

Planning Board
Town of Wales, MA
Wales Town Offices
7/9/18; 7:00 p.m.

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

Guests: James Perry (JP); Lynn Greene (LG); Suzan Anderson (SA); Gary Anderson (GA); Bill Shiers (BS); Jerry Croteau (JC); Andre Cormier (AC); Chris Clark (CC); Julie Beauchenira (JB); Walt Bradway (WB); Jania Bradway (JB); Jeff Fortier (JF)

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

Minute review will be at the end of the meeting

7:02 p.m. correspondence Reviewed

JW; discussed the Model Marijuana By-law from PVPC, requested for board members to look it over.

SOLAR BY-LAW

JW; stated, we still need to schedule the public hearing. We need to reschedule it for FY19 and do we want include it with other discussions or have a separate hearing?

DL; stated, all at once

JW; we would have to have article language tonight and the special town meeting is august 6th so we would need to schedule the hearing before then.

NEXAMP/BRADWAY FARMS

JW; stated, we left off with the third party reviewer and I think we should contact Weston and Sampson. I will email him tonight. Chris Clark informed me about PVPC doing peer reviews. Green Hill and Burton did not respond. We will tie it in with the By-Law and Tree/Scenic Roads hearing. Let's schedule it for July 25. I will contact the Tree Warden.

GIS- Tabled till next meeting

LAKE GEORGE TAVERN

JW; asked if the public hearing was scheduled.

RW; stated, no I was waiting for confirmation about scheduling the public hearing.

JW; stated, I believe he sent out his abutter notices. I will have to check into the open meeting law about getting him a meeting.

NEW BUSINESS

Andre Cormier (AC) ANR Old Colony Rd.

AC; stated, these lots were once approved a while back and we decided to put them back due to having to pay taxes.

JW; asked, do you plan on splitting them up into 16 lots and that is where you want to build houses?

AC; stated, yes we are in the process of design, and are meeting with the Board of Health about the septs.

JW; asked, do all the lots conform?

AC; stated, yes it meets the frontage requirements.

JW; asked, frontage is good, is there any existing structures?

AC; stated, no it is vacant land, and we started working with the Highway Department a long time ago. We were waiting to see if a school was going to get built.

JW; stated, looks good and meets our requirements

JW; stated, do I hear a motion to approve the ANR for Old Colony Road, JO so moved, LH second, all in favor.

NEW BUSINESS

Bill Shiers (BS) ANR 48 Fountain Rd.

BS; stated, my neighbor is selling his house and I want to buy a section of his property, it's a non-buildable non-usable lot. People have access to the boat ramp but it is not in use. It is about 2/10 of an acre.

JW; asked, do you plan on granting easements?

BS; stated, there already is. The property was surveyed. We gave the owner an easement to his well, which we are ok with.

JW; stated, do I hear a motion to approve the ANR for 48 Fountain Rd, JO so moved, LH second, all in favor.

7:35 p.m. Recess

7:43 p.m. meeting called back to order

JAMES PERRY

JP; stated, you asked me to come to the meeting to have the board sign off on my plan. I want to sell the property off.

JW; asked, you talked to the Town Treasurer?

JP; stated, I spoke with him at the select meeting.

JW; asked, we did ask for the Deed and the current ANR

LH; asked, is the town selling this lot to him?

JP; stated, no, just an easement.

DL; asked, so a driveway was put in on town land and the town is not giving you an easement?

JP; stated, yes my father put it in a long time ago and yes.

DL; asked, is the garage on town land too?

JW; stated, that is what it looks like.

DL; asked, that is ok?

JW; stated, I cannot tell you the answer to that.

LH; asked, should the town attorney take a look at this?

JW; stated, yes that is why I discussed it with Rod, and he was going to get in touch with him.

JP; stated, no one knew it was town land until 2007, it popped up in a survey.

JW; stated, this is still a select board issue, but as the planning board we can see what it actually is. We do need the determination of what the deal is and once the details are figured out then it would come back to the town. Rod would be the one to advise you on what you need to do next.

JP; stated, I need to know if I can actually sell the property.

JW; stated, we need legal advice from our attorney to our treasurer.

PUBLIC HEARING SCHEDULING

JW; stated, I will go by Lake George Tavern to talk with George.

JW; stated, I will get the Tree Warden's phone number tomorrow. We can set a date tentative on those confirmations.

JW; stated, the language from DL is not a binding language and not a public hearing.

DL; recited language she developed about 7.14.3 size. I have looked for data everywhere, and I cannot find what a reasonable size is. Mr. Fortier needs at least 40 acres or his developer will not touch it. Keep the language and change it to 20, we are not trying to eliminate anyone from trying to put in solar. I talked to Randy on Con-Com and he was not keen on a size limit. 7.16.2 Habitat impacts, we should put in that there is no areas of environmental concern. Also, to retain ecosystem service and rural character of the town and recited further language. Two (2) times would be a good number and it would be the fenced area. 7.16.2, all fencing should be installed 6" above ground to facilitate wild life movement. 7.16.3 I want diverse species specified. Also language about grading for section A.

JW; stated, we are still on the 5 acre limit, we have talked about percentages.

LH; asked, why can't we leave it at the 5 acres and let someone ask for a variance. How many acres can be developed in the town for solar?

DL; stated, there a lot of people with a lot of land who could make a lot of money.

JW; stated, we did talk about a variance before and it would definitely open up more politicization of it. Case by case basis would give opportunity to see what is planned. What makes the most sense, where it is clearly defined, and the most equitable?

LH; stated, keep it at 5 acres and let them apply for the variance.

DL; asked, how do we determine who gets a variance?

JW; stated, it could be said that the Zoning Board would have authority but I still think it comes back to the Planning Board. Do we want to pass that authority to another board or do we keep it?

LH; stated, it has to be case by case and there are a lot of variables about it.

JW; stated, there is some state law language. It comes down to local jurisdiction to what do we want to see?

DL; stated, let's just do 20 acres.

LH; stated, I think the towns people would like to have their voices heard.

DL; stated, that is why there is a public hearing.

JW; stated, if we make any considerable changes outside of what we submit for the 12th, we may have to table the issue or something else entirely. We need to have it as one article. The size issue will be the highly debated item. I am open to any motion based on what you gave us.

JW; stated, I am open to whatever is agreeable. It would be an improvement to what we have.

JO; stated, I am going back and forth on acreage and percentage.

JW; stated, if we wanted to have a public hearing on variance or the max, we definitely can do that. We can put language out there and at the public hearing, either the issue gets dropped or is improved. If we are on a max acreage or variance, it is not a percentage issue at that point. Would it be agreeable to have a discussion about a max acreage for people who could apply for a variance? Would anyone be open to the idea if we had language of a max total 20 acres of the lot and after 20 would be the variance?

DL; stated, I do not like that idea and feel strongly against a variance. I would rather have no max than ask for variances. I do not want people to not have any idea if they can or cannot get a variance.

LH; asked Chris Clark (CC) what is the average size?

CC; stated, it depends on the incentive programs and the wattage size. Doing what is best for the town is important for you. We have no dog in this fight. You should make sure the by-law you are developing does not open the door for litigation.

JW; stated, we have not discussed the size of the farm and power generated for 2 years. We could talk about the amount produced.

LH; stated, you could put a limit but the equipment can change.

DL; asked, can we just put it out there with XX as the number? The numbers do not effect the article and it would come from the public hearing.

JW; stated, if we talk about the size, how much longer does this get dragged out and the next opportunity would be in May. We need to get it done at the first hearing.

LH; stated, I want what is best for the town. I have nothing to lose because the arrays are going in near my house no matter what.

JW; stated, it would have to be as one article or all separate. If we are not going to agree on the size language, we have successfully brought changes to the town law. Do we want to submit something to improve our solar by-law or push it out again?

JW; stated, we can add language about the NEC and if our language is more restrictive, that would be used.

JW; do I hear a motion to submit changes to the solar by-law for the August 6 town meeting? JO so moved, LH second, all in favor.

JW; do I hear a motion to hold the public hearing for the 3 topics on July 25 pending the tree warden availability. JO so moved, LH second, all in favor.

LH; stated, I would like to nominate Lynn Greene to the Planning Board. DL second, all in favor.

Minutes from June 18 Planning Board Meeting approved as amended.

Motion to adjourn, second, all in favor.