

TOWN OF WINCHENDON



AGENDA & NOTICE OF MEETING

Pursuant to the provisions of Chapter 30A, Sections 18-25 of the General Laws, as amended, notice is hereby given that a meeting of the following board, committee, or commission will be held on the date and time specified below. Said meeting will be open to the public and press and will be recorded.

BOARD/COMMITTEE: Planning Board – Meeting

DATE: June 2, 2020

TIME: 6:30 p.m.

LOCATION: Virtual meeting via Zoom

Meeting Attendance Directions (via Zoom):

Meeting ID: 938 0386 5948

Password: 0236996

To join via computer (option for video and/or audio)

<https://winchendonk12.zoom.us/j/93803865948?pwd=Tm16S1VTOGxVV0pHRW1yUWhvRIA2Zz09>

or

go to www.zoom.com and click 'join meeting' then follow prompts using info above

To join via phone

One tap mobile +13017158592,,93803865948#,,1#,0236996# US (Germantown)

or

Dial in at +1 929 436 2866 and enter the meeting info above as prompted

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Winchendon Planning Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town's website, at www.townofwinchendon.com. For this meeting, members of the public who wish to observe the meeting may do so via zoom using the information provided above. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Notice- The above topics do not prohibit additional last-minute or unforeseen matters.

The meeting room is handicapped accessible. With advance notice the Planning Board can arrange reasonable accommodation for persons with other disabilities. To request assistance; contact the Department of Planning & Development at 978-297-3537.

TOWN OF WINCHENDON



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BOARD/COMMITTEE: Planning Board – Meeting

DATE: June 2, 2020

TIME: 6:30 p.m.

LOCATION: Virtual meeting via Zoom

Meeting Agenda:

1. Call to Order

Town Counsel suggested statement to be made by the Chair of a public body at the start of any public meeting conducted “virtually”:

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of Winchendon Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to observe this meeting while in progress may do so using the zoom meeting information provided above.

2. Announcements

3. Public Comment

4. Business:

6:35pm - Public Hearing Continuation for Site Plan Review and Special Permit Application for marijuana cultivation facility by Jolly Green Inc. at 60 Franklin Street.

Ash Street Solar Project Closeout Discussion.

Discussion of digital signature authorization during COVID-19 pandemic.

5. Minutes – none

6. Correspondence Update – none

7. Adjourn

[Notice- The above topics do not prohibit additional last-minute or unforeseen matters.](#)

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TOWN OF WINCHENDON

Planning Board



Telephone (978) 297-5410

109 Front Street
Winchendon, Massachusetts 01475-1758

Notice is hereby given that the Winchendon Planning Board will consider the site plan and special permit applications for a Marijuana Cultivation Facility submitted by McCarty Engineering, Inc. of 42 Jungle Road, Leominster, MA 01453 on property located at 60 Franklin Street, Winchendon, MA 01475 identified as Winchendon Assessors Map 5A-2 Parcel 38 owned by Kyle and Wendy Higgins of 442 Howard Street, Lunenburg, MA 01462 at their regularly scheduled meeting on **Tuesday, May 5, 2020 at 6:35pm**. If conditions allow the meeting will be held in the Town Hall Aud., 2nd Fl., 109 Front St., Winchendon, MA 01475; otherwise it will be conducted by remote participation, with participation details posted online in the meeting agenda. Said property is located in the 'I - Industrial zone'. A copy of the application information is posted online with the meeting agenda. All interested persons should plan to attend.

The current remote participation information is:

Join Zoom Meeting

<https://zoom.us/j/789850459?pwd=WmhXdEhXZi9GWG5KV0dsVVBzVHRQUT09>

Meeting ID: 789 850 459

Password: 073151

One tap mobile

+19294362866,,789850459# US (New York)

+13126266799,,789850459# US (Chicago)

Dial by your location

+1 929 436 2866 US (New York)

+1 312 626 6799 US (Chicago)

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US

Meeting ID: 789 850 459

Password: 073151

Find your local number: <https://zoom.us/u/aML7DZRlx>

BY: Guy C. Corbosiero, Chair
Winchendon Planning Board

RECEIVED 7/23/02

PA 1,000.00
chk #
2938

TOWN OF WINCHENDON

MAY 13 2020

WINCHENDON TOWN CLERK

Telephone (978) 297-0085
Facsimile (978) 297-1616



Planning Board

109 Front Street
Winchendon, Massachusetts 01475-1758

Application for Site Plan Approval

Fee paid: Town of Winchendon \$1,000 Gatehouse New England
Winchendon Courier \$ _____

Pursuant to the provisions of Massachusetts General Law Chapter 40, Section 57, the Town Bylaw, Licenses and Permits of Delinquent Taxpayers, Section 2 L 1: 'Any Board ... shall deny the application ... for any person, corporation, or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charge.' Certification must be obtained from the Town Treasurer on this form before it is submitted to the Planning Board. The Town Treasurer has up to ten (10) days to complete certification.

I hereby certify that no debt is owed to the Town by the applicant or the owner of record for a period of time greater than twelve (12) months.

Kelley Wood 5-13-2020
Town Treasurer Date

PB # 2020-0513 Rec'd by Planning Board 5-13-2020

APPLICANT Jolly Green Inc.

Address 60 Franklin Street Winchendon, MA Tel. # 978-502-374

LANDOWNER Kyle & Wendy Higgins

Address 442 Howard Street Lunenburg, MA 01462 Tel. # 978-502-3740

LOCATION OF LAND 60 Franklin Street

TITLE OF PLAN Overall Site Plan

Property is to be used for Marijuana Cultivation

under Article 3.2 of the Schedule of Use Regulations of the Town of Winchendon
Deed to the property, as recorded in the Worcester District Registry of Deeds
Book 52922 Page 262 and is shown on
Assessors Map 5A-2 Parcel 38 Zoning Industrial
Lot size 1.23 ac

The undersigned hereby request approval of a site plan under Section 5.2 of the Winchendon Zoning Bylaws and further certify that all information provided in this application and site plan is true.

OWNER signature [Signature]

APPLICANT signature [Signature]

Original of this application must be submitted to the Town Clerk.



January 21, 2020

Jolly Green, Inc.
MCN281283
higginsmechanical@comcast.net

NOTICE: PROVISIONAL LICENSE

WHY ARE YOU RECEIVING THIS NOTICE?

This letter provides notice that the Cannabis Control Commission (“Commission”) approved the issuance of a provisional license subject to the conditions listed below. A provisional license authorizes the applicant to develop, but not operate, the proposed Marijuana Establishment identified in the application which is as follows:

Jolly Green, Inc.
Cultivation – Tier 1 / Indoor (up to 5,000 sq. ft.)
60 Franklin Street, Winchendon, MA 01475

Prior to the issuance of a final license, Commission staff will evaluate whether the applicant has satisfied the following conditions and otherwise complied with the statutory and regulatory requirements for licensure:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall cooperate with and provide information to Commission staff; and
4. Provisional licensure is subject to the payment of the appropriate license fee.

WHAT ARE YOUR NEXT STEPS?

To complete the process for obtaining a provisional license, the applicant must access the license fee payment packet for its approved application in the Massachusetts Cannabis Industry Portal (“MassCIP”). MassCIP will provide instructions for payment and calculate the license fee to be paid. Once your license fee is approved, this letter will serve as your provisional license subject to the conditions listed above. This notice shall be posted in a conspicuous location on the premises of the proposed Marijuana Establishment.

After review and processing of the applicable license fee, the licensee shall submit agent registration applications for all board members, executives, directors, managers, employees and volunteers. The licensee will need to verify their license number which will be the application number listed above without



the “N” (for example, application number MCN456789 will have the license number MC456789). Agent applications are reviewed within 7-10 business days. Guidance on agent registration requirements is available on our website at: <https://mass-cannabis-control.com/guidancedocuments/>. Once one of the owners have been approved as a registered agent, you may contact Metrc at (877) 566-6506 and request the process for obtaining administrator credentials. Please note that the Metrc Industry Identification Number needed will populate overnight and be available through MassCIP the next day.

If the licensee plans to build or renovate, it is required to submit an architectural plan and receive approval from the Commission **prior** to work being performed pursuant to 935 CMR 500.103(1)(a). If building or renovations of a building are required or expected to be performed, please complete an Architectural Plan Review Request form located on our website at: <https://mass-cannabis-control.com/wp-content/uploads/2018/12/FORM-ARCHITECTURAL-PLAN-REVIEW-REQUEST.pdf>.

If no building or renovations are needed, or once all construction has been completed, the licensee is subject to inspections by Commission staff prior to being eligible for consideration of a final license. The licensee must officially request its initial inspection called a Post-Provisional License Inspection (“PPLI”). In order to officially request a PPLI, the licensee must submit the following documents: (1) Request for PPLI Form and (2) a detailed floor plan of the Marijuana Establishment that shows all entrances/exits, any loading bays, limited access areas including the identification of rooms utilized for cultivation (if applicable), and retail operations that will be accessible by the public (if applicable).

The Request for PPLI Form is attached to this notice. Please complete the form and submit it, along with the detailed floor plan, to inspections@cccmass.com. Upon receipt of the request and supporting documentation, you will receive notice from Commission staff informing you of the date, time, and location of the inspection.

Please be advised that the issuance of a provisional license is based on the materials or information supplied in support of an application, and certain organizational changes must be approved by the Commission. 935 CMR 500.104(1). The provisional licensee must also provide timely notice to the Commission if it discovers that application information has changed, or that the information provided was misleading, incorrect, false, or fraudulent. 935 CMR 500.104(2). Finally, a provisional license may not be assigned or transferred without prior approval by the Commission. 935 CMR 500.103(2)(b). The failure to comply with these or other regulatory requirements may result in the suspension or revocation of a provisional license and the denial of a final license. 935 CMR 500.400 and 500.450. **Please note that the Marijuana Establishment shall not possess marijuana for adult-use operations prior to being approved for a final license.**

Please be advised that the Commission promulgated revised regulations effective as of November 1, 2019. All licensees must be in compliance with the most recent version of the Commission’s regulations prior to requesting their PPLI. The Commission’s regulations can be found here: <https://mass-cannabis-control.com/the-laws/>.



If there are any questions with regards to this notice, please contact the Commission at licensing@cccmass.com.

Sincerely,

A handwritten signature in black ink that reads "Shawn Collins". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Shawn Collins
Executive Director



MAY 4 20 PM 12:46

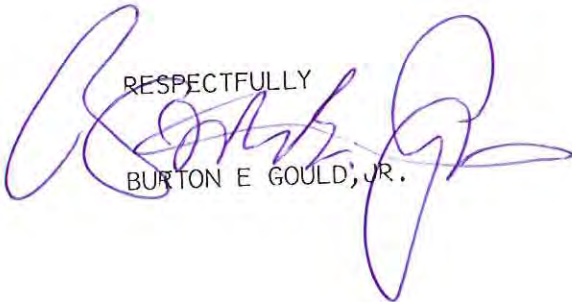
APRIL 30, 2020

RE: DISCLOSURE

1. I AM A VOTING MEMBER OF THE WINCHENODN HOUSING AUTHORITY
2. I AM A VOTING MEMBER OF THE WINCHEDON PLANNING BOARD

ON TUESDAY 5TH, ^{may} A MATTER ON FRANKLIN STREET IS ON THE AGENDA. THE WHA IS AN ABUTTOR. THEREFORE, THIS LETTER WILL INDICATE THAT I RECUSE MYSELF FOR ANY PARTICIPATION ON THE FRANKLIN STEET MATTER.

RESPECTFULLY


BURTON E GOULD, JR.



March 30, 2020

Ms. Alison Manugian, Agent
Winchendon Planning Board
109 Front Street
Winchendon, MA 01475

**RE: Site Plan Application
Proposed Development
60 Franklin Street
Winchendon, MA**

Dear Ms. Manugian,

On behalf of Green Giant (Owner), McCarty Engineering Inc. (MEI) is submitting this Site Plan Approval for work located at 60 Franklin Street. The property is approximately 1.23 ac in size as shown on Map 5A-2, Parcel 38, on the Town of Winchendon, MA Assessors maps. Please find enclosed the appropriate number of copies of the supporting material for the project.

The project includes making the temporary fence that surrounds the existing building to a permanent structure. Work will also include the removal and disposal of the existing debris, fill piles, and other refuse located on the site followed by the revegetation and restoration of the existing area on the west side of the property. A Request for Determination of Applicability has also been filed with the Conservation Commission as well.

Attached to this letter please find the following:

- Two (2) copies of the Site Plan Application and Supporting Documents
- Two (2) full size copy of the Overall Site Plan

We look forward to working with the Planning Board in the review of this application. Should you determine that a site inspection is required we are available for one at your convenience.

Please feel free to contact me with any questions.

Respectfully,
Justin LeClair
Justin LeClair, E.I.T

Waiver Request Form:

Jolly Green Inc

Submitted 03/30/2020

We request the following waiver from the requirements of the Zoning Bylaws and Site Plan Regulations in Winchendon, Massachusetts:

Zoning Bylaws:

1. 6.2.a Plans must show all proposed security measures for the Marijuana Facility.

Per conversations with the Planning Board it is recommended that that security features not be shown on the plan which would be public record. Security plans and measures will be reviewed with the Winchendon Fire and Police Departments.

2. 6.2.d. A detailed floor plan of the premises of the proposed Marijuana Facility.

It is recommended that the floor plan not be submitted to the Town and made public record. The floor plan can be reviewed with the Building Department along with other Departments recommended by the Board.

3. 6.12.9: An outside consultant review escrow deposit shall accompany the Application for a special permit.

Based on the scope of the project, it is believed that a consultant fee is not required for approval of this project.

Site Plan Regulations:

1. 3.3.4D The volume of earth to be removed.

There is no proposed earth to be removed form the site.

2. 3.3.4H Stormwater Calculations

There is no proposed stormwater for this project.

3. 3.3.7L Elevation Plans to be provided.

There is no proposed addition to the existing building.

4. 3.3.4P Landscape Plan to be provided.

There is no proposed landscaping for this site.

5. 3.3.4N Proposed parking to be shown.

There is no proposed parking for the site.

6. 3.3.4S Notes to add to the plan.

There is no proposed site work to be conducted.

LID Bylaw

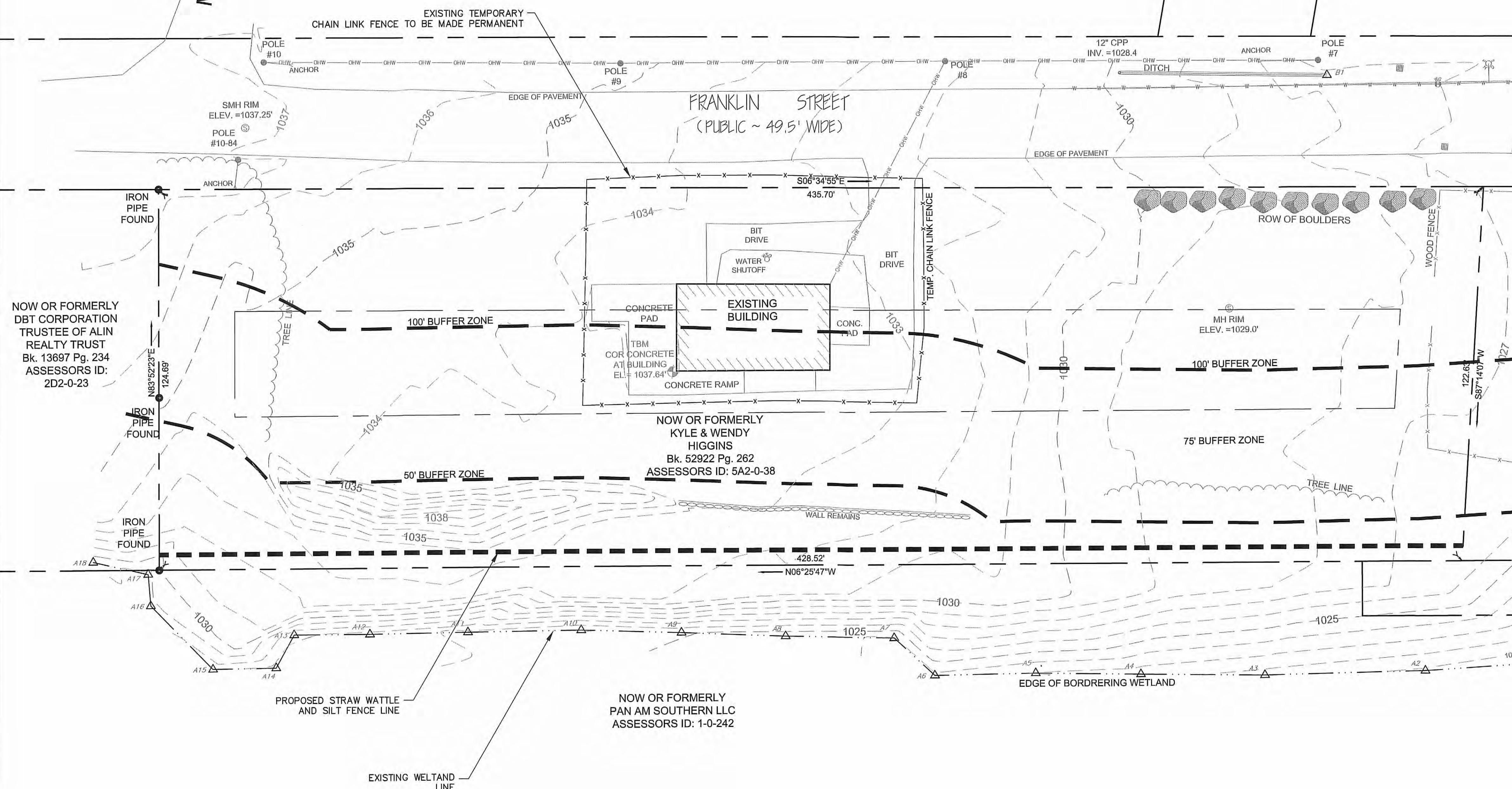
There is no proposed Stormwater on the site, as such we are requesting a waiver from the LID Bylaw.



MONADNOCK AVENUE
(PUBLIC ~ 49.5' WIDE)

WASHINGTON AVENUE
(PUBLIC ~ 49.5' WIDE)

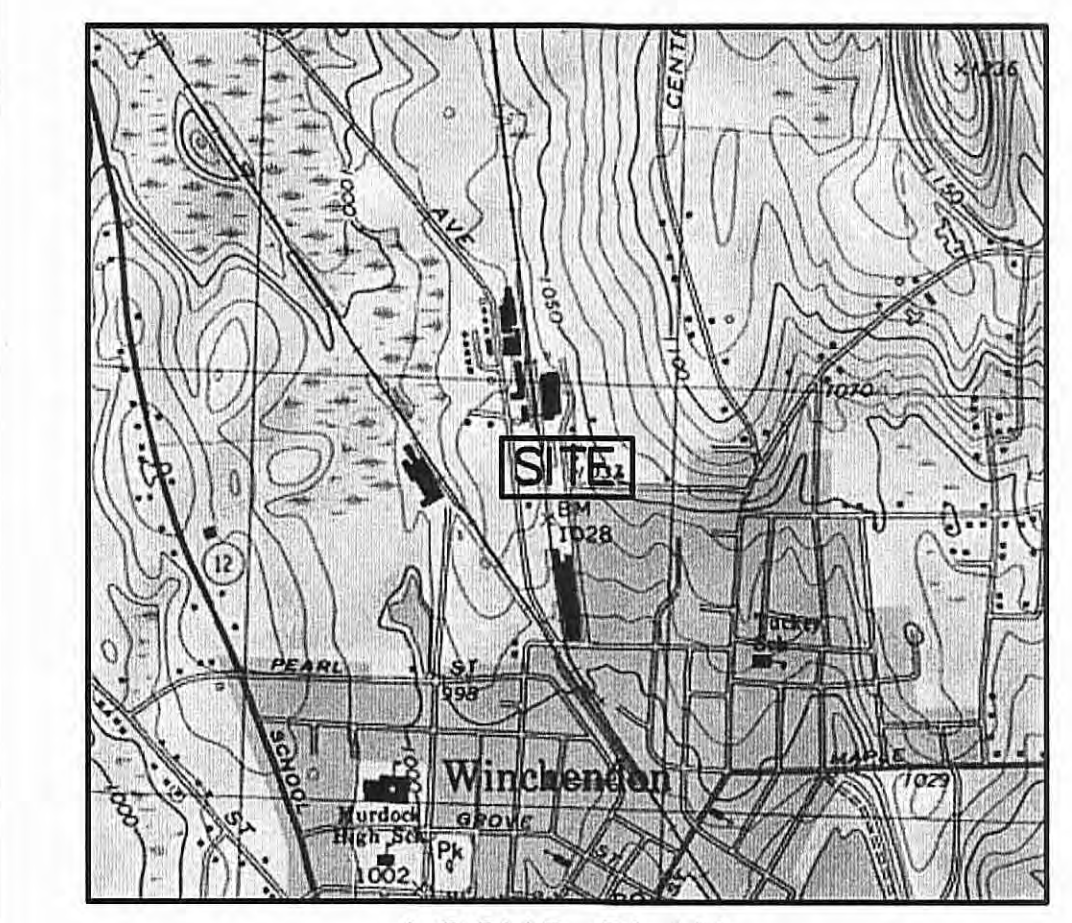
FRANKLIN STREET
(PUBLIC ~ 49.5' WIDE)



NOW OR FORMERLY
DBT CORPORATION
TRUSTEE OF ALIN
REALTY TRUST
Bk. 13697 Pg. 234
ASSESSORS ID:
2D2-0-23

NOW OR FORMERLY
KYLE & WENDY
HIGGINS
Bk. 52922 Pg. 262
ASSESSORS ID: 5A2-0-38

NOW OR FORMERLY
PAN AM SOUTHERN LLC
ASSESSORS ID: 1-0-242



LOCUS PLAN
1"=1,500 FT.±

NOTES:

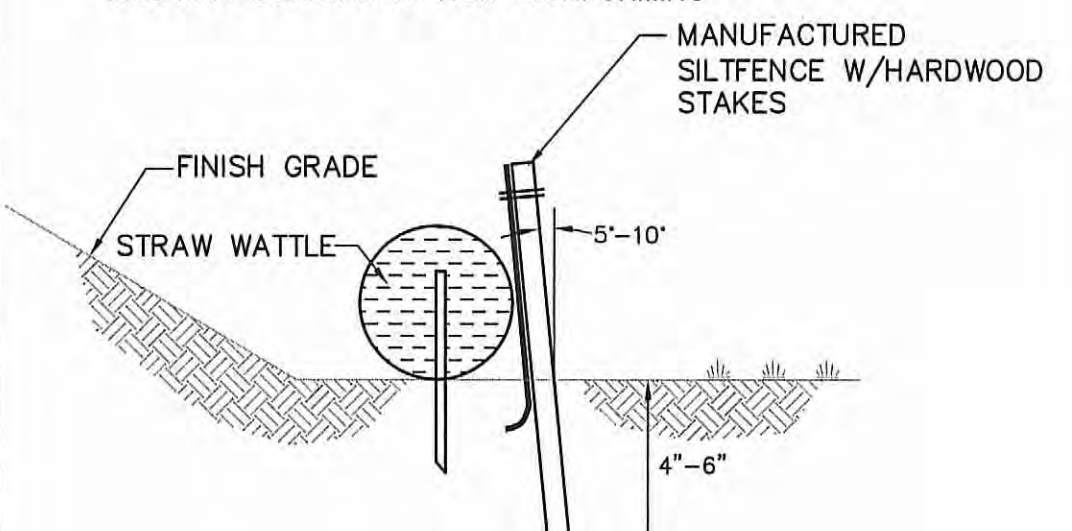
- EXISTING CONDITIONS INFORMATION SHOWN IS FROM AN ON-THE-GROUND SURVEY COMPLETED BY TAUPER LAND SURVEY, 710 MAIN STREET OXFORD, MA 01537 IN JANUARY 2020.
- THIS PARCEL IS NOT LOCATED WITHIN THE LIMITS OF THE 100-YEAR FLOODPLAIN BASED ON A REVIEW OF THE MASS GIS ONLINE DATA VIEWER.
- THE PROJECT SITE DOES NOT CONTAIN ANY ESTIMATED HABITATS, PRIORITY HABITATS, OR CERTIFIED VERNAL POOLS BASED ON A REVIEW OF THE MASSACHUSETTS NATURAL HERITAGE ATLAS, 13TH EDITION, AND MASS GIS ONLINE MAPPING TOOL.
- ANY MINOR MODIFICATIONS TO THE INFORMATION SHOWN ON THE APPROVED SITE PLANS SHALL BE SUBMITTED TO THE BUILDING INSPECTOR AS A MINOR PLAN REVISION FOR APPROVAL PRIOR TO THE WORK BEING PERFORMED.

ZONING SUMMARY:

DISTRICT: INDUSTRIAL
USE: MARIJUANA CULTIVATION

DIMENSIONAL REQUIREMENTS:	REQUIRED:	PROVIDED:	CONFORMANCE:
MIN. LOT AREA:	43,560 SF.	53,383 SF.	Y
MIN. FRONTAGE:	150 FT.	435.7 FT.	Y
MIN. FRONT YARD:	40 FT.	31.5 FT.	N*
MIN. SIDE YARD:	25 FT.	170.3 FT.	Y
MIN. REAR YARD:	50 FT.	63.9 FT.	Y
MAX. HEIGHT:	50 FT.	<50 FT.	Y
MAX. IMP. COVER:	N/A	8%	Y

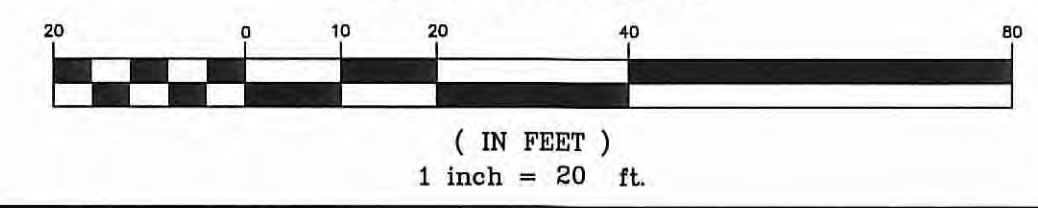
*EXISTING BUILDING IS NON-CONFORMING



- NOTE:**
- STRAW WATTLES SHALL BE INSTALLED ON CONTOUR AND STAKED WITH 18 OR 24 INCH WOOD STAKES AT FOUR FEET ON CENTER
 - ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT REACHES 2/3 OF ROLL HEIGHT

STRAW WATTLE / SILT FENCE DETAIL
N.T.S.

GRAPHIC SCALE



NOT FOR CONSTRUCTION
THESE PLANS WERE PREPARED FOR THE PURPOSE OF OBTAINING STATE AND LOCAL PERMITS AND ARE NOT INTENDED TO BE USED AS CONSTRUCTION DOCUMENTS.

APPROVED BY THE TOWN OF WINCHENDON PLANNING BOARD DATE:

No.	Date	Revision



Drawn By: JLL
Designed By: BRM
Checked By: JSK

McCarty Engineering, Inc.
Civil Engineers
42 Jungle Road, Leominster, MA 01453
phone:(978) 534-1318 fax: (978) 840-6907
www.mccartydb.com

Project Name
**65 Franklin Street
Winchendon, MA**

Sheet Title
**Layout & Materials
Plan**

File Name: Winchendon
Date: March 20, 2020
Scale: 1"=20'
Sheet No. **1**

Impact Statement –March 30, 2020:

1. Existing Conditions Element: - Refer to the Site Survey in Site Plan Submission

- a. NAME OF PROJECT: Jolly Green, Inc.
ACREAGE: 1.23 acres
TYPE OF PROJECT: Industrial Development
OWNER(S): Jolly Green Inc.
Mr. Kyle Higgins, Owner
442 Howard Street
Lunenburg, MA
- LOCATION: 60 Franklin Street
ZONING DISTRICT: I – Industrial
PARCEL NUMBERS: MAP 5A-2, PARCEL 38

- b. The site was previously used as a dumping site where miscellaneous refuse was stockpiled and left on the site with an existing commercial building.

The existing site is currently served by:

- overhead electric from a utility pole in Franklin Street
- municipal water service from the main in Franklin Street
- municipal sewer from the main in Franklin Street

2. Proposed Development Element

- a. Permits required for proposed development:
- Site Plan Approval from Winchendon Planning Board
 - Determination of an RDA from Winchendon Conservation Commission
 - Special Permit from the Planning Board for Marijuana Cultivation
 - There is no proposed major work to be conducted outside of the building that will require site plan approval. The work to be done outside of the building will include cleaning up the existing site which will require an RDA approval and turning the existing temporary fencing into permanent security fencing.

3. Transportation Element

- a. Traffic Generation –Traffic generation calculations were not conducted because the proposed use will not result in an increase in traffic generation from existing conditions. Currently there is minimal traffic going to the existing site, mainly from the owner and contractors working inside the building. Upon completion

of the building, the goal is to have the facility be self-sustaining, with the only travel to the site being periodic maintenance updates and check ins.

4. Construction Element

- a. Construction Phasing – The only work proposed outside as stated above is the restoration of the land behind and around the existing building. EcoTec. Inc. has provided the owner with a restoration procedure that will be filed with the Conservation Commission and will be used by the Contactor during the restoration. Work is estimated to take place between the hours of 7 AM and 5 PM.
- b. The estimated costs for performing the work is as follows:
 - Stump removal and stripping of Topsoil and Seeding= \$7,500

5. Public Utility Element

- a. No changes are proposed to the water supply to the facility.
- b. No changes are proposed to the municipal sewer system.
- c. Storm Drainage – No Stormwater management is proposed.
- d. Solid Waste – Solid waste from the cultivation operation will be ground down and cut up so it cannot be used again. The refuse will either be turned into compost or hauled off site by a licensed hauler. All disposal of waste shall be in accordance with CMR 105 (102).

6. Conservation and Recreation Element

- a. There is no change is the amount of disturbance that is on the site currently. There is an existing Wetland system located to the west of the site. The area around the existing site will be restored per EcoTec. Inc.'s restoration plan.
- b. Refer to Section 6.a above.
- c. Refer to Section 6.a above.
- d. Refer to Section 6.a above.
- e. General Ecology – The site is not located within an estimated or priority habitat of rare or endangered species.
- f. Refer to section 6.a above.
- g. No recreational facilities are proposed in the project.

7. Sustainable Energy Element

- a. The proposed development is located in the Industrial Zoning District, the operation of this facility will ultimately be a closed system. The water that will be used to grow the product will be on a closed water system, so no water will leave the facility. The lights in the building will be set to an automated timer so they will not use excess energy.

8. Aesthetics Element

- a. The existing building on the property is being maintained so there is no change proposed that will affect the aesthetics of the building.
- b. No additional lighting is proposed as part of this project. Existing building lighting will remain.
- c. As noted in section 8.a above, there is no propose changed to the existing building. A permanent security fence is proposed where the existing temporary fence is located.
- d. The site is located towards the end of Franklin Street with minimal traffic coming through and as stated above there will be no change to the outside of the existing building.

9. Neighborhood and Community Element

- a. Schools – The project will have no expected impact on the school system.
- b. Police - The project will have no expected impact on the police service.
- c. Fire - The project will have no expected impact on the fire service.
- d. Existing Neighborhood Land Use - The project is located in the Industrial Zoning District and Cannabis District, and is surrounded by other industrial uses, therefore the project is compatible with the existing neighborhood.
- e. Master Plan Element – The proposed development is compatible with aspects of the Town of Winchendon Master Plan.

With respect to Economic Development, the proposed project is creating a new business in town that will generate tax revenue which will assist in stabilizing the Town’s economic base in addition to the potential to create new jobs in town.

With respect to Circulation and Transportation, the proposed project does not add additional traffic generation to the area.

With respect to Land Use, the project is compatible with the Master Plan because it is now occupying a vacant developed property in Town. Additionally,

the property will now house an agricultural business that recycles the byproduct of its daily activities.

10. Social-Economic Element

- a. Population – The project is not a residential development therefore this element does not apply.
- b. Low/Moderate Income Housing – The project is not a residential development therefore this element does not apply.
- c. Employment – The proposed business will only have 1 full time employee for the site that will maintain the operation. There will be another part time employee that will be hired to help manage the facility as required, and will be hired per the guidelines of the Cannabis Commission.

11. Municipal Benefit / Cost Element

- a. The monetary benefits to the Town of Winchendon after the completion of the proposed project will be recognized in the form of taxes including but not limited to real estate tax, excise tax, meal tax, sales tax and other miscellaneous taxes and fees. In addition to the taxes generated from the proposed businesses, a significant amount of tax dollars to the town are received indirectly through the day to day miscellaneous expenses of the employees who spend money for food, fuel, etc. at the nearby businesses as they conduct their daily business.

As a private business, the proposed project will not require excessive and costly maintenance or utility improvements that would be the responsibility of the Town of Winchendon. Based on the elements of the design, it appears that the financial benefits of the proposed project to the Town will significantly outweigh the costs.

12. Waste Generation and Disposal Element

- a. Refer to Section 5.d above for the disposal of the waste from the cultivation facility. Disposal of the waste will be done in accordance with CMR 105(12).

Positive Impact Plan
Jolly Green Inc
60 Franklin St Winchendon MA 01475

About us:

Jolly Green was established in 2018 for the purpose of adult use cannabis cultivation and is located at 60 Franklin St. Winchendon Massachusetts, and applying for a tier one cultivation license. Furthermore, within a two-year time frame we are planning on applying for a tier two license for a 2nd location at 246 Suffolk Lane at Gardner Massachusetts.

Through the legalization of cannabis this has created an opportunity for many small businesses to come into existence. In doing so establishing well-paying jobs within Massachusetts in the cannabis industry. Currently Jolly Green is startup owner operated company and intends on creating jobs and supporting businesses from areas negatively impacted by the legalization of cannabis.

I feel we have a moral and ethical obligation to society. Thus, Jolly Green will promote a positive impact in communities identified as disproportionately impacted by the prohibition of cannabis. This will be done by the following Positive Impact plan that is outlined.

Positive Impact Plan Goals:

- Jolly Green will provide a positive impact on communities identified as disproportionately impacted by the prohibition of cannabis. Jolly Green will increase the number of individuals working in the cannabis industry from identified communities, such as Fitchburg and Worcester Massachusetts. Our plan is to hire 1 # individual per year from the above identified communities.
- Jolly Green will promote a positive impact on communities in its external business operations. By contracting and using vendors located in communities identified as disproportionately impacted areas such as Worcester and Fitchburg Massachusetts.

This will be accomplished by contracting out 50% of our vendors from Fitchburg and Worcester communities.

Programs:

Promoting community positive impact within Jolly Green internal business operations:

- Jolly Green will provide a positive impact on areas disproportionately impacted by the prohibition of cannabis in its internal business operations. Jolly green will give hiring preference to individuals that fall under the Commissions definition of disproportionately impacted areas. This process will include Jolly Green attending Equal Opportunity Career Fairs to attract potential employees. The career fairs will be marketed directly in communities identified as disproportionately impacted areas such as Worcester and Fitchburg Massachusetts. Jolly Green intends on attending 2 # job fairs per year.

Promoting community positive impact within Jolly Green external business operations:

- Jolly Green will create economic opportunity for diverse individually owned businesses located in communities identified as disproportionately impacted areas. The State Massachusetts offers a program through the Supplier Diversity Office that Jolly Green will use. By utilizing this tool, we will research and establish business relationships. Jolly Green will target businesses owned by diverse individuals located in communities identified as disproportionately impacted areas, such as Fitchburg and Worcester Massachusetts. Jolly Green intends on establishing business relationships with 50% or more vendors from the above listed communities.

Measurements and accountability:

- **Program #1**

Employee community positive impact program, Jolly Green compliance management will review and perform internal audits 4 times a year to ensure progress towards positive impact goals.

Jolly Green will attend career fairs that are marketed directly in communities identified as disproportionately impacted areas such as Worcester and Fitchburg Massachusetts. Jolly Green intends on employing one or more individuals from communities identified as disproportionately impacted over the first year. Jolly Green will count the number of individuals who have been hired annually. This will be done to ensure we meet our goal of hiring 1 # individual from the above listed communities per year. The process will commence 60 days after obtaining provisional license.

- **Program #2**

Vendor and contractor positive impact program, Jolly Green compliance management will review and perform an audit one time a year to ensure progress towards vendor and contractor positive impact goals. Jolly Green will use the Massachusetts Supplier Diversity Office program to procure vendors and contracts with diverse business owners located in communities identified as disproportionately impacted. Jolly Green intends on hiring and contracting with 2 # or more vendors utilizing this program over the first year. Jolly Green will count the number vendors who have been hired annually. This will be done to ensure we meet our goal of hiring 50% or more vendors from the above listed communities per year. The process will commence 60 days after obtaining provisional license.

Jolly Green Inc required acknowledgements:

Jolly Green Inc will adhere to the requirements set forth in 935 CMR 500.105(4) which provides the permitted and prohibited advertising, branding, marketing, and sponsorship practices of every Marijuana Establishment; Any actions taken, or programs instituted, by Jolly Green Inc

will not violate the Commission's regulations with respect to limitations on ownership or control or other applicable state laws.



VIA: HAND DELIVERY

April 14, 2020

Town of Winchendon
Planning Board & Conservation Commission
109 Front Street
Winchendon, MA 01475

**Re: Ash 1 Solar Array – Substantial Compliance Sign-Off
Ash Street, Winchendon, MA**

Dear Sir/Madam,

On behalf of Dynamic Energy, Meridian Associates (MAI) is submitting this letter to obtain final sign-off of the above-referenced project by the Winchendon Conservation Commission and Planning Board. The following deviations from the approved site plans are as follows:

1. A gravel access driveway was added along the eastern edge of the site at the request of Dynamic Energy. Details for its construction were provided by MAI on plans dated June, 2019. This access driveway has been inspected in the field by MAI and by the Town's Peer Review Engineer – Tighe & Bond and has been deemed acceptable.
2. Two (2) areas of erosion control/stormwater measures were built on site to address site erosion issues. These areas consist of a shallow sediment forebay area, basin and level spreader (Area 1) in the area between the northern and southern arrays, and a grassed swale with stone check dams leading into a shallow basin/level spreader (Area 2) on the western edge of the site. These measures are also depicted on plans by MAI dated June, 2019. Hydrologic calculations and an Operation & Maintenance plan have been provided for these areas, and they have been approved by Tighe & Bond.

The project site has been inspected by MAI as well as Tighe & Bond, and in our opinion has been built in substantial compliance with the approved site plans prepared by SWCA.

Sincerely,

MERIDIAN ASSOCIATES, INC.

Michael J. Novak, P.E.
Vice President



P:\6235_0 Hall Rd., Winchendon\ADMIN\Letters_Memos\6235_Site_Compliance-Ash.doc

W-1157-039-02
April 10, 2020

Alison Manugian, Acting Conservation Agent
Town of Winchendon
109 Front Street
Winchendon, MA 01475

Re: Ash Street Solar Project Long-Term Stormwater Controls – Peer Review

Dear Alison and Conservation Commission Members:

Tighe & Bond has been retained by the Town of Winchendon to provide Peer Review Services in your review of the long-term controls implemented during construction for the Ash Street Solar Project. The controls were not part of the original design but were provided to improve the site and mitigate the unexpected erosion issues that were observed during construction.

Tighe & Bond attended a site visit with the team in January 2020 to understand the new stormwater controls. The Applicant provided design documentation, including drawings and calculations to support the design of the long-term stormwater management features. We provided initial comments to that design in a letter dated March 18, 2020. A response to those comments was issued in a letter prepared by Meridian Associates, Inc. (MAI), dated March 26, 2020. In addition, the following revised documents for review:

- Stormwater Summary for Ash Street Solar Project, prepared by Meridian Associates, revised March 26, 2020
- Operation and Maintenance Guidelines for Ash 1 Solar Array Erosion and Drainage Measures, prepared by Meridian Associates, revised March 26, 2020

The following is a listing of our original comments from our March 18, 2020 letter. Each comment is **followed by Meridian's responses in italics**, which is followed by our final comments in bold (where applicable) for your consideration:

1. It is our opinion that the constructed stormwater management features are not **considered "point source discharges" as defined by the Massachusetts Department of Environmental Protection Stormwater Management Standards (Standards)**. These features are intended to reintroduce sheet flow, rather than a concentrated discharge.

Meridian: No response needed.

2. We note that topographic labeling was included on the Post Construction Watershed Analysis Plan. We request that the Applicant include more detailed topographic labeling upstream of and directly around Location 1, including basin elevations. It is unclear whether the level spreader would collect additional stormwater besides that which **flows into it from the "forebay"**.

Meridian: Additional topographic labels have been provided, and the contributing area for the level spreader has been shown on the plan and included in the HydroCAD model.

T&B: The comment has been addressed.



3. The Applicant did not provide velocities in or grading of the swale which drains to Level Spreader, Location 2. We request that the Applicant provide this information to ensure that erosive velocities are not present. We also request that maintenance requirements for the swale, in addition to the check dams, be included in the Long-Term Stormwater Operation & Maintenance Plan.

Meridian: We have included a typical section of the swale in the HydroCAD model, per our conversation on March 20, [2020] to show velocities. Maintenance language for the swale has been included with the check dams in the O&M Guidelines, as requested.

T&B: The comment has been addressed.

4. We note that the Applicant provided velocities for the 2-year storm event and widths at the outlets of the level spreaders. We request that the Applicant also include the velocities for the 10-year storm event to ensure velocities are not erosive in accordance with the Standards.

Meridian: The 10-year storm event has been added to the HydroCAD calculations.

T&B: We note that the maximum velocity in the swale during the 10-year storm event is 5.53 feet per second. We note that the analysis does not consider the reduction in velocity due to the installed stone check dams. We expect the velocity will be further reduced by the stone check dams. The comment has been addressed.

5. An Operator/entity responsible for maintenance of long-term controls is not identified in the Operations and Maintenance Manual (O&M). The O&M also does not include a figure identifying the locations of the BMPs. We recommend that an Operator be identified, and a figure be included to ensure the BMPs can be easily located for maintenance, and that the Commission request a copy of the revised O&M Plan for their records.

Meridian: A figure has been added to the O&M Guidelines as requested. The entity responsible for maintenance has also been added as requested.

T&B: The comment has been addressed.

6. In order for the level spreader to function as designed, confirmation of the elevation **of the outlet is required, specifically to determine that it is "absolutely level"** as required by the Massachusetts Stormwater Handbook. If the level spreader is not **"absolutely level", sheet flow will not occur.** We recommend the O&M Plan include provisions for confirmation of the elevation of the spreader annually to ensure that sheet flow can continuously occur.

Meridian: MAI field personnel have collected the elevations at the level spreader outlets. Since the riprap stone had been installed prior to MAI's field work, it was not possible to confirm if these outlets are "absolutely level" as requested. Rather, the elevations collected by MAI indicate there is an overall level area that allows the level spreader to function as designed. Language has been added to the O&M to have this checked annually, and to have repairs done if necessary to ensure sheet flow.



T&B: The comment has been addressed.

7. The Standards indicate the slope at the outlet of the spreader should be 6% or less. The slopes immediately following the outlets appear to be 16-25%. We recommend that the O&M Plan be revised to include provisions to inspect the area downstream of the discharge location to observe for signs of erosion bi-annually in the spring and fall, and to repair any damage observed.

Meridian: The O&M Guidelines in regards to level spreader outlets have been revised accordingly.

T&B: The comment has been addressed.

We trust this information will be satisfactory in your review of the Ash Street Solar Project long-term stormwater controls. Please do not hesitate to contact me should you have any questions or need additional information at 413.572.3238 or jechristy@tighebond.com.

Very truly yours,

TIGHE & BOND, INC.



Jean E. Christy, P.E.
Senior Engineer

J:\W\W1157 Winchendon\Task 039 - Ash Street Peer Review\Correspondence\Final\Ash Street Solar Peer Review 4.docx

SOLAR DEVELOPMENT, PARCEL 5C4-0-29 PERMIT APPLICATION SITE/CIVIL DRAWINGS

TOWN OF WINCHENDON, MASSACHUSETTS
SEPTEMBER 11, 2017

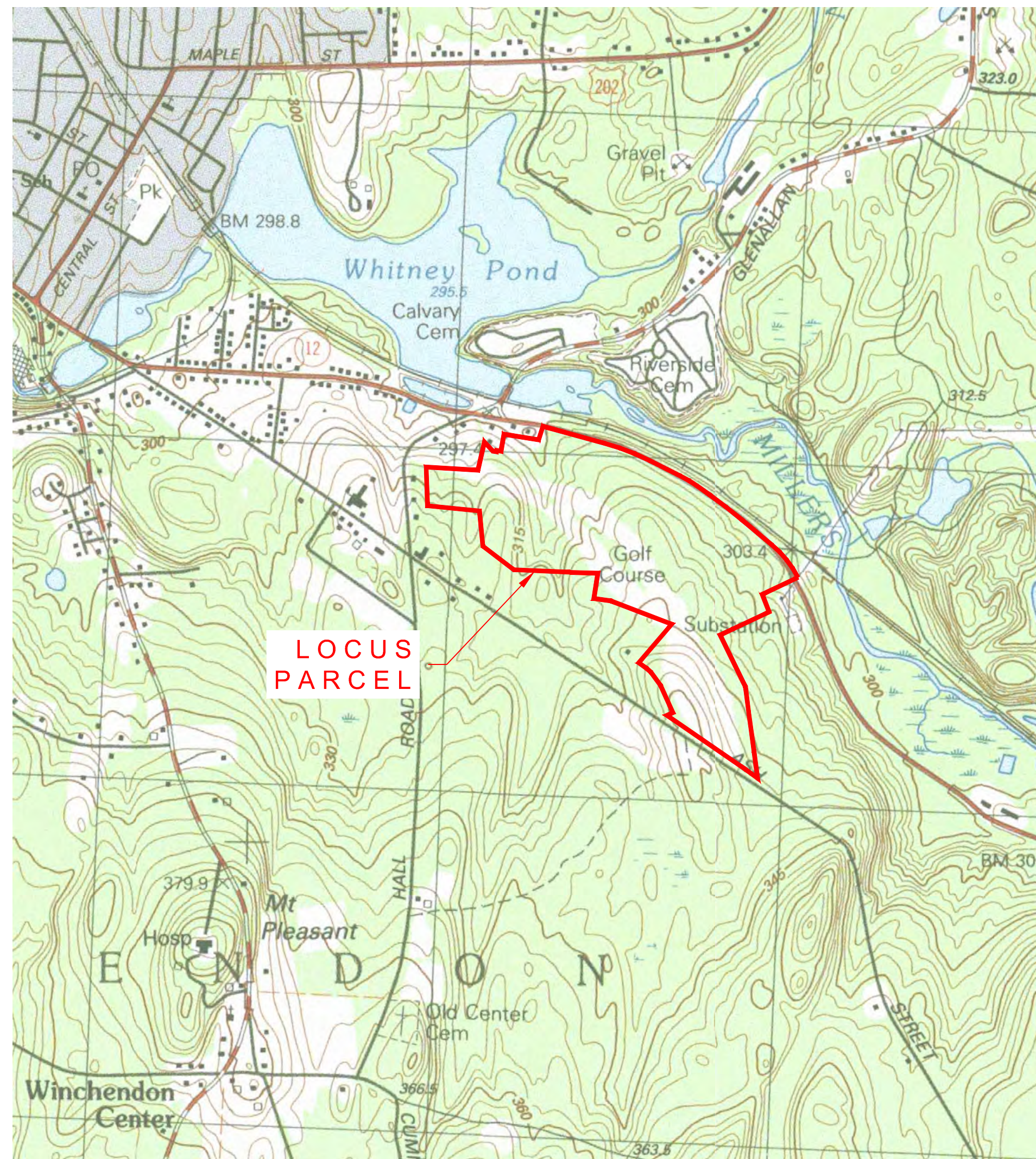
As Built

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Site/Civil Engineering:
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(603) 558-1142



SHEET INDEX

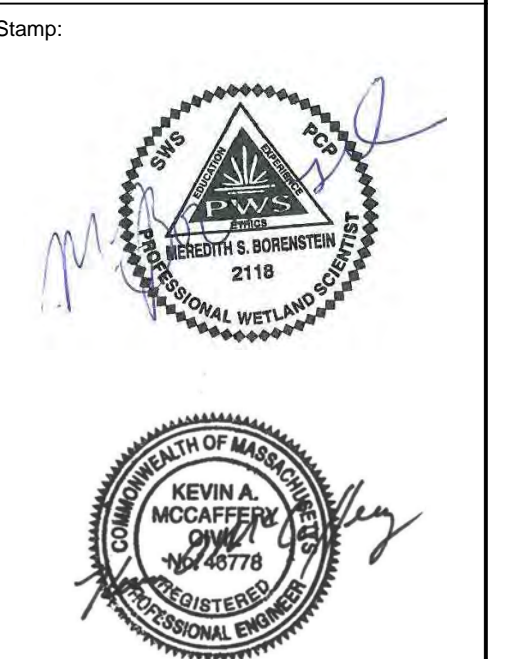
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- 2.0: EXISTING CONDITIONS
- 3.0: SITE PLAN-CLEARING AND EROSION CONTROL
 - 3.1: ENLARGEMENT PLAN- CLEARING AND EROSION CONTROL
 - 3.2: ENLARGEMENT PLAN- CLEARING AND EROSION CONTROL
 - 3.3: ENLARGEMENT PLAN- CLEARING AND EROSION CONTROL
- 4.0: SITE PLAN- SOLAR ARRAY LAYOUT
 - 4.1: ENLARGEMENT PLAN- SOLAR ARRAY LAYOUT
 - 4.2: ENLARGEMENT PLAN- SOLAR ARRAY LAYOUT
 - 4.3: ENLARGEMENT PLAN- SOLAR ARRAY LAYOUT
- 5.0 SITE DETAILS

REVISIONS

No.	Date	Description
1	10/16/2017	Conservation Commission Peer Review Report dated September 18, 2017 Planning Board Peer Review Report dated September 27, 2017
2	10/30/2017	Final Plans, Solar Array Internal Access Road,

1 LOCUS MAP
BASE MAP SOURCE: MASSGIS DATA-USGS TOPOGRAPHIC QUADRANGLE IMAGES

2 ORTHO-PHOTOGRAPH
BASE MAP SOURCE: MASSGIS DATA-USGS COLOR ORTHO IMAGERY (2013/2014)



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**ASH STREET SOLAR
PROJECT 1**
0 ASH STREET
WINCHENDON, MA 01475

Sheet Title:
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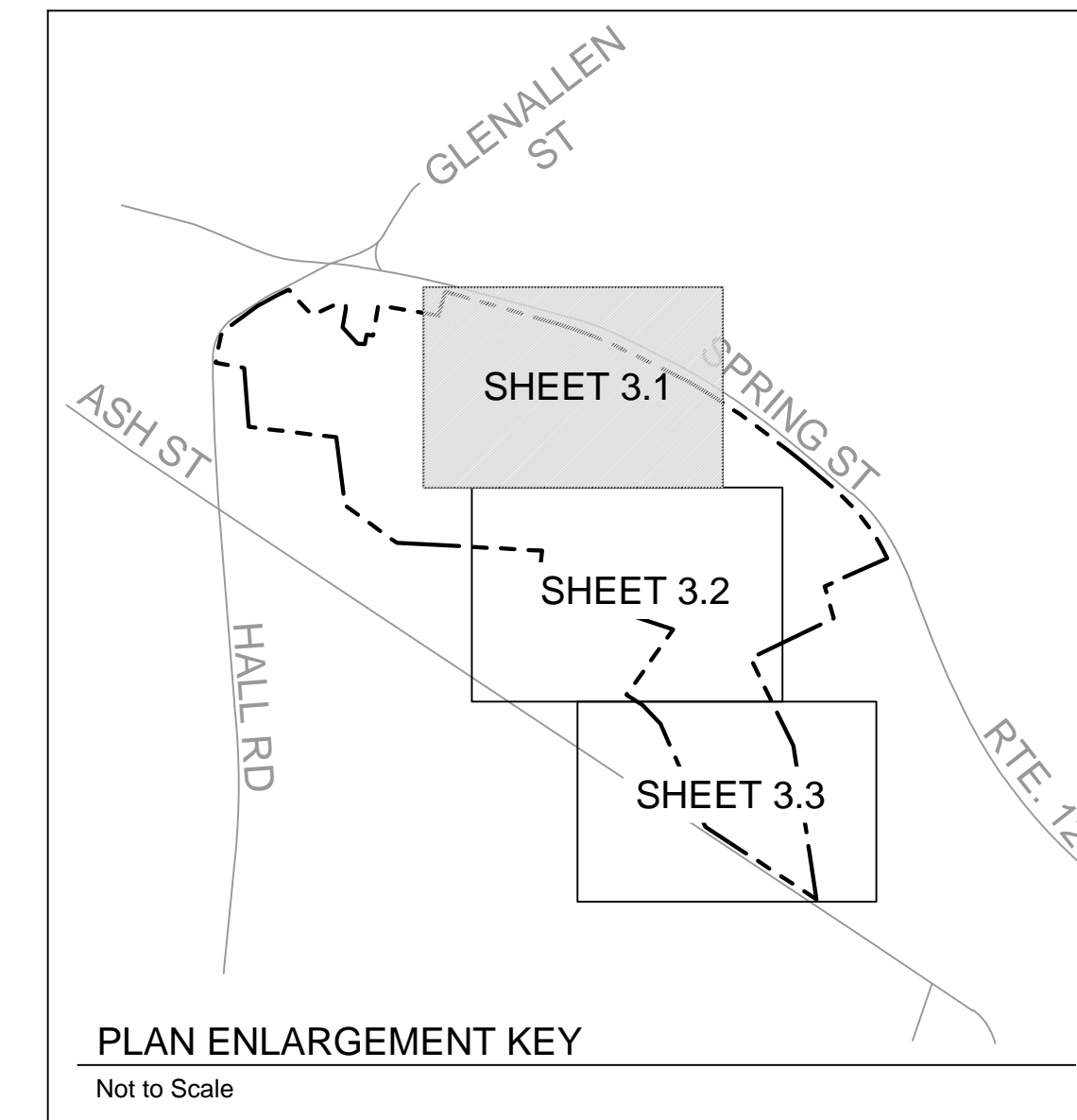
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Drawn by:	KH
Checked by:	VM
File #	42100

REVISIONS		
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10/30/2017	KH	Final Plans

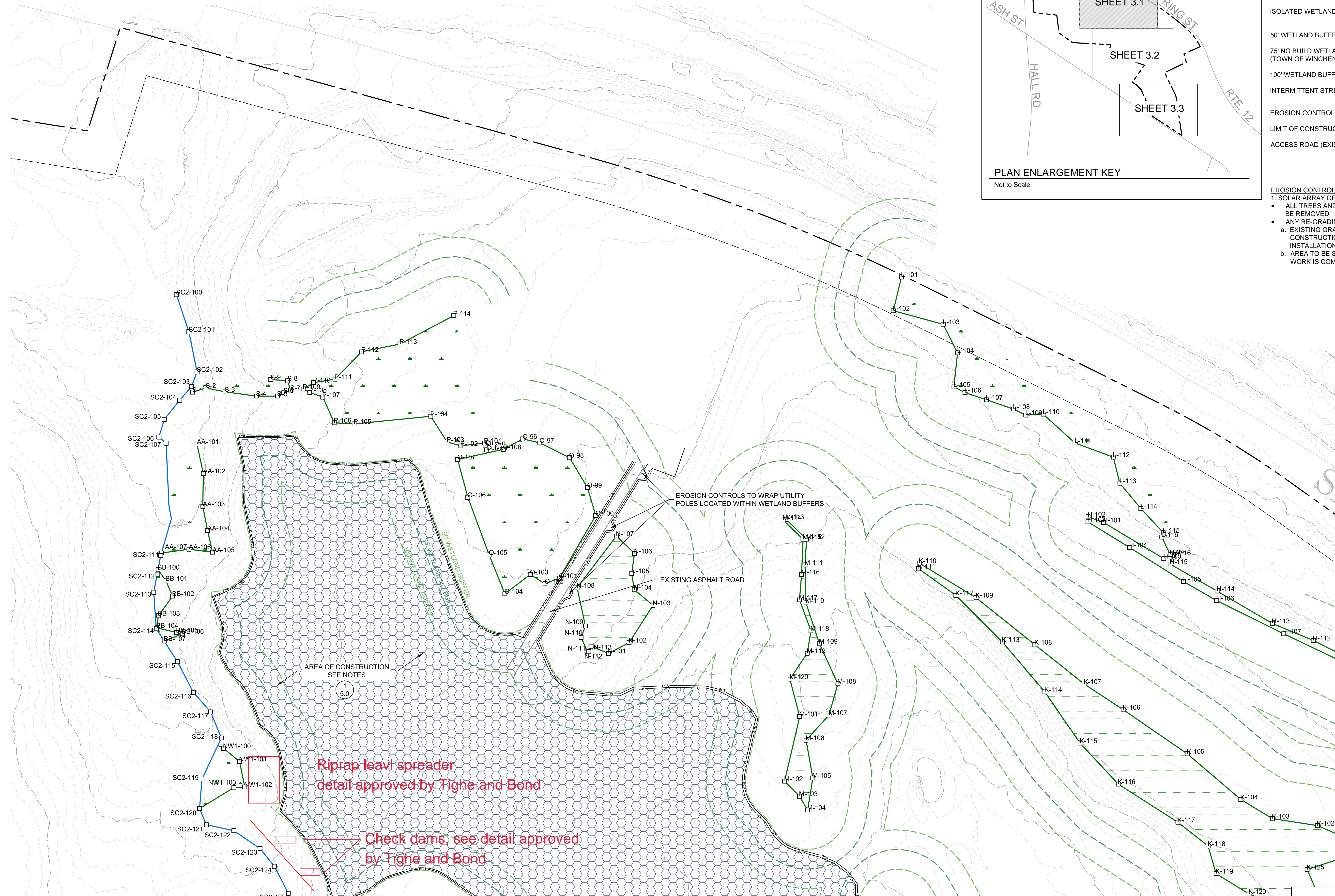
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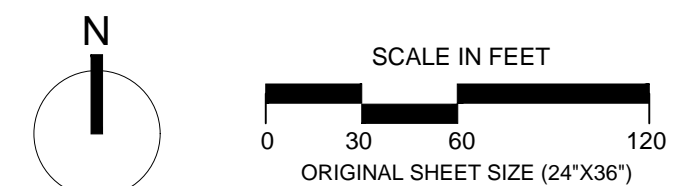
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PROPERTY LINE SETBACK	---
MAJOR CONTOUR (10' INTERVAL)	-----
MINOR CONTOUR (2' INTERVAL)	-----
BORDERING VEGETATED WETLAND	---□---
ISOLATED WETLAND	---□---
50' WETLAND BUFFER	-----
75' NO BUILD WETLAND BUFFER (TOWN OF WINCHENDON)	-----
100' WETLAND BUFFER	-----
INTERMITTENT STREAM	---
EROSION CONTROLS	---ECB---
LIMIT OF CONSTRUCTION	---□---
ACCESS ROAD (EXISTING ASPHALT)	---



- EROSION CONTROL PLAN NOTES:**
- SOLAR ARRAY DEVELOPMENT AREA WITHIN SECURITY FENCE:
 - ALL TREES AND SHRUBS TO BE CLEARED AND STUMPS TO BE REMOVED
 - ANY RE-GRADING TO BE MINIMAL AS FOLLOWS:
 - EXISTING GRASSY VEGETATION WITHIN AREA OF CONSTRUCTION TO REMAIN DURING SOLAR ARRAY INSTALLATION
 - AREA TO BE SCARIFIED AND SEEDED AFTER MAJOR SITE WORK IS COMPLETE; REFER TO DETAIL SHEET 5.0



SEE SHEET 3.2



Project Title:
ASH STREET SOLAR PROJECT 1
 0 ASH STREET
 WINCHENDON, MA 01475

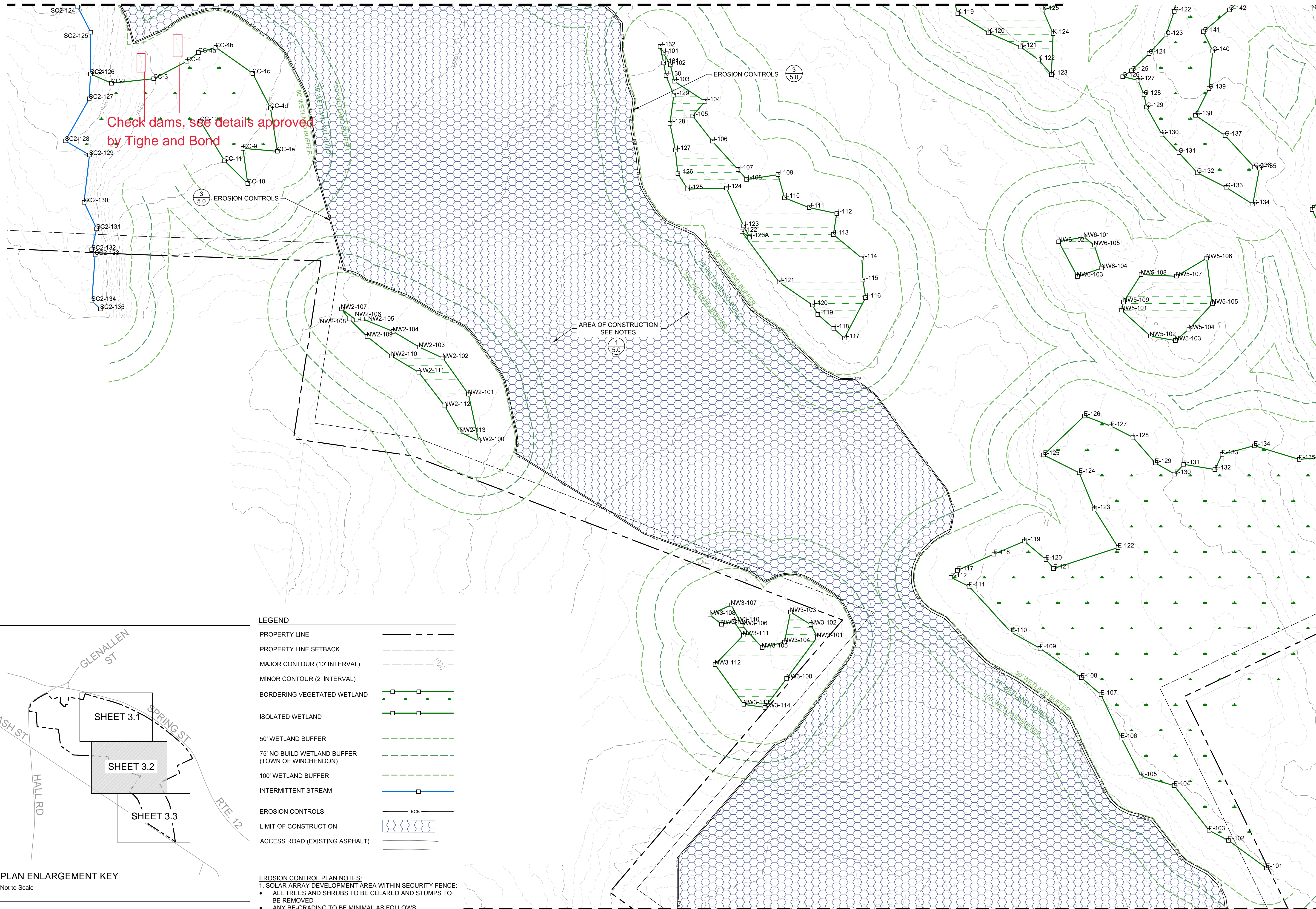
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 CLEARING & EROSION CONTROL**

Date:	9-11-2017
Scale:	As Shown
Drawn by:	KH
Checked by:	VM
File #	42100

REVISIONS

DATE:	BY:	NOTE
10/16/2017	KH	Peer Review
10/30/2017	KH	Final Plans

SEE SHEET 3.1

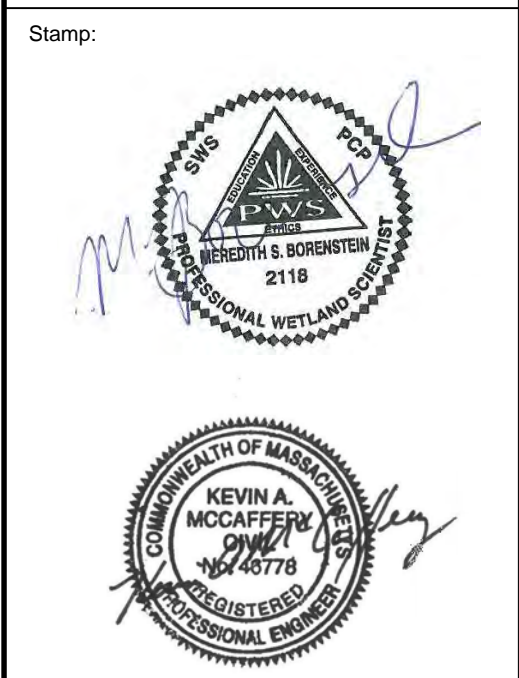


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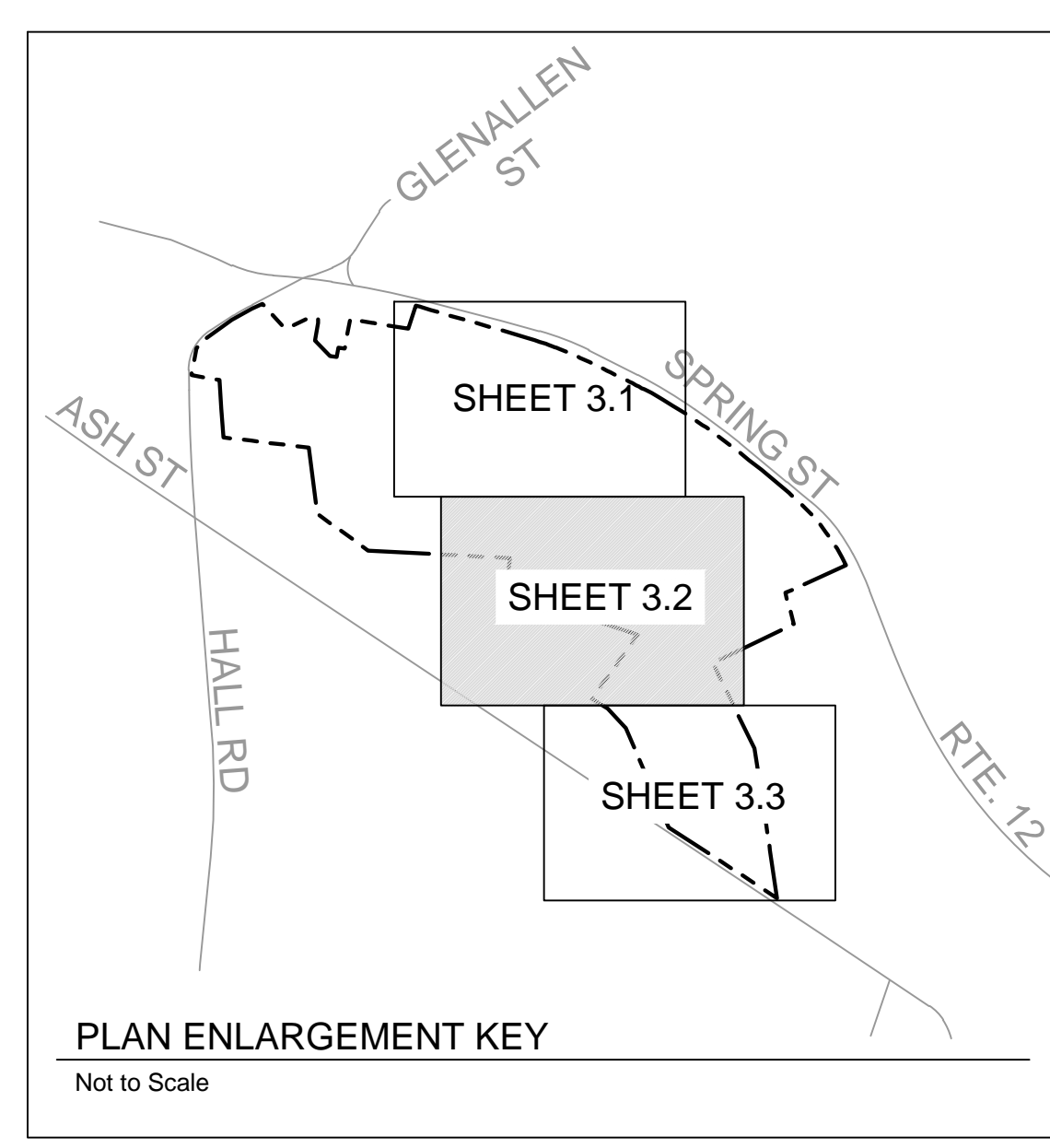
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Sheet No:
3.2

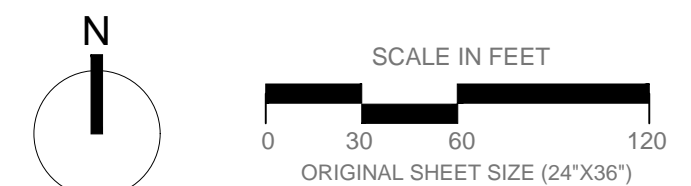


LEGEND

PROPERTY LINE	---
PROPERTY LINE SETBACK	- - - -
MAJOR CONTOUR (10' INTERVAL)	1020
MINOR CONTOUR (2' INTERVAL)	1020
BORDERING VEGETATED WETLAND	□ □ □ □
ISOLATED WETLAND	□ □ □ □
50' WETLAND BUFFER	---
75' NO BUILD WETLAND BUFFER (TOWN OF WINCHENDON)	---
100' WETLAND BUFFER	---
INTERMITTENT STREAM	— □ —
EROSION CONTROLS	ecb
LIMIT OF CONSTRUCTION	□ □ □ □
ACCESS ROAD (EXISTING ASPHALT)	---

EROSION CONTROL PLAN NOTES:
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 • ALL TREES AND SHRUBS TO BE CLEARED AND STUMPS TO BE REMOVED
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SEE SHEET 3.3



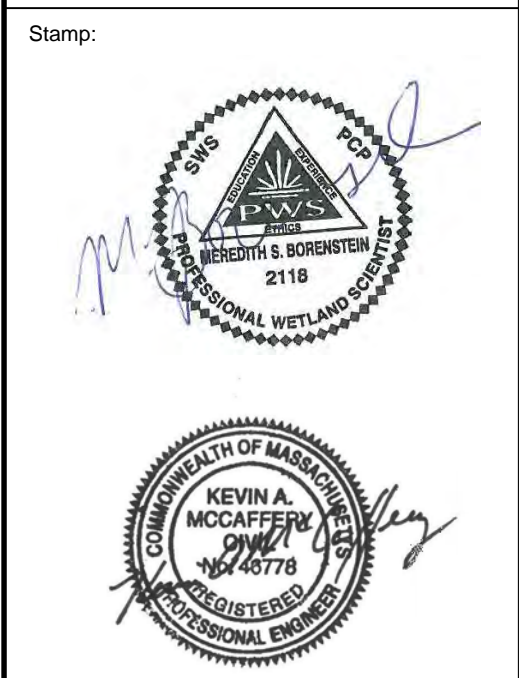
SEE SHEET 4.1

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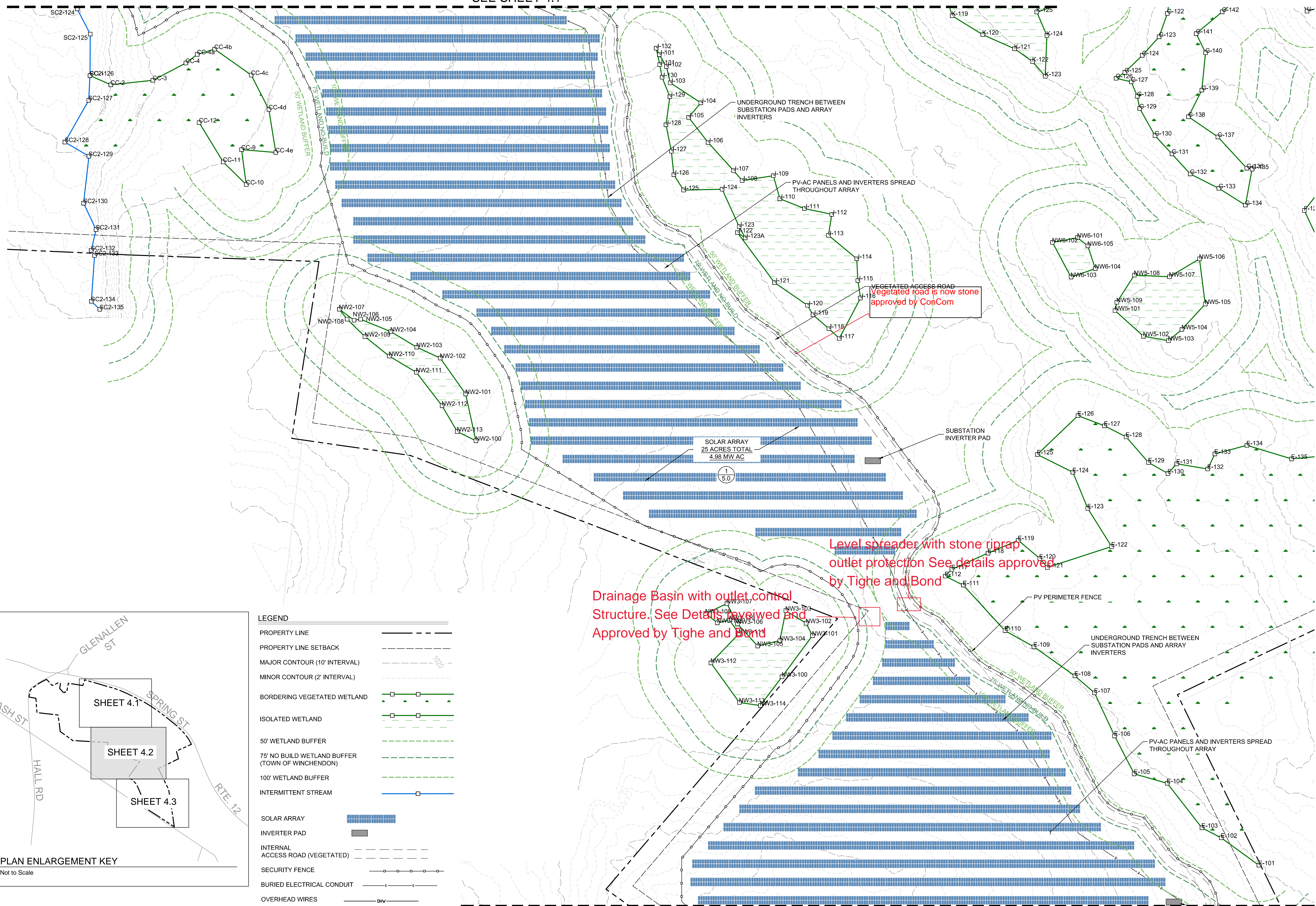
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Sheet Title:
**ENLARGEMENT PLAN
 SOLAR ARRAY
 DEVELOPMENT**

Date: 9-11-2017
 Scale: As Shown
 Drawn by: KH
 Checked by: VM
 File #: 42100

REVISIONS		
DATE:	BY:	NOTE
10/16/2017	KH	Peer Review
10/30/2017	KH	Final Plans

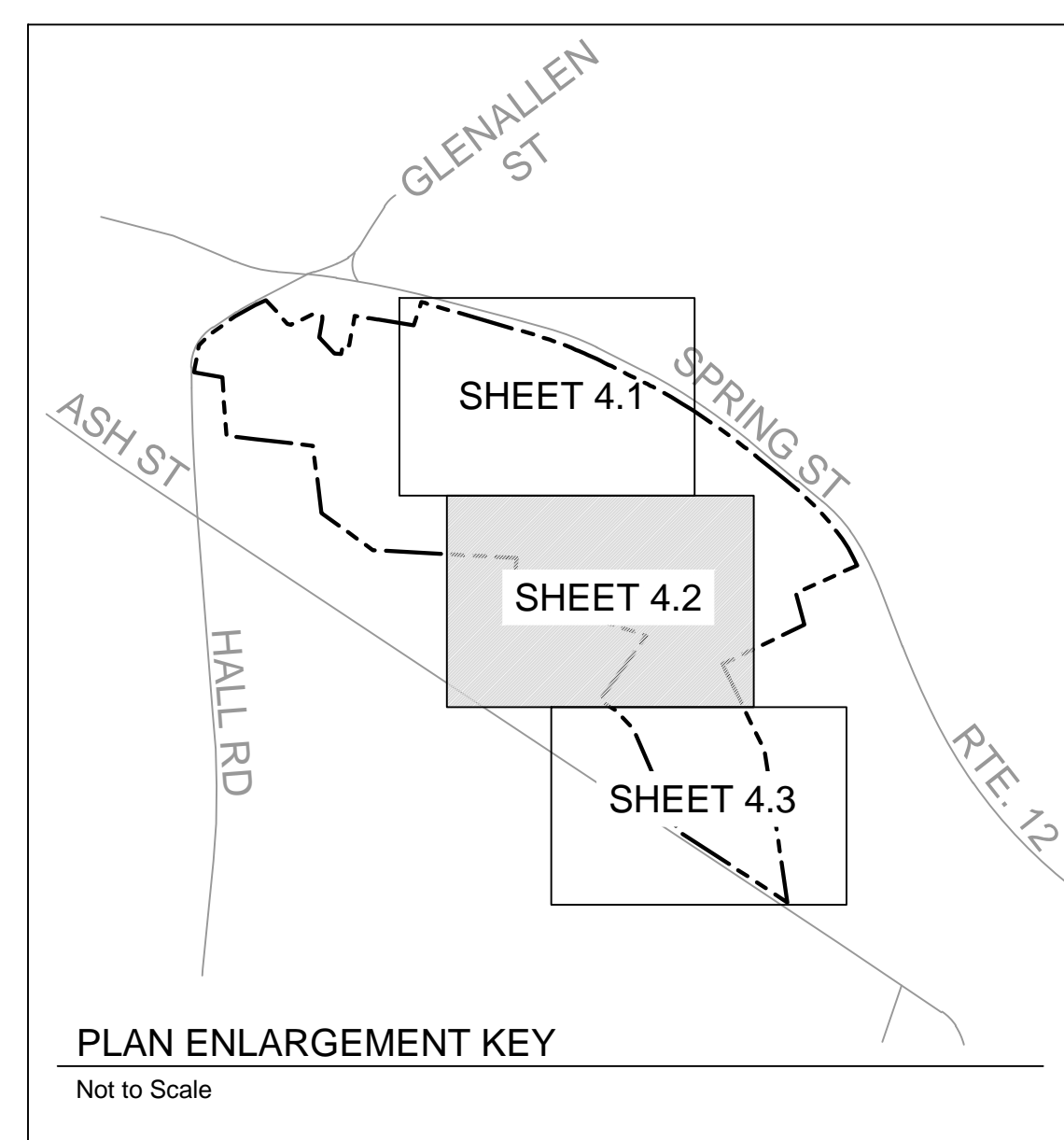
Sheet No:
4.2



Drainage Basin with outlet control
 Structure. See Details Approved and
 Approved by Tighe and Bond

Level spreader with stone riprap
 outlet protection See details approved
 by Tighe and Bond

Vegetated access road
 approved by ConCom



LEGEND

PROPERTY LINE	———
PROPERTY LINE SETBACK	- - - - -
MAJOR CONTOUR (10' INTERVAL)
MINOR CONTOUR (2' INTERVAL)
BORDERING VEGETATED WETLAND	———
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50' WETLAND BUFFER
75' NO BUILD WETLAND BUFFER (TOWN OF WINCHENDON)
100' WETLAND BUFFER
INTERMITTENT STREAM	———
SOLAR ARRAY	▬▬▬▬▬
INVERTER PAD	■
INTERNAL ACCESS ROAD (VEGETATED)	- - - - -
SECURITY FENCE	○-○-○-○
BURIED ELECTRICAL CONDUIT	———
OVERHEAD WIRES	———
UTILITY POLES	○

SEE SHEET 4.3



Use of Electronic Signatures and “Virtual” Notarization

April 28, 2020

One of the challenges inherent in maintaining governmental operations during the current State of Emergency is the difficulty in conducting transactions that require so-called “wet” ink signatures. The ability to use or accept “e-signatures” can vary, depending upon the document at issue. To compensate for the practical obstacles posed by the current partial or total closures of government offices and the conduct of governmental business via remote means, various administrative and legislative measures have been adopted that permit the use of electronic signatures, at least temporarily, and in certain circumstances. This eUpdate summarizes circumstances where electronic signatures can be used in connection with common government activities.

The information contained herein is current as of the date of issuance. Where the state and federal governments are regularly enacting new or updated laws, regulations, and guidances in response to the COVID-19 crisis, we recommend that you consult with counsel regularly to ensure that you have the most up-to-date information.

A. General Use of Electronic Signatures:

As a starting point, under the Uniform Electronic Transaction Act, G.L. c.110G, an electronic signature is legally binding to the same extent as a handwritten signature. See G.L. c.110G, §7. An electronic signature is defined as an “electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” G.L. c.110G, §2.

While G.L. c.110G provides some authority for acceptance of electronic signatures, there are exceptions applicable to certain municipal transactions. Indeed, there are a number of state statutes that would not otherwise permit the use of electronic signatures. During the declared State of Emergency, however, the following legislative and administrative actions permit the use of electronic signatures in many (but not all) instances:

- The permit deadline extension provisions of Chapter 53 of the Acts of 2020 allow municipalities to accept “permit” applications electronically, subject to certain requirements (as explained in our eUpdates entitled “[Municipal Relief Legislation Passed by State Legislature](#) “ and “[Land Use Permitting Deadline Extensions](#)”). This legislative authorization for the submission of permit applications electronically, coupled with G.L. c.110G with respect to electronic signatures, provide the mechanism to address those situations where a state statute does not otherwise allow for electronic filing of permit applications, and allowing for acceptance of same with an electronic signature, at least temporarily.
- The Massachusetts Supreme Judicial Court (SJC) has generally authorized the use of electronic signatures on various court filings, including affidavits.
- The Massachusetts Registers and Assistant Registers of Deeds Association has adopted an Amendment to the [Massachusetts Deed Indexing Standards 2018](#) (Amendment), effective April 17, 2020, that allows municipal boards to utilize electronic signatures on documents that are filed with Registries of Deeds, provided that the municipal board has followed a specific procedure. As of this date, all Registries of Deeds have accepted this Amendment. Note, though, that the Land Court has **not** yet authorized the use of electronic signatures for registered land unless a statute, rule, order or court guidance authorizes electronic signatures for specific types of documents. Absent such statute, rule, order or court guidance, electronic signatures are permitted for documents pertaining to recorded land only. A copy of the Amendment is attached, and the process for implementing this Amendment is discussed in Section B, below.
- The Legislature recently passed “An Act Relative to Remote Notarization During COVID-19 State of Emergency”, which allows attorneys and attorney-supervised paralegals who are certified notary publics in the Commonwealth to notarize documents using electronic real-time video conferencing, subject to certain requirements. This new law is discussed in Section E, below.

The use of electronic signatures by municipal boards in particular situations is discussed in more detail, below. Should you have questions about the use of electronic signatures in circumstances not covered in this eUpdate, please contact your primary, land use, or other counsel at KP | Law for further guidance.

B. Electronic Signatures by Municipal Boards on Recordable Documents (other than Plans):

In an attempt to relieve municipal boards from signing documents in-person, an Amendment to the Massachusetts Deed Indexing Standards of 2018 was adopted to allow electronic signatures on recordable documents (though not for documents pertaining to registered land). That Amendment, dated April 17, 2020, and titled *No. 13-7. “Electronic Signatures by Municipal Boards” (Amendment)*, requires that prior to any municipal board executing documents by electronic signature in accordance with G.L. c.110G, a vote must be made at a properly called meeting, stating that the board recognizes and accepts the provisions of G.L. c.110G, and that executed documents by members with electronic signatures or with wet ink signatures will carry the same legal weight and effect.

1. The Council/Board/Commission votes to authorize electronic signatures and a Certificate of Vote is prepared, memorializing the vote.

The first step in this process is that the Council/Board/Commission votes to recognize and accept the provisions of G.L.c.110G, and authorize electronic signatures. The matter should be placed on an agenda for a duly noticed meeting in compliance with the Open Meeting Law.

- The **agenda item** can take the following form:

“Discussion and possible adoption of M.G.L. c.110G, regarding the use of electronic signatures by Council/Board/Commission members pursuant to Amendment 13-7 to the Massachusetts Deed Indexing Standards 2018, effective April 17, 2020.”

- The **motion** at the meeting can take the following form:

“Moved that the _____ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.”

Assuming that this matter considered at a “virtual” meeting of the council, board, or commission, the vote must be by roll call, and recorded in the meeting minutes as a roll call vote. If adopted, a Certificate of this Vote is then prepared.

2. The Certificate of Vote is signed, notarized and certified by the City/Town Clerk.

This Certificate of Vote, containing the language of the motion and attesting the vote, is signed and then certified by the City or Town Clerk prior to being recorded at the applicable Registry of Deeds. We have attached a sample Certificate of Vote for your use. Once the Certificate of Vote is recorded, electronic signatures may be affixed to permitting or compliance documents such as decisions and/or Orders of Conditions that have been approved by a council, board or commission vote.

3. The Certificate of Vote is recorded at the Registry of Deeds.

4. For each Decision/Approval/Order of Conditions issued, we recommend adding a specific statement regarding the Council/Board/Commission vote to authorize electronic signatures, on the signature page of the Decision/Approval/Order.

For instance, the following language can be used:

Pursuant to the vote taken by [specify name of council, board or commission] on _____, 2020, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Council’s/Board’s/Commission’s electronic signature authorization vote recorded on [DATE] with the _____ Registry of Deeds.

C. Use of Electronic Signatures by Conservation Commissions:

The Wetlands Protection Act requires that Orders of Conditions (OOC) be signed by a majority of Commission members. G.L. c.131, §40.¹ Previously, some Registries had rejected OOCs containing electronic signatures; however, we anticipate that with the adoption by all Registries of the Amendment discussed above, that electronic signatures will no longer be an issue (except for registered land documents, which still require a “wet” ink signature). Thus, Conservation Commissions may wish to consider following the process identified above should they want to execute documents electronically. Note that because state law requires that Orders of Conditions contain the signatures of a majority of Conservation Commission members, in our opinion the Commission could *not* vote to delegate signatory authority for OOCs issued pursuant to the Wetland Protection Act to a single Commission member or a Conservation Agent or Administrator.

D. Use of Electronic Signatures on Plans Endorsed or Approved by Planning Boards:

Most land use boards, *aside from Planning Boards*, do not have a legal requirement that they endorse actual plans of land. Planning Boards, however, may be required to endorse “Approval Not Required” (ANR) or subdivision plans prepared by an applicant’s engineer or land surveyor. Generally, Registries of Deeds require actual mylar plans for recording, and while the process described in Section B, above, could be used to permit the use of electronic signatures on ANR or subdivision plans, there can be a reluctance to provide Planning Board members’ electronic signatures to a third party to actually affix the members’ electronic signatures to the mylar plans prior to recording. Also, plans for registered land may not be signed electronically.

As an alternative to using Planning Board members’ electronic signatures on such plans, the provisions of G.L. c.41, §§81P (ANR plans) & 81X (subdivision plans) allow a Planning Board to vote to authorize a single individual to endorse plans on behalf of the Board for recording in the Registry of Deeds. During the current COVID-19 emergency, while the Board is meeting remotely, it may wish to use this mechanism to simplify the logistics of signing plans. While not modifying the Board’s substantive review of the plans, the mechanism will allow the Board to carry out its statutory duties and enable plans to be filed without undue complication.

The Board can accomplish this by vote at a properly noticed meeting, followed by letter of notice to the Registry. The procedure here is similar to the process described in Section B, above, and the Board must vote to take action *under both statutes*. The vote will then designate a single signatory to sign plans on behalf of the Board. The signatory does not need to be a member of the Board; however, since the statute specifies, “name of the person so authorized,” the vote should designate a named individual than that individual’s title (e.g., “Bob Smith”, not “Chairman”). This means, however, that when the person so authorized is no longer employed by the City or Town or a member of the Board, a new designation must be voted and notice of same provided to the Registry.

Both G.L. c.41, §§81P & 81X require the signatures of a majority of the Board on the notice sent to the Registry. In ordinary times, this would be accomplished at an in-person meeting, or by having members come

¹ “Such order or notification shall be signed by the mayor or a majority of the conservation commission or board of selectmen, as the case may be, and a copy thereof shall be sent forthwith to the applicant and to the department.”

to Town Hall independently to sign the notice. Current circumstances may warrant a different approach. Instead, each member (of a majority of the Board) could print out and sign a signature page, and send it to the Planning Department or staff to be assembled with the notice and sent to the Registry.

When the current State of Emergency terminates, if the Board seeks to revert to the prior practice of in-person plan endorsement, the Board should vote to withdraw its authorization for the individual to endorse plans on behalf of the Board. A second letter should be prepared and submitted to the Registry reflecting this vote and as notification of a reversion to the prior endorsement authorization.

E. “Virtual” Notarization:

Some municipal real estate transactions, contracts, and affidavits are required to be notarized. Typically, this requires in-person attendance of both the notary and the person(s) whose signature(s) are to be notarized. Under “An Act Relative to Remote Notarization During COVID-19 State of Emergency”, attorneys and attorney-supervised paralegals who are certified notary publics in the Commonwealth are allowed to notarize documents using electronic real-time video so long as specific requirements are met. Those requirements are attached. This temporary authorization of “virtual” notarization automatically expires three days after the Governor rescinds the current State of Emergency. The automatic repeal of the Act, however, will not invalidate any documents executed in accordance with the Act.

We will continue to keep you updated on additional developments in the face of this rapidly evolving pandemic. A reminder that we have established a **Coronavirus “hotline”**, at coronavirusinfo@k-plaw.com. A dedicated team of our attorneys is available through this “hotline” e-mail address to answer the most frequently asked legal questions arising from COVID-19. One of these designated attorneys will respond promptly to your inquiries. In some instances, you may be referred to your primary, land use or real estate contact, and you should of course feel free to contact these attorney(s) directly with COVID-19 related questions.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

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Massachusetts Deed Indexing Standards 2018
April 2020 Amendment

The Massachusetts Registers and Assistant Registers of Deeds Association has adopted the following Amendment to the Massachusetts Deed Indexing Standards 2018. This amendment is effective April 17, 2020 and, as of the date of this eUpdate, applies to recorded land only.

13-7. Electronic Signatures by Municipal Boards – The following procedure is recommended for municipal councils, boards and commissions that wish to execute and record with the Registry of Deeds documents in accordance with Massachusetts General Laws Chapter 110G (Uniform Electronic Transaction Act).

1. At a properly called meeting, the municipal council, board or commission (hereinafter “board”) should formally vote that the board recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.
2. The board then records at the Registry of Deeds a Certificate of Vote that provides the language of the motion that was made regarding electronic signatures and attests to the vote taken, and obtains the City/Town Clerk’s certification.
3. Board members may thereafter cause their electronic signature to be affixed to permitting or compliance documents that have been approved by a board vote. Such electronically signed documents should also include a statement that the signatures are made in accordance with M.G.L. c.110G and pursuant to the board’s electronic signature authorization vote recorded on [DATE] in [BOOK and PAGE NUMBERS] at the [NAME OF REGISTRY] Registry of Deeds.
4. Any document so executed shall be accepted for recording at the Registry of Deeds electronically or as a paper print of the electronically-executed document.

CERTIFICATE OF VOTE AUTHORIZING SIGNATURES PURSUANT TO M.G.L. c.110G

On _____, 2020, the _____ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken:

Motion: _____ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

Member Name — Aye; Member Name — Aye; Member Name — Aye; Member Name — Aye;
Member Name — Aye; Member Name — Aye; Member Name — Aye

Vote was Unanimous

The above is a true and accurate account of the proceedings of the _____ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission.

Name/Title: _____ Date: _____, 2020

Commonwealth of Massachusetts

County of _____, ss.

On this ___ of _____, 2020, before me, personally appeared _____, [Chair/Vice-Chair/Member] of said City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the _____ [city/town] of _____.

Notary Public

My Commission Expires:

Certified by Town/City Clerk:

[name]

Date: _____, 2020

OUTLINE OF PROCESS FOR “VIRTUAL” NOTARIZATION

The Massachusetts Legislature has enacted temporary legislation to allow certified notary publics in the Commonwealth to notarize documents using electronic real-time video conferencing. The following steps are required for “virtual” notarization, which occurs via video conference. Any document executed in accordance with this process will be valid for filing or recording with any state, local, or federal agency, court, department, or office. The signature of all witnesses who participate in the required video conference(s) will be valid as if executed in person.

- 1) **Video Conference(s)**: the notary must observe the principal (the witness) execute the document in an initial video conference.

If and only if the document is executed in the course of closing a transaction such as a mortgage or other conveyance of title to real estate, a second video conference is required. In the second video conference, each witness must verify to the notary public that the document subsequently delivered to the notary public (detailed below) is the same document which was executed during the initial video conference.

- 2) **Oath**: the notary and the witness both swear under the penalties of perjury that they are physically present in Massachusetts during the video conference(s). Each witness must identify and disclose any other person present in the room and make that person viewable to the notary public.
- 3) **Satisfactory Proof of Identification**: each witness must provide the notary with satisfactory evidence of identity by displaying it during the video calls and by submitting a copy of the front and back of the identification (with the electronic document or separately) by e-mail. The Notary must retain the copy of the individual’s identification for a period of ten (10) years.

"Satisfactory evidence of identity" includes: 1) a current document issued by a federal or state government agency bearing the photographic image of the individual's face and signature; 2) the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the individual; or 3) identification of an individual based on the notary public's personal knowledge of the identity of the principal. A person who is not a U.S. citizen must, however, produce a valid passport or other government-issued document with photograph and signature. G.L. c.222, §1.

For documents executed in the course of a closing of a transaction involving a mortgage or other conveyance of title to real estate where the witness is not personally known to the notary public, the witness must display a second form of identification containing the witness’: 1) name; and 2) photograph or signature, or otherwise be issued by a government entity, during the initial video conference. This second identification may be: a utility bill or municipal tax bill dated within sixty (60) days of the video conference, a credit or debit card, or social security card.

- 4) **Affirmation**: each witness must make an acknowledgment or affirmation to the notary public, as appropriate.

- 5) **Delivery of Documents**: a witness must promptly deliver the executed document to the notary by delivery service, courier, “or other means,” in accordance with the notary’s instruction. The Legislation does not specify whether the document may be transmitted electronically.

- 6) **Stamp and Seal**: after the above process has been completed, the notary public may stamp and sign the executed document, completing the notarial act. With respect to any will, guardianship nomination, health care proxy, power of attorney, trust, caregiver authorization, or authorization under the Health Insurance Portability and Accountability Act (HIPAA), the document is completed when the original counterparts and the notary public’s affidavit (detailed below) are compiled. Such acts may only be performed by an attorney or an attorney-supervised paralegal. Electronic signatures are not permitted for notary public acknowledgements.

- 7) **Affidavit**: the notary public must attach a certificate to the executed document, which will include an affidavit and recital indicating that the document was notarized remotely in accordance with this Act, provided, however, that a failure to include any of the required recitals will not affect the validity or recordability of the document. The affidavit must be retained by the notary public for a period of ten (10) years.

The affidavit must confirm under the pains and penalties of perjury that:

- Identification was received and visually inspected during the initial video conference;
- The notary public obtained verbal assent to record the video conference(s);
- The witness(es) attested to being physically present in the Commonwealth;
- Note anyone who was in the room with the witness(es) and his/her/their relationship to the witness(es);
- The affidavit does not have to be recorded with the executed document, but must be retained by the notary for 10 years. The signature of the witness(es) who participates in said video conference will be valid as if executed in person.

This affidavit does not need to be filed with any document recorded in a Registry of deeds or filed with the land court. Additionally, with respect to Land Court and Registry recordings, a witness’s failure to disclose physical presence in the Commonwealth or the identity of others in the room shall not constitute grounds to set aside title to real property acquired by a third-party mortgagee or purchaser for value.

Town of Winchendon
109 Front Street
Winchendon, MA 01475



Land Use
Conservation
Planning and Development

CERTIFICATE OF VOTE AUTHORIZING SIGNATURES PURSUANT TO M.G.L. c.110G

On May 14, 2020, the Winchendon Planning Board met in open session through publicly accessible video-conference software, pursuant to the "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken:

Motion: The Town of Winchendon Planning Board hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

Guy Corbosiero, Chair	Aye	Nay	Abstain
Arthur Amenta, Member	Aye	Nay	Abstain
Burton Gould Jr, Member	Aye	Nay	Abstain
Scott Robillard, Vice-Chair	Aye	Nay	Abstain
Joseph Sackett, Member	Aye	Nay	Abstain
Leston Goodrich Jr, Alternate Member	Aye	Nay	Abstain

Motion passed - Vote was

The above is a true and accurate account of the proceedings of The Town of Winchendon Planning Board.

Name/Title: _____ Date: _____, 2020
Commonwealth of Massachusetts
County of _____, ss.

On this ___ of _____, 2020, before me, personally appeared _____ of said Planning Board, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Winchendon.

Notary Public
My Commission Expires:
Certified by Town/City Clerk:

_____ Date: _____, 2020