

**Palmer Planning Board
Planning Board Meeting Minutes
Monday, December 19th, 2022**

I. Call to Order

Chairman Mike Marciniac called the meeting to order at 6:45 PM on Monday, December 19th, 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.

Discussion:

6:45 pm: Discussion with the Board re: Blake Mensing's legal opinion.

Public Hearings:

7:00 pm: Double R Enterprises: The applicant, Double R Enterprises LLC, is seeking a Site Plan Approval as allowed under section 171-29 to expand the existing parking and lighting on site, as well as interior site improvements at the property located at 9 Second St, Bondsville MA. This parcel is also known as Assessor's Map 34 Lot 16.

7:15 pm: Liberty Plaza: Continued from 10/17/22 and 11/21/22- 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 assessor's 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 and 11/21/22- 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.

New Business:

- ANR: Fuller Road- Lot Division
- Meeting Minutes: 11/21 and 12/5
- Abutting Town Notices
- Interest Allocation Report

Old Business:

- Beaudoin Electric: 1624 Park St- Approval of updated Site Plan

II. Discussion:

Present was Atty Blake Mensing of the Mensing Group. Chairman M. Marciniac gave background regarding the response from Atty Brian Falk re: cannabis license maximums. He stated the town is only allowed to issue 3 retail licenses, so L. Leduc reached out to Atty Falk to get his opinion on what to do after 3 are issued.

B. Mensing stated that the State regulates that local zoning cannot be arbitrary and capricious. B. Mensing stated that he disagrees with Atty Falk's opinion and that once 3 are issued, that's it. State law invests discretion. He stated it would be impracticable if an applicant goes through the motions of receiving a special permit, and then cannot get a certificate of occupancy through the building department.

M. Marciniac stated that he is looking to adopt a policy to limit permits granted.

L. Leduc briefly gave a building/zoning aspect.

A motion to establish a special permit as dictating factor in determining retail license was made by N. Czech, seconded by T. Cienciwa. Motion passed 5:0.

III. Public Hearings

7:00 pm: Double R Enterprises (Adaptas)

Chairman M. Marciniac opened the hearing. R. wright read the public hearing notice. Present on behalf of the applicant was Don Frydryk. He went over proposed updates. He stated there is an updated parking plan. 47 parking spaces will be added to the existing area and lighting will be added to the upper parking area/walking area. He stated a lumen plan has been submitted. Traffic projections were calculated to 51 trips each weekday.

John Furman of VHB went over his review memo dated 12/14/22.

He stated two waivers are being requested, landscape screening and buffers and chapter 145-2, inapplicability of stormwater management. Both requested waivers are not supported by VHB. He stated trees have been removed from the site prior to approval by the board.

He stated that the ADA space reserved for vans needed additional identification.

He stated that based on the calculations provided there will be an additional 10 more trips daily with an additional 24 employees, but that ITE 11th edition needs to be used when calculating. In the URIP district, only 58 parking spaces are required but if approved the site will have 91, so an explanation is needed on the almost doubled amount.

He then stated the stormwater system is in dire need of maintenance. IT was stated that the catch basins have fabric with moss and sediment. IT was also stated that the outlet is to a resource area.

He stated that all the catch basins need cleaning. An O&M agreement needs to be established.

A discussion of televising the system was had.

Allen Fauteux of 309 Pine St stated his neighbor Steve Kwasniewski has lighting concerns. He wants to make sure lighting will not be on all night. He was also wondering if they will be adding more shifts.

Brian Sweitzer of Sweitzer Construction, the GC of the project stated there are no plans to add a third shift at this time. He will make sure the lighting will be downcast as to not disturb the abutters.

He also stated the lighting can be put on timers to shut off after hours.

M. Marciniac stated there needs to be reestablishing of the cut trees on site, preferably white pine.

A discussion regarding the tree cutting was had.

B. Sweitzer will walk the site with the Board to see what landscaping should be added, then an updated plan will be provided to show the proposed changes regarding plantings and cleaned up stormwater system.

N. Czech motioned to continue the hearing to 1/23/23 at 7:15pm. M. Dee seconded. Motioned passed 5:0.

7:15 pm: Liberty Plaza: Continued from 10/17/22 and 11/21/22

M. Marciniac opened the hearing.

Present on behalf of the applicant was Jake Modestow of Stonefield Engineering.

He went over changes to project.

J. Furman went over peer review memo dated 12/19/22.

He stated a waiver of chapter 171.95 (d)(4)(f)- 30 ft driveway. Vhb would support this waiver request.

He then stated the architectural plans show 2 restaurants but the site plan shows one with two retails units. He would like clarity on that.

It was also stated that a formal O&M plan has been provided.

He stated catch basins should not be used to control stormwater runoff as a construction measure. A traffic study concept plan for turning lane needs to be sent to DPW for condition of site improvements to be completed prior to C.O.

There is an agreement of \$141,545 as a performance guarantee with \$5,000 a year for 5 years (\$25,000) maintenance guarantee.

It was stated an ANR plan needs to be provided.

J. Modestow stated he will update the plans to show utilities, and tenants as well as the O&M agreement.

A motion to continue the hearing to 1/9/23 at 8pm was made by N. Czech, with M. Dee seconding. Motion passed 4:0:1 with T. Cienciwa abstaining.

7:30 pm Green Adventures LLC:

Present were the applicant, Michael Harris, his Attorney Isaac Fleisher and presenting on behalf of the applicant, was Don Frydryk of Sherman and Frydryk.

D. Frydryk stated additional mapping was completed. Ground penetrating radar was used as well as televising the stormwater system. It was stated that it is operating and functioning properly, with no outflow to public systems.

A copy of a submitted letter (12/19/22) from Kelly Jordan, the owner of the abutting dance studio was discussed. It was a petition with signatures to not allow this proposed business to get PB approval.

M. Marciniac stated that unfortunately petitions hold no weight in this process.

J. Furman went over third review memo dated 12/16/22.

He stated two waivers being requested, exterior elevations and landscape plan, are supported by vhb.

He did discuss vhb recommends installing a fence along the property line in area to prevent unauthorized access to adjacent parcel.

It was discussing the tracing of pipes shows the same as existing site plan. The DPW pipe end (manhole) needs to be addressed prior to paving. A Stormwater agreement should be established.

A motion to continue the hearing to 1/9/23 at 7:45 pm was made by N. Czech, with M. Dee seconding. Motion passed 4:0:1 with T. Cienciwa abstaining.

ANR: Fuller Road- Lot Division

N. Czech motioned to approve the ANR. M. Dee seconded. Motioned passed 5:0.

Meeting Minutes: 11/21/22

N. Czech motioned to approve the minutes as amended. M. Dee seconded. Motioned passed 5:0.

Beaudoin Electric: 1624 Park St- Approval of updated Site Plan

A motion to acknowledge receipt of the updated site plan was made by N. Czech, seconded by M. Dee. Motion passed 5:0.

Abutting Town Notices & Interest Allocation Report:

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

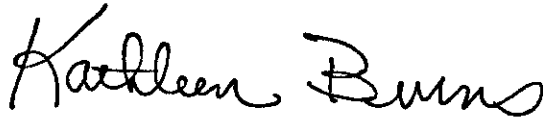
Town Planner Update:

L. Leduc explained to the board that the stormwater system at dollar general has not been maintained. She suggested to require a renewal in the form of cash surety.

A motion to require cash surety was made by N. Czech, seconded by T. Cienciwa. Motion passes 5:0.

Adjournment

A motion to adjourn the meeting at 9:15 pm was made by N. Czech, seconded by M. Dee. The motion passed 5-0.

A handwritten signature in cursive script that reads "Kathleen Burns". The signature is written in black ink and is positioned above a horizontal line.

Kathleen Burns, Clerk