

**STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, JANUARY 15, 2013**

Ms. Gibson-Quigley called the regular meeting of the Planning Board to order at 6:30 PM. On a roll call by Ms. Dumas the following members were present:

Present: Charlie Blanchard
Russell Chamberland
James Cunniff
Penny Dumas
Heather Hart
Sandra Gibson-Quigley, Chair

Also Present: Jean M. Bubon, Town Planner
Diane Trapasso, Administrative Assistant

Ms. Gibson-Quigley opened the meeting and read the agenda.

Ms. Waters arrived at 6:35 PM.

PUBLIC HEARING – CARISBROOKE HOLDING, LLC/SPENCER SOLAR, LLC IS REQUESTING SITE PLAN APPROVAL AS REQUIRED BY THE STURBRIDGE ZONING BYLAW CHAPTER 25 FOR THE CONSTRUCTION OF A SOLAR FARM. THE PROPERTY IS LOCATED AT 48 OLF FARM AND 133, 137 AND 139 FISKE HILL ROAD.

Materials presented:

Application for Site Plan Approval for Proposed Solar Farm located at Fiske Hill Road & Old Farm Road – dated 11/28/2012 – recived 11/30/2012

Proposed Solar Farm – Carisbrooke Holdings, LLC – located at Fiske Hill Road, Sturbridge MA - prepared by Bertin Engineering – plan date 11/26/2012 – project 12-690 – received 11/30/2012

Ms. Gibson-Quigley stated that the Board received an opinion from Kopelman & Paige, dated January 9, 2013, stating the following: The Board received an application for site plan review of a proposed large scale solar facility to be located on a property fronting Fiske Hill Road and Old Farm Road. The property is located in the Suburban Residential and Rural Residential zoning district. Based on Mr. Bard's analysis of the Town's Zoning Bylaw, it is his opinion that a facility of this nature is not permitted in either of these two zoning districts.

Ms. Gibson-Quigley stated that Town Counsel's opinion is that the Board, if it chooses, does not have to hold a public hearing when the plan does not comply with the Zoning Bylaw.

Ms. Gibson-Quigley stated that it is at the Board's discretion on whether to hold a public hearing on this plan. If the Board agrees to open the public hearing for the applicant to make their presentation, she will suspend the hearing following that presentation to discuss whether the Board wishes to go any further, or to close the public hearing and deny site plan approval because the project is not allowed under zoning regulations.

Ms. Gibson-Quigley asked the Board how they want to proceed:

- Ms. Dumas asked if the applicant can withdraw without prejudice – Ms. Gibson-Quigley stated that the applicant was asked and refused to withdraw. Ms. Gibson-Quigley asked the applicant again if they want to withdraw without prejudice – Attorney Berthiaume, Attorney for the applicant, stated the applicant does not want to withdraw without prejudice.
- Ms. Dumas stated that she agrees with Town Counsel to deny the application. She also stated that she did not wish to open the public hearing.
- Mr. Cunniff, Mr. Chamberland, Ms. Waters and Ms. Hart agree not to open the public hearing.
- Mr. Blanchard stated that he agrees with recommendation from Town Counsel may open the public hearing, then close after their presentation and then deny – is not an allowed use

Motion: Made by Ms. Dumas to decline holding a public hearing for Site Plan Review chapter of the Zoning Bylaw, in section 25.04(b) on the application of Carisbrooke Holdings, LLC because failure of site plan to comply with applicable bylaws and the Board does not grant Site Plan Approval to Carisbrooke Holdings, LLC/Spencer Solar, LLC for the property located at 48 Old Farm Road and 133, 137 and 139 Fiske Hill Road, since criteria (g) cannot be met and does not meet the criteria as outlined in Chapter 25 – Site Plan Review, section 25.05 Criteria for Approval (a) through (g).

2nd: Ms. Waters

Discussion: None

Vote: 7 – 0

Attorney Berthiaume stated that his applicant objected to the Board not opening the public hearing.

MEMBER DISCUSSION OF PLANNING BOARD REPRESENTATIVES TO THE COMMERCIAL TOURIST DISTRICT WORKING GROUP

Ms. Gibson-Quigley stated that there are two openings for Planning Board members on the Working Group. She will take nominations for the position and then the Board will vote.

Mr. Chamberland nominated Mr. Blanchard. Mr. Blanchard accepted.

Ms. Dumas nominated Ms. Hart. Ms. Hart accepted.

Ms. Waters nominated Ms. Dumas. Ms. Dumas accepted.

Mr. Cunniff nominated Ms. Gibson-Quigley. Ms. Gibson-Quigley declined.

Ms. Gibson-Quigley closed the nominations and stated that the Board will vote as nominated and once the allotted seats are filled the voting will cease.

Vote: Mr. Blanchard – 7 – 0
Ms. Hart – 5 - 2 (Ms. Hart & Mr. Cunniff)

The Two members for the CT District Working Group are Mr. Blanchard and Ms. Hart.

TOWN PLANNER UPDATE

Ms. Bubon stated that Mr. Suhoski has advertised for the Commercial Tourist District Working Group members at large

Mr. Suhoski is working on the contract with Pare Corporation

State Ethics Training - reminder that the Board must complete the required training this month and provide the certificate and acknowledgement to the Town Clerk's office

CPTC Training – March 16, 2013 at Holy Cross College

OLD BUSINESS/NEW BUSINESS

None

NEXT MEETING

Next meeting date is January 22, 2013 at Center Office Building

On a motion made by Mr. Cunniff and seconded by Mr. Chamberland , and voted 7 – 0, the meeting adjourned at 6:55PM.