

**Palmer Planning Board
Planning Board Meeting Minutes
Monday, January 9th, 2023**

I. Call to Order

Chairman Mike Marciniec called the meeting to order at 7:04 PM on Monday, January 9th, 2023, in the Police Station meeting room. Vice Chairman Norm Czech, Clerk Kathy Burns, Members Michael Dee and Timothy Cienciwa were present. Also present was Administrative Assistant Rebekah Wright recording minutes.

Public Hearings:

7:00 pm- Palmer Motorsports Park: Major Amendment: The applicant, Palmer Motorsports Park, LLC, is seeking an amendment to the special permit (#SP-16-07, #SPA16-07) specifically to amend the language in Condition #10 relative to sound measurements and proper mitigation measures at Whiskey Hill Raceway located at 58 West Ware Road, Palmer. The affected parcels are also known as Assessor's Maps and Lots, 44-33, 49-2, 49-4, 51-1, 52-8.

7:15 pm- Baptist Hill Solar: Major Amendment: 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- Sherwood Lumber- SP/SPA: The applicant, Prime Distribution Services, LLC is seeking a Special Permit and Site Plan Approval as required by sections 171.66, 171.69 and 171.29 for the construction of a 74,160 sqft metal storage building with a paved loading/unloading area as well as a Stormwater management system at the property located at L2 Third St, Bondsville MA. This parcel is also known as Assessor's Map 34 Lot 2.

7:45 pm: Green Adventure LLC: Continued from 10/17/22, 11/21/22 and 12/19/22- 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. **This is an addition to the agenda as continued from the meeting on 12/19/22. Omission on original agenda was an administrative error.**

8:00 pm: Liberty Plaza: Continued from 10/17/22, 11/21/22 & 12/19/22: 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.

New Business:

- ANR- Liberty Plaza- Thorndike St- Lot Consolidation
- ANR- Kali Cannabis- Shearer St- Lot Consolidation
- Meeting Minutes: 12/5/22 & 12/19/22
- Abutting Town Notices
- Interest Allocation Report

Board Member Comments:

- Masterplan Implementation Committee Update

II. Public Hearing:

7:00 pm: 7:00 pm- Palmer Motorsports Park: Major Amendment:

Chairman M. Marciniac opened the hearing at 7:04pm. Administrative Assistant R. Wright read the public hearing notice.

Present on behalf of the applicant were Fred Ferguson, owner of Palmer Motorsports Park, Attorney John Davagian as well as Herb Singleton of Cross Spectrum Acoustics. Attorney J. Davagian explained to the board that F. Ferguson is looking to amend condition #10 in the original permit granted in 2007. He stated he is requesting the amendment due to F. Ferguson purchasing additional properties in ware and palmer abutting the racetrack since. He stated the sound study done had indicated readings exceeding allowable levels on parcels of which he owns now, so he believes it to be moot. It was also stated that under state regulations, it is allowed to exceed ambient levels by 10 decibels.

F. Ferguson then stated the reason he is here is because the Town stated he is not in compliance, and he would like to be in compliance. He also stated that he also wants a record of requested amendments if it goes back to land court.

M. Marciniac then stated Attorney Chris Heep was present on behalf of the Board.

C. Heep then introduced himself and explained the background on the ongoings of Palmer Motorsports Park's permit and related activity.

He stated that there are two standards in condition #10.

- 1) monitored noise cannot exceed 20007 model (the more strict standard)
- 2) Must meet D.E.P standard (more forgiving standard)

It was stated that essentially, F. Ferguson is requesting to eliminate condition #1.

Brian Jyringi of 20 West Ware Rd asked if this will allow louder noise and lessen the restrictions.

M. Marciniac commented about how the standard would be taking the average sound, not the loudest at any given time.

H. Singleton corrected M. Marciniac saying that it is not the average, it is the cumulative noise level, which would make the value go down. He stated that since the noise testing is not conducted in a vacuum, there is other noise pollution being read (birds, traffic etc). He then stated the longer the measurements there are, the less "spikes" in sound levels occur.

F. Ferguson stated he has no intention of raising noise levels, and is aware of the imposition on neighbors.

B. Jyringi asked what the point of this is.

F. Ferguson stated he feels as though he is not operating in compliance, and would like to be in compliance.

M. Marciniac stated this is not meeting about lessening sound, it's about adjusting how they measure it.

Rick Paul of Malbouf Rd asked if there are any further court dates.

Brief discussion ensued.

C. Heep stated there is a need for ongoing monitoring in seasons.

J. Davagian stated that since the monitoring locations are no longer applicable since the applicant (F. Ferguson) owns them now, and he believes testing should be done at nearest abutter.

C. Heep suggested to monitor at nearest abutter with current standards.

Brief discussion continued.

A motion to close the hearing was made by K. Burns, seconded by N. Czech. The motion passes 5-0.

It was stated the decision will be reviewed and brought back at the February 6th, 2023 meeting.

7:15 pm- Baptist Hill Solar: Major Amendment: Chairman M. Marciniac opened the hearing. M. Marciniac opened the hearing. Administrative Assistant Rebekah Wright read the public hearing notice. Present were Julianne Taggart, an Engineer with TRC, as well as Scott Rotman, with SunE Solar XVI.

Julianne stated that they are amending the site plan to alleviate stormwater runoff onto abutting properties. Changes include expanding the catch basin as well as redirecting outflow. She stated she is waiting on more topographical plans from surveyor. Increasing the landscaping buffer is also planned.

S. Rotman stated the detention pond was not constructed properly as well as not being constructed in the correct place.

John Furman of VHB went over his memo dated 1/4/23

He stated he did a site visit in early November. He viewed that it was not constructed as planned (i.e the detention basin). He also stated there is improper grading. It was stated the utility company cleared a large area of vegetation.

It was stated the proposed design will still discharge off property in 2 year, 25 year and 100 year storms. Only the 10-year storm is reduced.

J. Furman stated his recommendation is to expand the basin. He stated he needs contours in northeast corner of the map.

He stated to replant area along the access road as well as the northern boundary.

It was stated 100 ft vegetated buffer was not required at the time of approval.

There needs to be an updated landscaping plan. It was stated that 13 spruce trees are proposed but he recommend a variety of native plantings.

James Nallet (an abutter) stated the outflow washes out his driveway. Also, where existing pond is has killed trees due to the excessive amount of water.

There was then discussion on location of bigger detention basin.

Dennis Ryan of 8 Willoughby Lane stated that there is constant sand and water on the northern side of Baptist hill, which is carried down the road to the catch basin that is filled with sediment.

A motion to continue the hearing to February 6th at 7:15pm was made by N. Czech, seconded by T. Cienciwa. The motion passes 5-0.

7:45 pm: Green Adventure LLC:

M. Marciniac stated there was an administrative error on the posted agenda, which inadvertently left the hearing off.

Hearing went into recess at 8:35pm.

Sherwood Lumber: SPA

Chairman M. Marciniac opened the hearing.

Ben Hildebrand with Sage Engineering was present. He went over project. He stated a 74,000sqft warehousing and distribution center is being proposed. He stated there is no proposed change in use.

J. Furman went over memo dated 1/6/23

He stated he did a site visit on 12/8/22.

It was discussed that there is currently no functioning stormwater management system.

One waiver is being requested, separate landscaping plan 171.29 (D)(4)(h), which vhb recommends not granting.

He stated there is extreme sediment in the cul-de-sac from large vehicles traveling back and forth, leaving impacts on the drainage system. It was stated that stormwater is currently flowing towards swift River and Town of Palmer land, which this project may correct, but the standard is not met. He stated the no idling sign is not being adhered to.

It was stated that parking needs to be addressed, possibly through a waiver.

It was discussed that the lumber re-cut area is on the outside of paved area.

A striping layout is needed. It was also stated that the lighting design was reviewed and the Belchertown abutter was notified.

J. Furman then said that Third St is being used as a staging area and unregistered vehicles (forklifts) are operating on the roadway.

He stated that in the erosion and sediment control plan, since the stormwater is infiltrated on site, the use of de-icer should be prohibited.

It was brought up that no O&M was provided, as well as the suggestion to request waiver of infiltration rate.

It was discussed the maintenance guarantee as a 5 year surety would be \$107,500.

No idling sinage is recommended as well as sediment tracking.

Brian Nunes of Sherwood Lumber stated he has street sweeper come in quarterly, as well as a hired company to come and clean around the property every March. It was then discussed to plant white and red pine around buffer.

A motion to continue the hearing to February 6th at 7:30pm was made by N. Czech, seconded by M. Dee. The motion passes 5-0.

Green Adventure LLC:

Hearing Reconvenes at 9:20pm.

A motion to continue the hearing to 1/12/23 at 5:00pm was made by K. Burns, seconded by M. Dee. The motion passed 4:0:1 with T. Cienciwa abstaining.

Liberty Plaza- Phase 2:

Jake Modestow of Stonefield Engineering was present.

He went over the updated plan.

J. Furman went over memo dated 1/9/23.

He stated one waiver is requested, to increase the driveway width.

He stated the conditional drawing be submitted, and the O&M was provided.

M. Marciniec asked the Board if there were any questions.

A motion to grant the waiver to increase driveway width from 30' to 36' was made by N. Czech, seconded by M. Dee. The motion passed 4:0:1 with T. Cienciwa abstaining.

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

A motion to grant the Stormwater Permit was made by N. Czech, seconded by K. Burns. The motion passed 4:0:1 with T. Cienciwa abstaining.

ANR: Shearer St, Kali Cannabis

A motion to approve the ANR made by N. Czech, seconded by K. Burns. The motion passed 5:0.

ANR: Liberty Plaza

A motion to approve the ANR made by N. Czech, seconded by M. Dec. The motion passed 5:0.

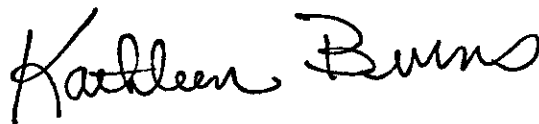
Minutes:

A motion to approve the minutes of 12/5/22 was made by N. Czech, seconded by M. Dec. The motion passed 5:0.

A motion to approve the minutes of 12/19/22 was made by N. Czech, seconded by M. Dec. The motion passed 5:0.

Adjournment

A motion to adjourn the meeting at 9:45 pm was made by N. Czech, seconded by M. Dec. The motion passed 5-0.



Kathleen Burns, Clerk