

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

John McCloskey, Chair
John H. Luttrell Jr.
James Moore
Tracey Plantier
James Rooney
Bruce Williams, Associate



Michelle R. Buck, Planning Director
Heidi Burnham, Admin. Assistant

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MINUTES OF THE WILBRAHAM PLANNING BOARD
WEDNESDAY, JUNE 28, 2023

In attendance: John McCloskey, Chair
 John H. Luttrell, Jr.
 James Moore
 Tracey Plantier
 James Rooney
 Bruce Williams, Associate

Staff: Michelle R. Buck, Planning Director
 John J. Walsh Jr, Building Inspector
 Heidi Burnham, Administrative Assistant

Chair John McCloskey 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. **Citizens Open Forum**

No citizens took advantage of the open forum opportunity.

2. **Appt – Ken Comia – Pioneer Valley Planning Commission (PVPC)**
DLTA Subdivision Regulation Grant Discussion

Ken Comia, Pioneer Valley Planning Commission (PVPC), presented the Board with an overview of his work on the Subdivision Regulation model and the program, which is funded by a District Local Technical Assistance (DLTA) grant to look at Wilbraham's Subdivision Regulations. Mr. Comia shared that he worked with six local communities to create a Subdivision Regulations model; this process included conversations with town engineers. The intent of the project is to look at Tighe & Bond's recommendations for Wilbraham and identify possible changes looking at where we are today with Wilbraham's current regulations compared to the model. Mr. Comia and another planner will work on this, partnering with a subcommittee consisting of Michelle Buck, Planning Director; Tonya Capparello and Dena Grochmal, Department of Public Works; and Planning Board members John Luttrell and James Rooney. The project deadline is December 31, 2023.

3. **Public Hearing – Special Permit (SP23-06) - Ridgeline & Hillside District Review To Exceed the Size Limitations in Sections 3.9.2.2 and 4.4.8 of the Wilbraham Zoning By-Law to Allow the Construction of a 1,536 Square Foot Accessory Building on Property owned by the Applicant, Mathew Peters - 25 Bennett Road**

Chair John McCloskey opened the public hearing at 5:59 PM and read the legal notice into the record. Mathew Peters appeared before the Board to present his proposal for an accessory building (barn) on his property. Mr. Peters shared with the Board that he and his wife purchased the 50 acre horse property (47 in Wilbraham, 3 in Monson) a year ago and need a tractor and a lawn mower to work the property. The proposal is to build a 32x48 foot pole barn with a 10x10 foot sliding barn door with a gravel floor to accommodate a tractor, lawn equipment, a small boat and a horse trailer.

Board members asked Mr. Peters about the following: proposed utilities to serve the building, tree clearing, the height of the building, and visibility of the building to abutting neighbors. Mr. Peters responded that the existing barn has electric service that will be extended to the proposed accessory building (barn); no other utilities will serve the building. No clearing is needed for the building, it is an open flat area that was previously used for a manure pile. The peak height of the building is 18 ½ feet. The land behind the house slopes down; the proposed building will be screened from both the house and vegetation and will not be seen from the road or any neighboring abutter's yard.

Board member Tracey Plantier asked Mr. Peters for clarification of the number of doors on the proposed building; the drawing included with the application showed two doors. Mr. Peters replied that the drawing was part of the original plan that has changed and the building will have one sliding door. Mr. Peters said he may come back in at a later point to seek approval for a 2nd door. Board members and Planning Director Ms. Buck suggested to Mr. Peters that the decision be written for two doors indicating the plan is to install one now and possibly a second one at a later time. Mr. Peters agreed with the suggestion. Ms. Buck pointed out to the Board that the applicant found a typo on the decision; Page 2, Finding #4, should read that the existing attached garage has two garage doors, not three.

Mr. McCloskey shared with Mr. Peters that he lives in an area of town that has a Ridgeline & Hillside restriction on land clearing. Mr. McCloskey did not feel there was a need for a Ridgeline & Hillside review of this application because no trees are being cut and no one is looking up or down at the property. Board members agreed and determined a separate public hearing is not needed for a Ridgeline & Hillside review.

Abutter Jeremy Souza of 734 Monson Road appeared before the Board to ask Mr. Peters to show him where on the property the building is being placed; he asked if there will be any excavation work done and if there are any plans to expand the building at a future date. Mr. Peters showed Mr. Souza the location of the building on the site plan, confirmed that there will be no excavation work done and shared there are no future plans to expand the building.

A. **MOTION (ROONEY, MOORE): I move that the Board close the public hearing. Approved (5-0).**

B. **MOTION (ROONEY, MOORE): I move that the Board grant Special Permit SP23-06 subject to conditions of approval contained in the draft Notice of Decision dated June 22, 2023, as amended at tonight's meeting. Approved (5-0).**

4. **Public Hearing – Special Permit (SP23-07) To Exceed the Size Limitations in Sections 3.9.2.2 and 4.4.8 of the Wilbraham Zoning By-Law to Allow the Construction of a 1,500 Square Foot Accessory Building on Property owned by the Applicant, Marcel Verdon – 23 Pine Drive**

Chair McCloskey opened the public hearing at 6:14 PM and read the legal notice into the record. Mr. Verdon appeared before the Board to present his proposal for an accessory building (garage) on his property. Mr. Verdon shared that he does not have a garage and all of his lawn equipment and gutter business related equipment is outdoors and exposed to the elements. There are two small sheds on the property; the smaller metal shed collapsed and needs to be removed. The proposal is to build a 30x50

foot Morton building with two 12x12 foot overhead doors in the front and a smaller door on the side; the building will accommodate the commercial truck, work trailer, scrap metal and lawn equipment.

Board members questioned the location of the septic system and leach field on the property in reference to the proposed location of the building; the site plan submitted with the application was inconclusive. Mr. Verdon reported that Clean Septic out of Ludlow came yesterday and determined that the septic system and the leach field are straight back behind the house to the left of the proposed building location. Me. Verdon showed Mr. McCloskey the paperwork from Clean Septic and advised he will give the Planning Office a copy.

Building Inspector, John Walsh raised concern over the weight of Mr. Verdon's commercial vehicle because of the recently amended truck by-law and also whether or not everything in the yard including the truck and trailer would fit in the building. Mr. Verdon shared that his commercial vehicle is about 13,000 pounds and the reason for the size of the building is to accommodate all of his personal and business related equipment in the building. Mr. Walsh asked Mr. McCloskey if running a business out of the home is allowed. Mr. McCloskey shared with Mr. Verdon that running a business out of his home requires a special permit from the Zoning Board of Appeals; approval is required for a home occupation. Mr. Verdon reported that he does not have a commercial property for his business, he has parked his commercial vehicle and trailer at his residence for the past four years.

Board members asked Mr. Verdon the following questions:

How long have you live at your residence? – *20 years*

What is the height of the building? – *Peak height is 19.6 feet*

Will you be extending the driveway to the building? – *Yes*

Will you need to cut down any trees for the building? – *Yes, a few in the back; some are already dead.*

Does the row of 12-15 feet high arborvitaes along the east side of your property go all the way to the back of the property? – *No, approximately 60-70 feet from the street.*

Mr. McCloskey suggested that Mr. Verdon submit an application for a home occupation to the Zoning Board of Appeals (ZBA) and the hearing be continued until the ZBA rules on the application. This will allow Planning Board (PB) members an opportunity to visit the residence before the next meeting. Mr. McCloskey let Mr. Verdon know that the PB may ask him to continue the row of arborvitaes on the east side of the property to the rear property line to provide adequate screening of the building for the neighboring abutters.

MOTION (ROONEY, PLANTIER): I move that the Board continue the public hearing to August 16, 2023 at 5:45 PM. Approved (5-0).

5. **Public Hearing – Special Permit (SP23-05) – Continued from May 24, 2023 & June 7, 2023 To Allow Modification of a Prior Special Permit (SP18-06) for a Large-scale Ground-mounted Solar Energy System on Property Owned by ASL Three Rivers Land Holdings LLC Located at 285 Three Rivers Road to Allow Project Modifications Including Changes to Stormwater Design, Grading, Landscaping, & Location & Configuration of Equipment Pads**

Chair McCloskey recused himself as he is an abutter to 285 Three Rivers Road and announced that Vice-Chair James Rooney will chair the hearing. Mr. Rooney opened the hearing at 6:35 PM and welcomed Lawrence Cook, AMP Energy and attorney Timothy Twardowski, Robinson & Cole. Mr. Rooney asked Mr. Cook to provide the Board with an update since the last meeting on June 7, 2023.

Mr. Cook advised the Board that town engineer, Tonya Capparello has signed off on the stormwater design. A couple of minor adjustments came out of the back and forth discussions with Ms. Capparello that he detailed in a letter to Ms. Buck earlier in the week.

Ms. Buck shared that Ms. Capparello met with her and Mr. Rooney yesterday and confirmed that she is comfortable with the changes they made, all of her concerns have been addressed and she gave her

approval. Mr. Cook clarified that the plans needed to be updated because the town has adopted a different set of stormwater standards since the project started.

Ms. Buck walked through the revised draft decision dated June 28, 2023 and the changes made since the June 22, 2023 draft:

Condition #6 - added additional verbiage in regards to the final full plan sets as revised through June 21, 2023, that have to be submitted prior to issuance of a building permit

Condition #9 - added the date of memo from the DPW director

Condition #11 - Mr. Cook requested that verbiage be added that any changes to the landscaping plans be reviewed administratively by the Planning Board without a public hearing

Condition #12 - changed first two growing seasons to the first few growing seasons

Condition #13 - added more detail about the walking trails to include "and subject to amendment of the Solar Energy Ground Lease and Easement Agreement dated October 25, 2022 as may be required. Any such walking trail shall not interfere with site operation and security,"

Condition #16 - clarified "Planning Board" decision

Finding #7 - added a description for the transfer of ownership: "Pursuant to Town Meeting vote of May 16, 2022 (Article 31) the Town will accept a donation of this property subject to a Solar Energy Ground Lease Agreement signed by the Town of Wilbraham and ASD Three Rivers Solar LLC on October 25, 2022." Town Counsel and the applicant's attorney will coordinate timing of the transfer of ownership.

Mr. Cook reported that there will be a video taken of the road before they begin construction to document any existing damage so that when the project is complete they can work with DPW to repair any new damage done to the road. Ms. Capparello has requested that any trees to be cut be surveyed and double marked; she will arrange a viewing for herself and the abutters before the trees come down. Mr. Cook said the trees will be marked and a video will be taken before the trees are cut.

Mr. Rooney asked Mr. Cook if he checked the well water of the abutter who inquired at a prior meeting. Mr. Cook reported that the abutter has not reached out to him. He advised the Board that all of the abutters will receive a letter from him with his contact information before construction begins. He shared that the set down storage area has been moved from the south corner of the property further up the boundary in response to an abutters request at an earlier meeting.

Mr. Rooney asked Board member Tracey Plantier to report on her visit to the site with Mr. Cook earlier in the day to view where the access pad had been staked out. Ms. Plantier shared that she now has a better feeling of the pad location after seeing it. The equipment will be about three feet high; she suggested the lowest fence possible to shield the equipment from the road. She is comfortable with Mr. Cook's description of what it will look like and feels the abutters concerns are being taken into consideration. Ms. Plantier was told that the road will be swept off every day keeping it clean and so as not to be bothersome to the abutters.

Abutter John McCloskey, 256 Three Rivers Road asked Mr. Cook if Ms. Capparello addressed the open well in her comments. Mr. Cook said it was not in her comments but it was covered in back and forth conversations he had with her and it was decided that they will cap the well. Ms. Buck confirmed that the decision states the well must be protected at all times.

A. MOTION (PLANTIER, MOORE): I move that the Board close the public hearing. Approved (5-0).

B. MOTION (PLANTIER, LUTTRELL): I move that the Board grant Special Permit SP23-05 to allow project changes related to equipment pads, landscaping, stormwater design and grading for the solar energy facility at 285 Three Rivers Road (SP18-06) as described in a letter from AMP Energy to the Planning Board dated March 24, 2023, subject to conditions of approval contained in the draft Notice of Decision dated June 28, 2023 as

modified at tonight's meeting and authorize the Planning Director to sign said decision on behalf of the Planning Board. Approved (5-0).

6. Appt – Dana Steele, J.R. Russo & Associates, LLC

Administrative Amendment of Special Permit (SP23-04)

Proposed Lighting Modifications at Lia Toyota of Wilbraham, 2145 Boston Road

Dana Steele, Engineer JR Russo Associates, appeared before the Board to present the scope of the proposed lighting modifications at Lia Toyota. Mr. Steele shared that the proposal is to remove all light fixtures in the front and east side of the building and install new light fixtures (same height, same wattage) in those areas and also on the west side of the building where there is no lighting currently. There are a total of fifteen (15) 300 watt LED light fixtures currently on the property, 22 feet high on 20 foot poles. Lia Toyota is proposing to add five (5) additional fixtures on the west side access drive and eight (8) additional fixtures around the perimeter of the site, increasing the number from 15 to 28. Mr. Steel indicated that the reason for the increase in the number of light fixtures is to meet the current standards for car dealerships and proposed industry standards. Board members questioned what the industry standard is and expressed that the lighting appears to be for display and advertising purposes rather than for customer parking.

Board members raised concerns with brightness of the site currently and what affect the increased number of fixtures would have on Boston Road and the residential area on the east side of the property. Board members reported that they are not capable of determining whether or not the lighting will stay on the property or spill out onto abutting properties and Boston Road without an existing photometric plan to compare to the proposed photometric plan. Board member Tracey Plantier asked if there were other local sites with similar lighting levels that the Board could visit.

Mr. Steele advised that they could install house shields on the light fixtures to prevent the lighting from spilling out on Boston Road and abutting properties. He will ask the vendor to create an existing photometric plan of the site and he will gather a list of local sites with similar lighting levels and send the information to Ms. Buck to share with the Board.

Chair McCloskey advised Mr. Steele that it is the Boards discretion whether or not to allow the lighting modification to be handled as an administrative amendment or hold a public hearing. The Board determined that since the lighting modification was not part of the previous special permit request and in order to remain transparent with the residents they requested Mr. Steele submit a formal request for a special permit with a public hearing.

7. Building Inspector's Report

Building Inspector John Walsh shared with the Board that framing continues at 6 Burt Lane (Center Village); the True Storage facility will be working on the roof soon and the foundation has been poured for Starbucks.

8. Discussion: Associate Planning Board Member

Chair McCloskey announced that at the last meeting the Board decided to post the Associate Planning Board Member position to raise candidates for either the Planning Board or other town boards. Three applications were received and two candidates (Carol Morrello and Bruce Williams) attended the meeting tonight.

Mr. McCloskey invited Ms. Morrello to the table to meet with the Board. Ms. Morrello shared that she applied for the position to give her an opportunity to get involved in where this community is headed. Board members shared with Ms. Morrello that this is an elected position, it is a three year term commitment and associates are groomed for a permanent role on the Board. The Board advised Ms. Morrello that if this opportunity did not work out, there are other town boards that may be looking for members.

Associate Planning Board member, Bruce Williams expressed his interest to continue in his role on the Planning Board and feels that his past performance, participation and attendance shows his interest and dedication to the position.

Mr. McCloskey shared that Bruce Williams' term is up at the end of the month and asked the members how they wished to proceed and if they were ready to make a decision at the meeting tonight. Board members agreed to have a discussion and take a vote at the meeting.

Mr. Williams recused himself and left the room so that the Board members could deliberate. After back and forth discussion the Board voted to retain Mr. Williams on the Board. Mr. Williams was called back into the room and Mr. McCloskey announced that the Board will be making a recommendation to the Select Board to nominate him for a three-year term.

MOTION (PLANTIER, MOORE): I move to nominate Bruce Williams to serve as the Associate Planning Board member and to notify the Select Board of the Planning Board's nomination so that a vote on the appointment for a three-year term may be scheduled per Section 15.4.2.1 of the Wilbraham Zoning Bylaw. Approved (4-1). James Rooney opposed.

9. Planning Director's Report & Planning Board Updates

Ms. Buck shared the following updates with the Board:

Cedar Ridge / McDonald Nature Preserve Land Grant – Mr. Carnevale has been paid for the property. The request for reimbursement was submitted and has been approved. The town will receive reimbursement of \$250,948. The Board members thanked Ms. Buck for all her time and hard work on the land grant. The two conservation restrictions were recorded on Monday.

Fall Zoning By-law discussion – Working on incorporating the Zoning By-Law amendments from the May town meeting into the by-laws; still awaiting approval from the Attorney General's office. Will have drafts for fall by-law amendments for the next meeting; need to have a hearing in August. Fall amendments will include Battery Energy Storage and a few housekeeping items. Working on reformatting the table of amendments and the index and moving them to the back of the by-laws; this does not require Town Meeting approval.

10. Other Business

Reserved for Matters the Chair did not Reasonably Anticipate at the Time of Posting Other
Board member James Rooney shared that Michael Mazzuca, Economic Development Committee Chair, would like to get on an upcoming Planning Board agenda to introduce himself to the Board.

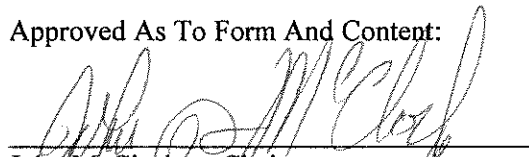
Having no further business, the meeting was adjourned by unanimous consent at 8:19 PM. The Board will reconvene at its next meeting on **Wednesday, July 19, 2023 at 5:30 PM.**

Submitted:


Heidi Burnham, Admin. Assistant

Date: 9/19/23

Approved As To Form And Content:


John McCloskey, Chair

Date: 10/11/23