

Planning Board
Town of Wales, MA
5/13/19 7:00 PM

Present: Lynn Greene (**LG**), Jason Oney (**JO**), James Whalen (**JW**), Laurie Hornacek (**LH**), Danelle LaFlower (**DL**), Sarah Ryan (**SR**)

Guests: Laura Foster, Bruce Cadieux (Wales Highway Commissioner), Brian Johnson (Holland Highway Commissioner), Ken Comia (PVPC)

(**JW**) Meeting was called to order at 7:02 PM on May 13th, 2019.

Bruce C who is the Highway Commissioner is asked by the Planning Board to present his information in regards to Sizer Dr:

Bruce explains that after looking at Sunpin's plan they have the 400 ft. in question listed as "paved drive" but it is in fact a town road. Bruce continues to explain that the existing town road goes up past the house, even though it's not paved it is a town road. The road would have to be discontinued at a town meeting. Bruce suggests that the town could discontinue the road, sign the 400ft of road over to Sunpin and in return they would pave the entire road of Sizer Dr.

(**LG**): Points out that the width of the road needs to be 20 ft wide for construction vehicles.

Bruce points out another issue with Sunpin's plans are that their 3ft culvert box is listed as the age 20 standard, which will not support Wales's firetrucks.

(**LG**): Asks Bruce if Sunpin has contacted him or the Fire Chief.

Bruce states that they have not been contacted.

Bruce continues to explain that at the end of the road they have a 3 sided culvert box, it comes across the road, it's a 10 ft. span with a 20 ft. width. Age 20 standards would give them an 8,000 lb. front axle and 32,000 rear axle. The Wales tanker truck is 16,000 front axle and 40,000 rear axle, the smallest engine is still over that limit. The specifications would need to be increased. Furthermore, the age 20 standard is 5,000 psi concrete; they would have to go up to 396 standards which would be 8,000 psi concrete.

(**LG**) Do they have to widen the road as well? Response from **Bruce**: The plans specify that its 20 ft. wide with 36 ft. turn arounds for trucks at the end. Bruce then submits a picture showing age 20 standards doesn't come close to supporting our tanker of 24,000 lbs. of water, not including the weight of the truck.

(LH) Expresses concern over this information coming into play at this stage and recalls that Sunpin had mentioned in the beginning that they would be contacting the Fire Chief and Highway Department. Which (LG) also confirmed.

Bruce explains after reviewing the plans that there were some silly mishaps of having the electrical shut off at the gate? that they have it listed for Higden Rd in Spencer. This could be a potential problem if some of the younger fire fighters who may not know that Wale's doesn't have a Higden Rd.

(JO) states that Sunpin needs to make the plans site specific.

Bruce reiterates that he doesn't feel that allowing them to move 400 ft. is the best option but that he would be inclined to discontinue the road, give Sunpin the 400 ft. and in return they pave the remaining 2,700 ft.

(JW) makes a suggestion that at the next hearing this is brought up and if Sunpin agrees to discuss the funding side and how it gets done, and then the financial side would have to be handled separately as far as how those funds come in and out.

(DL) wants to know if Sunpin can go about discontinuing the road if they do not agree to pave the remaining 2,700 ft...

Bruce responds with explaining that Sunpin would have to get an article on the town floor at the next town meeting where they would need to discuss the purchasing of the 400 ft.

(DL) makes notes that this may slow things down for Sunpin since a town meeting or special town meeting would be required.

Both (LH) & (JW) voice concerns about the difficulty of the site, the natural erosion that causes run off, and the instability of the logging road. (LH) recalls that Sunpin's revised plans are supposed to show the basins increase in size due to the town engineers suggestions.

(DL) explains that she would like Sunpin to be notified as soon as possible so they can incorporate the idea of not moving Sizer Dr and open the discussion to other options.

The Planning Board then asked Bruce if he would be willing to attend the next public hearing with Sunpin, which he confirmed that he would.

(JW) introduces Ken Comia being from the PVPC, stating that his objective is to have a Master Plan set for the town as a town wide project.

Ken C: PVPC Master Plan is regulated through State General Law; it provides details of historic information about land use, housing, natural resources, open space among other topics that are brought forth by the town. The PVPC sets visions and goals for the town. Master Plan is a document that provides information and plans on how the town seeks to have development over the span of 10 years.

The town will establish priorities, where they want to develop and where they would want to preserve with the understanding that most of the time the Planning Board and residents want to maintain the character of the town. The Planning Board, absent to a Master Plan committee, is the Master Plan committee. A community engagement plan that lays out the next couple of months shows the funding for the project ends at the end of the year. PVPC would like to engage in 2 community forums and update the board at monthly meetings. The master plan committee is encouraged to help conduct outreach so we can get as much participation that we can. PVPC will have 3 to 4 planners come to community forums along with Ken Comia who is the project manager. Ken would like to tap into any networks the town has and get input from various groups within the town. Ken inquired about what kind of outreach and or communication is available in town. The end product for the project is the Master Plan the Planning Board adopts.

(DL) asks if the town adopts the plan or is it just the Planning Board. Response from **Ken C**: states that usually you have a public hearing through the Planning Board, usually the select board members will participate. You engage the community forum, using community survey. The town has adopted some plans from PVPC in the past. This is a Master Plan that allows the participants and the residents to set priorities for the town. PVPC looked at general data from US Census Bureau and surveys (since the community has not been engaged at this point) to get a better idea of what we would be doing.

(JW) mentions that they may be able to utilize the code-red system as a possible way to disperse this information. After the board discussed this option they felt this was not the appropriate platform.

The Planning Board then continues to discuss various outlets to get this information out and get community participation.

Bruce C then asks what the overall cost for this plan is. **Ken C** responds by saying that there was a \$30,000 community compact grant and 15,000 local technical grants.

(JW) explains that the Planning Board was introduced to this back in March and that this was the 1st meeting to start the process but that this will carry on until December/January. PVPC will hold onto the money, typically every year we would apply for DOT money for many uses and this could be one of the uses.

Ken C continues to explain the ideal timeline of events for this process. PVPC would work with the Planning Board to enlist town's people as stakeholders, to identify priorities. We would have two public forums; 1-to have a guided discussion about priorities, goals and a visionary session, 2- to produce the findings prior to the adoption of Master Plan. Ken then presented maps that PVPC planning department put together to highlight areas to protect vs. develop.

(JW) then addresses Laura Foster and Mr. Johnson about the next topic of Union Rd/Nexamp.

(JW) wants to follow up about the site visit at Laura Foster's property of 236 Union Rd.

(LH) submitted her minutes that she had documented for that site visit.

(JW) explains the issue of the solar farm abutting Laura Foster's property. They received easements for certain conditions from the Hampden County Register of Deeds. It seems they are following the easements or they built beyond it. Where the access driveway is, it seems that they built beyond what the plans called for.

(LH) asks Ms. Foster how many arrays were on her property. **Ms. Foster** responds by saying "5".

(LH) confirms by looking at Nexamp's plans that they allowed for 6 arrays past the pin.

(DL) asks who granted the easements. (LH) responds by stating that Mr. Bradway granted Nexamp permission to put the easements through his land.

(DL) then asks if the easements are in the original footprint of the solar project. (LH) responds by saying that the easements were granted in January 2019 per Register of Deeds.

(JW) asks (SR) to contact the town's attorney in regards to this topic. (JW) explains that several years ago the Planning Board at the time instructed Mr. Bradway to construct a berm across Laura Foster's fence due to water runoff from the hill. Natural storm water comes down from the hill causing erosion so water flows underneath Ms. Foster's shed which is causing the wood to rot.

The Planning Board then discusses reaching out to Mr. Bradway and/or Nexamp to figure out whose responsibility it is.

Bruce C makes a suggestion of asking the construction company to fix it rather than having all this correspondence.

Laura Foster then states that the project manager was supposed to visit her property but she never showed up. Ms. Foster feels that Mr. Bradway and Nexamp have no interest in working with her on this issue as the home owner. The DEP told Ms. Foster that this was an environmental consultant problem.

(LH) explained that DEP is on the site now fixing all of the issues Nexamp is having. (LH) suggests talking to Kevin who is the construction manager for Nexamp that is on site. **Ms. Foster** states that she will continue with her DEP complaint.

Brian Johnson (Highway Commissioner for Town of Holland) explains that he is under the impression that there is loam up on Union Rd that needs to be removed. He asked if a special permit was needed to get the loam out.

(JW) states that Nexamp gave permission to Mr. Johnson to remove the loam as long as the Planning Board was ok with it.

(LH) explains that the town has a by-law in Wales that prohibits the removal of topsoil without a special permit. (By-law Sect. 72) (LH) continues to explain that the by-law states you need a

special permit. Town counsel is involved with Nexamp because Nexamp has already removed topsoil without a permit. Nexamp and town counsel are discussing the wording of the by-law. (LH) then suggested that Mr. Johnson return once this issue with counsel is resolved at the end of Nexamp's construction.

(DL) then read what the wording of the by-law read: Within the town of Wales removal of topsoil from any property not in public use except when incidental to and in connection with construction of a permitted structure. This is why the language is not concise.

The Planning Board then opens the discussion up of special permits.

(JW) states that any fees that are set by the Planning Board is a suggestion to the selectmen.

Planning Board discussed that by-laws needed to be changed along with updating special permits for the town.

The Planning Board then discusses changing the wording of the 2 week rule to read: "Applicants are required to submit copies of amendments and original plans two weeks prior to any hearing for public review".

This would be helpful since the board has gone into several hearings blind to updated plans from the solar companies. (JW) makes the point that if the Planning Board does not receive these updated plans two weeks prior that the Planning Board can post pone meeting to provide time to review the plans.

(DL) and (LH) believe that Sunpin should be asked if they need more time since this new information would affect the revisions they were already making to the plans. The 2 week rule will not apply to this particular situation since the rule was imposed midstream.

(JW) makes a motion to discuss and establish the "new rule". 2nd by (LG), 3rd by (JO). Call for a vote, all in favor.

(DL) clarifies that this new rule will go into effect with all future hearings.

(JW) opens the discussion of transferring funds within the Planning Boards line item. To move \$250 from Planning Board salary to Planning Board Clerk salary.

(LG) then suggests that the previous clerk (Ryan Wingerter) submit an account for what he did during the hours that he has submitted.

(LG) makes a motion to move \$250 to Planning Board salary line to Clerk salary. 2nd by (JO) All in favor.

(JW) then submitted the Planning Board report to be dispersed at town meeting which (DL) made some edits to.

(LG) made a motion to approve the Planning Board report with edits, (JO) 2nd. All in favor.

The Planning Board then reviewed the minutes of 2/11/19 and 4/22/19. **Laura Foster** then inquired about the edits and photos she wanted noted in those minutes.

(DL) asks for clarification from the Planning Board on some of the content of 4/22/19 minutes. Edits were made.

The board addressed Laura Foster in regards to her request for the proposed checklist for storm water and erosion testing. **(JW)** explains that the solar company gets test kits, they choose a few spots to do them but there is nothing regulating where they do them. Ms. Foster then asked when the minutes for the site visit on 5/10/19 would be available.

The Planning reviewed the minutes from the site visit on 5/10/19 and approved them with edits made. **(JW)** made a motion to accept the minutes for 2/11/19, 4/22/19 and 5/10/19. **(LH)** 2nd the motion and all in favor.

Motion to adjourn at 9:45 PM.