

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

Tracey Plantier, Acting Chair
John McCloskey
James Moore
James Rooney
Gordon Allen
Elizabeth George, Associate



Michelle R. Buck, Planning Director
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MINUTES OF THE WILBRAHAM PLANNING BOARD
WEDNESDAY, MAY 11, 2022

In attendance: Tracey Plantier, Acting Chair
John McCloskey
James Moore
James Rooney
Gordon Allen

Staff: Michelle R. Buck, Planning Director
John J. Walsh Jr, Building Inspector

Acting Chair Tracey Plantier called the meeting to order at 5:30 PM and asked those assembled in the room to proudly join the Planning Board in the recitation of the Pledge of Allegiance.

1. **Appt – Jacob R. Oliveira, State Representative, 7th Hampden District**
H.4331 Proposed Bill - Restore a Municipality's Right to Reasonably Regulate Solar Power
Location

Jacob Oliveira, State Representative in Ludlow, representing parts of Springfield, Chicopee and most of Belchertown appeared before the Board to talk about the H.4331 proposed bill to restore a municipality's right to reasonably regulate solar power location within their community. This legislation is based on conversations about Massachusetts General Law (MGL) and the ability for local communities, Planning Boards and city councils having some input to reasonably regulate solar farms within their communities. In 1985, legislature voted to put in Section 3 of Chapter 40A, language to try to prevent any unreasonable regulation of solar by Planning Boards or municipal entities. Language in MGL is very vague, lots of lawsuits coming up from communities across Massachusetts. Currently under MGL, it says no zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar systems or building structures that facilitate the collection of solar industry for residential purposes except where necessary to protect the public health, safety or welfare. This bill would put language into place in MGL that would define what reasonable regulation would mean [by adding, in addition to protecting health, safety and welfare: "preserving forested lands, agricultural lands, or wetlands," or "ensuring compatibility with municipal zoning."]. Waltham, MA community took a lawsuit all the way up to the Massachusetts Supreme Judicial Court (SJC) testing this section of MGL. The case was heard before the court back in March, awaiting on the decision. Case was in regards to an access road in question, arguing that it is zoned residential not zoned commercial or business. Waltham community said they could not build the access road to access the solar farm because

they are violating the zoning by-law in the city of Waltham. Under Section 3 of Chapter 40A in the MGL zoning by-laws are not mentioned as reasonable regulation of solar within a community; this is a test case before the SJC.

This bill puts definitions in as to what 'reasonable' would be; the three areas are, protecting public health, safety and welfare. Need to get tools to local communities on how to preserve wetlands, forestlands and agriculture lands. Board member James Rooney asked Mr. Oliveira what language would be put in that would allow Planning Boards in smaller communities to have some authority or power. Mr. Oliveira replied that Section 3 of Chapter 40A in MGL has to do with Planning Boards authority, protecting public health, safety and welfare, and the proposed amendment will allow Planning Boards to scare off some of the solar companies that will not want to file a lawsuit. The Planning Board members found Mr. Oliveira's presentation very informative, thanked him for his time and asked how they could help. Mr. Oliveira responded that the Board could submit a letter of support in favor of the bill.

MOTION (ROONEY, MCCLOSKEY): I move that the Board authorize the Acting Chair to work with the Planning Director to draft a letter of support from the Planning Board in favor of the H.4331 Bill. Approved (5-0).

2. **Citizens Open Forum**

No citizens took advantage of the open forum opportunity.

3. **Public Hearing - Special Permit (SP22-01) – Allow Drive-Through Window to Service a Proposed Food Establishment (Starbucks) in an Existing Building – (Continued from April 27, 2022) 2005 Boston Road, Wilbraham, LLC – 2005 Boston Road**

Acting Chair Tracey Plantier shared with those in attendance that the public hearing is going to be continued to the next scheduled Planning Board meeting on May 25, 2022, at the request of the applicants attorney, Thomas R. Reidy.

MOTION (MCCKLOSKEY, ROONEY): I move that the Board continue the public hearing to May 25, 2022 at 6:00 PM. Approved (5-0).

4. **Appt – J. Rockwell Allen - Gardens of Wilbraham (SP04-03), 2301 Boston Road Proposed Phase III, IV & V Revision – Unit Modification**

1) Phase III to Include a Duplex Unit that was to be Constructed in Phase V

2) Alter the Makeup of Building Styles (stand-alone vs duplex) in Phase IV Which Would Result in 2 Additional Units

J. Rockwell Allen (Rocky) appeared before the Board to present a proposal for Administrative Approval for the following changes to the Gardens of Wilbraham: 1) Include in phase III a duplex unit that was to be constructed in phase V of the development (at the intersection of Lodge Lane and Hamilton Court; turning the unit around so it accessible to Lodge Ln. rather than Hamilton Ct.), and 2) Alter the makeup of building styles (stand-alone vs duplex) in phase IV which would result in 2 additional units. The Board reviewed the plan and voted unanimously to approve the site plan revision conditioned upon the requirements that units shall be reduced in other phases so that the total number of units shall not exceed the 214 originally approved in the special permit.

MOTION (ROONEY, ALLEN): I move that the Board grant administrative approval to allow a revision to the approved site plan of the Gardens of Wilbraham to modify the current building configuration within phases III, IV and V of the development (net increase of 2 units), based on a determination that the proposed site plan modifications do not constitute a major substantive change which would require a special permit amendment and conditioned upon the requirement that units shall be reduced in other phases as necessary so that the total number of units shall not exceed 214. Approved (5-0).

5. **Approval of Minutes – April 27, 2022**

Acting Chair Tracey Plantier called for a motion to approve the minutes of the April 27, 2022 Planning Board meeting and asked if there were any comments or revisions.

MOTION (MCCLOSKEY, ALLEN): I move that the Board approve the minutes of the April 27, 2022 Planning Board meeting as submitted. Approved (5-0).

6. **Building Inspector's Report**

Building Inspector John Walsh shared with the Board that the foundation for the car wash on Boston Road should be completed on Thursday. Valvoline has put the floor drains in, venting is complete in the building, they will be cutting the parking lot to put the oil/water separator in and then get final inspection. Board member John McCloskey asked Mr. Walsh what was going on with the three buildings in the center of town, asked if it was pre-demo activity. Mr. Walsh reported that the Fire department was doing some training in the buildings before the demolition of them. Mr. Walsh shared that the Building Department received the three demolition permits today for the buildings, waiting for the gas and water to be shut off. The Board members asked for an update on the ZBA truck hearing for 964 Tinkham Road and about the status of the conditions set forth in the ZBA Special Permit decision for FriendlyRide Transportation, 2589 and 2597-2599 Boston Road, to make improvements to the structure and the landscaping. Mr. Walsh reported that the ZBA hearing for 964 Tinkham Road is scheduled for May 19, 2022. Planning Director Michelle Buck shared that FriendlyRide has until June 21, 2022 to complete the improvements to the building and the landscaping; she had a couple of conversations with the applicant to remind him and will follow-up with a letter.

7. **Planning Director's Report & Planning Board Updates**

Planning Director Michelle Buck shared with the Board that she has been preparing for the Annual Town Meeting and continues working on the Cedar Ridge Land grant. John Broderick, Tracey Plantier and Steve Lawson have been working with Ms. Buck on the narrative hand out for the land grant presentation at Town Meeting.

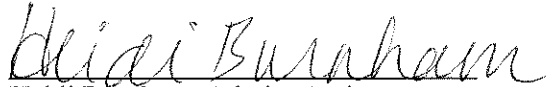
8. **Other Business**

Reserved for Matters the Chair did not Reasonably Anticipate at the Time of Posting

Acting chair Tracey Plantier shared information with the Board about a recent PVPC meeting presentation on housing in Massachusetts. The study done just for Pioneer Valley shows a shortage of 17,000 units of housing. Board member John McCloskey commented that he feels the Board really needs to understand the subject before they can think about solutions; is it age group, price range (affordable income) or demographic. Another topic of conversation was in regards to accessory dwelling units and how many towns have implemented zoning for it. Current Wilbraham zoning restricts that only family members can live in the accessory dwelling unit. Ms. Buck shared that most towns that allow accessory dwelling units that are not restricted to family, require owner occupancy of the primary unit. Ms. Plantier will share the link from the PVPC meeting with the other Board members for future conversation.

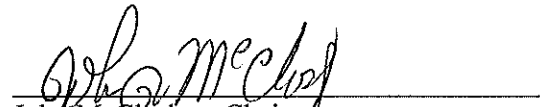
Having no further business, the meeting was adjourned by unanimous consent at 7:08 PM. The Board will reconvene at its next meeting on **Wednesday, May 25, 2022 at 5:30 PM.**

Submitted:


Heidi Burnham, Admin. Assistant

Date: 6/17/22

Approved As To Form And Content:


John McCloskey, Chairman

Date: 6/22/22