

Planning Board
Town of Wales, MA
Wales Town Offices
2/4/19; 7:00 p.m.

Present: James Whalen (JW); Danelle LaFlower (DL); Jason Oney (JO); Laurie Hornacek (LH); Lynn Greene (LG); Ryan Wingerter (RW)

Guests:

JW opened the meeting at 7:05 p.m.

Minutes from 12/10/18 approved as amended.

TOP SOIL ISSUE

JW; stated, we have the second meeting at the senior center and Attorney Siddell got back to us. We talked about the first meeting and securing the site. Also, we spoke about the by-law and language. The building inspector gave his interpretation of the top soil issue. Mr. Bozenhard was approached by NEXAMP about building the road before the detention basins, and we were not informed of that. Laurie has a special permit template that we will take a look at.

LH; shared photos of her back yard with the rest of the PB about issues with her property due to the commencement of construction. LH; stated, that she did speak with MassDEP.

JW; stated, the selectman want to talk to Mr. Bozenhard. There is a lack of communication that could have prevented a lot of issues.

JW; recited Attorney Siddell's email pertaining to the topsoil issues.

JW; stated, that he said to Chris Clark that Sherman & Frederick did not do this correctly. Not negating NEXAMP's responsibility. My opinion on the present issue, which is the soil issue, needs to be dealt with first, second the public hearing, and third do we have a discussion about the by-laws.

LH; stated, we need to send this to NEXAMP and let them address the issues that are on the site and they need to apply for a special permit with a fee and continue to not remove top soil. The permit has to have language about schedule, quantity, etc.

JW; stated, I believe it is only 1 public hearing. I have to find our fee schedule.

LH; stated, Douglas, MA has a fee of \$350.00 which is a good starting point.

JW; stated, if we want to decide on a fee tonight and put it on the Select Board agenda for tomorrow we can do that, or we may have to have a special meeting. I am in favor of the first option due to the soil already being there.

LH; stated, we need to have Andrew (W&S) attend a meeting, and we need to have the funding for him because he knows the most and has the most experience. We do not have fees or special permits in place. I spoke to Mark (DEP) and he stated that we need to have all the permits on the table to see what is out there. There are multiple names on the permits and there may be storm water issues as well.

JW; stated, we did the site walk specifically due to the potential environmental issues, Mr. Bozenhard's decision was not discussed with other town officials. He does not have sole authority.

JW; stated, I will speak with Andrew about additional fees. We should invite Andrew to a meeting.

DL; asked, do we have to pay for Andrew or will NEXAMP pay for it?

LG; stated, it really does not matter because there are things that should be done that have not been done.

LH; stated, I spoke with Mr. Siddell today. There is certain information that is not getting passed along to all members. We all need to know what is going on not just at one site but any others. I spoke with him because we have no information about the by-law review. I just asked if he has the interpretation.

JW; asked, what else do we need to have?

LG; stated, permits, we do not have all of them.

JW; stated, the only thing that we have is the certificate of decision. There was a challenge to the special permit language and that is why the certificate of decision is worded the way it is.

LH; stated, I want the other board members to know what they signed was a special permit. Our by-law states that you need a special permit. The stone wall also is another issue. There should have been 3 meetings and there was only 1 held, and there was no chance for the public to speak about it.

JW; stated, I would like a list of exact missing items and tell me if we do not have them. We will find it if we do not have it. I do not have any issue with making sure we have everything.

LG; stated, I have an issue with MassDEP stating that we need to have all the permits. We need to see what was issued and what was stamped.

JW; stated, so we need conservation permits, and did it impact our decision making?

LH; stated, they are very lax on what they want to do.

JW; stated, none of us were told about the conversations that took place and that is where it starts. All the boards need to realize how to share information and have an open dialogue. We will converse over email on a meeting that we would like to have Andy attend with NEXAMP. I believe they need to apply for a permit and it may clarify who pays the fees. We will inform NEXAMP that they need a special permit.

NEXAMP

JW; stated, we drafted a letter to NEXAMP and this is what resulted. I would attach the email from Mr. Siddall specifically number 5 and 6.

DL; stated, I have a question on number 5 and recited the “removal of top soil near a wetland”, and asked what happens since they did do it?

LH; stated, it is a major violation of our by-law.

JW; stated, that will be part of the special permit, and the top soil issue will need to be addressed. I have several thoughts but it should be discussed during the public hearing.

The board discussed the access roads and planned roads on the site.

DL; asked, what do you mean by secured over night?

JW; stated, just to prevent access from the public and vandalism at night.

JO; stated, it is not solely on NEXAMP but I agree with James, that Sherman & Frederick has some responsibility.

DL; stated, that they need to have someone monitoring the site during rain events.

JW; stated, they are doing monitoring at .25”.

DL; stated, perhaps we just reorder the items and specify what they should do with the overnight security.

Do I hear a motion to send the letter to NEXAMP, JO so moved, second, all in favor.

Motion made by LG of setting the fee of \$250.00 for topsoil special permit, second by LH, all in favor.

MODEL ADULT USE MARIJUANA ZONING/BY-LAW ORDINANCE

JW; stated some of the issues going on the Cannabis Control Commission.

SITE PLAN REVIEW BY-LAW

JW; stated, he pulled the Town of Monson’s By-Law. I compared Monson’s to Franklin’s, Reading’s, and Spencer’s. There was not language about a major versus minor development. JW then went onto recite the Monson by-law further including decision deadline, solar, and exemption status. Reading has loading and unloading area language. A lapse period is language for the developer responding to a decision by the PB. Reading also has language dedicated to tree removal. I will create a google document and you can add sticky notes to it and we can discuss them later.

SIZER RD PUBLIC HEARING CONTINUANCE

JW; stated, we will bring up the second site plan review from Andrews Engineering.

OPEN SPACE PLAN

DL; stated, I have read through the state open space guidelines and we need to have an actual open space committee. I would have to talk to someone from Rec/Parks, Con-Comm, Planning etc. I would like to discuss it with other boards/departments if the PB is interested in it.

The PB supports the idea of asking other department and boards.

RESERVE REQUEST

JW; stated, we have depleted our budget. Our fee schedule eventually come into play. I spoke with Bill Matchett and he did not recall going through funds like this. Apparently there will be a large amount of reserve fund requests.

Motion to ask reserve for \$1000.00 for planning board expenses, JO second, all in favor.

Correspondence and Vouchers Reviewed and Approved

Motion to adjourn at 8:52 p.m., LH second, all in favor.

