

**TOWN OF BELMONT
PLANNING BOARD**

**MEETING MINUTES
MARCH 19, 2013**

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7:10 p.m. Meeting called to order.

Present: Sami Baghdady, Chair; Michael Battista, Vice Chair; Elisabeth Allison, Charles Clark, Joseph DeStefano; Jeffrey Wheeler, Staff Liaison to the Planning Board

7:10 p.m. Public Hearing – Medical Marijuana Moratorium Zoning Amendment

Mr. Battista read the public notice.

Mr. Baghdady provided an overview of the medical marijuana law. The law allows up to 35 dispensaries of medical marijuana across the state which have to be non-profits and must be registered with the Department of Public Health. The law also allows home cultivation for up to a 60 day supply, if there is a financial or medical hardship involved. The law leaves a lot of questions unanswered, such as what constitutes a 60 day supply of marijuana. He further explained that the state had yet to enact regulations to implement the law, and municipalities are at a loss as to how to regulate dispensaries. Some municipalities have passed zoning measures that would ban dispensaries outright, but the Attorney General has ruled that this is not be legally permissible as it would circumvent the intent of the law. The preferred approach would be to enact a temporary moratorium until the state enacts the regulations. The proposed moratorium would last until June 30, 2014. Mr. Baghdady asked for comments and questions from the Board and audience. None were offered.

Moved by Mr. Battista to close the public hearing. Seconded by Ms. Allison. Motion passed unanimously.

7:35 p.m. Public Hearing – Religious and Municipal Building Preservation Zoning By-Law

Mr. Battista read the public notice.

Mr. Baghdady explained that the intent of the proposed By-Law is to provide developers with a incentives to preserve historically significant buildings and not tear them down.

Mr. Wheeler gave a presentation on how other communities have dealt with historic religious buildings. He cited various examples, such as church buildings which have been preserved and re-used in Watertown. Mr. Wheeler also outlined the criteria that a building must meet to be subject to this By-Law.

Brief discussion ensued on whether a commercial use should be permitted in a residential zone. Mr. Battista stated that the goal of the By-Law is to be flexible. Ms. Allison stated that the Board should identify the buildings involved and should provide a description of the permitting process as well.

Comments from the Audience:

1. Judith Ananian Sarno, 30 Waverly Terrace, commented that the incentives appeared to be for residential development and asked what incentives would be offered to entice commercial development. Mr. Clark responded that the incentives could be applied to both residential and commercial uses. Ms. Sarno also asked if the Board had the authority to waive incentives. Mr. Baghdady responded that the Board could use incentives as a bargaining tool.
2. Roger Colton, 34 Warwick Road, asked if the school at St. Luke's would be subject to this By-Law. Mr. Clark responded that it would be restricted to the religious building itself, but the Board could consider the entire campus. Mr. Colton also questioned the wording in section 6.12.3.A of the By-Law and suggested the phrase "to the maximum extent practicable" instead of "to the maximum extent possible." He also suggested adding some type of wording that constrained discretion. Mr. Baghdady suggested that additional stories be limited to within the existing building only.

Discussion ensued regarding the issue of whether or not a non-religious building on the same parcel of land as a religious building should be covered under the By-Law. Mr. Baghdady added that this could be considered as an incidental use. Mr. Battista felt that the By-Law should be written to give the Board flexibility. He felt that a creative development approach should not be stifled. He added that because it was not cheap or easy to re-use these properties, there should be incentives given to entice the developer into doing so. Mr. Baghdady asked if additional language was needed to make that intent clearer. Ms. Allison stated the clearer the amendment, the greater the chance it has to pass. She added that the more expansive the By-Law became, the more difficult it is for Town Meeting to understand. Mr. DeStefano felt that development should not be discouraged, as it would probably result in great improvements. Mr. Baghdady concluded that additional clarifications were needed to the language of the By-Law, and suggested that the public hearing be continued.

Motion made by Charles Clark to continue the Public Hearing to the meeting of March 26, 2013 at 7:00 p.m. Seconded by Joseph DeStefano.

The Motion passes unanimously.

8:40 p.m. Update on Other Proposed Town Meeting Articles

a. Inclusionary Housing:

Mr. Baghdady reported that he met with Alisa Todreas Chair of the Housing Trust, Glenn Clancy, Roger Colton, and Jeffrey Wheeler, to review the remaining issues with the Inclusionary Housing By-Law. Ms. Allison suggested that the Board discuss this By-Law before the public hearing.

b. Demolition Delay:

Mr. Baghdady reported that the Board is hoping to solicit public input at the public hearing on several points regarding the Demolition Delay By-Law. Discussion will center around the issues of length of the delay, and what to do if a resident did not wish to have his/her property included on the list of historically significant buildings.

c. Recodification – Housekeeping:

The Board agreed not to proceed at this Annual Town Meeting with an Article to recodifying the Zoning By-Laws. The Board felt that the recodification may distract attention from the other zoning Articles which are being proposed at Town Meeting.

d. Oakley Development Public Easement

Mr. Wheeler explained that the donation of this public easement had to be accepted by Town Meeting. Ms. Allison asked if the developer is committed to maintain the easement. She did not think it was a good idea to accept property that no one has committed to maintain. Mr. Baghdady felt that this point would come up at Town Meeting, and asked Mr. Wheeler to inquire about the maintenance of the easement area.

9:05 p.m. Committee Reports

Mr. Battista reported that the Capital Budget Committee has been meeting regularly to discuss its recommendations to Town Meeting. The Board briefly discussed several of the proposed Capital projects.

Mr. DeStefano reported that the Community Preservation Committee will be presenting its list of recommended projects at Town Meeting. The Board briefly discussed several of the projects and their potential impacts on zoning amendments.

Adjourned – 9:15 pm.