

Mr. Bettencourt: A regular meeting of the Planning Board was called to order on June 21, 2018 at 7:40 P.M. by Chairman Thomas Bettencourt. The meeting was held in the Wiggin Auditorium, City Hall, 24 Lowell Street., Peabody, MA.

A. Approval of Minutes:

Motion: To approve the minutes of the regular meeting of June 7, 2018. Motion Carried: Unanimous

B. Public Hearing: 7:00 PM

1. Proposed Stonegate Subdivision – Application for Approval of Definitive Plan, (continued from 6/7/18): Chairman Bettencourt suspended the regular meeting at 7:00 and re-opened the public hearing for Stonegate. Councilor Jon Turco (read from emailed comments from 6/7/18 which are attached to minutes); thank you to the Board for allowing me to speak. He has a new concern (in addition to those outlined in the attached email) – regarding public way naming. A portion of newly constructed roads must be named after service people killed in action but the list has run out. He would like the Board to consider letting the Veterans Administration replenish the list and change the names of the streets in Stonegate. He is in full support of this project, thinks it is good for the city but has concerns because the area is tight: 1) access via Ralph Rd. – he doesn't think opening Ralph Rd, which is a cul-de-sac, is a good idea. This will add traffic as it will become a cut through to Bartholomew St. It's a steep hill and is usually the last street to be treated during snow/ice; 2) Drainage – the city is slowly addressing flooding issues. He met with Mrs. Laboa, 233 Bartholomew St and saw how the water drains across the street and into Dog's Pond. He would like to know if Con Comm has addressed this yet and will storm water management address this as well?; 3) Buffer zones on Pearl & Innis streets – he doesn't yet know what they will be. He sent his email because he has found it best to get everything in writing so there is no confusion; 4) Traffic – discussed adding an access gate; 5) Construction vehicle access – would like to know where they are going to access the project and do we want to subject Bartholomew Street to that? Also discussed Polino's property on Bartholomew Street; 6) Water pressure – conditions were put on Solimine 20 years ago for a water tower. He built a tower that can accommodate 500 houses. Unused water will be dumped. He can't justify increasing water rates when water is being wasted. Would like to have Stonegate tie into Solimine's tower; 7) Blasting – it's tight up there, would like the pre-blast surveys to include all of Ralph Road. A resident told him there are granite veins running through the area, he asked that these be addressed; 8) Rodents – there needs to be a pest management plan in place with the Board of Health prior to construction; 9) Rock Crushing – would like it to either occur off-site or as far away from residences as possible; 10) Erosion controls – would like erosion addressed before construction with a geological engineer to keep sidewalks safe; 11) Hydrants – there is one hydrant on Ralph Rd. This needs to be addressed; 12) Inclusionary Zoning, 6.1.1 – there will be 3.6 affordable units, let's round up to 4 (include the three new houses built into the formula). The city is struggling with the 10% goal. Thank you.

In favor of project: None.

In opposition of project: Mr. Dave Eaton, 1 Redberry Lane: Has lived here 12 years and has a few issues that should be addressed: Juniper Village has a contract with water for the new subdivision which stipulates that 50% maintenance costs of the pump house will be paid for by Stonegate. There is no way to collect this money from 24 houses. Also, the developer is responsible for upgrades to the pump house. He would like to have the city take over the pump house. (Atty. Keilty: the proposed developer has been in touch with Mr. Kates about upgrading the pump house and having the city take it over).

Ms. Kari Richards, 7 Ralph Road: Someone read her notes at the last meeting. In speaking with Councilor Turco, residents don't understand construction. Her concerns: 1) they already have a problem with rats due to new construction. She would like pest control in place prior to construction. There is a lot of wildlife that will be displaced; 2) drainage needs to be addressed, especially on Ralph Road. The two houses at the end of Pearl have caused some flooding; 3) congestion – the idea that 26 new houses will add 11 trips is confusing. There needs to be a deep-dive into traffic. She worked for DOT and knows South Peabody is congested; 4) roadway opening conditions – Ralph Rd was recently repaved. The city has an ordinance about opening streets within five years of being repaved.

Mr. Lou (?), Juniper Village: 1) has an issue with the blasting and drilling because the village is all gas and the pipes are under the units. (Chairman Bettencourt: blasting and drilling falls under the purview of the Fire Department. They are responsible for approving the pre-blast plan, monitoring, and inspections.); 2) has the storm water management system gone before Con Comm? (Chairman Bettencourt: Atty. Keilty has addressed this. He'll go before Con Comm for an Order of Conditions before building those houses).

There was a question from someone in the audience regarding the outcome. She does not know how the process works or how or when they'll be notified. Chairman Bettencourt explained that after all city departments have their concerns and questions answered, the Planning Board will make a decision. This will stay on the agenda until it has been voted on.

Proponents: Atty. John Keilty, 40 Lowell St.: Representing A & W Realty Trust (Warren Innis is the trustee); residents deserve blasting impact and traffic reports. The developer has commissioned with GZA for blasting and Baystate Engineering for traffic studies. These reports will not be available for the next meeting but should be for the August 2nd meeting. He will let Drew know and make a formal presentation to the Planning Board then. They also recognize the four houses are close to wetlands and are going before Con Comm to get an order of conditions; they will follow up with Drew or Will Paulitz regarding water pressure and drainage. They hope to engage Tighe & Bond for both. These reports should also be available for the August 2nd meeting.

Planning Board: No questions from the Board. Public Hearing for the Stonegate subdivision was closed at 7:35 p.m.

2. 7:35 p.m. Public Hearing to consider amending the zoning ordinance – Prohibiting Recreational Marijuana. Chairman Bettencourt read the public hearing notice.

In favor of the proposed prohibition: Mr. Christopher Ryder, 10 Greenwood Ave: he is the Mayor's Chief of Staff and is before the board representing the Mayor. He read the remarks that the Mayor made to the City Council in May (remarks are attached to the minutes).

Ms. Alexandra Giorgione, Harrison Ave.: Peabody overwhelmingly voted against recreational marijuana. Everything the nurse stated is in favor of medicinal, not recreational; brother is a doctor and tells her that all of a sudden now that medicinal is legal, people have all kinds of issues that they need marijuana for. She is concerned that recreational use will get to children, they'll see their parents using it and think it's ok. There will be traffic from places where the sale is banned. We don't yet know the affects when people smoke and drive. The mayor is working hard to bring people downtown, what kind of people will be brought downtown. Peabody should be emulating the cities that we want to become such as Melrose.

In opposition of the proposed prohibition: Ms. Katherine Hartney, 25 Coolidge Ave.: Introduced herself as a registered nurse and is a member of the American Cannabis Nurses Society. She does not feel recreational marijuana shops will be a detriment to the city nor will they be marketed to children. Shops are required to have their windows blacked out, unlike vape & smoke shops. She discussed the history of cannabis, how children will do what they see, cannabis has a multitude of positive effects on the body unlike alcohol which has no positive effects. She feels there are people who would prefer to smoke rather than take edibles.

Mr. Wayne Lee, 156 Lowell St.: any substance that alters the brain is a drug. If it is banned where would people get it? Street marijuana may be laced with something dangerous. Shops will have to adhere to laws; he does not feel it is a gateway drug.

Dr. Ingham Aurora: PhD in Chemistry, graduated Perdue in 2016, has an MBA in healthcare and currently works for the Cannabis Community Care & Research Network. He believes recreational marijuana provides access to the thousands of people who can not get it medicinally but could benefit from using it. As far as driving after using it – people still text and drive and drink and drive. Police are well trained and will be able to spot someone driving impaired. There is a proven reduction in opioid use in communities where recreational marijuana is legal.

Ms. Rita Cavicchio, 25 Emerson St: is a single mother of a 12 year old with autism and is on the spectrum herself. She has taken 5 meds, 4 which are class 1, since she was young. None solved her problems. By using marijuana, she has been able to eliminate all 5. She understands this is about recreational but feels allowing sales will let people who can't afford the medical card get access to it easier. She feels allowing sales in Peabody will benefit the elderly, veterans and handicapped.

Planning Board: Mr. Gagnon: we've heard a lot about medical marijuana but there is a dark side. I'm a retired corrections officer, was a lieutenant for 20 years in men's and women's prisons including mental health wards and have an extensive background in dealing with substance abuse. The vast majority of inmates started by smoking marijuana. It

is mind altering and impairs users. It stays in your system for 30 days. There is no test to determine if someone is under the influence. What happens when someone smokes, drives and runs over a child? They're relaxed and not paying attention. Medical marijuana is positive, I believe in that. I think recreational is bad for the community and the only positive thing I've heard is that the city can make a lot of money. Keep your money, don't do this for money. I think the ban should be approved.

Atty. Diane Cooper: Medical marijuana is processed, packaged, distributed and marketed differently. There are few financial benefits – more money for the police. I represent children addicted to marijuana who have been trafficked. I don't want Peabody to normalize marijuana for teens or young adults. It can affect development of young brains negatively. I've seen cases of people under the influence of marijuana that is worse than alcohol. Peabody shouldn't be the place to send this message. I have adult clients who have lost their children due to marijuana use.

Atty. Peter Arvanites: most reasons we've heard have to do with medical marijuana benefits. We can't allow access to unknowns. Maybe the answer is to make medical marijuana easier to access, educate the medical community to its benefits.

Mr. John Ford: I've given this quite a bit of thought. There are few pros, more cons – mostly unknowns. Rules need to be put in place. I support the ban, would prefer erring on the side of caution.

Mr. Matthew Genzale: I was hoping the doctor would stay around, I wanted direct examples. I heard the medical benefits but not recreational benefits. Would like to know how driving impaired on marijuana is different from driving impaired on alcohol.

Motion: MOVE TO recommend that the City Council adopt the proposed zoning amendment to the Zoning Ordinance under date of April 28, 2011 and amended through July 18, 2017 is hereby further amended as follows:

SECTION ONE: That the Zoning Ordinance of the City of Peabody entitled, City of Peabody Zoning Ordinance Adopted April 28, 2011 and amended through July 18, 2017 is hereby further amended as follows: **By repealing the following Section 6.14 entitled Temporary Moratorium on the Sale and Distribution of Recreational Marijuana:** There shall be a temporary moratorium through December 31, 2018 on the usage of land or structures for a Recreational Marijuana Establishment and Marijuana Retailer which use shall include, without limitation, the operation of any marijuana establishment, as defined in G.L. c. 94G, Section 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012. **And adding in place thereof the following new Section 6.14 as follows: 6.14 Marijuana Establishments Prohibited:** The operation of any marijuana establishment, as defined in G.L. c. 94G, Section 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related facility, is prohibited in all zoning districts of the City. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012. **SECTION TWO:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed. **SECTION THREE:** This ordinance shall take effect as provided by law. Motion approved: unanimous.

Resume regular hearing.

- C. ANR/Land Court: None.
- D. Site/Building Permit Plan Reviews: None.
- E. Appointments: None.
- F. Subdivision Board Action:
 - 1. Proposed Stonegate Subdivision Application: No action.
- G. Correspondence:

1. Letter from the Mayor: Chairman Bettencourt: read the Mayor's letter requesting the Board send a letter to Mr. Crupi requesting he come to the next meeting. Mr. Levin: I sent an email to Mr. Crupi's attorney and will follow up with a formal letter.

Planning Board: Mr. Simoes: I would like to see Mr. Crupi come in. The schedule is a joke. The site has been cleared but there's been no activity since. I would like an update. Mr. Ford: he is within the schedule. It says pipework will be done in June and July – it's still June.

Motion: Move to send a letter to Mr. Carl Crupi requesting he attend the Planning Board meeting of July 5, 2018.
Motion approved: unanimous.

2. Planning Report – Drew Levin: No action, just a summary of today's agenda.

H. City Council:

1. Other: None.

I. Other Matters Properly Before the Board: None.

J. Adjournment: Motion: Meeting adjourned at 8:35 P.M. Motion carried: unanimous.