

**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.

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**MINUTES OF THE WILBRAHAM PLANNING BOARD
WEDNESDAY, APRIL 27, 2016**

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

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

Chairman Smith called the meeting to order at 6:33 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 March 16, 2016, March 23, 2016 and April 6, 2016 and asked if there were any comments or revisions. Planning Director John Pearsall submitted some clarifying wording changes to the April 6, 2016 minutes regarding the SP Application (SP-01). The meeting minutes for February 24, 2016 are not ready in final form and will be presented for approval at the next scheduled meeting on May 11, 2016.

MOTION (PLANTIER, MCCLOSKEY): I move that the Board approve the minutes of the March 16, 2016 Planning Board meeting as submitted. Approved (4-0).

MOTION (PLANTIER, MCCLOSKEY): I move that the Board approve the minutes of the March 23, 2016 Planning Board meeting as submitted. Approved (4-0).

MOTION (PLANTIER, MCCLOSKEY): I move that the Board approve the minutes of the April 6, 2016 Planning Board meeting with amended changes. Approved (4-0).

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. A significant amount of unauthorized signage has been identified and removed. There has been some recent building activity at 2301 Boston Road, The Gardens of Wilbraham. Solar permit applications continue to be submitted at an overwhelming rate. The contractor for the solar field project at 2720 Boston Road is actively prepping to commence building. The property owner of adjacent properties including 2110 Boston Rd., 2118V Boston Rd., 2118 Boston Rd., and 2124 Boston Road has contacted ZEO Trevallion regarding the future of the land. The owner would like to create two commercially zoned properties with the aforementioned land but does not have proper commercial property frontage. ZEO Trevallion reports the owner of the billboard positioned in the cattails on 2048 Boston Road would like the billboard removed. The owner initially sought to rebuild it but the DEP no longer allows annual cutback of cattail growth. ZEO Trevallion issued a Stop Work Order to the abandon home 599 Main Street on the former Bennett Turkey Farm property and the issue has been directed to Town Counsel and the Attorney General for future action. Bank of America holds legal ownership of the home and hired contractors to stabilize the building without obtaining proper building permits.

4. **Public Hearing**

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

(Digitally recorded)

Chairman Smith recused himself because of potential conflict of interest concerns in this matter and relocated from the Board seating area to the petitioner's side of the table.

Vice-Chairperson Tracey Plantier, serving as Acting Chairperson, opened the public hearing at 6:55 PM and read the legal notice into record. Acting Chairperson Plantier designated Associate Member James Moore to serve as the Alternate Voting Member on this matter in order to have a quorum. Jeffrey Smith advised the Board that he is acting on his own behalf, and in his personal capacities, rather than his official role as an elected member of the Planning Board. On April 6, 2016, Mr. Smith contacted the "Attorney of the Day" at the MA State Ethics Commission to inquire about a potential conflict of interest while presenting his application to the Planning Board for a special permit to construct an oversized accessory building at his personal residence at 1 Winterberry Drive. On April 7, 2016, Attorney Lauren Duca contacted Mr. Smith and referenced State Ethics Commission 88-01, highlighting the section regarding representing one's own interests. He was further advised that he can represent himself in this matter and can present information and answer questions from the Board and the public related to his application.

Mr. Smith explained that he is requesting permission to construct a detached garage to the rear of his existing dwelling for the garaging of vehicles and personal property. He stated that the rear of his property abuts town property and the recent tornado and microburst storm caused a loss of many trees on and around his property, leaving his 1.47 acre lot very exposed. Mr. Smith stated that the proposed 30 foot by 40 foot accessory building will be designed in a matching style to his contemporary cedar sided home and will be serviced by an underground electrical system. The accessory building meets all of the required setbacks, will inconspicuously sit in the back of the property in a depressed area, and will not encroach on the 33 foot decommissioned pipeline easement that traverses the property.

Residents John and Sheila Soja of 2 Winterberry Drive and residents Michael and Deanna Maziarz of 4 Winterberry Drive both submitted letters of support as abutters to the Planning Board. Chuch Pelouze, resident of 3 Winterberry Drive, gave his verbal support of the project prior to tonight's Planning Board meeting to Mr. Smith as well as to Planning Director John Pearsall. There was no opposition from residents attending the public hearing. The public hearing was closed at 7:11 PM.

MOTION (BASCH, MCCLOSKEY) I move that the Board grant special permit SP16-01 subject to conditions of approval contained in the draft Notice of Decision dated April 27, 2016. Approved 4-0, with Smith recused and Moore voting as the Alternate Voting Member.

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

Chairman Smith and Board Member Adam Basch outlined GE's proposed site modifications stating that the modifications were decidedly an improvement to the original plans and fully comply with the Board's original twenty-two approved project conditions. The Board reviewed the formally presented plans at the April 6, 2016 Planning Board meeting and invited abutters to tonight's meeting for an additional opportunity to review and inquire about the changes prior to the Board's approval.

Mr. Richard Debenadictus, PE, Mr. Ravi Kannan of GE and Mr. Matt Diniseo of GE presented the modified site plans for the 650 kilowatt solar energy system with changes imposed to reduce the disturbance of the overall project and create a less impactful drainage design. The new design 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. 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.

Paul Bureau, resident of 12 Scenic Drive, asked questions relating to the parking of the trucks and staff vehicles during construction and submitted further questions about screening expectations of the project following its completion. Keith and Lauren Hummel, residents of 947 Tinkham Road, inquired about the project's visibility to abutters, the noise expectations, and about the coolant materials that will be used. Mr. Kannan and Mr. Diniseo stated that the transformers do not make noise except for a low audible sound only heard within a ten foot distance during daylight hours. Mr. Kannan will research the specifics of the coolants to be utilized and report back to Planning Director John Pearsall with the findings. Mr. Debenadictus stated that the vegetation would be maintained and that the screening and landscaping of the final project will all be in full compliance with the Board's conditions. Mr. Kannan stated that the anticipated start date is May 23, 2016 and the estimated project completion is during the first week of September 2016.

MOTION (BASCH, PLANTIER): I move that the Board grant administrative approval to allow revised site plans for the Large-Scale Ground-Mounted Solar Energy System proposed at 651 Main Street prepared by Richard DeBenadictus, P.E., dated March 30, 2016 based on a determination that the proposed site plan modifications constitute *de minimis* changes that will lessen the impact of the proposed development as previously approved and, therefore, do not require a public hearing for a special permit amendment. Approved 4-0.

6. **Street Layout Public Hearing with Selectmen, April 25, 2016 (7 PM)**
Land of 911 Stony Hill Road, LLC – 690V Stony Hill Road
A. Daniele Drive (Extension)
B. Nicola Way

Chairman Smith attended the April 25, 2016 public hearing with the Selectmen to review the street layout approval for Daniele Drive (Extension) and Nicola Way. There were no issues to report and the Selectmen voted to approve the layouts for further action at the Annual Town Meeting.

7. **Family Day Care Home Zoning By-Law Amendment (Petitioned Article)**

Public Hearing – May 11, 2016

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 reviewed 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 1970 and its operation was grandfathered in town to care for six children as it preexisted the Town By-Laws, therefore relieving the need for zoning enforcement. The daycare has increased its enrollment to ten children after the State of Massachusetts increased the daycare's license from six children to ten in December 2015 prompting a new zoning reinforcement issue requested by a different neighbor.

ZEO Trevallion, in a letter dated April 1, 2016, 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 has a scheduled public hearing in this matter on May 11, 2016.

8. **New Special Permit Applications**

The Planning Board agreed to schedule public hearings on the following applications on the June 1, 2016 meeting:

- A. SP-02 Detached Garage – Valentine Residence, 212 Springfield Street
- B. SP-03 Detached Garage – Esteves Residence, 16 Iroquois Lane

9. **Planning Board Reports**

James Moore advised that he will not be attending the next meeting.

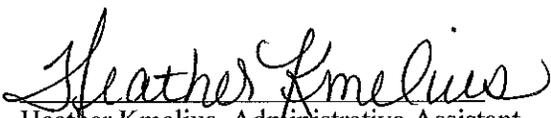
10. **Other Business – Reserved for Matters the Chair Did Not Reasonably Anticipate at the Time of Posting**

No matters were presented to the Board for review.

Having no further business, the meeting was adjourned by unanimous consent at 8:32 PM. The Board will reconvene at its next scheduled meeting on Wednesday, **May 11, 2016 at 6:30 PM** in the Selectmen's Meeting Room.

Submitted:

Approved As To Form And Content:


Heather Kmelius, Administrative Assistant
Date: May 6, 2016


David Sanders, Clerk
Date: 5/10/16