

PLANNING BOARD
TOWN OF WILBRAHAM
240 Springfield Street
Wilbraham, Massachusetts 01095

Jeffrey Smith, Chairman
John McCloskey
James Moore
Tracey Plantier
James Rooney
Gordon Allen, Associate



John Pearsall, Planning Director
Nicole Moriarty, Adm. Asst.

Phone: (413) 596-2800, Ext. 203
FAX: (413) 596-9256

MINUTES OF THE WILBRAHAM PLANNING BOARD
WEDNESDAY, APRIL 10, 2019

In attendance: Chairman Jeffrey Smith
John McCloskey
James Moore
Tracey Plantier
James Rooney
Gordon Allen, Associate

Staff: Lance Trevallion, Building Commissioner
John Pearsall, Planning Director
Nicole Moriarty, Administrative Assistant

Chairman Jeffrey Smith called the meeting to order at 6:05 PM and asked those assembled in the room to proudly join the Planning Board in the recitation of the Pledge of Allegiance.

1. Executive Session

Board Member John McCloskey remained recused due to potential conflict of interest concerns as a residential abutter to the project under discussion and left the room. Associate Member Gordon Allen continued to serve as the Alternate Voting Member with regards to this matter.

Chairman Smith stated the following: *As Chairman of the Planning Board, I hereby announce that the Planning Board will hold an executive session pursuant to M.G.L. c. 30A, § 21(a) (Reason #3) to discuss strategy with respect to pending litigation of the Planning Board regarding the complaint of ASD Three Rivers Solar, LLC, filed in the Land Court Department of the Trial Court of the Commonwealth of Massachusetts based on my declaration that an open meeting may have a detrimental effect on the litigating position of the Planning Board, and that following the conclusion of the Executive Session the Planning Board shall reconvene in open session.*

MOTION (PLANTIER, ROONEY): I so move to hold an executive session pursuant to M.G.L. c. 30A, § 21(a) (Reason #3) to discuss strategy with respect to pending litigation of the Planning Board regarding the complaint of ASD Three Rivers Solar, LLC, filed in the Land Court Department of the Trial Court of the Commonwealth of Massachusetts whereas an open meeting may have a detrimental effect on the litigating position of the Planning Board as declared by the Chairman, and that the Planning Board shall reconvene in open session. Approved (5-0) by Roll Call vote: Chairman Smith –yes, Mr. Moore –yes, Ms. Plantier – Yes, Mr. Rooney – yes, Mr. Allen - yes.

The Planning Board convened in executive session at 6:08 PM. Following the conclusion of the Executive Session, the Board reconvened in Open Session at 6:47 PM.

2. **Approval of Minutes – March 20, 2019**

Chairman Smith called for a motion to approve the minutes of March 20, 2019 and asked if there were any comments or revisions. Tracey Plantier pointed out that there was a redundant bullet point listed in item 8 on page 3 which should be deleted.

MOTION (PLANTIER, ROONEY): I move that the Board approve the minutes of the March 20, 2019 Planning Board meeting as submitted and corrected. Approved (5-0).

Materials referenced: Draft of the Planning Board Meeting Minutes from 3.20.19 submitted by N. Moriarty, Administrative Assistant on 4.5.19 via U.S. Mail to Board Members.

3. **Citizens Open Forum**

No citizens took advantage of the open forum opportunity.

4. **Miscellaneous Information**

A. ZBA Decision – Transfer of Used Car Dealership Special Permit – 2030 Boston Road

B. ZBA Decision – Pool Shed Variance – Danio Residence, 4 Oak Ridge Drive

The Board reviewed the above-listed documents without issue.

Materials referenced: 2030 Boston Road, LLC 2030 Boston Road Wilbraham, ZBA Decision dated 02.28.19 stamped by the Town Clerk 04.05.19 (3 pages); Irving and Mary Danio 4 Oak Ridge Drive Wilbraham, ZBA Decision dated 02.28.19 stamped by the Town Clerk on 04.05.19 (3 pages).

5. **Reports**

A. Building Commissioner

Building Commissioner Lance Trevallion provided general updates on building developments and zoning enforcement issues in town.

B. Planning Director

Planning Director John Pearsall discussed a preliminary meeting with representatives from Carbon Finance Strategies, LLC, and Lodestar Energy regarding a possible solar energy facility on property owned by the Charles L. Merrick Trust located at 658 Main Street.

C. Planning Board

Board Member Tracey Plantier brought up the notification process for taking land out of the Chapter 61 programs and her concern that it makes it harder politically for the Town to exercise its right of first refusal after the Planning Board has approved a solar project on the property. Ms. Plantier also advised the Board that she will be attending the Pioneer Valley Planning Committee meeting on April 11, 2019 and plans to share local concerns about the SMART solar program with guest speaker Joanne Morin, Deputy Commissioner, Department of Energy Resources.

Materials referenced: Carbon Finance Strategies LLC letter dated 4.8.19 and received in the Planning Office 4.9.19.

6. **Public Hearing**

Proposed Rezoning From Residence – 40 (R-40) to Neighborhood Office (N.O.)

Land of the Wilbraham Masonic Building Association, Inc. – 5 Woodland Dell Road

(Digitally Recorded)

Chairman Smith opened the public hearing at 6:50 PM and read the legal notice into record.

Master of the Wilbraham Masonic Lodge, Robert Clarke, member Vincent Cardillo, and Attorney Laura Cardillo requested the Board's endorsement to rezone the Lodge's property located at 5 Woodland Dell Road from Residential-40 (R-40) to Neighborhood Office (NO). Mr. Clarke stated that the Masonic Lodge merged with another local Town Lodge and that they are using the building minimally. Vincent Cardillo and his family have been Wilbraham residents for almost twenty years and they would like to purchase the property and relocate his dental management consulting business from leased office space in a neighboring town to the existing Lodge building. Mr. Cardillo plans to employ up to 10 people in this new proposed location and would operate the business between the hours of 8am-6pm, Monday through Friday. Mr. Cardillo said that he plans to maintain the property and does not plan on changing the outside structure of the building. Additionally, he mentioned to the Board that he has met with the Building Inspector to bring the building to code and feels that his business will have a positive impact on the neighborhood and bring minimal traffic to

the area. Chairman Jeffrey Smith noted that currently this parcel of property is tax exempt and having it converted to a new use will benefit the Town as it will bring in additional tax revenue. Abutter James Mauer of Brookmont Drive stated that Mr. Cardillo's proposed use would have minimal impact on the neighborhood but he is concerned about the future use of the property under the proposed zoning if and when Mr. Cardillo closes his business. The Board and the Planning Director stated that Mr. Cardillo's proposed use of the property requires special permit approval from the Zoning Board of Appeals and that any different use in the future would also need to apply to the Zoning Board of Appeals and have that use approved by special permit.

**MOTION (McCLOSKEY, PLANTIER): I move that the Board close the public hearing.
Approved (5-0).**

The hearing was closed at 7:14 PM.

MOTION (PLANTIER, MOORE): I move that the Board report to the Annual Town Meeting with a favorable recommendation to amend the Zoning By-Law and the accompanying Zoning Map referenced therein by rezoning from Residence-40 (R-40) to Neighborhood Office (NO) a parcel of land located at 5 Woodland Dell Drive owned by The Wilbraham Masonic Building Association, Inc., as presented at the Board's public hearing of April 10, 2019. Approved (5-0).

Materials referenced: Public Hearing Legal Notice posted with the Town Clerk on 3.21.19, Proposed Amendment to the Zoning Map stamped by the Town Clerk on 3.21.19.

7. **Public Hearing**

Proposed Zoning By-Law Amendment – Section 10.7

Revised Regulations for Large – Scale Ground Mounted Solar Energy Systems

Chairman Smith opened the public hearing at 7:20 PM and read the legal notice into record. The Board stated when the Town first drafted the current solar by-law it was new to them and they have learned more about the impact Large-Scale Ground-Mounted Solar Energy Systems on abutting residential properties and felt it was necessary to revise and strengthen the current zoning by-law. Llewellyn Merrick of 658 Main Street appeared before the Board to express his opposition to the proposed changes to the zoning by-law. Mr. Merrick characterized the proposed amendment as offensive and felt it was personally directed at his current solar project located at 651 Main Street and to the proposed solar application located at 658 Main Street. The Board explained to Mr. Merrick that the proposed regulations were designed for new Large-Scale Ground-Mounted Solar Energy Systems. They also indicated that the proposed amendment was drafted and filed with the Town Clerk prior to having knowledge of the proposed solar application for his property. The Board informed Mr. Merrick that his current solar project is considered to be successful and they never intended to personally offend him.

**MOTION (PLANTIER, McCLOSKEY): I move that the Board close the public hearing.
Approved (5-0).**

The hearing was closed at 8:30 PM.

MOTION (PLANTIER, ROONEY): I move that the Board report to the Annual Town Meeting with a favorable recommendation regarding a proposed Zoning By-Law amendment sponsored by the Planning Board to revise section 10.7 Large-Scale Ground-Mounted Solar Energy Systems as amended at the April 10, 2019 public hearing.

8. **Appointment – Ernest Mello**

Administrative Approval – Proposed Solar Energy DC Battery Storage System

Large-Scale Ground-Mounted Solar Energy System Special Permit (SP18-08)

ZPT Energy Solutions II, LLC-Land of Tetreault & Son Forest Management Inc., 676V Tinkham Road

Board Member James Moore disclosed that because he resides in a neighborhood which abuts the property in question he will be recusing himself from all participation on this discussion and Chairman Smith designated Associate Member Gordon Allen to serve as the Alternate Voting Member.

Director of Development Ernie Mello from Zero-Point Development, Inc., appeared before the Board on behalf of the applicant, ZPT Energy Solutions II, LLC, to request administrative approval for the installation of a proposed solar energy DC battery storage system as part of a Large-Scale Ground-Mounted Solar Energy System to be constructed on a leased portion of land owned by Tetreault & Son Forest Management, Inc., located at 676V & 676 Tinkham Road pursuant to special permit (SP19-08). Mr. Mello provided the Board with documentation in regards to the questions the Board request of him in regards to his request of adding a lithium-ion DC battery storage system to the site. [see minutes of the 3-20-2019 meeting].

Chairman Smith read an email from Wilbraham Fire Captain William Manseau requesting that the installation of batteries meets all of the requirements of NFPA 1-2015 Chapter 52 and International Fire Code 2015, section 608. Secondly, the Fire Department would require the extinguishment system be monitored and training would be provided to the Fire Department on the emergency response to any emergency with the storage system.

Chairman Smith read several emails from Mr. Mello in regards to the questions that the Board had asked and felt that the Board was satisfied with all the documentation Mr. Mello provided. However, the Board decided that all abutters to the project should be invited to the Planning Board meeting on May 8, 2019 so they can hear any concerns that they might have before they take any further action on this matter.

Materials referenced: Revised Site Plan dated 12.21.18 (17 pages) prepared by Fuss & O'Neill & received 12.26.18; Photos of Energy Storage System received on 3.14.19 (2 pages), Spec pamphlet of Energy Storage System received on 3.14.19 (13 pages) and ESS Batteries by Samsung SDI pamphlet received on 3.14.19 (7 pages) Email from Captain Manseau dated 3.22.19; Emails from Ernie Mello dated 3.26.19 & 4.1.19.

9. **Special Permit Draft Decision**

Special Permit (SP 19-01)

McGovern Residence, 7 Powers Drive

The Board reviewed draft special permit decision SP19-01 dated April 10, 2019 and pointed out a few minor typos.

MOTION (McCLOSKEY, PLANTIER): I move that the Board grant special permit SP19-01 subject to conditions of approval contained in the draft Notice of Decision dated April 10, 2019 as corrected. Approved (5-0).

Materials referenced: Draft decision SP19-01 dated 4.10.19 prepared by Planning Director Pearsall (4 pages).

10. **Chapter 61 Notice of Right of First Refusal**

Land of Tetreault & Son Forest Management, Inc., 676V Tinkham Road

The Planning Board reviewed a request from the Board of Selectmen soliciting comments on a lease agreement with Zero Point Development, Inc., and Tetreault & Son Forest Management, Inc. located at 676V Tinkham Road where the Town has a right of first refusal. The Board did not find any compelling reason to consider purchasing the property and agreed to send a letter to the Selectmen.

MOTION (PLANTIER, ROONEY): I move that the Board send a letter to the Board of Selectmen stating the Planning Board has no objection with the Town waiving its Right of First Refusal on the property located at 676V Tinkham Road if such action is deemed appropriate and determined to be in the best interest of the Town by the Selectmen. Approved (5-0).

Materials referenced: Letter from Board of Selectmen dated and received by the Planning Office 3.22.19

11. **Chapter 61B Notice of Right of First Refusal**

Land of Krajewski – 126V Beebe Road

The Planning Board reviewed a request from the Board of Selectmen soliciting comments on a lease agreement with BWC East Brook, LLC, and James and Judith Krajewski located at 120 Beebe Road where the Town has a right of first refusal. The Board did not find any compelling reason to consider purchasing the property and agreed to send a letter to the Selectmen.

MOTION (PLANTIER, MOORE): I move that the Board send a letter to the Board of Selectmen stating the Planning Board has no objection with the Town waiving its Right of First Refusal on the property located at 126V Beebe Road if such action is deemed appropriate and determined to be in the best interest of the Town by the Selectmen. Approved (5-0).


Materials referenced: Letter from Board of Selectmen dated 3.15.19 and received by the Planning Office 4.4.19

12. Other Business – Reserved for Matters the Chair Did Not Reasonably Anticipate at the Time of Posting

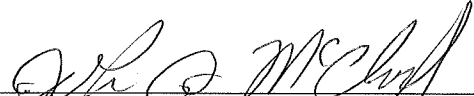
Having no further business, the meeting was adjourned by unanimous consent at approximately 10:28 PM. The Board will reconvene at its next meeting on **Wednesday, April 24, 2019 at 6:00 PM.**

Submitted:

Approved As To Form And Content:



Nicole Moriarty, Administrative Assistant
Date: 4/18/19



John McCloskey, Clerk
Date: 4/24/19