

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

Jeffrey Smith, Chairman
Adam Basch
John McCloskey
Tracey Plantier
David Sanders
James Moore, Associate



John Pearsall, Planning Director
Heather Kmelius, Adm. Asst.

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

MINUTES OF THE WILBRAHAM PLANNING BOARD
WEDNESDAY, APRIL 6, 2016

In attendance: Jeffrey Smith, Chairman
Adam Basch
John McCloskey
Tracey Plantier
David Sanders
James Moore, Associate

Staff: John Pearsall, Planning Director
Lance Trevallion, Building Inspector
Heather Kmelius, Administrative Assistant

Chairman Smith called the meeting to order at 6:31 PM and asked those assembled in the room to proudly join the Planning Board in the recitation of the Pledge of Allegiance.

1. Approval of Minutes

Chairman Smith called for a motion to approve the minutes of February 3, 2016 and asked if there were any comments or revisions. The meeting minutes for February 24, 2016, March 16, 2016 and March 23, 2016 are not ready in final form and will be presented for approval at the next scheduled meeting on April 27, 2016.

MOTION (MCCLOSKEY, PLANTIER): I move that the Board approve the minutes of the February 3, 2016 Planning Board meeting as drafted. Approved (5-0).

2. Citizens Open Forum

No citizens took advantage of the open forum opportunity.

3. Building Commissioner's Report

Building Commissioner Lance Trevallion provided updates on various building development and zoning enforcement issues in town. Mr. Trevallion stated that he is dealing with a zoning enforcement issue regarding a family day care operation at 57 Bartlett Ave. The former Aquarius Pools & Spas building at 2132 Boston Road has been recently demolished. There is no definite plan for the future of this parcel at this time. There was discussion about the status and future plans of the unoccupied home on the Rice's property at 757 Main Street. Mr. Trevallion stated he was unaware of any plans for this building at this time. Mr. Pearsall noted that the building is covered under the Board's existing Heritage Farm Stand special permit and that the building could be used for residential or commercial purposes consistent with the Heritage Farm Stand zoning regulations with Planning Board review and approval.

4. **Miscellaneous Information**

The PVPC's Annual Meeting is scheduled to take place in Holyoke, MA on June 9, 2016. Board Members David Sanders and Tracey Plantier plan to attend.

5. **Appt Ravi Kannan, GE Renewable Energy and Richard Debenadictus, PE**
Proposed Site Plan Modifications of SP15-02 - Large Scale Ground Mounted Solar Energy System
Land of Charles L. Merrick, 651 Main Street

Mr. Richard Debenadictus, PE and Mr. Ravi Kannan of GE presented the modified site plans for the solar energy system to be installed and asked that the Board approve the new plans. The modifications imposed by GE intend to reduce the disturbance of the overall project and create a less impactful drainage design. The new design fits the 1,970 solar panels into the existing land contours, eliminates the storm drainage basins on the eastern and southern perimeter and moves the access road from the easterly to the westerly side of the site leaving the natural foliage along the eastern boundary and Tinkham Road undisturbed. According to Mr. Debenadictus, the modified plans meet and exceed the previous plans while staying in compliance with the original twenty-two Board approved project conditions. Mr. Basch questioned whether the revised plans still comply with the conditions outlined in the special permit, specifically citing the landscaping requirements. Mr. Debenadictus stated that the modified plans adhere to the original conditions and explained the only changes in this matter are the location of the road and the improved drainage design.

Mr. Kannan advised that GE will subcontract the installation work but plans to maintain future ownership of the site and manage the operation and maintenance. The power generated by the site will be credited to GE Healthcare in Marlborough, MA, a process referred to as "Remote Net Metering". Mr. Kannan stated that the materials have been ordered for the project and the anticipated start date is May 23, 2016.

Chairman Smith stated that this is a heavily scrutinized project as it is the first large scale solar project in town. The Board agreed that prior to a vote, it will send a letter inviting the abutters to the April 27, 2016 Planning Board meeting to informally present the modified site plans for the sake of transparency with the community.

6. **Westminster Drive Definitive Subdivision**
Land of 911 Stony Hill Road, LLC – 690V Stony Hill Road

A. **Requested Withdrawal of Application**

B. **Scheduled Public Hearing (7 PM) - Cancelled**

Board Member Adam Basch recused himself because of potential conflict of interest concerns and left the room.

The Board reviewed the Subdivider's request to cancel the scheduled public hearing and withdraw the Westminster Drive definitive subdivision application due to unforeseen land court legal issues that need to be researched and resolved.

MOTION (Plantier, Sanders): I move to approve the request of the applicant to withdraw without prejudice the Westminster Drive Definitive Subdivision application on file with the Planning Board and to cancel the public hearing scheduled for April 6, 2016. Approved (4-0).

7. **Subdivision Streets Being Considered for Acceptance as Public Ways**

A. Nicola Way

B. Carla Lane

Board Members John McCloskey and Adam Basch recused themselves because of potential conflict of interest concerns and left the room.

The Board discussed that Nicola Way will be considered for acceptance as a public way at Town Meeting. Carla Lane will not be ready for approval as paving was not done due to inclement weather.

MOTION: (Plantier, Sanders): I move that the Board recommend to the Board of Selectmen that Nicola Way be considered for acceptance as a public way at the 2016 Annual Town Meeting. Approved (3-0).

8. **Planning Board Reports**

David Sanders reported that the chicken by-law will be ready for consideration at the Annual Town Meeting. The Board thanked Mr. Sanders for sharing this “fowl” news.

9. **ZBA Application – April 21, 2016 Public Hearing**

A. SP Amendment – Kid’s Dentist Accessory Parking Lot, 40 Dumaine Street

Dr. Matthews, DMD of The Kid’s Dentist and Keith Terry of Sherman & Frydryk Surveying met with the Board to review site plans submitted to the Zoning Board of Appeals for an amendment to its Special Permit that would allow approval of 40 Dumaine Street as a non-adjacent parking lot for employee and overflow parking use. The Board discussed the accessory parking lot and reviewed the plans presented for its use. The Board did not find issues that needed further discussion prior to the scheduled public hearing.

10. **Petitioned Article – Family Day Care Home Proposed Zoning By-Law Amendment**

Zoning Enforcement Officer Lance Trevallion discussed the zoning enforcement issue regarding Deb Gore’s home daycare at 57 Bartlett Avenue as the daycare has recently increased its enrollment from six children to ten. ZEO Trevallion stated that a zoning enforcement issue was brought forward in 2009 citing the daycare was operating without a special permit required by the Zoning Board of Appeals. The daycare started in the 1970’s and its operation was grandfathered in town as it preexisted the Town By-Laws therefore relieving the need for zoning enforcement. The daycare has increased its enrollment to ten children in recent months prompting a new zoning reinforcement issue requested by a different neighbor.

Ashley Walker, Deb Gore’s daughter as well as daycare staff, stated that the daycare increased to ten children after the State of Massachusetts increased the daycare’s license from six children to ten in December 2015. Mrs. Walker wants to see the town’s By-Law regarding home daycare enrollment capacity in synch with the state of Massachusetts licensing regulations. She stated that Wilbraham’s By-Laws were created in 1994 and the state updated its daycare regulations in 1997. Mrs. Walker stated that she believes that there are several home daycares currently operating in Wilbraham that are licensed by the state of Massachusetts and operating with ten children .

ZEO Trevallion has instructed the daycare to come into compliance and return to caring for six children or to apply to the Board of Appeals for a Special Permit to operate with more than six children. The Gores have also gathered signatures to petition for the Wilbraham Zoning By-Law to be changed to allow home daycares to accept ten children maximum. In order for the town to vote on the issue at the 2016 Town Meeting, the Planning Board must first have a Public Hearing. The Planning Board agreed to schedule a public hearing in this matter on May 11, 2016.

11. SP Application (SP 16-01) Detached Garage – Smith Residence, 1 Winterberry Drive

Chairman Smith advised the Board that he has filed a special permit application with the Planning Board to construct a detached garage on his property at 1 Winterberry Drive. Mr. Smith stated that he intends to appear before the Board as an applicant and will refrain from any other participation on this matter in his official capacity as a member of the Planning Board. The Board discussed the proper procedures to be followed under the state ethics law when a member appears before the Board on which he or she serves. It was agreed that Mr. Smith will contact the State Ethics Commission to receive legal guidance on the proper procedures to follow under the state conflict of interest statute.

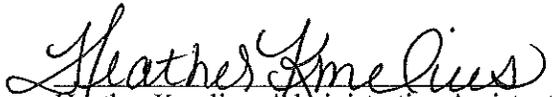
12. Annual Town Meeting Zoning Articles

The Planning Board determined the presenters of the proposed articles on the Warrant for Town Meeting as follows:

1. Housekeeping amendments – Jeffrey Smith;
2. Main Street rezoning – John McCloskey; and
3. Forest Street rezoning – Adam Basch.

Having no further business, the meeting was adjourned by unanimous consent at 8:48 PM. The Board will reconvene at its next scheduled meeting on Wednesday, **April 27, 2016 at 6:30 PM** in the Selectmen’s Meeting Room.

Submitted:


Heather Kmelius, Administrative Assistant
Date: April 27, 2016

Approved As To Form And Content:


~~David Sanders, Clerk~~ Jeffrey A. Smith – Chair
Date: 4/27/16