**Planning Board Minutes**

DATE: January 6, 2016

Convened: 7:01 pm

Members Present: Sheila McCarthy, Dave Killian, Russell Smith, Jenna Elmore (7:12pm) and Pam Marquis (7:03pm)

NEW BUSINESS: Reorganization of Board if all 5 members - At Town Meeting Jenna will be presenter, Sheila and Jenna will be willing to do presentation, if decided upon, with regards to the Large Scale Solar Bylaw. Pam as Vice Chair will do technology. Russell will serve as Secretary and Chairman in training. Jenna nominates Dave as Chair and Sheila seconds, four in favor and one (Dave) opposes. Dave is now Chairman. Jenna nominates Pam as Vice Chair and Sheila Seconds, all in favor none opposed. Dave nominates Russ as Secretary and Chair in training, Pam seconds, all in favor and none opposed. We need a delegate for the Pioneer Valley Representative, if we have no interest, we will not appoint anyone. There is no impact if we do not appoint a person. We will not be appointing a member since no one is interested.

OTHER ANRs/SITE PLAN REVIEWS:

* John Field-MAP 14 Block A Lot 20 (owned by Field) and Lot 21 (owned by Winch Mountain Trust). Presented his plans with regards to his property and that of his neighbor/owner Winch Mountain Trust. Lot 21, owned by Winch Mountain has given part of its frontage to Mr. Field’s property, in exchange for square footage off parcel B of lot 20. Mr. Field has already appeared before the Zoning Board of Appeals, and they have approved his changes. Dave motions to accept the plan as presented. Pam Seconds and all are in favor and none opposed. Judy Sessler asked about the property and location, and what exactly is being done. John and his neighbor are exchanging land between the properties.

NEW BUSINESS:

* Property of Caroline Morris, which is in Chapter 61A. Property: MAP 10 Block B Lot 5. The Town has right of first refusal, Planning Board needs to make a recommendation to give reason to purchase or not purchase. Dave gave the address of 0 Sutcliff Road and Old Palmer Road. Dave recommends that we take no action on the parcel, there is no reason for the Town to own this property. Pam seconds and all are in favor and none opposed.
* Consultation for True Green Capitals Solar Field. Attached is the Quote from Brown, Richardson + Rowe, Inc they are Landscape Architects and Planners. Out of 3 companies contacted, they were the only one to want to take on this consultation. The original quote is for: $2,275.00. Dave is asking that the petitioner (TGC) send us $3,500 to cover the cost of the consultation and anything that may come up. Anything unused will be reimbursed. Dave makes motion to accept the proposal from Brown, Richardson and Rowe, and sign the documents after we receive the amount of $3,500 from the petitioner. Pam seconds the motion and none opposed.

OLD BUSINESS:

* True Green Capitals- “as built”: Josh Ensling is showing the plans. The plans do not show who the abutters are, the board would like to see the names, Pam is looking to see if there is a Locus Plan, match line is missing, trees around the transformer, Easements should be shown/right of ways should be shown, the type of fencing should be listed, total acreage of where panels are, field one how many acres, parcels identified on the Locus, the width of the road should be on the plan because it does change sizes, it also showed there were lease areas and the panels were not in the leased area, the plans also were not stamped, so that needs to be done as well. Josh will have the erosion guy with him when the Planning Board meets with TGC and the Landscape Architect, at the site.
* Large Scale Solar Bylaw with the BOS- to review/change for warrant Dave reviewed with all those present how the current Bylaw reads. We have a state law that says we cannot reasonably restrict. We are open to law suit because of this. Bob did a calculation of land 4.65% minus core of engineers, state property, lots already built on, wet lands, etc., it is less than 3%. Jenna is reading it and the amount of property that is available and how this current bylaw reads, it looks like not much property can fit into this criteria. There is a limited amount of space in the business district that will fit, it restricts which pieces of property fit all these restrictions. The zone was amended on the floor to read just the business district. We asked the BOS to attend the meeting to discuss the Large Scale Solar Bylaw that they sponsored at the 2015 Town meeting. Pam is concerned about the potential liability of the town. It is very restrictive and the town does not have the money to be in a law suit. Both the Planning Board and the Zoning Officer know there are people in town looking into putting in the solar projects. Sue Hilker, stated that the Attorney General did not think it was too restrictive and it is what the people at the town meeting voted for. Bob points out Article 6.10 on the solar bylaw a waiver that gives a lot of authority to the Planning Board. Bob just gave some statistics on the tax figure that has been brought to the town from the current solar field, it is income for the town. Jenna is asking Bob about the comments from the Attorney General if there is anything else we are missing since it was vague. Judy Sessler said that if the Attorney General lets us go through with it, to please do something at the next town meeting so it can be voted by the town’s people. Mike Miller, is coming forth about a property owner, who is frustrated. Nelson Burlingame, Zoning Officer is concerned as he has 5 property owners looking into solar projects. He would like to be on record that the town will be sued over this matter. He has to deny them, then they appeal with ZBA. According to the current bylaw it is unreasonably regulating, we are going to spend a lot of money fighting and will probably lose. Jenna is wondering if we could get the backing of town counsel at the Town Meeting, if we showed people on a map how restrictive we are being, would the town’s people be more open and get a better picture of how restrictive that the current bylaw is. Sheila asked if it was intended to be restricted to just business, and everyone agrees that yes, the towns people did not want it near them in residential. Pam said maybe if we had an informational meeting with regards to solar, people might be more understanding. Sheila asked what the intent of the BOS with regards to the bylaw. They had no response. Dave asked about the ZBA and if the town has spent an amount on law suit (Apple Road), and currently monies has not been calculated yet. Jenna stated there is a lot of potential for law suits with just the few people in the pipeline now. A comprehensive review of the subject and careful presentation of the pros and cons of the subject should be presented at town meeting. Roger Freeman, of Solventerra, out of Boston, he gave a presentation at the library 5 yrs. ago, he has been working with Joe Ciesla’s subdivision Genevieve Lane, located off Apple Road, to work on a solar project. Solventerra’s representative, Roger Freeman, says they are heavily invested to make it happen and be a partner with the town and a constructive partner. He believes that our current bylaw is in violation of the law. He is considering their options. They are trying to promote clean energy and it does bring revenue to the town. The restrictions set forth currently, are narrowly constricting and in his opinion it is in violation of state law. As a developer do you want to do less than 1 megawatt, Answer is no. A developer, under the current law you may be restricted to 650kw. The cost of developing the projects are very high, so the 650kw is at the bottom of the range, so 1 megawatt is what the developers want. There was discussion about the largest megawatt for a project and community solar. Dave asked if there any way we can get it on the top of the Warrant. Judith Carpenter made a suggestion to include ZBA and Open Space people, to our next meeting, which we will also invite Zoning Office, BOS, Assessors, and Town Clerk. Pam asked that we invite Town Counsel, providing BOS let’s us, so hopefully he could provide more definitive answers to the different boards, during the super meeting.
* Brian Caron wants to get on our next Agenda, he is resubmitting the plans for the solar field from 2013. Jenna stated that the business he has now, is no longer just a farm stand, but a nursery. A change of use needs to happen. Jenna says incorporate the entire parcel, proper curb cuts for route 20, show any rights of way, the more details the better.

The Board decided to have a meeting on January 13,2016 at 5:30pm in order to sign the contract for our consultant on the RT 20 Solar Project and to meet with Brian Caron. The Planning Board Clerk, Michele, will ask BOS if we can invite Town Counsel to our February 3, 2016 meeting.

OTHER:

* Review minutes- December 2, 2015-Pam makes a motion to accept the minutes as amended, two in favor, Dave and Sheila abstain.
* Signed payroll for Clerk and Board
* Reviewed Mail

Pam makes a motion to close the meeting at 9:35pm

Sheila seconds, all in favor, and none opposed.

Meeting Adjourned: 9:35pm