

**PLANNING BOARD**  
Meeting Minutes  
Thursday, November 30, 2017  
Judge Welsh Room  
6:30 P.M.

**Members Present:** John Golden, Grace Ryder-O'Malley, Steven Baker and Dave Abramson.

**Members Absent:** Ryan Campbell (excused) and Brandon Quesnell (excused).

**Staff:** Ellen C. Battaglini (Permit Coordinator).

Chair John Golden called the Work Session to order at 6:33 P.M.

1) **Work Session:**

a) **Pending Decisions:**

**PLN 18-04 (Brandon)**

Application by **Edward M. Roche**, on behalf of **MEILI, LLC**, requesting a Site Plan Review pursuant to Article 4, Special Regulations, Section 4015, Site Plan Review by Special Permit, of the Zoning By-Laws to renovate and raise two structures, construct retaining wall, add parking spaces and complete other site improvements at the property located at **58-60**

**Bradford Street**, with requested waivers from Article 4, Sections 4035(c), 4163(2), (3) and (6) and 4600. Grace Ryder-O'Malley read the decision.

*There was a motion by Steven Baker to approve the language for the decision in PLN 18-04 as revised, Grace Ryder-O'Malley seconded. VOTE: 4-0-0.*

**PLN 17-33 (Steven)**

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, requesting a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, D7, Medical Marijuana Treatment Center, of the Zoning By-Laws to operate a medical marijuana treatment center at the property located at **2 Harry Kemp Way, Unit 2**.

**PLN 17-34 (Steven)**

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, for Site Plan Approval pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change in use of the structure from a professional office to a medical marijuana treatment center and to make associated site improvements at the property located at **2 Harry Kemp Way, Unit 2**. Grace Ryder-O'Malley recused herself because of a conflict of interest.

Attorney Lester J. Murphy, representing the applicant, Mass Organic Therapy, Patrik Jonsson, the CEO of Mass Organic Therapy, and Christopher J. Snow, representing Karen R. DePalma, Trustee of Fifth Gear Realty Trust appeared before the Board. Attorney Murphy explained that the adjacent unit owner in the building, who was opposed to some of the activities proposed, including the site improvements, had an agreement with the applicant, addressing his concerns. Attorney Murphy said that there was a verbal agreement that the applicant could move forward

with the project. That situation has now changed and the adjacent owner contacted Attorney Murphy and said he had reached an agreement to sell the unit to one of the owners of the abutting property, Mr. Rogers. Attorney Murphy said that this would not allow the applicant to go forward with the site improvements without more negotiations with the new owner of the adjacent unit. This had been a significant issue of the Board when the project was being discussed. He proposed that the Board either vote to re-hear the case based upon the significant change in the facts and circumstances that predicated the Board's decision or postpone the filing of the decision until there is a written verification from the adjacent unit owner as to the current status of his consent to the project.

Attorney Christopher J. Snow on behalf of his client, Ms. DePalma, argued that the decision has already been made and no new evidence can be considered as the public hearing has been closed. He also cited the fact that the adjacent unit owner had not appeared or contacted the Board to weigh in on the change in the circumstances. He requested that the decision be read and filed.

The Board discussed the issue and questioned Attorneys Murphy and Snow. The Board decided to postpone the reading and approval of the decision to the December 14, 2017 Public Hearing and consult with Town Counsel.

***There was a motion by Steven Baker to postpone the reading of the decision for PLN 17-33 & PLN 17-34 to the December 14, 2017 Public Hearing. John Golden seconded. VOTE: 2-1-0 (Dave Abramson opposed).***

**PLN 18-06 (Grace)**

Application by **612-614 Palmer, LLC, Jim Savko, Manager**, on behalf of **Sue Harrison** and **Leslie Brock**, requesting a Site Plan Review pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws to create two new dwelling units, replace a stockade fence, remove a garage and construct a larger garage in a new location and complete other site improvements at the property located at **16 Holway Avenue**, with a requested waiver from Article 4, Section 4163(3).

**PLN 18-07 (Grace)**

Application by **612-614 Palmer, LLC, Jim Savko, Manager**, on behalf of **Sue Harrison** and **Leslie Brock**, requesting a Special Permit pursuant to Article 4, Special Regulations, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws to create two new dwelling units and proposing a payment in lieu of creating a partial affordable unit at the property located at **16 Holway Avenue**. Steven Baker recused himself because of a conflict of interest. Grace Ryder-O'Malley read the decision for both PLN 18-06 & 18-07

***There was a motion by Dave Abramson to approve the language of the decision in PLN 18-07 & PLN 18-07 as written. John Golden seconded. VOTE: 3-0-0.***

- b) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and September 14, September 28, October 26 and November 9, 2017.**

September 14 2017: *There was a motion by John Golden to approve the minutes as amended. Grace Ryder-O'Malley seconded. VOTE: 3-0-0.*

September 28, 2017: *There was a motion by Steven Baker to approve the minutes as amended. Grace Ryder-O'Malley seconded. VOTE: 3-0-0.*

October 26, 2017: *There was a motion by Grace Ryder-O'Malley to approve the minutes as amended. Steven Baker seconded. VOTE: 4-0-0.*

November 9, 2017: *There was a motion by Grace Ryder-O'Malley to approve the minutes as amended. Steven Baker seconded. VOTE: 4-0-0.*

c) **Any other business that may properly come before the Board:** None.

Steven Baker adjourned the Planning Board meeting 8:00 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2017  
John Golden, Chair