stratis replied that there was a cap on how many people could live there.

P. Harding replied that they could dictate size and number of bedrooms.

R. Ricker stated that the Board of Health regulates bedrooms and that you cannot have boy/girl rooms if there is more than a certain age difference.

R. Ricker stated that S. Carlson had pointed out that the state was getting ready to change its zoning laws. He stated that if the Town was not proactive they will not have any authority on it. He stated that he does not agree that they need to pass it because of that but he thinks they should be proactive locally so they are not subject to the states guidelines.

S. Carlson asked if they had a policy in place if they were protected.

P. Harding replied she was not sure. She stated that as far as this was concerned, the Town had no way of monitoring who was living in these apartments and that requiring the homes to remain owner occupied would control who resided in them.

R. Ricker stated that he thinks this is a lot better than the old bylaw.

M. Loman stated that the owners do live there but they are out for the money.

R. Ricker replied that they should be responsible enough to regulate who lived there.

J. Michalak stated that he wanted to remind everyone that this was a Public Hearing and that it would be going to Town Meeting. He encouraged the public to go to Town Meeting to voice their opinions. He thanked the public for coming out to the meeting.

Motion by R. Ricker, seconded by S. Carlson, it was UNANIMOUSLY VOTED TO CLOSE THE PUBLIC HEARING FOR ZONING BYLAW AMENDMENT- ACCESSORY APARTMENT BYLAW AMENDMENT// REMOVAL OF RELATIVE REQUIRMENET AND TRANSFER OF SPECIAL PERMIT.

J. Head entered the meeting at 7:49PM.

Motion by R. Ricker, seconded by M. Krikonis, it was VOTED TO SUPPORT THE CHANGE TO THE ACCESSORY APARTMENT BYLAW AS PRESENTED BY A VOTE OF 5-1-1 (Lies: no; Head: abstain).

PUBLIC HEARING- ZONING BY LAW AMENDMENT- Reduced Setbacks for Sheds

J. Michalak read the Public Hearing Notice into record.

J. Michalak opened the hearing up for public comment; no members of the public stepped forward.

S. Carlson asked what happened to 10x16.

P. Harding replied that they changed the sheds so they followed state building code requirements.

R. Ricker stated that if it was more than 200sq ft in would need to be built to code; if it was under it would not.

Motion by O. Lies, seconded by S. Carlson, it was UNANIMOUSLY VOTED TO CLOSE THE PUBLIC HEARING FOR ZONING BYLAW AMENDMENT/ REDUCED SETBACK FOR SHEDS.

Motion by M. Krikonis, seconded by T. Stratis, it was UNANIMOUSLY VOTED TO ACCEPT THE ZONING BYLAW AMENDMENT FOR REDUCED SETBACK FOR SHEDS AS PRESENTED.

PUBLIC HEARING- DEFINITIVE SUBDIVISION- Greenwood Estates-Jackson Woods Development

J. Michalak stated that this was a continued Public Hearing for Greenwood Estates.

C. Blair was present at the meeting. He stated that they had received a letter from Isabel McCauley, Senior Civil Engineer, DPW a few months ago with three items left on it. He stated that the last item that they have to cover is sewer and they had submitted everything as of today (March 27, 2018). He stated that they submitted plans for the offsite sewer and were waiting on comment from Weston and Sampson. He stated that it had been approved by I. McCauley and they were just waiting on comment from Weston and Sampson regarding sewer.

R. Ricker stated that it sounded as though all the information was submitted; he asked how long it would be until they could move on this matter.

P. Harding replied that it was hard to say; Weston and Sampson was wrapping up comments and then the Town would need some time on it as well.

R. Ricker asked who was eligible to vote on this matter.

P. Harding replied everyone except M. Krikonis.

R. Ricker asked if the developer wished to continue the matter for review.

C. Blair replied that everything was submitted and they felt like April 24, 2018 should be sufficient time. He stated that there was not a lot left and it was only small changes.

P. Harding replied that she thought that time frame may be tight for review but they could get an update on that date.

P. Harding stated that she also wanted to mention that C. Hultgren from Quinn Engineering had signed off on the review. She stated that he felt as though it met Subdivision Control Regulations. She stated that they did forward the revision to him but that the offsite sewer was being reviewed by Weston and Sampson. She stated that they (Weston and Sampson) wanted to figure out how to best phase the project to keep the existing sewer system running though construction. She stated that she assumes it would include upgrades and how to address the phasing question.

J. Michalak asked if all improvements were paid for by the developer.

P. Harding replied that there were funds in an account.

S. Carlson asked if they were coming in below Bancroft when the sewer was being introduced.

P. Harding replied that she was not the best to comment on this. She stated that the developer was replacing a pump on Highland and that upgrades were needed because of the sewer path on Main and Boyden because of additional flows. She stated that she has the information electronically and she could forward it to the Board.

S. Carlson asked if they were going 30 feet down for the pipe. He stated that this was going to be very deep.

R. Ricker stated that this was about as deep as they could go.

P. Harding stated that Weston and Sampson was due at the next meeting and she could ask them to speak to that.

S. Carlson asked if the sewer was designed for the development or if the Town was taking custody of this. He stated this was not sewer extension.

P. Harding replied the pump station was going to service all the homes and the subdivision.

S. Carlson stated that this would be for the Towns system; not just the developers.

R. Ricker stated that sewer extension was for private projects and this would be a public way.

P. Harding replied the town would own it eventually.

S. Carlson stated that the Town was bringing stuff into it and to make it work we would have to abandon the existing system.

J. Michalak stated that the developer was going to construct it but from what P. Harding was saying it would be Holden's in the future to maintain.

S. Carlson asked about capacity.

R. Ricker agreed that was a constant issue.

S. Carlson stated that he wanted them to have a dedicated line like he did at Stoneybrook.

P. Harding replied that the other way would go through four pump stations and this would only need to upgrade one.

T. Stratis asked about the maintenance.

P. Harding stated that Weston and Sampson was doing the peer review for this and they have analyzed three different routes and this was the best one because it eliminated pump stations.

R. Ricker asked if there were any other issues on this matter other than the outstanding review.

T. Stratis asked about the Special Permits for the driveways.

J. Michalak stated that the developer had revised his plans to meet the Towns bylaw. He stated that the driveways do not go to the house at this point.

P. Harding stated that the Board had discussed a condition that stated that approval of this matter did not mean that common driveways were approved.

R. Ricker stated that he would need Special Permits for the driveways or he would have to build fewer houses.

M. Krikonis asked which streets would be impacted.

S. Carlson stated that Union and Highland Ave would be.

J. Michalak asked if the developer needed to cross Main Street to do any work.

P. Harding stated that there was a congestion issue at Main and Boyden so the developer proposed replacing piping with one that had a larger diameter.

J. Michalak asked if he had approval from MA DOT to open the street for this work.

P. Harding replied he did.

J. Michalak asked where Weston and Sampson was regarding the project.

P. Harding replied she was unsure and that they had told them that they would like them to come in for one more meeting with the Board.

J. Michalak stated that he wanted to speak with the regarding the questions the Board had about the depth of the pipes.

R. Ricker agreed.

J. Michalak asked if the developer had to show how everything was constructed.

P. Harding replied that he did. She stated that all the depths were provided and Weston and Sampson have made comments that state that the developer can not maintain the depths in the easements.

S. Carlson asked if the street had sewer.

P. Harding replied that Highland Ave did have sewer.

J. Michalak asked if he needed an easement from private property.

P. Harding replied some of it was in the public way.

J. Michalak stated that if he was doing down that deep he would need to come up with slopes. He asked if they impacted private property. He stated that the Board needed more information from Weston and Sampson, he asked if they were going to get anything prior to the meeting.

P. Harding replied that Weston and Sampson would submit something in writing.

Motion by R. Ricker, seconded by S. Carlson, it was VOTED TO APPROVE THE DEVELOPERS WRITTEN REQUEST TO CONTINUE THE PUBLIC HEARING FOR DEFINITIVE SUBDIVISION/ GREENWOOD

ESTATES, JACKSON WOODS DEVELOPMENT TO APRIL 24, 2018 WITH A DECISION TO FILE TO MAY 8, 2018 BY A VOTE OF 6-0-1(Krikonis: abstain).

SUBDIVISION CONTROL REGULATIONS

P. Harding stated that they needed to schedule a meeting for Mike Andrade to come in. She asked the Board when they wished to do this.

J. Michalak asked if they would have the completed revision for review.

P Harding stated that it would be up for discussion and they had the whole thing commented on but did not expect any final decisions for the first go around.

J. Michalak asked when Town Meeting was.

P. Harding replied it was May 21, 2018.

J. Michalak stated that May 7, 2018 sounded like a good date.

APPROVAL NOT REQUIRED – 1114-1116 Wachusett Street- Stewart Goodhile R-40 Zoning District- eliminating lot line

P. Harding stated that they were eliminating a lot line and combining two lots. She stated it was commercial zoning.

M. Krikonis asked if there were any frontage issues.

P. Harding replied there were not; they were increasing the lot size.

Motion by O. Lies, seconded by S. Carlson, it was UNANIMOUSLY VOTED TO APPROVE THE ANR FOR 1114-1116 WACHUSETT STREET/STEWART GOODHILE R-40 ZONING DISTRICT.

PLANNING BOARD MINUTES

January 9, 2018 and January 23, 2018

Motion by R. Ricker, seconded by S. Carlson, it was VOTED TO APPROVE THE JANUARY 9, 2018 PLANNING BOARD MEETING AS PRESENTED BY A VOTE OF 4-0-3(Stratis: abstain; Head: abstain; Krikonis: abstain).

Motion by O. Lies, seconded by R. Ricker, it was VOTED TO APPROVE THE JANUARY 23, 2018 PLANNING BOARD MEETING MINUTES AS PRESENTED BY A VOTE OF 5-0-2. (Head: abstain; Krikonis: abstain)

MISC

S. Carlson asked if Legislation passed and the Town did not have rules in place if the states legislation became law.

J. Michalak asked if he was speaking about the Housing Choice Initiative. He stated that he did not think that this was a law that the state was trying to pass. He stated that the state was trying to encourage communities to pass this by offering funding.

S. Carlson stated that he was speaking about in law apartments and that if nothing was in place the states legislation would become law.

P. Harding replied that she did not know what he (Carlson) was referring to but that in general it would depend how the legislation was written.

J. Michalak stated that if the Town was proactive on some of these items that we (the Town) may be eligible for funding. He stated that he thinks the benefit is the access to funding. He stated that he went to the CPTC Conference and they did speak about the Housing Initiative but what he learned was that the funding was not limited to housing initiatives is could be used for anything. He stated that they were trying to encourage people to buy into this.

J. Michalak asked if they should ask other departments to weigh in on this matter as it seemed as though it was an open opportunity for funding.

P. Harding replied it was the Town Manager's decision.

S. Carlson asked if P. Harding had the reports for the build out of the town.

P. Harding stated that CMRPC had hired someone new and that most of it was completed and that they expected to have a draft to the Board in a few weeks.

Motion by T. Stratis, seconded by S. Carlson, it was UNANIMOUSLY VOTED TO ADJOURN THE MARCH 27, 2018 PLANNING BOARD MEETING AT 8:32PM.

APPROVED: _____