

TOWN OF HEATH

MEETING OF THE PLANNING BOARD

6 OCTOBER 2022

IN ATTENDANCE: Douglas Mason, Chair, Bob Viarengo, Peter Charow, Jo Travis, William Emmet

GUESTS: MARK JAMES (True Cannabis), Greg and Barbara Rhode, Danny Brooks, Bill Fontes.

Call to Order of the Planning Board: 7:08 pm
Call to Order of the Specials Permit Hearing: 7:10

Approval of Minutes of the previous meeting: August 25
Motion to Approve: Bob Viarengo
Second: Peter Charow
All in Favor

Set Time and Date for Planning Board Meetings
Proposal: Schedule Planning Board to meet on the first Monday of each month as needed
All agree to the proposal and agree to see how it goes

SPECIAL PUBLIC HEARING

Mark James of True Cannabis stated the request of True Cannabis to amend the existing Special Permit to allow True Cannabis to switch the names of two of the True Cannabis companies on the site plan and also to discuss the existing fence and the presence of shipping containers on the site seemingly in violation of the site plan and the building permit.

Doug Mason stated that the Planning Board does not have authority to rule on violations of the building permit. That authority is reserved for the building inspector. However, we have a consensus that the site is not aesthetically pleasing and that the shipping containers are on the site with no building permit.

Questions whether the company has an electrical permit for the containers?

Suggests possibility of building a taller fence, camouflaging the containers, and adding more landscaping to hide the fence.

Bob Viarengo agrees that the situation now is very ugly.

GREG RODE:

There is a height requirement for a fence and so this will mean a violation
The setback from the road is a second violation

Containers will still be an issue
Disagrees with statement that they can be camouflaged
No permit was pulled for the containers
The company is not in compliance with the site plan
So you may be setting a precedent that anyone can ignore the conditions of their special permit

BARBARA RODE:

Which site plan was approved at the February 10 meeting?
December 10 plan shows hoop houses
February 10 plan shows parking lots and hoop houses
So which plan are we working from?

An inspection by Jim Hawkins last August showed 8 containers in plan without permits
Electrical permit has not been issued.
There is no permit for the fence.
We cannot make amendments of a special permit that is not in compliance.

MARK JAMES:

There have been no citations sent to us by the building inspector and hence no violations of the site plan
The February 10 site plan is the one approved by the Planning Board.

DOUG MASON:

The Planning Board has no authority to rule on violations. That is within the authority of the building inspector.
I will call Jim Hawkins. He has to decide what to do.

GREG RODE: There is a letter from the building inspector stipulating these violations.

DANNY BROOKS:

Whether the company is in compliance is not the agenda of this meeting. That is a separate issue. The agenda item is about a change of name of the parcels.

DOUG MASON:

Yes, the special permit hearing is only about the name change.

MARK JAMES:

I feel like I am being attacked. We should stick to the agenda.

GREG RODE:

It is inappropriate to grant the request for the name change if there are clear violations to the site plan.

DOUG MASON:

We can grant the changes to the special permit contingent on True Cannabis complying with the site plan. The special permit change can be approved once they are in compliance with the site plan and the building code.

PROPOSED:

The Planning Board will approve the proposed changes to the Site Plan switching the names of sites 92 Sadoga Road and 2 Bellor Road subject to the contingency that the company is in compliance with the building code and the site plans.

Moved by Bob Viarengo

Seconded by Jo Travis

All in Favor

RODES:

Request a meeting of the Planning Board to address larger issues of the process of approving special permits and compliance with laws and regulations.

MOTION TO ADJOURN BOTH THE MEETING OF THE PLANNING BOARD AND THE PUBLIC HEARING AT 8:23

JO TRAVIS: SO MOVED

ALL IN FAVOR