



TOWN OF GRAFTON

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PLANNING BOARD

PLANNING BOARD REPORTS FOR ANNUAL TOWN MEETING MAY 9, 2016 WARRANT ARTICLES

The following information pertains to the Planning Board's report on Articles 39 through 44 and 46 through 48. For any questions or information, contact the Planning Department at (508) 839-5335 ext. 1120.

Planning Board Report for Article 39: ZBL-2016-6 Create New Use Table Categories for Artists Live/ Work/ Gallery, Large Family Child Care Home, and Contractor's Yard

At its meeting on April 11, 2016 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 2.1 Definitions and Section 3.2.3.1 Use Regulation Table to add the following uses: Artist Live/ Work/ Gallery, Large Family Child Care Home, and Contractor's Yard. Board members present were Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members David Robbins and Linda Hassinger. No public comment on the article was received.

The addition of Artist Live/ Work/ Gallery use is proposed in order to support the purpose of the Village Mixed Use District, which states that one of the purposes of the district is to "encourage work/live space." The use is proposed to be allowed by right in the Village Mixed Use District and by special permit in the Neighborhood Business District, which includes other village areas such as Saundersville, New England Village, and Grafton Center.

The addition of Large Family Day Care addresses a current loophole where these facilities, which are considered exempt uses by Mass General Law, are not expressly permitted in town. Since the use cannot be prohibited or regulated by special permit, an applicant for Large Family Day Care can apply directly for a building permit with no local review by the Planning Board. The inclusion of this use in the Use Regulation Table allows the town to regulate the use through the site plan review process, similar to how Family Child Care Home is regulated.

The Contractor's Yard addition to the Use Regulation Table is proposed to more accurately define activities that have in the past been permitted, though under other use categories. The

addition of Contractor's Yard will allow for the use to be permitted through the issuance of a special permit in the Community Business, Office Light Industrial, and Industrial Districts.

Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of the this article.

**Planning Board Report for Article 40: ZBL-2016-5
Use Table Amendment for Other Eating and Drinking Establishments**

At its meeting on April 11, 2016 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 3.2.3.1 Use Regulation Table, Business Use 7 entitled Other Eating and Drinking Establishments. Board members present were Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members David Robbins and Linda Hassinger. No public comment on the article was received.

The purpose of the article is to change the use of Other Eating and Drinking Establishments from being prohibited in the Neighborhood Business District to being permitted through the issuance of a special permit. In evaluating the addition of various other uses being proposed for consideration by Annual Town Meeting, the Planning Board believed there were uses that could fall under the Other Eating and Drinking Establishments category that would be appropriate in the District with the issuance of a special permit, which gives the Planning Board discretion to take into consideration neighborhood impacts in their approval or denial of such a use.

Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of the this article.

**Planning Board Report for Article 41: ZBL-2016-4
Amending Definitions and Use Table Sections of the Zoning By-laws to Include Breweries/
Microbrewery/ Nano Brewery/ Brewpub**

At its meeting on April 11, 2016 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 2.1 Definitions, Section 3.2.3.1 Use Regulation Table, and Section 7.4.C Water Supply Protection Overlay District Prohibited Uses. Board members present were Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members David Robbins and Linda Hassinger. No public comment on the article was received.

The purpose of the article is to add the uses of brewpub, brewery, micro-brewery, micro-cidery, micro-winery, nano-brewery, nano-cidery, nano-winery to the definition section and to the Use Regulation Table. The consideration of these uses was brought about by discussions with the owner of Fisherville Mill, who identified these as possible uses for the property, but that it was

not clear whether such uses were permitted. While the Planning Board identified that a use such as a micro-brewery or a brewpub might be considered an “Other Drinking and Eating Establishment,” the Board decided to identify microbreweries, brewpubs, and similar uses as specific uses within the Zoning Bylaw. In addition to defining these uses, the article also amends the Use Regulation Table to identify whether such uses are permitted by right, with site plan review, with issuance of a special permit, or not permitted. Lastly the article also specifies that while breweries, which are large scale and industrial in nature, are prohibited in the Water Supply Protection Overlay District, smaller brewing facilities such as microbreweries and brewpubs are not prohibited in the overlay district.

The Planning Board is of the opinion that the inclusion of these uses in the zoning bylaw will remove ambiguity with existing language and encourage business development. Based on the Board’s deliberations on the merits of the proposed amendment, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of the this article.

**Planning Board Report for Article 42: ZBL-2016-1
Amendment to the Grafton Zoning By-Laws Definition Section 2.3 and Use Regulation Table
for Registered Marijuana Dispensary and Off-Site Medical Marijuana Dispensary**

At its meeting on March 28, 2016 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 2.1 Definitions and Section 3.2.3.1 Use Regulation Table, relating to Registered Marijuana Dispensaries and Off-Site Medical Marijuana Dispensaries. Board members present were Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members David Robbins and Linda Hassinger. Public comment on the article was received and is summarized below.

Medical Marijuana was approved by residents of Massachusetts in 2012. In recent years, facilities have begun to be approved in locations in the region. In Grafton, medical marijuana dispensaries that include cultivation and processing would likely be considered an industrial use and off-site medical marijuana dispensaries are considered a retail use. The proposed bylaw amendment as printed in the warrant defines Registered Marijuana Dispensaries and Off-Site Medical Marijuana Dispensaries and identifies how those uses are regulated within the Town’s Zoning Districts.

The Article regulates Registered Marijuana Dispensary as a special permit use within the Office Light Industrial and Industrial Districts and as not permitted within the Agricultural (A), Low Density Residential (R-40), Medium Density Residential (R-20), Multi-Family Residential (RMF), Neighborhood Business (NB) and Community Business (CB) Districts.

The Article also regulates Off-Site Medical Marijuana Dispensary as a permitted use with Site Plan Approval in the Community Business (CB) District, Office/ Light Industry (OLI), and Industrial (I) Districts and as not permitted with the Agricultural (A), Low Density Residential (R-

40), Medium Density Residential (R-20), Multi-Family Residential (RMF), Neighborhood Business (NB) Districts.

The Planning Board received public comment concerning the proposed article. Residents stated that the use needs to be regulated more than the current article language; that medical marijuana needs to be regulated like other businesses in town. Another resident commented that the Planning Board should craft a comprehensive bylaw that defines where “children congregate,” that provides a better definition of “buffer” rather than the State’s current 500 foot buffer, that limits hours of operation, security, landscaping, and that includes penalties for non-compliance. Residents also questioned what would happen to approved facilities if the State approved recreational marijuana in the fall. The Board did receive comments in support of the article. A resident commented that medical marijuana has been shown to provide significant relief for patients and that the sale of medical marijuana should not be treated any differently than the sale of alcohol.

The Planning Board acknowledged that a more comprehensive bylaw could be prepared to regulate medical marijuana facilities. However, the time and public process that would be necessary to develop a comprehensive bylaw was not available, and the definition and regulation of the Registered Marijuana Dispensaries and Off-Site Medical Marijuana Dispensaries is a necessary first step in the development of a more comprehensive bylaw. The Board stated that existing State siting requirements provide the Board with buffer, landscaping, security provisions that would be incorporated into its review process.

The Board discussed whether site plan review was adequate for Off-Site Medical Marijuana Dispensaries. Recognizing the possibility of recreational marijuana becoming legal through the approval of legislation or a ballot vote in the fall, the Board voted to offer an amendment on Town Meeting floor to the article changing Off-Site Medical Marijuana Dispensaries from being permitted with site plan review to being permitted with the issuance of a special permit as shown in the following table.

Business Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
23. <u>Off-Site Medical Marijuana Dispensary (OMMD)</u>	N	N	N	N	N	PS	PS	PS	N	-	---

Note: N = Not Allowed, P = Site Plan, S = Special Permit

The regulation of these uses by special permit will allow for the Board to require compliance with State siting requirements for such facilities that include buffer area requirements of 500 feet from locations that children congregate, but also allow the Board to properly condition such facilities and require no change to such facilities without a hearing before the Planning Board. The ability to restrict approved facilities to only dispense for medicinal purposes is only available through the special permit process. Since it is not legal to prohibit the uses in its

entirety, the Board believes that requiring a special permit for medical marijuana facilities is the appropriate level of review and maximizes protection for the town and neighborhoods.

Responding to comments against the article, the Board is of the opinion that failure to pass this article may lead to the establishment of Registered Marijuana Dispensaries and Off-Site Medical Marijuana Dispensaries with limited or no local review of such facilities. Furthermore without a special permit process, any facility that came into town would not be able to be conditioned to require a public hearing process for the modification of special permit decision to allow sale of recreational marijuana products. The Board recognizes the necessity to develop a more comprehensive bylaw and has committed to draft language for a future town meeting. The Board believes the regulation of these uses is a first step in the development of a comprehensive bylaw and that it is in the Town's best interest to adopt the bylaw as amended.

Based on the testimony received and its deliberations on the merits of the proposed amendment, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of the this article **with the proposed amendment**.

**Planning Board Report for Article 43: ZBL-2016-2
Amend the Water Supply Overlay Protection District – Trinity Avenue Well**

At its meeting on April 11, 2016 the Grafton Planning Board conducted a public hearing to consider a proposed amendment to the "Town of Grafton – Zoning Map" to expand the Water Supply Protection Overlay District. Board members present were Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members David Robbins and Linda Hassinger. No public comment on the article was received.

At the request of the Grafton Water District, the Planning Board is proposing to expand the Water Supply Protection Overlay District to include land that is within the DEP approved Zone II of the proposed Trinity Ave Well Zone II is the area that DEP requires to be protected because it is where water falling on the surface would travel to the well. The approved Zone II for the Trinity Ave Well site is largely within the existing district and the expansion is relatively minor. See the proposed expansion map, which is attached at the end of this report.

Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of the this article.

**Planning Board Report for Article 44: ZBL-2016-3
Amendment to Grafton Zoning By-Laws – Section 2.1 Definitions for Frontage, Corner Lot,
Rear Yard Corner Lot**

At its meeting on April 11, 2016 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 2.1 Definitions to amend the definition of Frontage

and to add definitions for “Lot, Corner” and “Rear Yard, Corner Lot.” Board members present were Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members David Robbins and Linda Hassinger. No public comment on the article was received.

The Article provides an exception from the requirement that access be through a parcel’s frontage where allowed by the Planning Board through the issuance of a special permit for a flexible development or common driveway. The Article also adds definitions, requested by the Building Department for Corner Lot and Rear Yard Corner Lot. These definitions will provide clarification for the Building Department in determining what constitutes a rear yard, which is important in determining setback requirements.

Based on the Board’s deliberations on the merits of the proposed amendment, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of the this article.

**Planning Board Report for Article 46: ZBL-2016-7
Amendment to the Grafton Zoning By-law Section 10 Fisherville Smart Growth District (40R)**

At its meeting on April 11, 2016 the Grafton Planning Board conducted a public hearing to consider a proposed amendment to the Grafton Zoning By-Law Section 10 Fisherville Mill Smart Growth Overlay District, Subsection 10.6.A. Board members present were Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members David Robbins and Linda Hassinger. No public comment on the article was received.

The purpose of the article is to provide more flexibility within the Fisherville Smart Growth District by adding more permitted uses, by removing the requirement that commercial uses must have residential uses located in the same building, by increasing the maximum permitted size for a restaurant, and by eliminating the requirement for the issuance of Certificates of Occupancy for commercial uses prior to the issuance of Certificates of Occupancy for Residential uses. The amendments were requested by the Owner of the Fisherville Mill site, who sought additional flexibility in the bylaw to attract developers to the property.

Based on the Board’s deliberations on the merits of the proposed amendment, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of the this article.

**Planning Board Report for Article 47: ZBL-2016-8
Amendments to the Grafton Zoning By-law Section 12 Village Mixed Use District**

At its meeting on April 11, 2016 the Grafton Planning Board conducted a public hearing to consider proposed amendment to the Grafton Zoning By-Law Section 12 Village Mixed Use District. Board members present were Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members David Robbins and Linda Hassinger. No public comment on the article was received.

The purpose of the article is to make various amendments to the Village Mixed Use District to improve the review process, include an affordability provision for housing units, and increase flexibility. Subsection 12.2 is amended to add an advisory review process prior to issuance of a building permit to allow for an advisory opinion from the Planning Department to the Building Department regarding the conformance of projects with purpose of the bylaw and to require affordable units as part of housing projects greater than eight residential units. Subsections 12.4 and 12.5 are amended to include additional uses permitted by right and by Special Permit, to allow residential uses on the first floor of a mixed use project by Special Permit, and to permit a density over 8 units per acre for projects on less than two acres by Special Permit. The increased flexibility lowers some barriers to development while remaining true to the purpose of the District.

Based on the Boards deliberations on the merits of the proposed amendment, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of the this article.

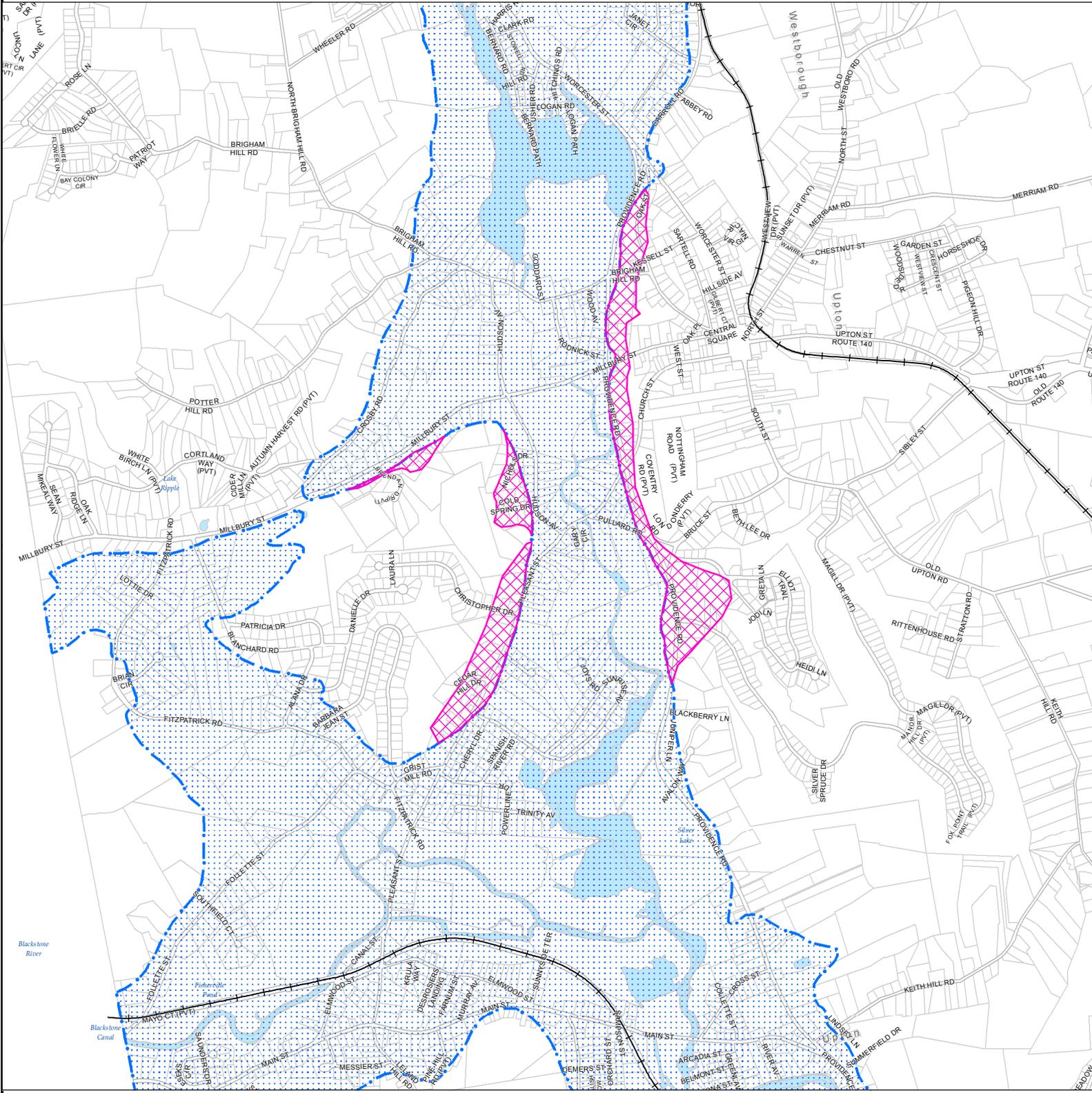
Planning Board Report for Article 48: ZBL-2016-9 Amendment to Lot Perimeter

At its meeting on April 28, 2016 the Grafton Planning Board conducted a public hearing to consider the proposed amendment to Section 3.3.3.4 Lot Perimeter. Board members present were Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members David Robbins and Linda Hassinger. No public comment on the article was received.

Section 3.3.3.4 requires a 10-foot vegetated border around the perimeter of a lot, crossed only by walkways and driveways. The Planning Board has recognized that this provision can cause difficulty in locating infrastructure such as pump stations or access roads for stormwater basins that are often located along property lines in order to minimize impact to developable lots. The Article proposes an exception from this requirement with the issuance of a special permit as part of a flexible development or as required to provide access to public facilities for water, sewer, stormwater or recreation purposes. The Board believes that this amendment will provide greater flexibility for the Board in laying out future subdivision developments.

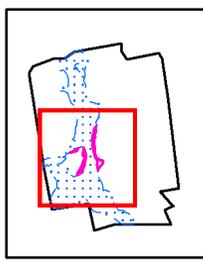
Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of the this article.

PROPOSED WATER SUPPLY PROTECTION OVERLAY DISTRICT (WSPOD) EXPANSION TRINITY AVE WELL SITE



Legend

-  Existing WSPOD
-  WSPOD Expansion
-  Railroad
-  Parcels
-  Water Bodies



1 inch = 2,000 feet



AppGeo

March 15, 2016