

Present: Genevieve Stillman, Chair; David Thompson, Jason Ayer, Jody Kablack, Stephen Thomas

The meeting was called to order by the Chair at 7:00 pm.

Items of New Business:

- Update on New Braintree Airport

J. Kablack stated that the New Braintree Airport was for sale for \$1.9 million. Cynthia Henshaw, Executive Director of the East Quabbin Land Trust had contacted Ms. Kablack to see if the town boards would be interested in developing ideas about what desirable uses might be appropriate for the site. Ms. Kablack disclosed that she is a Director of the EQLT board. EQLT is very interested in the property from a habitat perspective, as a significant amount of the 100 acre site is Priority Habitat. EQLT also has a vested interest in the site because almost 2 miles of the Central Mass Rail Trail is on the property. Ms. Henshaw thinks a multi-use approach would be very beneficial. Ms. Kablack agreed and brought this before the Planning Board because if the town can articulate what it would like to see on the parcel, we might be able to attract a willing developer to make it happen.

G. Stillman thinks the idea has merit and would be willing to work with a group to work on a master plan for the property. This may be appropriate for the appointment of a subcommittee by either the Select Board or the Planning Board. Ms. Kablack will recommend that Ms. Henshaw request time on a future Select Board agenda to discuss this.

A member of the Planning Board asked what EQLT's role would be in this process? Ms. Kablack answered that EQLT has significant experience negotiating land deals. They also provide bridge financing for many property sales that interest them, and could possibly fund some pre-development expenses such as soil testing and appraisals. IT was noted that EQLT has not agreed to do any of these things, but they could be an effective participant in the process.

A member of the public noted that this is still an FAA approved airport and it would be difficult to change its use.

- Inquiry about new Marijuana Business, Charles Lane Road

J. Kablack stated that an inquiry had been sent to the Planning Board's email address regarding developing a large marijuana business on a 75 acre parcel of land on the North Brookfield town boundary. She had notified the person that the New Braintree zoning bylaw capped the size of any marijuana business at 13,500 sq. ft, unless an existing structure was utilized and then the Planning Board could waive the size requirement as a condition of a Special Permit. No one was present at the meeting to discuss the issue.

- Schedule Gravel Permit Renewals

The Board agreed to schedule the public hearing for renewals on June 28 (Tuesday). J. Kablack will notify the permit holders, advertise the hearing and schedule a board site visit. It will be impressed on the applicants that abutters must be notified, including landowners in abutting towns.

- Public Hearing on Zoning Articles for the 2022 Annual Town Meeting

The Chair read the hearing notice as printed and duly advertised in the Barre Gazette as required by MGL.

1. Adult Use Marijuana Bylaw

Dick Reavey, Bylaw Review Committee, discussed the proposed revisions to the Adult Use Marijuana Bylaw. The bylaw was approved at the 2020 Annual Town Meeting, but the state Attorney General did not approve it for almost 18 months. In the meantime, the state statute was amended. In its approval, the Attorney General recommended making the changes to comply with the state statute. Town Counsel made the changes in the version that the Planning Board is discussing tonight. As to how best submit the bylaw for the Town Meeting warrant, the Bylaw Review Committee recommends deleting the entire bylaw and substituting the revised bylaw. No local provisions, i.e. setbacks, size of facilities, types of facilities, permitted uses, etc. have been modified. The changes are mostly definitions and other minor provisions.

Randy Walker mentioned he thought there was a gray area in the bylaw regarding where existing structures and required setbacks. He noted that this issue came up when a proposal on the Howe property was discussed, as that application was to use existing greenhouses which were close to the property line. There was some discussion about the wording in the existing bylaw that gives the Planning Board the ability to waive the setback provision for existing structures. The Planning Board and the Bylaw Review Committee will review the language prior to Town Meeting to see if this also needs to be revised.

The Select Board noted that the warrant will be open May 23 – June 6.

A motion was made by J. Kablack, seconded by S. Thomas and voted unanimously to continue the public hearing to Monday June 6 at 6:30 pm.

2. Planning Board Associate

The Chair explained the reason for such a bylaw. New Braintree is a small town, and many times members need to recuse themselves from voting on an application due to conflict of interest, or sometimes absence from the meeting. J. Kablack noted that having an associate member expands the expertise of the Board, and queues up new members should a vacancy occur. J. Ayer opined that this may be beneficial since the zoning bylaws have expanded the roles of the Planning Board with Solar permits and Marijuana permits. These are both special permits which require a 4/5 majority vote to pass.

Randy Walker wanted clarification about how the member would be chosen. J. Kablack stated that the Planning Board would likely advertise the position, interview candidates and then vote. MGL Chapter 40A, section 9 allows Planning Board Associate Members.

MG.L. Chapter 40A, section 9: Zoning ordinances or by-laws may provide for associate members of a planning board when a planning board has been designated as a special permit granting authority. One associate member may be authorized when the planning board consists of five members, and two associate members may be authorized when the planning board consists of more than five members. A city or town which establishes the position of associate member shall determine the procedure for filling such position. If provision for filling the position of associate member has been made, the chairman of the planning board may designate an associate member to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board.

Select Board members in the audience indicated that this will be a busy Town Meeting, and urged postponing this idea. The Planning Board discussed this request.

A motion was made by J. Kablack, seconded by D. Thompson and voted unanimously to postpone this issue until a future meeting.

- Other Town Meeting issues

Dick Reavey noted that Bylaw Review Committee is drafting a Floodplain Overlay District Bylaw for the June ATM. New Braintree is one of only 10 towns that do not have a bylaw and there could be penalties from FEMA for not having one. The Select Board discouraged the Bylaw Review Committee from submitting this article this year. The Planning Board supports trying to get this done this year. Advertisement would be tight, but it could happen within the statutory deadlines. J. Kablack will advertise this for a public hearing on June 6, 2022.

J. Kablack brought up the issue of large scale battery storage, and also strengthening the Solar Bylaw to increase the decommissioning bond on solar arrays. The Board agreed that these are important issues for a future Town Meeting.

- Board Reorganization

J. Kablack nominated J. Ayer for Chair and G. Stillman for Vice-Chair. J. Ayer nominated J. Kablack for Clerk. D. Thompson seconded both nominations and it was voted unanimously.

Jason Ayer – Chair
Genevieve Stillman – Vice-Chair
Jody Kablack - Clerk

Items of Old Business

- Enforcement of landscaping conditions, Borelli Solar Array, 1940 Old Turnpike Road

The Planning Board continues to seek the enforcement of the conditions of the special permit. Bushes were planted but died and have not been replaced. The Zoning Enforcement Officer does not think the conditions have to be fully complied with until the facility is on line. The Planning Board disagrees. J. Kablack will send another letter.

- Summit Solar Farm appeal update

J. Kablack updated the Board regarding a hearing on NexAmp's request to require the Town to provide an appeal bond to defend the appeal scheduled for 5/12/22.

Approval of Minutes

A motion was made by D. Thompson, seconded by J. Ayer and voted unanimously to approve the minutes of March 14, 2022 (both regular session and executive session).

Reading of Mail

The Board filled in Worcester County Registry of Deeds list of current board members.
The Board was in receipt of a bill from Turley publications re: 2022 ATM hearing notice. The bill was sent to Town Treasurer for payment.
Notices from abutting towns on special permits were received. No action necessary.

Meeting adjourned 8:45 pm