



TOWN OF GRAFTON
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PLANNING BOARD

**PLANNING BOARD REPORT
FOR SPRING ANNUAL TOWN MEETING
MAY 8, 2017
WARRANT ARTICLES**

The following information pertains to the Planning Board's report on Articles 33, 34 and 35. For any questions or information, contact the Planning Department at (508) 839-5335 ext. 1120.

**Planning Board Report for Article 33: ZBL-2017-3
Fisherville Mill Smart Growth Overlay District**

At its meeting on March 13, 2017 the Grafton Planning Board conducted a public hearing to consider proposed Amendment to 10.6.A to add text specifying a minimum number of units that must be constructed to comply with requirements of the Fisherville Mill Smart Growth Overlay District and its designation as a 40R State approved district. Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk David Robbins, and Members Tracy Lovvorn, and Linda Hassinger. No public comment on the article was received.

At the public hearing, Town Planner Joseph Laydon stated that the State Department of Housing and Community Development (DHCD) must approve all zoning changes to the Fisherville Mill Smart Growth Overlay District. The District was adopted in 2007 and permits up to 240 residential units. The 2016 Spring Annual Town Meeting amended the zoning bylaw to provide additional use types permitted in the district and separated the requirement for residential uses over commercial uses. However, to maintain compliance with Mass General Law 40R, DHCD is requiring the bylaw be amended to establish a minimum density of 201 units. Without maintaining compliance with density requirements of 40R, the Town would not be eligible to receive payments from the state that are intended to offset municipal costs associate with residential units in the District.

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

**Planning Board Report for Article 34: ZBL-2017-2
Amend Zoning Map**

At its meeting on March 13, 2017 the Grafton Planning Board conducted a public hearing to consider proposed amendments to the map entitled “Town of Grafton – Zoning Map” to expand the Office Light Industrial District, Campus Overlay District, and Chapter 43D Priority Development Overlay District to include the area as shown on the map entitled “Proposed Route 30/Institute Road Zoning Map Amendments” dated February 9, 2017 prepared By AppGeo and as shown as Parcel B on the Plan entitled “Plan of Land in the Town of Grafton (Worcester County) Massachusetts” prepared for The Division of Capital Asset Management and Maintenance dated June 21, 2016 and on file with the Town Clerk’s Office; and to amend Section 11.1 and 11.3.1 within the Chapter 43D Priority Development Site Overlay District by striking out “as land situated at 150 Westborough Road (Assessor’s Map 13, Parcel 100), and 105 Westboro Road (Assessor’s Parcel 12, Lot 15), and CenTech Park Lot 3 (Map 5, Lot 1E), and CenTech Park Lot 7 (Map 5, Lot 1H)” and replacing it with “on the Town of Grafton Zoning Map.”

Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk David Robbins, and Members Tracy Lovvorn, and Linda Hassinger. No public comment on the article was received.

The purpose of the article is to rezone a portion of 42 Institute Road from Residential 40 to Office Light Industrial, Campus Development Overlay District, and Chapter 43D Priority Development. The land at 42 Institute Road is owned by the Massachusetts Department of Capital Asset Management and Maintenance (DCAMM). DCAMM divided off a forty (40) acre parcel, between the Department of Youth Services facility and Route 30, which will be transferred to MassDevelopment for future development. Currently the northern third of the newly created parcel is zoned Office Light Industrial. The rezoning of this land will enable to Town to accommodate additional economic 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 35: ZBL-2017-1
Temporary Moratorium on Recreational Marijuana Establishments**

At its meeting on March 13, 2017 the Grafton Planning Board conducted a public hearing to consider the adoption of a temporary moratorium on recreation marijuana establishments. Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk David Robbins, and Members Tracy Lovvorn, and Linda Hassinger. Public comment on the article was received.

On November 8, 2016, voters in Massachusetts passed Ballot Question 4 entitled “Regulation and Taxation of Marijuana Act.” The Act, in addition to legalizing personal cultivation (including

limiting harvesting and gifting), established benchmarks for the creation of an oversight commission, development of regulations governing the issuance of licenses for marijuana establishments, and the acceptance of license applications. The Act also authorizes local control of marijuana establishments, under specific conditions.

The adoption of a temporary moratorium does not impact or restrict personal cultivation. Personal growing and use consistent with The Act are untouched by the temporary moratorium. The purpose of the temporary moratorium is to allow the Town time for the study and preparation of a bylaw regulating marijuana establishments (not including medical marijuana facilities). Citing the complexities of developing a bylaw and uncertainties surrounding legislative changes, and the time line for the state to develop regulations, the Planning Board is recommending the adoption of a moratorium through November 30, 2018 to allow the Board and the Town to adopt reasonable regulations and bylaws.

Responding to a question from one attendee who was present at the public hearing, the Planning Board stated that it has no intention of delaying work on preparing a bylaw for consideration by the Town and it stated it would be working in advance of the development of State rules concerning marijuana establishments so that it can consider a bylaw for the 2018 Town Meetings.

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