

**Planning Board
Town of Wales, MA
Wales Town Offices
3/12/18; 7:00 p.m.**

Present: James Whalen (JW); Keith Hood (KH); Danelle LaFlower (DL); William Matchett (WM); Jason Oney (JO); Ryan Wingerter (RW)

Guests: Laurie Hernacek (LH); Laura Foster (LF); Susan Anderson (SA)

WM opened the meeting at 7:01 p.m.

JW moved to approve the meeting minutes from 2-26-18 as amended; KH second, all in favor.

SOLAR BY-LAW

JW; asked, should we re-word the proposed amendment? JW; stated, Ben Coyle did not approve of it. We can re-write it and have him review it.

WM; stated, he has to review it anyways.

DL; asked, are we only trying to amend the size?

LF; asked, what precipitated wanting to amend it?

KH; stated, the limit of 5 acres is too small, and do we think it should be larger?

LF; asked, does the proposed development meet the by law or are you proposing a change to accommodate the developer?

JW; stated, no we used a template to write the solar by law, and it was pointed out that there was a size restriction. We were unaware at that time and we tried to change it at the board, and it was denied by our town counsel and moderator. So we decided to propose the changes again. Just recently the AG's office approved it.

LF; asked, does the AG not have a 90 day approval window?

JW; stated, they do.

JW; stated, the 5 acre limit is the published by-law currently.

JW; stated, the first public hearing will be the 26th as well as the Nexamp hearing following it. Do we have any different thoughts on it or want to discuss it further?

WM; asked, what did we come up with for size?

KH; stated it was a percentage.

DL; stated, we limited it to a size to I think. I am interested in putting some forestry protection in it.

JW; stated, we could change the size and add a separate paragraph for the other language.

DL; stated, we do not know what people will be ok with.

JW; stated, we agree on protecting forest land, sizing and scope. If we separate the changes, it would be easier.

WM; asked, so if they develop 5 acres they need to have 20 acres of forest remaining?

DL; stated, correct, we need to protect forest land in Wales.

LF; asked, are you counting drive way and everything else that is put in? It has to be part of the by-law.

WM; stated, within the fence line is an installation.

WM; stated this by-law (Shutesbury) has language that ours does not, which we could use.

Board reviewed the minutes from 8-28-17, for previous by-law discussions.

KH; stated, sometime after these minutes we must have written a proposal.

JW; stated, I remember writing it, but do not have it at this time.

JW; stated, I was not going to have any movement on this until the public hearing.

SA; stated, I remember the surveyor asking about the solar arrays, and you guys have gone through this before and said that it was 5 acres of solar arrays.

JW; stated, this is why we are going to have the public hearing in order to go into full detail about the proposed developments.

JW; stated, this is why there will be at least 2 public hearings. First to have an understanding of the plans with comments from everyone. Most hearing go two (2) maybe three (3) hearings.

WM; stated, we need to prepare for the hearing.

DL; stated, I would like to put the forest thing out there and can we add it to a new article?

WM; stated, James will put it in a new paragraph.

SOLAR APPLICATION

WM; read the Frydryk application letter.

JW; stated, we posted it, and it does state senior center

WM; stated, they did not follow the procedure, it is supposed to be registered mail.

WM; stated, the abutters need to be certified.

JW; stated, were some certified.

WM; stated, the original ones were.

LF; stated, not all of the letters have been certified.

JW; asked, how should this be handled?

WM; stated, they did not follow the law and the meeting on the 26th should not take place. I believe it is MGL.

WM; stated, the board of assessors has the list and they have to pay for one (abutters).

KH; asked, how many days' notice do they need to have?

WM; stated, they have 2 weeks.

DL; stated, people will show up and we can tell them that it is cancelled.

WM; stated, we need to set a precedent due to the lack of following the law.

JW; stated, we need to open the hearing, and then reschedule it.

KH; stated, other than the fact they put the wrong location, it is legally acceptable. All other information is within the letter. It says Wales Solar LLC., and this is adequate. I think it is appropriate to contact them and tell them that the address is wrong.

WM; asked, how do we know it is certified mail, right now it states that it needs to be registered mail which is certified mail per the by-law.

KH; stated, we should contact them and ask them what they have.

WM; stated, they still cannot meet due to our by-law. They need to attempt to send the information three (3) times.

KH; stated, if we know they cannot meet the requirement, then we should call them and not have the hearing. Why have everyone show up and say let's do it again?

JW; stated, it is the chairman's prerogative due to the chairman's setting of a public hearing,

WM; stated, we should not have to go above and beyond to notify them of their failures.

JW; stated, the surveyor should know by now, and we notified Nexamp that they screwed up. Both parties have has ample time to figure this out.

WM; stated, I believe they know what they are doing, because they feel we are not prepared and we do not have the by-law amended. It has been this way since day one.

JO; stated, their architect may not know better, but Nexamp should.

WM; stated, Nexamp has done enough business to know what the law is, or what our towns by-law is.

JW; stated, I feel worse for the abutters because this is who it affects.

KH; stated, we should convene the public hearing, and give them a chance to show what they have done.

JO; agreed.

JW; stated, we spent money to advertise the public hearing.

LH; stated, they want to be part of the community, but they want to do it their way, they should be following the rules.

LH; stated, when I got the letter I knew the public hearing was at the senior center.

WM; stated, my opinion is that I am going to hold the hearing and want proof of notification.

JW; stated, all abutters are on the plan.

LF; asked, did you receive any further plans? They are surveying.

WM; stated, they did an Approval Not Required (ANR).

KH; stated, Zoning By-Law 8.4.5, we should have ready and show us that they complied with it.

G.I.S.

WM; asked, any updates DL?

DL; stated, I thought you were going to ask Bruce.

WM; stated, I will ask Bruce again.

DL; asked, do we have to talk to Bruce?

WM; stated, I was going to ask him about Hegan St.

OUTSIDE CONSULTANT RULES

WM; stated, this is what we have to adhere to in order to hire an outside consultant.

PUBLIC HEARING

JW; stated, my idea was to have a brain storming session with the abutters and us. I expect there to be new plans given to us among other things. I made a list of 7 things, and my other question is how to structure the public hearing. The board would ask questions first, then abutters. I previously tried to keep a 2 question limit, but with abutters it is more of a round robin.

Questions:

- Storm water protection during and after construction. What is the plan after construction? I am guessing they will show something on any new plans they submit to us.

- Actual acreage and what it entails.
- Fence and array heights. They do not show how deep they go (fence post). (WM; stated, they need a special permit if over 6 feet) (JW; stated, it says 7 feet which they could change or keep with a special permit), (WM; stated, I believe 6 foot with a 1 foot gap)
- Looking at the plans it appears the arrays face south and I want to know which way they face. Other arrays face south and create glare.
- ANR, I thought about bring it out and confirm what they are doing with combining the lots. It makes sense that they do, but we need to make sure that's what they are doing
- What vegetation along Union Rd. will be used to help in the winter?
- Putting any proposed deviation or change, must be approved by the planning board

KH; asked, do you anticipate making a statement for the requirement that they applied for a special permit if the fence is above 6 feet? They will argue that they have shown it.

JW; stated, we could say that they have read the by-laws.

WM; stated, if they show proof of notice to abutters, then we will open the meeting. They ignored or did not read the by-laws.

DL; asked, does the website show the solar by-law?

JW; stated, no.

RW will send out solar by law to all board members.

WM; asked, please secure this Frydryk letter.

WALES ZBA

Discussion about the Wales ZBA wanting to change the by-law to require certified mailing and WM wants to change it to certified mail.

Mail reviewed.

Vouchers signed.

WM; moved to adjourn 8:30 p.m., JW; second, all in favor.