

**WARREN PLANNING BOARD
MINUTES OF JULY 31, 2013**

PRESENT: Mr. Bill Ramsey; Chairman, Mrs. Susan Libby; Vice-Chairman, Mr. Peter Krawczyk, Mr. David Messier, Mrs. Melissa Sepanek and Mr. Bill Scanlan

ATTENDEES: See Attached List

Opened the Meeting at 6PM

COMMENTS & CONCERNS

Mr. Scanlan informed the Board that he received an email from Trish Settles from CMRPC informing all of an upcoming meeting for the Rural 11 Project. The meeting has been set for September 25, 2013 with a location to be determined. Ms. Settles would like to see if a member from the Board could attend. Mr. Scanlan also asked if the Board knew of any residents that would be interested in attending a meeting to address agricultural concerns. Brian Richardson, David Shepard and Rick Tuttle were names brought forth. The office will reach out to those individuals for possible interest.

GEHRLICHER SOLAR

Mr. Ursillo and Mr. Chionchio attended the meeting this evening at the request of the Board in order to address the proposed remediation for the initial driveway cut. In June, it was discovered that access to Array 1 was not in accordance with the scope of work approved in the Site Plan Approval No. 19. At the time, an existing cart path was used. Mr. Ursillo stopped all work and re-graded the area and is here seeking direction on what the Board would like to be replanted. Mr. Kretkiewicz from 479 Little Rest Road agreed that the work that was done was not on the Wilk property as previously thought however would like to see on the right side of the approved driveway, some sort of plantings to shield the view.

Mr. Messier questioned that if Mr. Morin owns the property what would stop him from cutting his own trees. Mr. Kretkiewicz responded by saying it was against the approved Site Plan. Mr. Kretkiewicz also asked if the Board was aware of 13 poles being erected on Array #1. Mr. Ramsey stated that National Grid dictates where poles go in. Mrs. Sepanek stated that the developers stated their choice was underground however the final decision was with the utility company. Mr. Ursillo stated that the placement of the proposed utility poles is staked out. Concerns from Mrs. Albano regarding increased power were expressed. Mr. Ursillo stated that the same amount of power is in front of her home. He also stated that National Grid does an impact study on the area prior to determine the final location. Mrs. Albano also asked if the driveway (approved on SPR#19) could be moved closer to the substation. The approved plans are in place and work is underway. All corrective measures will be taken to ensure compliance.

In another matter, Mr. Kretkiewicz also brought to the Board's attention, concerns over profanity being used on the job site and work being done outside of the approved times. Mr. Ursillo was aware of those issues via email and phone calls from Mr. Kretkiewicz and addressed them immediately with all employees. To further the importance of being good neighbors, Mr. Ursillo and Mr. Chionchio required all in their employ to sign the meeting log outlining what would be unacceptable behavior on the site.

Mr. Kretkiewicz stated that he feels they should be punished citing additional concerns over unregistered vehicles. He contacted the Police Department and Officer Courtney responded. Mr. Kretkiewicz stated that Officer Courtney thought what they were doing was illegal and should bring the matter up to the Planning Board. Mr. Kretkiewicz is requesting that the Planning Board issue a Ceases and Desist Order until they are registered. Mr. Ramsey suggested that he contact Chief Spiewakowski on the matter. Mr. Chionchio, Site Superintendent from Gehrlicher Solar advised the Board that all operators of any vehicles are trained and certified. Clearly upset, Mr. Kretkiewicz left the meeting. Discussion on the matter will be continued to August 21, 2013 at 6PM.

Mr. Ramsey requested a recess so all may convene to the gym for the Public Hearing on SP# 256 for Keith Goyette. Melissa Sepanek recused herself as a Member of the Planning Board for the following Public Hearing.

WPB Minutes of July 31, 2013 – Pg. 2

6:30PM – Continuation of the Public Hearing for Keith Goyette who is seeking Site Plan Approval and a Special Permit under Section 5.3 & 3.23.12 respectively of the Town of Warren Zoning Bylaws. The applicant is requesting to construct and operate an outdoor Off-Road Vehicle Park. The proposal for the park will include an area for parking, a facilities building and an earthen recreation circuit and associated site improvements. The property is located at 749 Reed Street and is also known as Assessor's Map 9, Lot 40.

Jon Goddard from R. Levesque Associates, Inc. spoke on behalf of his client, Mr. Goyette. Mr. Goddard first requested feedback from the noise study that was provided and a letter that was emailed to the Board late this afternoon.

Mr. Goddard was requested by the Board to read his letter to the audience aloud. Key points within the letter are that the Applicant is unwilling provide any further traffic studies/info and he is interested in moving forward. Mr. Ramsey questioned if they feel it is sufficient, to which they do, and then we will move on.

To date, the Applicant has been asked to provide traffic, air, noise studies. Both initial traffic and noise studies have been provide and would be willing to do an air quality test provided that it is not outside of the scope of the application. Initial air study is in the works, however not available this evening. He'd also like to have feedback on noise study.

Mr. Krawczyk asked what type of mitigation they were proposing. Mr. Goddard stated that the type of equipment used adheres to the American Motorcycle Association specs. He also stated that the original equipment doesn't differ greatly from aftermarket. Mr. Krawczyk also posed the question to see if any thought was given when there are no leaves on the trees to provide a natural buffer. Mr. Goddard stated that the track is proposed on the east facing side of the hill which would serve as a natural buffer.

The Chairman opened the floor for resident comment/questions.

Joe Perkins – 901 Reed Street – Mr. Perkins requested the Chairman to record the meeting, which was approved.

Thomas Rugani – 560 Reed Street – Mr. Rugani asked the Planning Board members if any of them have attended a race in Southwick. He stated he previously lived on Somers Drive in Southwick and it was noisy.

Rodney Perkins – 855 Reed Street - Mr. Perkins asked if any additional noise studies were going to be done. Mr. Goddard stated at this point no.

Melissa Sepanek – 542 Reed Street – Mrs. Sepanek asked where the study was done and how many bikes were on the tract at the time. Mr. Goddard stated that the study was done at both the Reed Street property and Southwick with measurements from Southwick to specific locations as described within the report. The number of bikes would be approximately 42 with a full gate.

Patricia Burnham – 233 Maple Street – Mr. Burnham stated that she visited Lebanon Valley and in the fall of the year you can hear as much as 6 miles out. She stated that she sells real estate as a living and motocross tracks do not sell home thus losing tax revenue.

Dawn Swistak – 366 Reed Street – Mrs. Swistak asked if there were any standard acceptable for a noise level.

Chief Spiewakowski – Chief Spiewakowski stated that there is a state noise ordinance which states that there be no excessive noise after 10PM, however after checking with other agencies, he stated that if the Planning Board issues a permit for the project, the jurisdiction falls within the Planning Board Orders of Conditions.

Bill Scanlan – Mr. Scanlan stated that a sound source cannot increase noise levels more than 10 decibels above ambient (background). Mr. Goyette's consultant HMMH acknowledged the noise generated by this project would significantly increase the level therefore would violate DEP standards.

WPB Minutes of July 31, 2013 – Pg. 3

Lisa Digris – Mrs. Digris stated that if her dog barked more than ½ hour she could be fined and cannot understand why a project such as this would ever be allowed.

Andrew Fredette – 650 Reed Street – Mr. Fredette questioned who or what the determining factor is when deciding excessive and nuisance. Mr. Ramsey stated that the Building Inspector who is also the Enforcement Officer would enforce the rules. In addition, Order of Conditions can be placed on a project to lessen the impact of the noise. Mr. Fredette feels that it could be a subjective call.

Mr. Goddard stated that he feels that they adequately addressed the noise issue and reiterated what Mr. Ramsey stated regarding measures to mitigate the issue. Mr. Messier also stated that in Orders of Conditions a maximum amount of riders could be placed which could not be exceeded.

Joseph Perkins – 901 Reed St. – Mr. Perkins looked for confirmation from the Board that the Adley proposal on Cronin Road was denied on noise. Mr. Ramsey stated that their application had been denied but for various other reasons in addition to noise.

Steven Berry – 578 Reed St. – Mr. Berry sent an email to the office on July 25, 2013 disagreeing with R. Levesque Associates and their interpretation of 310 CMR 7.10(3). Within Mr. Berry's email he stated although the town has a right to issue a permit that would exceed DEP standards, it is only for one-time events, to which this project is not. He suggested that the Board forward this information to Town Counsel for clarification.

Lyndon Ambruson – 957 Reed St. – Mr. Ambruson asked if Mr. Goddard could explain sound level in free air. Mr. Goddard explained that although he is not an acoustical professional, atmosphere is not the most effective sound carrier. Mr. Goddard also offered that some materials such as trees, leaves perpetuate sound and all relates to topography.

Shawnda St. Laurent – 222 Knox Trail Road – Ms. St. Laurent stated that 5-6 miles away on Rt. 19, Hair Scramble Races are held in Brimfield and they cannot be heard.

Mr. Ramsey asked Mr. Goddard if an air quality test had been done, to which Mr. Goddard explained that they are still compiling reports.

Mrs. Acerra submitted for the record a test report from DEP on behalf of Robert Downing who was unable to attend this evening, Steven Berry's email as previously discussed and an email and soundtrack from Richard Arsenault.

Bill Scanlan provided a summary to date on the project which was also made part of the record.

Melissa Sepanek who resides at 524 Reed Street also submitted a letter for review regarding comments by Mary-Lou Coache, Assistant Assessor that she made at the last hearing on June 19, 2013.

With no further questions at this time, the following motion was made: Motion to continue the Public Hearing for SP# 256 for Keith Goyette to August 21, 2013 at 6:30 PM made by Mr. Messier; second: Mr. Krawczyk – unanimous.

Chairman Ramsey requested a 10 minute recess to continue the remainder of the meeting in the Selectmen's Meeting Room.

FIRST WIND ENERGY, LLC

As a follow up to the Board of Selectmen's meeting on July 16, 2013 in which a Pole Hearing was held to discuss the excavation and installation of 7 underground manholes along Little Rest Road. Abutter, Ed Kretkiewicz was in attendance that evening and stated that at the Public Hearing for Site Plan Review (original developer Mass PV3, LLC), in 2012, there was no discussion regarding underground wires. Mr. Delanski requested clarification from the Planning Board and the discussion was tabled. After a review of office records by Mrs. Acerra, it was clear that the context of the

WPB Minutes of July 31, 2013 – Pg. 4

conversation was restricted to new vs. existing poles. There was no discussion at all regarding underground utilities. The Planning Board is also in full agreement that National Grid and other public utility companies have the final say. A memo will be sent to the Selectmen's Office with their findings.

MORIN SOLAR, LLC

Matt Ursillo, Senior Project Manager informed the office that due to ledge, the approved directional bore under the wetlands was not a feasible route to go. They have petition the Warren Conservation Commission for permission to use overhead lines over the specific area. The Planning Board will table the discussion until we hear back from the Commission.

MINUTES

Motion to approve the Minutes of June 12, 2013 as written made by Mr. Messier; second: Mrs. Libby – 3 Yes, (Mr. Ramsey and Mrs. Sepanek abstained).

Motion to approve the Minutes of June 19, 2013 as written made by Mr. Messier; second: Mrs. Libby – unanimous (Mrs. Sepanek abstained from the portion of the Minutes that reflect discussion on SP#256).

OTHER BUSINESS

Motion to sign and approve payroll for Rebecca Acerra in the amount of \$262.98, \$350.64, \$89.16, \$59.44, \$200.61 & \$200.61 made by Mrs. Libby; second: Mrs. Sepanek – unanimous.

Motion to sign and approve invoices for Wm. Scanlan in the amounts of \$1,300.00, \$1,300.00, \$1,300.00 & \$1,300.00 made by Mrs. Sepanek; second: Mr. Messier – unanimous.

A letter was received from the Board of Selectmen informing the Planning Board that they have voted to have us oversee his hours/scope of work. After a discussion, Mr. Ramsey stated that the Board would rather him utilize his talents on working on proactive zoning and economic development for the town. Mr. Scanlan was understanding and agreeable. In line with this discussion, Mr. Scanlan advised the Board that he has been working with the South Central Chamber of Commerce in the hopes of moving forward with economic development. Mr. Ramsey requested that he keep the Board up to date with any progress. Mr. Scanlan also expressed interest in serving on the Town Hall Committee. It was agreed upon that in light of the change by the Board of Selectmen, serving would not be the most prudent decision.

CMRPC DELEGATE

Motion to re-elect Peter Krawczyk as the delegate to CMRPC for the Town of Warren made by Mr. Messier; second: Mrs. Libby – unanimous.

Next Meeting Date tentatively scheduled for August 21, 2013 at 6PM.

Motion to Adjourn made by Mr. Messier; second: Mrs. Libby – unanimous at 9PM.

Respectfully submitted,

Rebecca Acerra
Secretary

Date Approved

