

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.

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MINUTES OF THE WILBRAHAM PLANNING BOARD
WEDNESDAY, MAY 8, 2019

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

Staff: John Pearsall, Planning Director
Nicole Moriarty, Administrative Assistant

Chairman Jeffrey Smith called the meeting to order at 6:00 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 6:27 PM. Following the conclusion of the Executive Session, the Board reconvened in Open Session at 7:25 PM.

2. **Approval of Minutes – April 24, 2019**

Chairman Smith asked if there were any comments or revisions to the minutes of April 24, 2019 before calling for a motion to approve.

MOTION (ROONEY, PLANTIER): I move that the Board approve the minutes of the April 24, 2019 Planning Board meeting as submitted. Approved (5-0).

Materials referenced: Draft of the Planning Board Meeting Minutes from 4.28.19 submitted by N. Moriarty, Administrative Assistant on 5.3.19 via U.S. Mail to Board Members.

3. **Citizens Open Forum**

No citizens took advantage of the open forum opportunity.

4. **Miscellaneous Information**

A. Community Preservation Committee Resignation Letter - Jeffrey Smith

The Board reviewed Chairman Smith's resignation letter, thanked him for all his good work serving as the Board's representative on the CPC, and accepted his resignation as submitted.

B. MEPA Notice of Project Change - Western Recycling Transfer Station, 120 Old Boston Road

The Board reviewed the MEPA Notice regarding a proposal to triple the amount of material handled at the existing solid waste transfer facility operating at 120 Old Boston Road. The Board agreed that this seemed to represent a major expansion with potential impacts to the community and decided to discuss the entire report in more detail at the next Planning Board meeting.

C. Email Correspondence – Smart Solar Program Questions & Concerns

The Board reviewed email correspondence between Chairman Smith, Representative Angelo Puppolo and Senator Eric Lesser requesting more information about the State Smart Solar Program. Chairman Smith communicated that he would like to have more knowledge to bring to the Board to help understand State Policy with respect to solar incentives and to bring awareness to the State about the impact these programs are having on the Town of Wilbraham.

Materials referenced: Email correspondences from Jeffrey Smith, Senator Lesser, Representative Puppolo, Michael Clark, Phillip Duarte, and Scott Kjellberg, dated 4.29.19; 4.30.19; 5.1.19.

5. **Appointment – Jason Sares**

Proposed Nonsub Plan – Land of Main Street Rentals, LLC - 309-311 Main Street

The Board reviewed a proposed NonSub plan for 309-311 Main Street. Landowner Jason Sares stated that the property used to contain two dwelling units but currently has only a single house and detached garage. The property is located in the R-26 Zoning District and Mr. Sares presented a proposed Nonsub Plan which divides the property into four conforming lots for zoning purposes and would allow potentially three more homes to be built. Mr. Sares also presented an alternative four-lot Nonsub Plan with slightly modified property lines. Mr. Sares stated that the alternative plan is his preferred option because it makes the lots less irregular in shape and represents a more practical lot layout for the future homeowners. However, the alternative plan option will require a variance to allow the existing detached garage to be located 20 feet from the proposed property line which is less than the minimum rear yard setback requirement of 40 feet. He asked the Board to endorse his plan before he moved forward with the project with the Zoning Board of Appeals. The Board stated that they would like to view the property before endorsing the change.

Materials referenced: Site Plan dated 4.26.19 prepared by Anderson Associates & received in the Planning Office 5.1.19.

6. **Appointment – Ernie 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.

Harold Reading from Zero-Point Development, Inc., appeared before the Board in place of Ernest Mello who is no longer employed with the company. Mr. Reading is requesting 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 the special permit (SP18-08) issued on January 9, 2019. Mr. Reading restated to the Board and abutters the information in regards to adding a lithium-ion DC battery storage system to the site. [see minutes of the 3.20.19 and 4.10.19 meetings]. The Board indicated that although this was not a public hearing it was their intention to let the abutters know what was happening and have an opportunity to ask questions and express any concerns. Abutter Peter Manolakis of 17 Brookside stated his only concern was any additional noise that this would generate to the project. Chairman Smith assured him that the battery storage unit will be included when they conduct a noise assessment of the operating Solar Energy System to determine if the System or any of its components are audible to abutting residential properties. If the Board finds that the levels are negatively impacting abutting residential properties they will determine what additional steps the applicant will need to take to diminish any noise coming from the Solar Energy System.

MOTION (ROONEY, McCLOSKEY): I move that the Board grant by administrative approval the proposed Solar Energy DC Battery Storage System as described in information presented at the May 8, 2019 Planning Board meeting and to be installed on the pad location shown on the approved site plan referenced in the Large-Scale Ground-Mounted Solar Energy System Special Permit (SP18-08) issued January 9, 2019 subject to conditions of approval discussed at the April 10, 2019 meeting and the acquisition of all required fire safety, building and electrical permits. Approved (5-0)

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.

7. **Appointment – Kent Pecoy & Lawrence Lloyd**
Proposed New Developer & Project Update – Cedar Ridge PURD (SP14-04)
Land of Mile Oak Land Holdings, LLC – 404 Stony Hill Road

Kent Pecoy and Lawrence Lloyd, representing Mile Oak Land Holdings, LLC, explained that they are interested in transferring ownership and development rights of the portion of the Cedar Ridge PURD known as Phase E to a separate builder. The Planning Board advised that this would require an amendment to the existing special permit which was issued on April 5, 2006 and revised on April 15, 2009. The Board also questioned the legality of such an arrangement under state condominium law and the town's PURD zoning regulations. The Planning Board recommended that the developers have their lawyers research this proposal and prepare a legal opinion and draft language for the necessary special permit amendment for the Planning Board to review with Town Counsel.

8. **Draft Decision – Special Permit Application (SP19-02)**
Common Driveway Access – Roach Property, 652 & 658 Stony Hill Road

The Board reviewed the above-listed document without issue.

Materials referenced: Draft Decision SP19-02 prepared by Planning Director Pearsall presented at the meeting. (3pages).

MOTION (MCCLOSKEY, PLANTIER): I move that the Board grant Special Permit SP19-02 subject to conditions of approval contained in the draft Notice of Decision dated May 8, 2019. Approved (5-0)

9. **Annual Town Meeting – May 13, 2019**

A. Article 28 – Zoning Amendment – Large-Scale Ground-Mounted Solar Energy Systems

B. Article 29 – Rezoning From R-40 to N.O. – 5 Woodland Dell Road

C. Article 30 – Acceptance of Public Ways – North Hill Lane & Sherwin Road

The Board reviewed the Articles to present at Town Meeting. Chairman Jeff Smith and James Rooney discussed how they planned on presenting the articles at Town Meeting.

10. **Community Preservation Committee Vacancy**

The Board stated that with Chairman Smith's resignation to the Community Preservation Committee they needed to appoint another Planning Board member to the Committee and Vice-Chair Tracy Plantier stated that she would be willing to fill the vacancy.

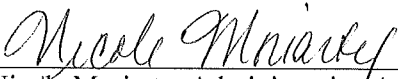
MOTION (MCCLOSKEY, MOORE): I move that the Board elect Tracey Plantier to replace Chairman Smith as the Planning Board's representative on the Community Preservation Committee. Approved (5-0)

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

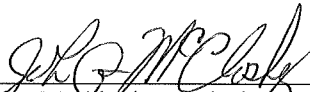
Having no further business, the meeting was adjourned by unanimous consent at approximately 9:37 PM. The Board will reconvene at its next meeting on **Wednesday, May 22, 2019 at 6:00 PM.**

Submitted:

Approved As To Form And Content:



Nicole Moriarty, Administrative Assistant
Date: 5/17/19



John McCloskey, Clerk
Date: 5/22/19