

**Regular Meeting Minutes**  
**SEPTEMBER 19, 2023**

Members present: Mark M. Schafron/Chairman, Robert J. Swartz/Vice Chairman, Robert J. Bettez, Sr., Paul A. Cormier, Stephen Cormier.--*Members*, and Trevor Beauregard/*Director-City Planner*.

Members absent: *None.*

Also present: Rob Oliva-City-Engineer, and Christine Fucile-Administrative Assistant.

ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the Chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents referenced or used during the meeting must be submitted in duplicate to the Director of Community Development & Planning pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

***Mr. Schafron, Chairman called the meeting to order at 7:30 p.m.***

**1. APPROVAL OF MINUTES:**

✓ *August 22, 2023*

***Motion to approve minutes as presented.***

S. Cormier/R. Bettez.

Vote: 5 – 0 / All in Favor.

**2. NEW BUSINESS:**

**2.1 Rules & Regulations Governing the Subdivision of Land – Discussion / Vote to Accept**

Mr. Schafron thanked T. Beauregard for standing in for Mr. Burke who could not attend the Public Hearing. Mr. Schafron asked if there is anything further to discuss.

***Motion to accept and adopt the Rules & Regulations Governing the Subdivision of Land as presented.***

S. Cormier/P. Cormier.

Vote: 5 – 0 / All in Favor.

**2.2 Definitive Plan for All Purpose Storage Gardner, LLC – Discussion**

Mr. Schafron noted at the Public Meeting the Planning Board has decided to conduct a Site Walk as well as continue to work with the Director, the City Engineer, and the Proponent's Engineer.

**2.3 Open Meeting Law Complaint – Discussion**

Mr. Schafron stated there has been an Open Meeting law complaint which dates back to the August 22, 2023, meeting. T. Beauregard noted the complaint was received on August 23, 2023, and typically have 14 business days to meet and discuss the complaint before responding, however, had to request an extension to that 14 day response and was granted by the Attorney General's offices, so this goes out to September 22, 2023, which allowed the Planning Board to meet tonight on the 19<sup>th</sup> to deliberate and provide a response.

Mr. Schafron asked what the actual nature of the complaint was. T. Beauregard replied the Planning Board should have planned accordingly to move the meeting to a larger room to meet the requirements of a large crowd that will be attending.

Mr. Schafron commented he does not see how the Planning Board or the Director would have any way of knowing how many participants would be attending any given meeting in advance of that

meeting. Further, Mr. Schafron noted that arrangements were made for extra chairs in the conference room extension, the meeting is available on public access and the YouTube station. Also, the Planning Board ended up continuing that discussion anyway without any debate which was all of ten minutes in session and there was no public comment or dialogue in that meeting so failing to wrap his head around why there is a problem and do not see it with all due respect to complainant. Further, this is the only complaint received to the best of his knowledge. T. Beauregard confirmed he did not receive any other complaints about not being able to hear or see the meeting. T. Beauregard noted both doors to the conference room were opened up and people could view the entire room quite well. Further, as far as he is aware, there were no issues with hearing, and again, did not receive any other complaints.

Mr. Schafron added, yes this meeting had larger than usual attendance from the public, but it is not like the public was out in the street trying to get in.

Mr. Schafron noted during his tenure he has never had one of these before and asked T. Beauregard if he prepares a response to the Attorney General's office. T. Beauregard answered he can respond on behalf of the Planning Board as long as the Board deliberates the subject matter and based on this deliberation, he can put together a response.

Mr. Schafron asked the Planning Board their thoughts.

S. Cormier noted this was not a public meeting for the public to join in deliberation, it was just a regular meeting. Mr. Schafron stated the meeting was open for attendance but it was not open for taking testimony from the public that night.

Mr. Schafron noted a conversation with the Director after the previous meeting, if they were going to have a big crowd for this specific agenda item next meeting, perhaps they should consider having the meeting in the Auditorium and T. Beauregard concurred with that.

Mr. Schafron stated there was no way they could have anticipated there were going to be that many people at the meeting, and frankly there were a few people standing but everyone else had seats. T. Beauregard added he did not think anyone was excluded from the meeting.

S. Cormier added he does not believe it is the intent of the Planning Board to ever exclude the public and does not believe this was done in any manner. Mr. Schafron agreed and stated, "absolutely not", and again the Director and the Planning Board had no idea of how many people were going to show up for that. T. Beauregard commented, even so if the members of the public could not hear the meeting, he is sure they would have spoke up and at that point the Planning Board would have taken some action and recessed to a later date. Mr. Schafron agreed and commented if there were people in the hallway saying they could not hear, then yes, the Planning Board would wait until better accommodations could be made.

Mr. Swartz added he did not hear any complaints as well.

Mr. Schafron said if no further discussion, then the Planning Board will ask T. Beauregard to prepare a response to the Attorney General.

### **3. OLD BUSINESS:**

#### **3.1 Ordinances to Amend the Code of the City of Gardner – Recommendations:**

Mr. Schafron noted these are the Planning Board's initial recommendations to the City Council in advance of a Joint Public Hearing.

**11045** – *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to Amend Section 1070 thereof, entitled, "Marijuana Establishments" to Change the Method to Increase the Quota Allowed by the Code of the City of Gardner.*

**11046** – *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to Add "Sports Betting" to the Zoning Table of Uses.*

Mr. Schafron stated the Proponent is Councilor Heath which unfortunately had a scheduling conflict and could not attend tonight's meeting. Mr. Schafron added he has absolutely no

information about the whole purpose of putting these forward. In addition, ordinarily a vote would be taken to recommend to the City Council they either adopt these changes or not adopt these changes and then move to the Joint Public Hearing, and after the Joint Public Hearing it would go back to the Planning Board for their final recommendation, then back to the City Council to decide what they want to do with these.

***Motion to table making the Planning Board's initial recommendations to amend Ordinances #11045 and #11046 until the next meeting as well as invite Councilor Heath to join the meeting to present his rationale towards why these amendments would be good recommendations.***

R. Bettez/R. Swartz.

T. Beauregard directed to Mr. Schafron and suggested the Planning Board might want to consider other options prior to taking a vote. One option would be to recommend against approving the zoning amendments and send back to the City Council for a Joint Public hearing. T. Beauregard stated the only reason he is saying this is because there is a timeline associated with the amendment process. The Planning Board and City Council have 65 days from the date the Planning Board receives the Zoning Amendment to have the Joint Public hearing and that 65 days is up on October 12, 2023, and need at least two weeks in advance to advertise the Public Hearing so if it is continued to the next meeting on October 10<sup>th</sup>, there is not enough time to have the Joint Public hearing within those 65 days. Further, T. Beauregard is not sure what happens to the Amendments if that takes place. If the Planning Board were to proceed and recommend not approving based on lack of information and send it back with that recommendation to the City Council, at least the Joint Public hearing can be held within that 65-day period. *R. Bettez and R. Swartz withdrew their motion.*

R. Bettez/R. Swartz.

Vote: 5 – 0 / All in Favor.

New Motion:

***Motion to recommend not to approve and adopt Ordinance #11045 regarding marijuana licenses due to lack of information.***

S. Cormier/P. Cormier.

Vote: 5 – 0 / All in Favor.

***Motion to recommend not to approve and adopt Ordinance #11046 regarding sports betting due to lack of information.***

S. Cormier/R. Bettez.

Vote: 5 – 0 / All in Favor.

#### **4. ANNOUNCEMENTS~~NEWS~~ARTICLES~~EVENTS:**

Next Meeting: Tuesday, October 10, 2023 at 6:30 p.m.

Site Walk: To be determined.

Adjournment

***Motion to adjourn.***

R. Bettez/S. Cormier.

Vote: 5 – 0 / All in Favor.

**The meeting adjourned at 7:50 p.m.**

All documents referenced or used during the meeting are part of the official record and are available in the Department of Community Development and Planning pursuant to the Open Meeting and Public Records Law.