



Planning Board of the Town of Holland
27 Sturbridge Road
Holland, MA 01521



Decision and Findings pursuant MGL, c.40A, s.11, par.5:

James LaMountain, director of Land Development of CannaMountain Inc., thereafter "the applicant", located at 176 Mashapaug Road, Holland MA, 01521, filed an application for a Special Permit with the Town Clerk on 26, September 2023. The subject of applicant's submission for a Special Permit pursuant Massachusetts General Law (MGL) chapter 40A, section 9, is the approval of a compiled Site Plan Schematic showing the proposed building location.

The owner of the parcel is Blodgett Farm at Mashapaug LLC with address 174-176 Mashapaug Road, Holland MA 01521. The parcel is registered at Hampden County Registry of Deeds, book 24107, page 269.

The Baseline Plan for this Site Plan Schematic approval is titled, "Property Line Survey," dated 6/27/06, and compiled by Sherman and Fredryk LLC, 3 Converse Street, Suite 203, Palmer, MA 01069, and stamped by Don Fredryk, registered land surveyor/engineer, and can be found at Hampden County Registry of Deeds, book of plans 343, page 14.

The parcel subject to this application is also shown on the assessors map 10/A/06, of the Town of Holland.

Overall Site Plan Schematic plans by El Services and Sigmond Porth Architect, are derived from the above Property Line Survey done by Sherman and Fredryk LLC, Land Surveyors.

Site Plan Approvals do not necessitate a Special Permit application under MGL or local bylaws; however, the applicant chose this route due to the scope of the project and to avoid the ambiguity of the appeals process of a Site Plan Review. The Special Permit Process provides a clear process to appeal the decision of the Planning Board pursuant to MGL, c.40A, s.17.

Only proposed uses can be allowed pursuant to MGL, c.40A, s.9 par.1. The applicant, at this point in time, is seeking to have a Site Plan approval for the location of the proposed building on drawing C-2 .

The Planning Board's approval of the applicant's Special Permit application at this time is only the approval of the Site Plan Schematic. However, this Site Plan Schematics' approval is only granted if the proposed use is an allowed use.

Statement of compliance:

1. The proposed use is allowed in the AR zone pursuant to Holland Cannabis Bylaw 7C. , at 7C.03, a. 1 and 7C.04, d. footnote 1, and zoning table article 22 approved by town meeting of November 17, 2020, and certified and approved by the Attorney General on June 11, 2021.
2. The proposed building lot is more than 35 acres and has more than 200 feet of frontage.
3. The proposed building location setbacks shown on drawings TL-1 and C-2 at front, side, and rear, are more than 200’.
4. The footprint of the proposed building is covering less than 25% of the size of the lot.
5. There were no schools, libraries, daycare centers, churches, public or private parks, playgrounds, or recreation areas occupied at the time the Applicants’ license application was received by the Cannabis Control Commission in May of 2022, nor are there any of the aforementioned facilities present at this time.
6. The proposed buildings SHALL comply with 935 CMR 500.110 (3) (a) “Buffer Zones” requirements.
7. Applicant has an executed Host Community Agreement with the Town.
8. Applicant has provided certification that a Community Outreach Meeting in compliance with 935 CMR 500 has occurred in May of 2022.
9. Applicants have received provisional licenses From the Cannabis Control Commission pursuant to 935 CMR 500, or 935 CMR 501.
10. The applicant satisfied the necessary notification requirements pursuant to MGL, c.40A, s.11 par. 1 and 2, to hold the required public hearing.
11. Decommissioning bond for Cannabis operation to be provided by applicant at the time the Special Permit to operate is issued.

A public hearing was held on October 24, 2023 pursuant to c.40A, s.9, par. 12. Even so there was a verbal agreement to continue the public hearing, the requested written agreement pursuant to MGL, c.40A, s.9, par.12 was not executed and also not filed with the town clerk, therefore the public hearing is deemed to be closed at the conclusion of the hearing on October 24, 2023.

Reason for the decision:

In the Planning Board’s opinion, the Site Plan Schematics as presented by the Applicant is the best solution and conforms with all requirements under MGL and local bylaws.

The proposed future use is also in compliance with MGL and local bylaws; however, the proposed use will require approval of a separate additional Special Permit.

The Supreme Judicial Court defined its understanding of Site Plan review as "regulation of a use rather than its prohibition ... contemplating primarily the imposition for the public protection of reasonable terms and conditions." *Y. D. Dugout v. Board of Appeals of Canton*, 357 Mass. 25, 31 (1970).

Vote, and Judicial Review:


Roll call vote on the Applicant's Special Permit application for applicant's Site Plan approval only: William Robertson, chair, yea; Kyle Merolla, secretary, yea; Peter Frei, member, yea; Charles Furst, member, yea; Robert Parron, member, yea.


Since a super majority, at least four out of five members of the board, voted in favor of the application, the questions whether this application needed a majority or super-majority vote is a mute issue.

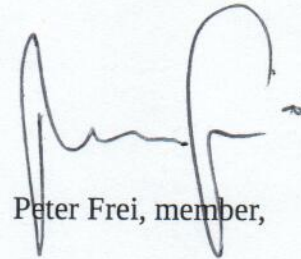
This Decision and Findings shall be registered at the Registry of Deeds pursuant to MGL, c.40A, s.11, par. 7, after the Town Clerk certifies below with her signature that no appeals were filed in her office within 20 days after the Board's approval.

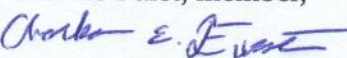
Appeals appealing this decision shall be made pursuant MGL, c.40A, s.17, and shall be filed within 20 days of the date of this decision.

Holland, December 12, 2023


William Robertson, chair,


Kyle Merolla, secretary,


Peter Frei, member,

Charles Furst, member,


Robert Parron, member


Certification:

I, Valerie Lundin, certify herewith that no appeals appealing the Planning Board's approval of CannaMountain's Special Permit application for a Site Plan have been filed with my office during the 20 day period provided for pursuant to MGL, c.40A, s.11, par. 7.

Valery Lundin, clerk of the town of Holland MA.