

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

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



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, JULY 27, 2016**

In attendance: Jeffrey Smith, Chairman
John McCloskey
James Moore
Tracey Plantier (Arrived at 6:22 PM)
David Sanders

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

Chairman 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. **Approval of Minutes**

Chairman Smith called for a motion to approve the minutes of June 22, 2016 and asked if there were any comments or revisions. A typo was corrected.

MOTION (PLANTIER, MCCLOSKEY): I move that the Board approve the minutes of the June 22, 2016 Planning Board meeting as amended. 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. Big Y Express at 1993 Boston Road has just completed refacing the building and gas station. The large scale ground mounted solar energy system installation project at 651 Main Street is moving along ahead of schedule. The east entrance of the project will be closed with appropriate foliage when the project is finalized. The solar project at 2720 Boston Road had a final inspection today. The property at 2451 Boston Road will be demolished after the first of the year. The work for the new police station at 2780 Boston Road Police station is ongoing without major issues to report. The billboard on 2048 Boston Road has been removed from the overgrown cattails on the property. Solar inspections are being requested at a continued high volume. The underground gas tanks at 2821 Boston Road have been removed. There are now only three gas stations in town and Wilbraham does not allow new gas stations in town.

4. **Miscellaneous Information**

A. Subdivision Status Report – July 2016

Planning Director John Pearsall gave an overview status report regarding the all current subdivisions in town. The Board did not have any questions.

5. **Appointment – Robert Levesque (R. Levesque & Associates, Inc.)**

Site Michael Mosier & Judy Hyland (2301 Boston Road, LLC)

Condition of Existing Roadways & Concepts for Future Phases of Development

Gardens of Wilbraham, 2301 Boston Road

Robert Levesque of R. Levesque Associates, Inc., along with Judy Hyland and Michael Moiser of 2301 Boston Road LLC, presented preliminary concept plans for Phase III of the Gardens of Wilbraham. The development is permitted for 240 permitted units, but the number of units on the proposed plan total 217. Phase II reportedly has 75 occupied units, as well as three additional deposits for occupancy by the end of September 2016. Single units have proven to be the most marketable design. Discussion pursued around the current roadway repair work to be done, completion of Phase II and the overall timeline of future work and development. The Board agreed to schedule a site walk of the property before reviewing and approving future development.

6. **Public Hearing (Continued)**

Special Permit (SP16-03) Detached Garage

Esteves Residence, 16 Iroquois Lane

(Digitally recorded)

Tracey Plantier recused herself because of potential conflict of interest concerns as a non-abutting resident of the Indian Ridge Estates development under discussion. Ms. Plantier relocated from the Board seating area to the audience seating area and declared that she was representing herself and not acting in her capacity as a member of the Planning Board.

The hearing was opened at 6:51 PM as a continuance to the June 1, 2016 and June 22, 2016 hearings in this matter. Attorney Brian Fitzgerald, representing Manuel Esteves, asked that the Board accept Mr. Esteves's request to withdraw his application without prejudice as outlined in the written letter submitted to the Board dated July 27, 2016. Chairman Smith read the letter into record. Chairman Smith agreed to take the request under consideration and proceeded to enter into the record an opinion from Town Counsel Steven Reilly, Jr. stating that the applicable definition of building envelope governing the special permit application is the definition in existence in 1988 and not the existing definition. Chairman Smith also noted that unauthorized tree removal by the applicant on abutting Town conservation land was discovered by the Building Inspector and confirmed by the Tree Warden. Attorney Fitzgerald requested that the issue of tree removal not be discussed without Mr. Esteves being present.

MOTION (SMITH, MOORE): I move that the Board close the public hearing. Approved (4-0).

MOTION (SANDERS, MCCLOSKEY): I move to accept the withdrawal of the application in this matter without prejudice. Approved (4-0).

The public hearing concluded at 7:04 PM. Later in the evening, the Board authorized the Chairman and Planning Director to draft in lieu of a decision, a notice of administrative disposition on this matter, including the procedural history and statement of findings for discussion at the next meeting and eventual distribution to the abutting and non-abutting residents of the Indian Ridge Subdivision.

7. **Public Hearings**
Sherwin Road Definitive Subdivision Plan
Land of 911 Stony Hill, LLC – 690V Stony Hill Road

(Digitally recorded)

Chairman Smith reviewed the process to take place stating that the Sherwin Road Definitive Subdivision Plan application hearing and the Special Permit (SP16-04) – Flexible Nonsubdivision Plan application hearing would be opened at the same time as they have the same petitioner and abutters but that the applications would be considered separately beginning with the proposed Definition Subdivision Plan and then followed by the Flexible Nonsubdivision Plan.

Chairman Smith opened the public hearing at 7:09 PM and read the legal notice into record. Proposed plans were presented by Robert Leveque of R Levesque & Associates, Inc., a registered landscape architect and Filipe Cravo, PE, for a seven lot subdivision fronting on a 750 foot long cul-de-sac with access from an existing land court approved right-of-way known as Sherwin Road. Mr. Levesque gave an overview of the Sherwin Road plans and stated that all of the comments received from the Selectman, Town Planner, Fire and Police Departments and other parties were addressed in tonight's plans. Although it is understood that the Selectmen are in favor of maintaining sidewalks, the request to have them waived in this matter is still being posed to the Board as they do not wish to impose sidewalk maintenance work on the future residents. Mr. Cravo addressed the issues outlined in a letter from Ed Miga, DPW Director and addressed the changes that were made to the plans presented this evening regarding storm water drainage. In response to concerns from abutting property owner Brian Cunningham of 899 Stony Hill Road, Mr. Cravo discussed the cross culvert under the roadway designed to mimic the hydrology of the land to maintain the hydrologic connection to the land.

Planning Board member David Sanders stated that Mr. Anthony Carnevale may take over this project if approved which could make it possible that he needs to recuse himself in the future. To date, Mr. Carnevale's involvement in this matter is not official so Mr. Sanders recusal is not relevant at this time.

Sally Eaton, resident 792 Tinkham Road, stated concerns about the impact the new development would have on her property in regards to the increased the amount of water on her property which is already overwhelming to her. Michelle Patrick, new owner of 913 Stony Hill Road, stated concerns regarding the impact on her property as she is going to be the corner lot to Sherwin Road's entrance from Stony Hill. She is concerned about privacy and construction impacts on her property. Several Stony Hill residents were present and requested that the plans be conditioned on providing vegetative buffers for visual screening from adjacent property. Greg Eaton, resident of 205 Maynard Road, asked that the Board consider the displaced wildlife in this matter. There are no requirements regarding this issue but the Open Space that was intentionally left undeveloped in these projects will help to mitigate any animal displacement.

Chairman Smith thanked the public for their input and recommended that the public hearing be continued to the next meeting to give town departments the opportunity to review new information presented this evening and the applicant the opportunity to address additional concerns raised this evening.

MOTION (MCCLOSKEY, SANDERS): I move that the Board continue the public hearing to August 24, 2016 at 6:45 PM. Approved (5-0).

The hearing ended at 8:47 PM.

8. **Public Hearings**
Special Permit (SP16-04) – Flexible Nonsubdivision Plan
Land of 911 Stony Hill, LLC – 690V Stony Hill Road

(Digitally recorded)

Chairman Smith opened the public hearing at 7:09 PM and read the legal notice into record. Plans for Lot 11 and Lot 12 were presented. These lots are each seven and one half acres and share a common driveway. There is a proposed forty foot buffer of existing vegetation between the new lots and Stony Hill residents.

Mr. Levesque confirmed that a bond would not be required in this matter as it is a private lot. Jim Goodrich, resident of 995 Stony Hill Road, confirmed that there would be a forty foot buffer to the Stony Hill residents and a twenty foot buffer on the sides of the two estate lots. Gina Forbes, resident of 931 Stony Hill Road, expressed regret to the abutters in attendance for selling the land to the Sherwin family who had promised to maintain the privacy of the land.

MOTION (PLANTIER, MCCLOSKEY): To close the hearing. Approved (5-0)

9. **Appointment – Anthony Carnevale**

The Board met with Anthony Carnevale regarding the following issues:

A. **Willow Brook Estates Subdivision Performance Security**

David Sanders and John McCloskey recused themselves because of potential conflict of interest concerns and left the room.

MOTION (PLANTIER, MOORE): I move that the Board take the following action:

- A. **To authorize that performance security be held in the amount of \$70,320.00 to guarantee the completion of the Willow Brook Estates Subdivision per the recommendation of the Engineering Department;**
- B. **To approve the subdivider's request that said performance security be provided in the form of a Letter of Credit from Monson Savings Bank with language acceptable to the Board and in accordance with the terms of the draft Bank Deposit Agreement to be executed and approved by the Chairman of the Planning Board so authorized hereby; and**
- C. **To endorse the Covenant Release for Phase III to be held in escrow pending receipt of the Letter of Credit and properly executed Bank Deposit Agreement with the Planning Board.**

Approved (3-0)

The Planning Board endorsed the Covenant Release to be held in escrow.

B. **Julia Way Preliminary Subdivision Plan**

David Sanders recused himself because of potential conflict of interest concerns and remained out of the room.

MOTION (MOORE, PLANTIER): I move that the Board grant preliminary approval to the Julia Way subdivision plan subject to the standard conditions of preliminary approval.

Approved (4-0)

10. **Appointment – Brian Miller, Movement Terrain, LLC**
Proposed Recreational/Fitness Use – Collins Mill, 176 Cottage Mill
Brian Miller and Tanya Miller, of Movement Terrain, LLC, along with Courtney Desmond, the VP of Resources of London Economics, presented plans to operate an indoor obstacle course/fitness facility at this location. Ms. Desmond is managing the building renovations, repairs and clean-up to try to attract new tenants to the property. Mr. Miller would like to utilize 13,000 square feet to create a year-round “tough mudder” training facility. The Board has no issues. Mr. Miller intends to file an application with the ZBA.

11. **ZBA Applications for review**
A. Motor Vehicle Repairs/Inspections – Baker Property, 2423 Boston Road
B. Appeal of Enforcement Letter – Gore Family Day Care, 57 Bartlett Avenue
C. Special Permit – East Springfield Veterinary Hospital, Inc. 2424 Boston Road
The Planning Board was given an overview of forthcoming issues to be heard by the ZBA.

12. **Planning Director’s Report**
Planning Director John Pearsall gave an overview of an issue that was recently revealed regarding Pine Drive, a subdivision built in the 1950’s. Following a survey done by a Pine Drive resident looking to build a home addition, an error was discovered involving about two thirds of the development. The development was constructed in three phase. Phase I was built correctly, Phase II was constructed in error of 50 feet of its proper intended location, and the error was continued into Phase III. All parties involved have been notified by certified mail.

13. **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 11:30 PM. The Board will reconvene at its next scheduled meeting on Wednesday, **August 24, 2016 at 6:00 PM** in the Selectmen’s Meeting Room.

Submitted:

Approved As To Form And Content:


Heather Kmelius, Administrative Assistant
Date: August 19, 2016


John McCloskey, Clerk
Date: 8/24/16

