

**Palmer Planning Board  
Planning Board Meeting Minutes  
Monday, November 21st, 2022**

**I. Call to Order**

Chairman Mike Marciniac called the meeting to order at 7:00 PM on Monday, November 21st, 2022, in the Town Hall meeting room. Vice Chairman Norm Czech, Clerk Kathy Burns, Members Michael Dee and Timothy Cienciwa were present. Also present were Town Planner, Linda Leduc, and Administrative Assistant Rebekah Wright recording minutes.

**Public Hearings:**

**7:00 pm: Liberty Plaza:** Continued from 10/17/22- The applicant, Palmer Retail Management, LLC is seeking a special permit and site plan approval as required by sections 171.28, 171.29 and 171.62 to construct a 5,477 sqft mixed use building, consisting of a 2,460 sqft drive through restaurant and a 3,017 sqft retail space at 1186 & 1190 Thorndike St Palmer, otherwise known as assessors map 19 lot 42-1, map 19 lot 43 and map 19 lot 44.

**7:30 pm: Green Adventure LLC:** Continued from 10/17/22- Green Adventure LLC, is seeking a Special Permit and Site Plan Approval as required by sections 171-28, 171-29, 171-124, to redevelop the existing buildings to conduct marijuana retail sales on the property located at 1240 Park Street, Palmer, MA. This parcel is known as Assessor's Map 56, Lot 143.

**7:45 pm: Kali Cannabis:** Kali Cannabis, LLC is seeking a Special Permit and Site Plan Approval as required by sections 171-28, 171-29, 171-124, to demo the existing single family residence and construct a 2,800 sqft marijuana retail sale establishment on the property located at 405-407 Shearer St Palmer MA. This parcel is known as Assessor's Map 19, Lots 38 & 39 and Map 65, Lot 20.

**New Business:**

- ANR: Lot Division- Fuller Road
- Meeting Minutes: 11/7
- Abutting Town Notices
- Interest Allocation Report

**Old Business:**

**Board Member Comments:**

- Masterplan Implementation Committee Update

***Town Planner Update:***

***Next Meeting Date(s):***

**12/5/22:** 7:00 - 111b Breckenridge: Continued from 9/12

**II. Public Hearing:**

**7:00 pm: Liberty Plaza: Continued from 10/17/22**

Chairman M. Marciniac welcomed and introduced newest member T. Cienciwa to the Planning Board. He then explained that the applicant has formally requested a continuance to 12/19/2022.

A motion to continue the hearing to 12/19/2022 at 7:15pm was made by K. Burns, seconded by N. Czech. The motion passes 5-0.

**ANR: Lot Division- Fuller Road:**

A motion to approve the ANR was made by N. Czech, seconded by M. Dee. The motion passes 5-0.

**Meeting Minutes: 11/7/22**

A motion to approve the minutes of 11/7/22 as written made by N. Czech, seconded by M. Dee. The motion passes 4-0-1, with T. Cienciwa abstaining.

**Abutting Town Notices & Interest Allocation Report:**

The abutting town notices and interest allocation report have been provided to the board via Dropbox.

**Masterplan Implementation Committee Update:**

T. Cienciwa, Chairman of MPIC, stated that they met with the Historical Society. There was a State issued survey sent out regarding the water districts, and only two districts responded. They are working on trying to combine the 4 districts.

**Town Planner Updates:**

L. Leduc stated the Master Plan was awarded an APA award, and she thanked the Master Plan Steering Committee as well as VHB.

M. Marciniac stated that he and L. Leduc met with Bluewave contractors regarding the Dumplin Brook & Swift River solar projects. He gave a brief update.

**7:30 Green Adventure LLC:**

M. Marciniac opened the hearing. J. Furman of vhb went over his memo dated 11/15/22. He stated there are four waivers being requested.

1. 171-29(d)(1): Elevations
2. 171-29(d)(4)(h): Landscape Plan
3. 171-124 (g)(1)(h) Queue Line Plan
4. 145 Stormwater Management Permit

He stated the harmonious use as with the abutting neighbors, was questionable and recommended consulting the opinion of an attorney, due to being within 500' of a dance school.

In the trash receptacle area, it was unsure how vehicles leave due to curb cut and additional spot grades are suggested.

He stated the Board needs to define the hours of operation.

He then stated the applicant requested the inapplicability of Stormwater management permit, but the existing site plan does not have defined Stormwater management system. It was stated the previous plaza owner never installed the required detention basin. The culvert issue due to runoff from the area at the corner of Park St and Breckenridge St was brought up.

M. Marciniac then stated the Board forwarded the question of location in vicinity to a school to Attorney Brian Falk, due to it being unclear what defined a school.

M. Marciniac read response memo from Attorney Falk dated 11/18/22. It stated that it is his opinion that the restriction is only specific for school grades Kindergarten through Grade 12,

meaning the buffer zone restriction for cannabis does not apply in this situation, due to being in close proximity to a dance school and driving academy.

Isaac Fleisher, on behalf of the applicant, read memo dated 11/17/22.

He stated that since 1988, which is the last known date of documentation regarding Stormwater on site, plenty of building permits have been issued since then with no issue.

He stated there will not be any exterior disturbance, only interior work being done. He then brought up that in MA the statute of limitations is 10 years. He also stated that there is no evidence the Stormwater management system on site is deficient, and that there are no outstanding violations.

Kelly Jordan of Hillside Drive and Owner of Gotta Dance stated she would like the board to reconsider the allowance of a cannabis dispensary next to a place where children, toddlers and up, congregate. She also stated that in Massachusetts there is not a single dispensary located within 500 ft of any school or dance studio, and she urges the Board to not set a precedence.

I. Fleisher stated that he went thorough and found multiple examples locally of where other retail establishments were located within 500 ft. of a non-standard school. He said in Easthampton there is a dispensary located in the same building as a dance and driving school.

He stated that towns can reduce the distance of buffer zones at their discretion.

Kelly Jordan then stated that she also has concerns with the parking lot with it being a school drop off location for the Sturbridge Charter School.

M. Marciniec stated that the town changed the regulations to mirror the CCC.

M. Dee asked why the Town doesn't follow the DPH regulations.

M. Marciniec stated that DPH doesn't have jurisdiction over cannabis since the CCC was formed.

Resident Maria Hughes asked if there is any restriction on what is able to be seen from the outside.

I. Fleisher stated that CCC prohibits signage with slang, visuals and also the windows cannot be transparent.

K. Jordan asked if walking by the entry door, will people be able to see inside, and see the sales floor.

D. Frydryk of Sherman and Frydryk stated that a vestibule on the site plan submitted and there is no direct entry into the sales floor.

N. Czech stated that he also had questions on why the applicant is required to adhere to the Stormwater requirements if it is just a storefront out of the whole plaza.

J. Furman stated they haven't received existing conditions (i.e. Stormwater), which makes it not enough to act on.

D. Frydryk asked "if the applicant goes through the process to see what's there and map it out, then what?"

Brief discussion continued.

**A motion to continue to 12/19/22 at 7:30pm was made by M. Dee, seconded by K. Burns. The motion passed 4:0:1 with T. Cienciwa abstaining.**

**7:45pm: Kali Cannabis:**

Chairman M. Marciniac opened the hearing at 8:51pm. Admin. Assistant R. Wright read the public hearing notice.

Attorney Jim Valerani, Mensing Group introduced himself. Applicant Suzanne Melanson introduced herself. She stated she is the owner and CEO of Kali Cannabis. She then introduced her team members who were also present. Evans Klimavich, Co- Owner and President, Greg Ambrose, COO, Michael Bodgan of Avail PM, Drew Garvin of Bohler Engineering, Keith Bettencourt of BKArch and Dan Connelly of Block Builders.

S. Melanson stated that she plans to demo existing house on the site and construct a state of the art facility.

D. Garvin went over site plan. He stated there is topographic challenges on site, as there is a 20ft drop from high to low points. He stated they thought it was best to come from Thorndike St. There will be ample parking for employees and customers. He stated the detention pond will be on the Shearer St side of site, and that water and sewer are already on site.

There was also an issue raised with a retaining wall being considered a structure, which would require a variance from ZBA.

There was then the explanation of the floor plan. He stated the maximum occupancy would be 33 people.

There will be one door to sales floor, with a separate exit door.

There will be 4 light poles and 8 wall packs within the exterior lighting. There will be a contained dumpster on site, which will not contain cannabis waste.

Brief discussion continued.

T. Cienciwa asked about the retaining wall, and the safety of it. He stated since there is a steep slope, make sure this is safety mechanism to prohibit cars from driving off of it.

John Furman of vhb went over review memo dated 11/18/22.

He stated waivers are being requested, consisting of 171.24(d)(2)(b) Signage. M. Marciniac stated to get in touch with ZEO regarding signage that doesn't fall under Planning Board purview.

Another waiver regarding driveway 171-95 (D)(1)(d) was requested, since it is not meeting the 50' setback.

L. Leduc stated that in her opinion the driveway setback can be waived.

J. Furman then stated that 550 gallons of sewage will be generated, which is average with the site. There will be trees cute, but plantings will be done.

He then stated that most standards are met. He also stated that the license number of architect must be visible on the stamped plans.

M. Marciniac stated that there needs to be a barrier to abutters to block headlights.

J. Furman stated that a snow plan is needed.

The hours of operation will be 10am-10pm.

It was also mentioned that an O&M agreement is needed.

It was then stated that the detention basin should not be used to control construction runoff, and that the grading needs to be adjusted to 4:1.

M. Marciniac then opened the floor to questions from the public.

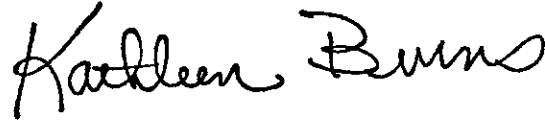
Doug Bechard of 400 Shearer raised his concerns about traffic, especially from 4-6pm. He also stated that the water runoff runs right down his driveway.

Beth Smith of 30 Lawrence St asked if this will be open 7 days a week.

**A motion to continue to 12/5 at 7:15 pm was made by N. Czech, seconded by T. Cienciwa. Motion passes 5-0.**

**Adjournment**

A motion to adjourn the meeting at 11:01 pm was made by N. Czech, seconded by K. Burns. The motion passed 5-0.

A handwritten signature in black ink that reads "Kathleen Burns". The signature is written in a cursive style with a large initial 'K' and 'B'.

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Kathleen Burns, Clerk