

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: February 12, 2018

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 P.M.

II. ROLL CALL

Members present: George Barrett, Chairman
Mike Baptiste, Vice Chair
Emmanuel Daskalakis

Also present: Ken Buckland, Town Planner

Members absent: Marc Bianco
John Cronan, Clerk

III. PRELIMINARY BUSINESS

A. Meeting Minutes:

- January 22, 2018

MOTION: Mr. Baptiste moves to accept the minutes from January 22, 2018 as written. Mr. Daskalakis seconds.

VOTE: (4-0-0)

B. Kate Benton – 85 Towhee Road - ANR

Present before the Board: Bob Rogers, G.A.F. Engineering, Inc.

Mr. Rogers states that this plan does not create any new lots, does not create any new rights, and does not extinguish any rights. There is an existing 30' right of way that they would like to separate to its own parcel of land rather than being on the lot of the owner. The right of way is for access to the water and would not be used as frontage. Mr. Buckland states he reviewed this plan, and has reviewed this with the Town Assessor as well and this plan is in conformance.

MOTION: Mr. Baptiste moves to endorse the Form A. Mr. Daskalakis seconds.

VOTE: (4-0-0)

IV. PUBLIC HEARINGS

A. Articles for Town Meeting Warrant:

1. Riding Stables

Mr. Barrett states this is seeking to change the definition of the riding stable to more closely match those of the Town By-Laws. Mr. Barrett asks if anyone in the public has comment. There are no comments from the public. Mr. Barrett asks if there are any comments from the Board. There are no comments from the Board.

MOTION: Mr. Baptiste votes to recommend to Town Meeting the changes for the definitions of riding stables as written. Mr. Daskalakis seconds.

VOTE: (4-0-0)

2. Non-Conforming Uses and Structures

Mr. Barrett states this is a change in how the By-Law deals with non-conforming uses and structures. Mr. Buckland states this is an entire re-writing of Article 13 done by the Building Commissioner and Mr. Buckland. Mr. Barrett states this adds more clarification to the By-Law as to how the decisions are made and gives the Building Department the ability to make more decisions and require less permits go through the Zoning Board of Appeals. Mr. Barrett asks if there are any comments from the Board. There are no comments from the Board. Mr. Barrett asks if there are any comments from the audience. There are no comments from the audience. \

MOTION: Mr. Baptiste moves to recommend favorable action to Town Meeting. Mr. Daskalakis seconds.

VOTE: (4-0-0)

Mr. Buckland states that along with this is a re-drafting of the Special Permit and Variances section of Article 14.

MOTION: Mr. Daskalakis moves that the changes in Article 14 be recommended as favorable action to Town Meeting. Mr. Baptiste seconds.

VOTE: (4-0-0)

3. Drive-Thru Restaurants

Mr. Barrett states that a lot of discussion has come up as to whether or not drive-thru restaurants should be allowed as a by-right use in Town and which regulations they should be allowed under. The first option allows drive-thru's in Zoning Districts OV1, WV1, CS, CG, and CP. Some of the requirements of obtaining the Special Permit under this provision for the drive-thru would be that internal site circulation is found to be safe for cars and pedestrians, well defined lanes and minimal crossing of lanes, site access allows enough room for vehicles to enter and ques as well as enough room for vehicles exiting to stop and que, trash receptacles must be available for disposal from vehicles, and no direct entrance or egress from or onto a state highway.

The second option would be to allow drive-thru's in the CG zone through Special Permit.

Present before the Board: Jim Anese

Mr. Anese states he lives on Cranberry Highway. Mr. Anese wants to know if the conditions put forth in all the areas will be enforced also, such as no curb-cuts coming out onto Route 28.

Mr. Barrett states that if the Drive-thru's are allowed in CG they will only be allowed in that zoning district.

Mr. Anese asks if it will be internal curb cuts only and no access onto Route 28. Mr. Buckland states that is how the proposed By-Law is written.

Mr. Anese states that years ago this restriction was put in to prevent drive-thru's because of over development, he feels a lot of people do not want West Wareham to reflect East Wareham. Mr. Anese states that the trash from the fast food drive-thru's that currently exist are an issue.

Present before the Board: Howard Smith

Mr. Smith states that the drive-thru's greatly concern him due to the fact that part of the strategic plan previously implemented in Wareham was to not allow any more drive-thru restaurants. Mr. Smith states that in an effort to maintain some of the integrity of the Town by not allowing any more drive-thru's. Mr. Smith states that most people who were coming into the Town at the time were coming to town for the rural feel and stated that they preferred West Wareham because it did retain more of a rural feel. Mr. Smith states he hopes that the Board would take that into their consideration.

Present before the Board: Nancy McHale

Ms. McHale states she lives in West Wareham and is fully aware of the West Wareham Strategic Plan Committee that Mr. Smith spoke of. Ms. McHale states she hopes the Board has read that strategic plan. Ms. McHale wants to bring the issues of Tobey Road to the Board's attention as well. Ms. McHale states the road is in terrible condition and that the road cannot handle any more curb cuts. Ms. McHale states that the traffic is horrendous and that drivers are distracted and not being safe and would like this area to remain livable for the residents in town.

Present before the Board: Sandy Slavin

Ms. Slavin asks for an example of how the drive-thru could exit without exiting or entering from a state highway. Mr. Barrett states the drive-thru would need to enter or exit through a larger development that already exists or through a signalized intersection.

Present before the Board: Peter Teitelbaum

Mr. Teitelbaum has asked the Board if they have considered a different approach to the drive-thru provisions. Mr. Teitelbaum asks if the Board has considered limiting the drive-thru's to that area that is presently built up in West Wareham so there isn't a surplus of drive-thru's in the area.

Mr. Barrett states that they are hoping the proposed criteria requirements will reduce the number of drive-thru's.

Present before the Board: Howard Smith

Mr. Smith states that the previous Strategic Plan also addressed some of the landscaping that should be in the area. Mr. Smith states there are a lot of accidents in the area and he feels that not allowing cars to enter or exit onto the highway would reduce the number of accidents.

Present before the Board: Patty Wild

Ms. Wild asks if the Board has any control over the number of establishments allowed in each zoning area. Mr. Barrett states there is not currently a number restriction of drive-thru's proposed. Ms. Wild asks why there is not a numbered restriction of drive-thru's allowed. Ms. Wild says she is constantly picking up trash from drive-thru's. Mr. Barrett states that the restrictions in place are meant to restrict the number of drive-thru's that will be constructed.

Present before the Board: Chris Damiano

Ms. Damiano states that she feels Onset is an old village with a beautiful feel to it and does not feel drive-thru's would fit in that area and that the trash around the Town will be doubled with more drive-thru's.

Mr. Daskalakis states that he would like to add that the concerns with traffic and curb cuts are being taken very seriously.

Mr. Buckland recommends taking advantage of the deadline for Special Town Meeting and take this matter into consideration.

4. Adult Use Marijuana Establishments

Mr. Barrett states that there are 2 Articles on the agenda for the March 12th Special Town Meeting, one which gives the town the authority to collect a 3% sales tax from a marijuana retailer and the second is to place the regulation of a marijuana establishment in a specific Zoning District. Mr. Barrett states they have proposed limiting the medical marijuana establishments to the Institutional and Industrial Districts. It has been proposed to restrict recreational marijuana facilities the Strip Commercial District east of Glen Charlie Road. This would also limit the number of retailers in Town to 3, which the state is allowed to do based off a percentage of the number of package stores in town.

Mr. Buckland states this came from a State referendum from November 2016. The Town voted in favor to allow marijuana use by 6,490 and voted against allowing marijuana use by 4,826. The Town voted in favor by 53%, which puts limitations on what can be controlled by the By-Law. The Cannabis Control Commission was put in charge of regulations and licensing and they drafted regulations that were issued in December 2017 and the final regulation will be issued March 15, 2018. License applications are to be received April 1, 2018. It was a recommendation from the Attorney General that local by-laws be put in place before the start of applications on April 1, 2018. Sections of the state regulations allow municipalities to take certain actions, they can accept an excise tax of 3% on marijuana retail sales, the town can negotiate host community agreements which could include impact fees of up to another 3%, and the town can require conformance with town by-laws within some fairly significant restrictions. The town can only specify the time, place, and manner of the uses. The town can limit the number of retailers to 20% or more of the number of liquor licenses. The town could specify that the 500' buffer zone to schools, or where children congregate, can be lessened. Signage may be specified but it may be no more restrictive than the liquor store signage requirements. The limitation is that the by-law may not be reasonably impractical, they cannot prohibit conversion from medical retail to recreational retail, and the town cannot prohibit transportation through the town. The unreasonably impractical is defined by the state law that measures necessary to comply with the regulations, ordinances, or by-laws adopted pursuant to this Chapter, subject licensee's to unreasonable risk, or requires such a high investment of risk, money, time, or other resources or assets that a reasonably prudent business person would not operate a marijuana establishment. Mr. Buckland has maps showing buffer zones in the town which shows 500' buffers around schools and areas in which children commonly congregate including facilities such as playgrounds, youth services programs, daycare centers, dance schools, etc. This does not include single family homes where children reside or public places such as ice cream shops where children may happen to congregate, but are not there in a structured or scheduled manner. There are two articles. One is to accept the state law of 3% sales tax by marijuana retailer. The other is the proposed by-law which is broken up into three sections. One section is the definition of marijuana establishments based off state regulations, process, standards, special permit uses, buffers and restrictions on the use and adds it to the table of uses. In the Town Article, after the definition, the town rescinds Section 391, which is the medical marijuana treatment centers section and the moratorium that's in the By-Law currently and replaces it with a section that specifies where the districts would be allowed. Use Variances would not be allowed for any marijuana establishment or cultivation center. Any revocation of license of permit by the state would result in revocation of the Special Permit for the establishment.

Mr. Barrett states that the only way marijuana establishments would not be allowed in town would be if they went back to a town vote to re-vote to allow or prohibit marijuana use.

Mr. Bianco asks if the definition of retail includes cultivation. Mr. Barrett states he is unsure if they are treated the same. Mr. Bianco asks if someone holding a license for retail and cultivation could have one license for two structures at two different locations, one for retail and one for cultivation. Mr. Buckland states that would require two separate licenses.

Mr. Bianco asks if someone who manufactures in Wareham and distributes to a separate town, which town will receive the taxes. Members of the audience answered that the taxes go to the origin of the sale, which would be Wareham.

Present before the Board: Peter Teitelbaum

Mr. Teitelbaum states that he hopes the Planning Board and the town supports this By-Law. Mr. Teitelbaum states the town is doing the best it can in the short amount of time it has been given since the state has made their determinations.

Present before the Board: Aaron Gomez

Mr. Gomez states that when Wareham Crossing was put in and the zoning changes were made it created a lot of chaos in the town. Mr. Gomez asks why this allowed use stops at Glen Charlie Road in the CS zone if there are no schools or places where children commonly congregate in the remainder of the CS zone in that area of town. Mr. Gomez states he does not want the area west of Glen Charlie Road in the CS district to be excluded. Mr. Gomez states it can be dangerous having people cross four lanes of traffic. Mr. Barrett states that is a point well taken.

Present before the Board: Dave Walton

Mr. Walton states he has been in town just shy of 75 years. Mr. Walton states he understands that there is very little the Board can do regarding the marijuana establishments, but that he is against it. Mr. Walton states that there is a club in Worcester where people are allowed to go in and smoke marijuana. Mr. Walton states that he is terrified that the town will become known for its marijuana. Mr. Walton also states that he believes Colorado gets 30% sales tax and Washington gets 40% sales tax. Mr. Walton states Wareham will not get nearly enough in sales tax. Mr. Walton states if people have to have it, that's fine, but he doesn't want it in restaurants or as second hand smoke.

Present before the Board: Kathy Finny

Ms. Finny states she has been a nurse for 50 years and that the big proponents of marijuana are just like big tobacco companies. Mr. Finny states she hopes the town keeps this to the most limited number that it can. Ms. Finny states that she believes that medical marijuana facilities cannot be taxed. Ms. Finny states a butane gas can be made from the oils of the plants and it is highly combustible. Ms. Finny states the edibles don't take effect for 45 minutes to an hour and if a child were to find the edibles there is nothing to stop them from eating the edibles in their entirety because they won't feel the effects for almost an hour. Ms. Finny is concerned that the state will not give adequate supervision to these facilities. Ms. Finny states the town will never gain as much as it is going to lose by continuing with the marijuana facilities.

Present before the Board: Peter Teitelbaum

Mr. Teitelbaum states that he does have paperwork available regarding the taxation if anyone is interested.

Present before the Board: Sarah Smith

Ms. Smith has a question about retail establishments. Ms. Smith asks if the limitation to three retail developments in town includes café's, dispensaries, social clubs, coffee shops, and all of the establishments that are allowed to open or if it is restricted to dispensaries. Mr. Barrett states that retail covers many different levels. Ms. Smith states she feels there should be a marijuana committee in town to provide people with information. Ms. Smith states that the social club in Worcester is a BYOC club and they do not sell any products there. Ms. Smith states that the dispensaries are very secure with locked doors and security guards so children cannot get into these establishments. Ms. Smith states all of the products have to be extremely discreet, they cannot be in the shape of gummy bears or anything appealing to children. Ms. Smith states these marijuana establishments cannot advertise, they must be very discreet. Ms. Smith states people cannot bring their children with them into these establishments.

Present before the Board: Kathy Finny

Ms. Finny states her only argument against that case is that she has been to multiple places that sell marijuana food products and they do look exactly like candy, and all but one or two words replicates what is in the candy store. Ms. Finny also states she is not concerned about children going into marijuana establishments, but that she is concerned about what parents are bringing home that they are not securing that their children may be getting a hold of.

Present before the Board: Jim Menize

Mr. Menize states he would like clarification as to where the institutional district is. Mr. Barrett is begins around Tobey Hospital, comes up to the Town Hall, encompasses the schools, and some of Main Street. Mr. Menize states he doesn't feel a retail establishment for marijuana should be allowed in this district. Mr. Buckland states that unfortunately, due to state regulations, they cannot make that restriction. Mr. Menize states that recreational marijuana brings a different type of foot traffic than medical marijuana.

Mr. Buckland also states that nothing that can be sold in the dispensaries are by law not allowed to mimic anything looking like candy or anything that may be appealing to children.

Present before the Board: Sarah Smith

Ms. Smith states that people who are producing products emulating candy or anything of the like are doing so illegally, it is the same with people who are producing oils from their homes, that is illegal and is difficult to control.

Present before the Board: Brian Cusick, Co-Founder and COO of T-Bear Inc. at Perspective LLC

Mr. Cusick states that he is glad the town of Wareham is getting ahead on their permitting and working on their draft zoning. Mr. Cusick states that he hopes and advises that the town takes

into consideration the wording “where children commonly congregate” in regards to buffer zone language. Mr. Cusick states that he feels the Board is smart to restrict retail licensing, there is a big distinction in the businesses between retail and manufacturing. Mr. Cusick states that he believes manufacturing brings full time jobs to towns, provides tax revenue, and is nameless building in an industrial park most times. Mr. Cusick states that the restrictions placed on retail and not on the rest of the industry is a smart move and reflective of how events will unfold in town.

Present before the Board: Phillip Silverman, representing Xaphius Wellness, Inc.

Mr. Silverman states that Xaphuis Wellness, Inc. is a marijuana company interested in coming into town. Mr. Silverman states that in Colorado there are reports that teen marijuana use has decreased significantly and they feel this is due to the removal of the black market. Mr. Silverman states that things such as café’s or smoking rooms are a completely different process than what is being discussed. There would need to be 10% of the registered voters that voted to approve marijuana to come before the town with a petition in order to come before a town vote to allow that type of use. Mr. Silverman states that his company is not thinking of doing anything of that nature and feels that those types of uses should be discussed at this point.

Mr. Bianco asks if a smoking club is a license that would be applied for or allowed currently in town. Mr. Barrett states that he is unsure, there are multiple types of uses identified and he is unsure what licensing goes where. Mr. Barrett states if future changes need to be made to zoning then the Board can make those changes.

Present before the Board: Peter Teitelbaum

Mr. Teitelbaum states that as far as the licensing goes it is a two layer approval. There is a state license that is issued, and then there is local approval of the host agreement. Mr. Teitelbaum states it is very similar to alcohol licenses in that the Selectmen will sign the licenses, but the state will have to sign off on each license issued. Mr. Buckland states that there will be a Special Permit process for these licenses as well.

Present before the Board: Howard Smith

Mr. Smith states that the Board seems to be dealing with one end of the marijuana spectrum, which is the growing and sales. Mr. Smith states that insurance companies are beginning to have problems with medical marijuana cards. The insurance companies can deny a multitude of claims regarding marijuana use.

Present before the Board: Malcolm Finny

Mr. Finny states a large concern of his is people comparing this to alcohol. Mr. Finny states that people state since alcohol is allowed then marijuana should be allowed. Mr. Finny states that alcohol causes a large number of problems in town and in the state. Mr. Finny is concerned that people will be driving after smoking marijuana now. Mr. Finny states there is a multitude of funding that goes towards trying to stop or prevent people from smoking cigarettes and he feels

they will run into the same complications with marijuana, even though he is aware that people will not only be smoking marijuana. Mr. Finny states he feels the town should be as restrictive as it can possibly be as he feels the town will be paying money down the line to try to prevent marijuana use as it does with alcohol and cigarettes.

Present before the Board: Sandra Slavin

Ms. Slavin asks if this will be all the way down Buzzards Bay to Route 6 and Route 28. Mr. Barrett states it will be, it will be allowed in the CS Zone from east of Glen Charlie Road. Ms. Slavin is trying to envision where all three marijuana retailers could be located on that stretch of road. Mr. Buckland states the retailers must be 1,500 feet apart. Ms. Slavin asks if they could be allowed in any other area of town other than the CS Zone and by Tobey Hospital. Mr. Barrett states that this will be allowed in the Industrial District as well. Ms. Slavin states they could be allowed in one of the three industrial parks. Mr. Buckland says there is room in one of the industrial parks.

Present before the Board: Brian Medfield

Mr. Medfield says he saw a map that had some proposed Zoning Changes. Mr. Medfield states that right now the Industrial Zone actually starts along Main Street, just underneath Route 25, extends all behind the shopping center, and goes up Tobey Road if he is not mistaken. Mr. Buckland states that is accurate. Mr. Buckland states that Decas School is in that area as well which removes that area of the property. Mr. Barrett states the side that Wareham Crossing is on is not Industrial.

Present before the Board: Nancy McHale

Ms. McHale says the Board is now talking about the three retail licenses. Ms. McHale asks what happens with the manufacturers and people who are making edible products, if they will be licensed and how they will be dealt with. Mr. Buckland states that these require licenses as well and will be restricted to the proposed zones. Ms. McHale asked if there are any restrictions on the ancillary businesses. Mr. Buckland states there will not be, other than what the state will allow.

Present before the Board: Rob Martinez

Mr. Martinez states that this is a good starting point for the Town by setting these type of guidelines. Mr. Martinez states that he doesn't feel that there will be this gigantic wave of growers in the town due to the lack of space in the industrial zones. Mr. Martinez states that he is concerned about the amount of people that will stop in Wareham on their way to the cape and the traffic that will bring. Mr. Martinez believes Wareham is the only town who voted in favor of marijuana and no other town has voted to allow it up until Orleans he believes. However, Mr. Martinez believes this will bring a lot more business to the town for people who are not just buying marijuana, but will stop at other stores in town. Mr. Martinez also feels this could be beneficial to people in the town that will be working to build these structures. Mr. Martinez states that he feels this will overall help bring more money to the town.

Present before the Board: Malcolm Finny

Mr. Finny states he knows that a lot of people will not agree with him on this subject, but he feels the last thing Wareham needs is more build-out. Mr. Finny states that every time a business comes to town they completely destroy the habitat around it. Mr. Finny states that the natural habitat is our most precious resource and we should be preserving it. Mr. Finny also states that he doesn't believe we need more people coming in to Wareham.

Mr. Daskalakis states he has heard the comparison of alcohol to marijuana for years. He states that young people will gain access to alcohol, they could obtain it in their own homes secretly taking it from their parents. Mr. Daskalakis states he has never seen a young persons' mind destroyed by alcohol. Mr. Daskalakis has seen young adults lives who have been rendered useless starting with the consumption of marijuana. Mr. Daskalakis states he is no expert and could be way off the mark, but he is suspicious of this comparison of marijuana to alcohol. Mr. Daskalakis also states that he is uncomfortable on acting on decision on something that is contrary to federal law and if the community can be forced to act upon something that is not allowed by federal law. Mr. Daskalakis asks if this is something Town Counsel can advise on.

Mr. Barrett states that is a relevant point.

Present before the Board: Tom Gleason

Mr. Gleason states that it is fine to discuss the restrictions of marijuana, but he agrees with Mr. Daskalakis that technically marijuana is an illegal substance according to the Federal Government. Mr. Gleason states they have apparently ignored this issue for the time being, but he is concerned of the consequences that could follow should the Federal Government enforce these laws.

Present before the Board: Peter Teitelbaum, Selectmen

Mr. Teitelbaum states that under Federal Law marijuana is illegal, but they have chosen to do nothing about states legalizing marijuana. The local U.S. Attorney from Massachusetts stated he was not going to endorse this, but he did not take actions to stop this. Mr. Teitelbaum states that the town is bound under state law to allow these facilities.

Mr. Bianco states that the town does have the option to do a re-vote though.

Mr. Teitelbaum states they may do a re-vote, but they may end up with dozens of establishments in town before Town Meeting to take a re-vote. Mr. Teitelbaum states that the Board is trying to make this by-law as restrictive as possible.

Mr. Barrett states that if the town refused to allow this use they would be inundated.

Mr. Teitelbaum states that the Board may have the opportunity to make small changes before the close of the Town Warrant tomorrow, but they should check with the moderator to ensure they are within the correct guidelines.

Present before the Board: Claire Smith

Ms. Smith states that the proposed Article can only be lessened in severity, it cannot be extended. Ms. Smith also wants to make it known that at town meeting the vote will only be to approve or disapprove of the article presented, not on if people approve or disapprove of marijuana use.

Present before the Board: Sean McCoy

Mr. McCoy states that he wanted to know if in the Commercial Strip areas of Great Neck Road, Glen Charlie Road, and Depot Street are included or excluded in the area allowed to have marijuana establishments and if the language could be altered to say "Depot Street, Great Neck Road, and Glen Charlie Road and east of" to allow the Commercial Strip areas of these roads. Mr. Barrett states they could revise the language to reflect that.

Present before the Board: Aaron Gomez

Mr. Gomez asks when the Board made the decision to restrict the rest of the Commercial Strip Zones in town. Mr. Gomez feels it is unfair to exclude the few miles of Commercial Strip zone west of Glen Charlie Road.

Present before the Board: Peter Teitelbaum

Mr. Teitelbaum states one thing for the Board to consider is that there are no fewer than 6 other areas in town that are zoned CS. Mr. Teitelbaum stated that part of the reason for that restriction was to spread out the retailers so they were not compounded into one area.

Mr. Gomez states he feels there are many more businesses than residences on Cranberry Highway from Robertson's to Glen Charlie Road than there are east of Glen Charlie Road.

In regards to the Drive-Thru Article: Mr. Barrett states he is unsure where a drive-thru would be placed in Onset Village. Mr. Buckland states that is where restaurants are allowed. Mr. Baptiste feels that option 2 for the drive-thru's could work as written. Mr. Barrett is concerned with how the language is written saying there shall be no direct access entering or exiting onto a state highway. Mr. Baptiste states that if someone owns a piece of property with a current curb cut on the state highway that was approved by the state then the town cannot deny use of that curb cut. Mr. Barrett asks if the Board would like to choose an option and if the proposed language is restrictive enough for their intentions. Mr. Daskalakis is inclined to allow it where restaurants are currently allowed but with this control. Mr. Buckland states he would advise against having drive-thru's in the Wareham Village and Onset Village districts because they are not conducive to pedestrian traffic. The Board agrees that drive-thru's should not be allowed in these districts.

MOTION: Mr. Baptiste moves to recommend favorable action as corrected. Mr. Daskalakis seconds.

VOTE: (4-0-0)

In regards to the Marijuana Article: Mr. Barrett states that the Article does not say retailers, they are saying marijuana establishments, which embodies most aspects of marijuana cultivation, sales, and consumption. Mr. Buckland states that it covers cultivator, craft cultivator cooperative, product manufacturer, retailer storefront, and delivery only, social consumption, research, testing lab, transportation and micro-business. Mr. Bianco asks if they have to open this to all of those uses. Mr. Buckland says they must, they are not allowed to ban any of the uses. Mr. Barrett asks what the Boards opinion on the Commercial Strip zone is. Mr. Baptiste states he doesn't feel they should restrict where it is allowed in the CS zone so that the retailers may be spread out. Mr. Buckland shows that there is either a school or a place where children commonly congregate, and would disqualify that area as a use for sales due to the 500' buffer. Mr. Bianco states that he is not comfortable making a decision before Town Meeting.

Ms. Smith asks if the Board restricts this down to one area if the Attorney General will deny this as being too restrictive.

Mr. Barrett states they treated adult entertainment the same way, only allowed it in one zone in town and it was allowed.

Mr. Baptiste states that the state itself is very unclear of what their determinations are. Mr. Baptiste states that anyone with enough money could fight and say that this is too restrictive.

Mr. Barrett states he would like to leave the language as it is and leave this use out of the villages until they're more aware of the type of traffic this will generate.

Mr. Bianco asks what happens at Town Meeting if the proposed zoning does not pass. Mr. Buckland states that the current By-Law will remain in place and the facilities will be allowed anywhere in town.

MOTION: Mr. Daskalakis moves to recommend favorable action for the proposed By-Law as drafted to Town Meeting. Mr. Bianco seconds.

VOTE: (4-0-0)

V. CONTINUED PUBLIC HEARINGS

A. Heidi Dobbins- Morse – Spring Avenue – Special Permit/Site Plan Review – Request for Continuance

MOTION: Mr. Baptiste moves to accept the continuance until February 26, 2018. Mr. Daskalakis seconds.

VOTE: (4-0-0)

VI. REFERRALS

VII. ANY OTHER BUSINESS/DISCUSSION

B. Upcoming Hearings:

February 26, 2018	#29-17	Special Permit/Site Plan Review	Heidi Dobbins Morse	Spring Avenue
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VIII. NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

IX. CORRESPONDENCE

A. See correspondence in packets.

IX. ADJOURNMENT

MOTION: Mr. Baptiste moves to adjourn. Mr. Daskalakis seconds.

VOTE: (4-0-0)

XII. DOCUMENTS

Date signed: _____

Attest: _____

George Barrett, Chairman
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: _____

RECEIVED

MAR 01 2018

TOWN OF WAREHAM
TOWN CLERK