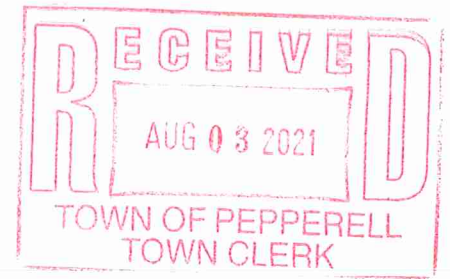


Planning Board Meeting Minutes
July 19, 2021



Board Members:

Present: Casey Campetti (Chairperson), Paul J. Lonergan (Clerk), Chuck Walkovich, Al Patenaude, Joyce Morrow and Jennifer Gingras.

Staff: Lisa Davis, Planning Consultant and Cheryl Lutcza, Planning Assistant

Attendees: Pepperell Community Media, Mark Matthews (Select Board), Deb Fountain, SW, Wes Ritchie, Kathy Batchelder, Jacob Vitali, Ture Turnbull, Kyle York, David Louise, Mark Walsh, Alan Leao, Jr, Mark V., Dave, Town of Pepperell Meeting Organizer, Neil, Elizabeth.

2. Call to Order

7:00P.M. The remote public meeting (recorded for future broadcast by Pepperell Community Media) was called to order by Mx. Campetti.

3. Acceptance of Minutes

Mx. Campetti asked for a motion to accept the minutes of June 21, 2021, as written. Ms. Morrow so moved, seconded by Mr. Walkovich. All in favor. Mr. Patenaude abstained.

4. Vouchers

- a. Mx. Campetti asked for a motion to approve MassCor Invoice# 1429-49668 in the amount of \$84.74 for (Planning Board Office Supplies – 1000 Envelopes), so moved by Ms. Morrow, seconded by Mr. Lonergan. All in favor.
- b. Mx. Campetti asked for a motion to approve NMCOG Invoice# 40300-22-PEPP for NMCOG Dues - FY2022 Community Assessment in the amount of \$3820.01, so moved by Ms. Morrow, seconded by Mr. Lonergan. All in favor.

5. 7:05PM – Continued Public Hearing on Special Permit Application for Major Site Plan Review at 50 Main Street (Degmar Development Corporation):

Mx. Campetti opened the continuation of the public hearing. Ms. Davis said that the Applicant had submitted a written extension request to continue the public hearing as they had not obtained all of their updated information. Discussion ensued regarding the timeline for continuing the public hearing. Mx. Campetti asked for a motion to continue the public hearing for 50 Main Street to August 2, 2021 at 7:05p.m., so moved by Mr. Patenaude, seconded by Ms. Morrow. All in favor.

4. Vouchers (continued)

c. Discussion ensued regarding the ULINE invoice for some bike racks, which are part of the Master Plan. Ms. Davis explained that some money was budgeted last year for Master Plan Implementation for bike racks. Discussion ensued regarding a process being put in place so that the Planning Board is kept in the loop regarding expenditures, as the Planning Board hadn't been informed that this money had been spent. Ms. Davis said this is a worthwhile expenditure, however the process was not done properly. Mx. Campetti agreed with Ms. Davis and asked if this money was coming from the General Fund. Ms. Davis explained that it was coming from the Planning Board's budget for Implementation of the Master Plan, and the Planning Board should be notified if funds are going to be spent. Mr. Walkovich said it was discussed at the Master Plan Implementation Team (MPIT) meetings, however he didn't "close the loop" with Mx. Campetti. Mx. Campetti inquired where the bike racks are slated to be placed. Mr. Walkovich said there are specific locations, and Ms. Davis added that there are some issues as one of the bike racks was slated to be placed on conservation property, not town Property, and someone should be reviewing this. Mx. Campetti agreed. Discussion ensued. Mx. Campetti asked if the Master Plan Implementation Committee had recommendations for spending the remainder of the FY21 funds for the Master Plan. Mark Matthews addressed the Board and explained that he was the "driver" on this. He said that the selected locations for the bike racks are: Town Fields (2), Recreation Center (1), Peter Fitzpatrick (1), Library (1), Town Hall (1) and the Covered Bridge (1). Mr. Matthews said that there is a problem with the Covered Bridge location, as it is state-owned property, not Town owned, so the installation/implementation at that location will take some time. Mr. Matthews further explained that this was the first purchase he had been involved in, and he apologized for not following the process. Mx. Campetti said that she appreciates the efforts in putting this together by MPIT.

Mx. Campetti asked for a motion to approve the ULINE Invoice# 135563584 for bike racks in the amount of \$3028.41, so moved by Ms. Morrow, seconded by Mr. Lonergan. All in favor.

6. Plan Endorsement – ANR Plan – 12 Village Road and 35 Park Street (Patenaude)

Mr. Patenaude announced that he was recusing himself from participating as a Board Member on this matter.

Mx. Campetti stated that although Mr. Patenaude had recused himself on this matter as a Board Member, he was fully entitled to represent himself as the Applicant. Mr. Patenaude stated that he would be speaking as an Applicant, as the surveyor, Rose Land Survey was not available to participate this evening. Mr. Patenaude explained that he and his wife had recently purchased the property at 35 Park Street, which abuts his property, and in doing so they are looking to take a piece of the 35 Park Street property in order to create more of a buffer from their property. He said that this is more of a lot line relocation on the back edge if you look at the Plan. Mx. Campetti asked if he was referring to the proposed Parcel 35-B and Mr. Patenaude confirmed that it was correct. Mx. Campetti asked Ms. Davis if she had a chance to review the ANR and if she had any concerns. Mx. Davis said that there were a couple of small mistakes that were

corrected. Mr. Patenaude said that he had submitted a corrected final Plan (mylar, paper copies, pdf and .dwg file). Mx. Davis explained that this was a straight-forward lot line adjustment and there are no issues. Discussion ensued. Ms. Morrow asked where Mr. Patenaude had recused himself, should Ms. Gingras be sitting in in his place. Mx. Campetti asked Ms. Gingras to sit in as a Full Board Member in Mr. Patenaude's place for this matter. Ms. Gingras agreed. Mx. Campetti asked if any of the Board Members had any questions. Mx. Campetti asked for a motion to endorse the ANR for 12 Village Road and 35 Park Street (as presented), Mr. Longergan so moved, Ms. Morrow seconded. All in favor.

Mx. Campetti welcomed Mr. Patenaude back to participate as a Full Member of the Board.

Mx. Campetti announced that she was stepping away for the next Action Item, which is a continuing conflict of interest for her, and she would be stepping away from her role and asked Mr. Walkovich to step in as Interim Chair in her place. Mx. Campetti stated that she would be turning off her camera and microphone and would re-join the meeting after the Board had moved on from this item of business.

7. Action Items

a. Planning Board Deliberation on New England Craft Cultivators (NECC) Special Permit Application for an Adult Use Marijuana Retail Establishment – 112-114 Main Street

Mr. Walkovich said that he would like to pick up where the Board had left off on the deliberation of NECC's application for the second marijuana shop. He asked Ms. Davis if she had an update. Ms. Davis said that since NECC started this process there were initially three liquor licenses, then a fourth and fifth license were approved by the Select Board. If there were a sixth license approved, the Planning Board could grant a second license, however there are only three approved and two pending approvals. The former Donelan's had expressed some interest in applying for a liquor license however to date they have not applied. Where there are not six approved liquor licenses, she does not believe that the Planning Board could move forward with this. The Applicant had asked for a continuance because another application may be coming in in the future, however she does not recommend this as there is no way to determine how long it will be before a 6th liquor license will come in. Given this, she does not think there is any reason for the Board to continue and it's time for them to make a Decision. There is also a Planning Board Member who would like to resign.

Applicant, Wes Ritchie, started to speak, however Ms. Davis interrupted him and said that there is no discussion unless he wants to indicate a request for a withdrawal, otherwise the Board should not be hearing from the Applicant as the hearing has been long closed. Mr. Ritchie continued and said this isn't to persuade but rather thoroughly and sincerely request... This has been a tough process and we would like to request one last continuance for 30 days for this process to resolve itself. He said that they have been hung up for a long time, and sincerely request one more 30-day extension for things to sort themselves out. They are trying to do their best and the Board has the authority to issue two

licenses... Ms. Davis again interrupted Mr. Ritchie and asked him to please stop. Mr. Walkovich told Mr. Ritchie that the public hearing has been closed and that he had given Mr. Ritchie the opportunity to speak in case he wanted to request a withdrawal of the application. If that's not the case, then I am willing to go back to the Board to see what their requests are at this point. Mr. Ritchie said this is a legal process matter, and he is not trying to persuade on the merits of the application, and they sincerely want to request a 30-day extension. Ms. Davis disagreed and said that the Town does not have a sixth liquor license application pending, and she doesn't think that there is any reason for the Planning Board to keep continuing and they should deliberate. It comes down to the argument whether the 20 percent is based on the number of liquor licenses that exist in the Town or the number of liquor licenses the State has allocated to Pepperell. This should guide the Planning Board in making its decision.

Mr. Ritchie requested to ask a point of information. Mr. Walkovich said this would be the last question. Mr. Ritchie said he believed that there is a good chance that there will be other liquor license applications coming forward and he has talked to the potential applicants and this new information is a substantial reason for a 30-day extension. Ms. Davis said that the Applicant could withdraw and resubmit if there are six liquor licenses granted and that would be her recommendation to the Board, however the Board could issue another continuance if they want, however there is a Member who has been very generous staying on the Board for many months after he was going to submit a resignation.

Mr. Walkovich asked Ms. Davis to clarify what would happen if the Applicant did not withdraw and the Board votes not to issue the permit. Ms. Davis said that Applicant would have to wait two years before they could reapply, unless the project was substantially different. Mr. Walkovich told Mr. Ritchie that he was giving him one more opportunity to withdraw his application before the Board starts deliberations. Mr. Ritchie asked if they could withdraw after the deliberations, but before the Board votes... Ms. Davis interrupted Mr. Ritchie and explained to Mr. Walkovich that he could let the Board Members speak and if the Board moved to vote, then after that the Applicant could request to withdraw. Mr. Walkovich said that he would like to hear from each Board Member, after which the Applicant would have the option to either withdraw or not withdraw his application. Ms. Davis said there should be no further discussion from the Applicant.

Mr. Walkovich asked the Board Members for input.

Mr. Longergan spoke and thanked the Applicant. He said that having gone through all the meetings and been involved in the process to write the Bylaw, he interprets it that we currently have the one allowed, and that is where he would stand until the Bylaw would be able to go through the proper channels and be revised and resubmitted to the Town; or, if we were to get to the proper number of liquor licenses that would allow that Bylaw to be read to be rounded up to two. Mr. Walkovich asked Mr. Longergan his opinion on the Applicant's request for a 30-day extension. Mr. Longergan said he would be open to the 30-day extension as NECC has gone through quite a bit.

Mr. Patenaude spoke and said that he and Mr. Lonergan have basically lived through the whole thing and Mr. Lonergan basically covered almost exactly what he would have said. He said that the Applicant has done a great job, working with the Board and adjusting as requested. He said that he was open to the 30-day extension. He further commented that he understood where Ms. Davis was coming from, however with this situation he would throw out a little extra respect/care considering the position they were put in. He again said that he was open to the 30-day extension and that he agreed with Mr. Longergan.

Ms. Morrow spoke and said that she had spent quite a bit of time listening to the past meetings and reviewing the Bylaws and her opinion still remained as it was initially in that she believes it should have been 20 percent of the state allocation to Pepperell, versus the number of active licensees, given the fact that that number fluctuates constantly and there is no control over that but there is a control over the total amount that Pepperell has been awarded. In that respect she said that she still goes with her opinion that she has expressed in the past that it is 20 percent of the state allocation to Pepperell. She would consider allowing the Applicant a 30-day timeframe to see if anything changes during that time given their effort and earnest desire to come to Pepperell and help with the economics and she would agree to a 30-day extension.

Mr. Walkovich said that he knows Ms. Gingras cannot vote, however he asked her if she had any opinions on this matter. Ms. Gingras said that she would stick with her original opinion and that she had also reviewed the minutes of previous meetings. She said that she would stay with her interpretation that it is 20 percent of the licenses available to the Town, which would currently be two, if the licenses available were eight. The 30-day extension would be appropriate if the Board made it a condition that there would be no further continuations after that.

Mr. Walkovich spoke and said that everyone is in favor of an extension, however we are basically split on the interpretation. He asked if anyone would like to make a motion for a continuation not to exceed 30 days or a continuation to our next meeting in August. Ms. Davis said they should choose a meeting date. Discussion ensued regarding the Board's future meeting dates. Mr. Patenaude said he was not available on August 16th. Ms. Davis said that if the Board is inclined to grant an extension, they should grant a meaningful extension, maybe until August 31st or even sometime in September, as she doesn't think anything is going to be different in two or three weeks. Mr. Walkovich agreed. Ms. Davis suggested Tuesday, September 7th (given September 6th is Labor Day). Discussion ensued. Ms. Morrow asked if it would make sense to give the Applicant an extension to September 15th, knowing that the Board would be meeting prior to that date, and would give the Applicant a few days to determine how they want to proceed. She asked if that would be proper process. Ms. Davis said that she thought it would be.

Mr. Walkovich asked for a motion. Ms. Morrow made a motion to allow an extension to NECC until September 15, 2021 and that will be the final extension and deliberation will be made at that time, or before, depending on when the Planning Board meets. Mr. Longergan seconds. All in favor.

Mx. Campetti rejoined the meeting and resumed as Chair. She announced that the Board would move on to the Reports/Correspondence/Discussion portion of the meeting.

8. Reports/Correspondence/Discussion: *(matters that may arise that the Chair didn't reasonably anticipate)*

Master Plan Implementation Team:

Mr. Walkovich said that they heard about the bike racks. They also did a presentation, of the progress made, at Town Meeting. They are not meeting as often right now due to summer vacations. MPIT continues to meet and provide advice and guidance wherever its needed. Discussion ensued. There are three projects NMCOG is working on for them, but there is nothing significant to report on at this time.

Grant Program Updates:

Ms. Davis gave an update on the Local Resource Recovery Planning (LRRP) grant and said that they have identified the five priority projects and there had been a public meeting. The Pepperell Business Association met, and we are moving into final stages of that. The next step will be allocating funding, and the top one is to do some sidewalk reconstruction and make them ADA accessible and fill in where there are missing sidewalks in Town. As for the One Step Grant they haven't heard anything from the state yet. Discussion ensued. Ms. Davis said she thought the State had indicated that they would be hearing something in August.

NMCOG Update/DLTA Funding Request:

Mr. Walkovich said that NMCOG usually doesn't meet in July and that the next meeting would be in August.

Master Plan Implementation Priorities:

Mx. Campetti asked for a discussion on Master Plan priorities and some of the projects under the Master Plan.

Ms. Morrow said that she hoped that the Board Members have had an opportunity to look at the "Walk/Talk" video with Al Manoian, as it really hits on some of the areas of discussion and focuses on a lot of the objectives of the LRRP Program, as well as for the Expression of Interest. She said that "pictures speak a lot louder than words", and some of the ideas Mr. Manoian presented, especially for the Railroad Square area, then as we move forward with the LRRP Grants and the Expression of Interest Grants. If the State does provide additional funding to Pepperell, then we would have some idea of how we would like to see how we would like those grants applied. We will have to work from the ground up. The streetscape and improvement of the sidewalks in the downtown area really is paramount, as that sets the tone to the business owners that Pepperell really is serious about beautifying and revitalizing the downtown area. There is a lot of activity on the weekends in the downtown and Rail Trail area, and the Board needs to understand and be open to growing this particular area of Town, so that we can recognize the economics that are coming in through the Rail Trail and help provide an attractive place for people to stop

and gather and hopefully spend money at some of the businesses downtown. Mx. Campetti thanked Ms. Morrow for arranging to have Mr. Manoian come to Town. Ms. Morrow said that Mr. Manoian has indicated that he would be interested in coming back and doing an additional walk/talk tour of the remaining area between the bridge and the rotary. Discussion ensued.

Mr. Walkovich said one of the long-term aspects of the Master Plan was looking at zoning and how we want to address that, i.e., how do we bifurcate the current Zoning Bylaw and which sections of the Town should we be looking at first. NMCOG has indicated that it would be a daunting task to do all of the zoning at the same time, but rather take one section to start working on first, instead of working on the entire Zoning Bylaw at once. Mx. Campetti said that she agreed. Discussion ensued about thoughtfulness and preventing unintended consequences.

New Town Planner Search:

Mx. Campetti said that this item did not make it in time to be placed on this evening's agenda, however she wanted to provide an update to the Board on the search for the new Town Planner. She said that the search is well underway, and interviews should be scheduled within the next couple of weeks; Andrew MacLean (Town Administrator) has been doing a wonderful job keeping her informed of the process.

9. Future Meetings:

- a. August 2, 2021
- b. August 16, 2021

Adjournment:

Mx. Campetti asked for a motion to adjourn the meeting at 8:00p.m., so moved by Mr. Patenaude, seconded by Ms. Morrow. All in favor

Respectfully submitted by Cheryl Lutcza, Planning Assistant