

**Palmer Planning Board
Planning Board Meeting Minutes
Monday, March 6th, 2023**

I. Call to Order

Chairman Mike Marciniac called the meeting to order at 7:03 PM on Monday, March 6th, 2023, in the Town Hall Meeting Room. Vice Chairman Norman Czech, Clerk Kathy Burns, and Members Timothy Cienciwa and Michael Dee were present. Also present were Town Planner Linda Leduc and Administrative Assistant Rebekah Wright recording minutes.

Public Hearings:

7:00 pm 111b Breckenridge St: -SPA/SP/SW-Continued from 8/15/22, 9/12/22 and 1/23/23:

The applicant, Oraka Wellington, is seeking a Special Permit and Site Plan Approval as required by section 171.28 site plan and 171.124 marijuana establishment, to renovate a portion of the existing building and to construct an approximate 3,000 sqft marijuana cultivation facility at the property located at 111b Breckinridge St, Palmer MA. This parcel is also known as Assessor's Map 59, Lot 37-1.

7:15 pm: Baptist Hill Solar: Continued from 1/9/23 and 2/6/23: The applicant, SunE Solar XVI Manager LLC, is seeking a major amendment to the Site Plan as required by §171.129 to amend aspects of the Stormwater system as well as landscape buffers on the property located at 2189 Baptist Hill Road. This parcel is also known as Assessor's Map 11, Lot 30.

7:30 pm- Green Adventures- SP/SPA- Continued from 2/27/23: 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:

- Meeting Minutes: 2/27/23
- Abutting Town Notices
- Interest Allocation Report

Board Member Comments:

- Masterplan Implementation Committee Update

Town Planner Update:

- Dollar General: Acceptance of new Stormwater agreement and Bond, release of existing cash bond

II. Public Hearing:

7:00pm- 111b Breckenridge St: -SPA/SP/SW-Continued from 8/15/22, 9/12/22 and 1/23/23:

Chairman M. Marciniac opened the hearing at 7:03pm. He informed the Board the Applicant's Engineer (Sherman & Frydryk) has submitted a letter to request continuance to the next available meeting. He read the letter into record.

A motion to continue the hearing to 4/3/23 at 7:15pm was made by N. Czech, seconded by K. Burns. The motion passed 5-0.

The Interest Allocation Report and Abutting Town Notices were distributed via Dropbox. Brief discussion regarding accounts transpired.

Town Planner Update:

Dollar General: L. Leduc explained to the Board that Dollar General's surety holder requested the bond the Town was holding since it had been 5 years. She stated since the site was a total mess and not in compliance with the O&M, the money would not be released until in compliance, and a new O&M was submitted due to new owners. It was stated that the Board did receive a new recorded O&M, which enabled the \$10,750 surety to be released. It was also stated the Board received a 5-year new cash surety of \$13,750.

A motion to release the previous bond of \$10,175.51 to the holder was made by N. Czech, seconded by M. Dee. The motion passed 5-0.

A motion to accept the new Operation and Maintenance agreement and cash bond (\$13,750) was made by N. Czech, seconded by M. Dee. The motion passed 5-0.

7:15 pm: Baptist Hill Solar: Continued from 1/9/23 and 2/6/23:

M. Marciniac opened the hearing at 7:16pm. He stated the Board received a letter requesting a continuance. He read the letter into record.

A motion to continue the hearing to 4/3/23 at 7:00pm was made by N. Czech, seconded by K. Burns. The motion passed 5-0.

Masterplan Implementation Committee Update:

T. Cienciwa stated there was no update. They are meeting again on 3/16/23.

Town Planner Update- Continued:

L. Leduc read memo to Board members reminding them what the responsibility of Board Members is as well as laws relating to their jurisdiction. She supplied the members with hard copies of this memo.

She also reminded the Board about the CPTC workshop coming up on 3/18, and that they have funds available in the budget to attend the meeting if requested.

7:30pm- Green Adventures- SP/SPA Continued from 2/27/23:

M. Marciniac opened the hearing at 7:30pm. Attorney Isaac Fleisher stated he wanted it noted that his understanding of why this hasn't closed yet is due to the concerns regarding proximity of the dance school in the plaza. He then handed out a prepared memo. During that time, an email containing the bullet points from T. Cienciwa's statement read into record at the last meeting was handed to each member, for the record. I. Fleisher read from his memo detailing the definition of a school, and all the locations in the State where a cannabis retail location was within proximity to a school and how far away they are located. He then stated that "Gotta Dance" never sought approval to be deemed a private school in the state. He then stated that only two members of the public have expressed opposition to the proposed business. He also stated that a single business owner does not override the Town's zoning ordinance.

L. Leduc stated that if a change was wanted, there is a standard democratic process of going through a zone change to prohibit cannabis at this location, however it is multi-stepped, and it wouldn't affect this proposal.

M. Dee stated his aversion to continuing the conversation.

L. Leduc stated that for the record the memo passed out is bullet points from the written statement T. Cienciwa made previously, as well as email correspondence asking for the written statement he read from.

M. Marciniac asked if there were any comments.

It was stated the hours would be 10am-10pm.

A motion to grant the Special Permit was made by M. Dee, seconded by N. Czech. The motion passed 4-0-1 with T. Cienciwa abstaining.

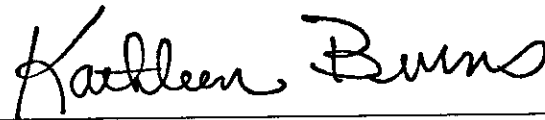
A motion to grant the Site Plan Approval was made by N. Czech, seconded by K. Burns. The motion passed 4-0-1 with T. Cienciwa abstaining.

A motion to grant the determination of inapplicability of a stormwater permit was made by N. Czech, seconded by K. Burns. The motion passed 4-0-1 with T. Cienciwa abstaining.

A motion to grant the requested waivers (exterior elevations and separate landscaping plan) was made by N. Czech, seconded by K. Burns. The motion passed 4-0-1 with T. Cienciwa abstaining.

Adjournment

A motion to adjourn the meeting at 7:52 pm was made by N. Czech, seconded by M. Dee. The motion passed 5-0



Kathleen Burns, Clerk