

**WARREN PLANNING BOARD
MINUTES OF SEPTEMBER 30, 2015**

PRESENT: Mr. William Ramsey; Chairman, Mrs. Susan Libby; Vice-Chairman, Mr. Peter Krawczyk, Mrs. Melissa Sapanek, Mr. Ed Kretkiewicz and Mr. Bill Scanlan

ATTENDEES: See Attached List

Opened the Meeting at 6:30PM.

COMMENTS & CONCERNS-None

MINUTES

Motion to approve the Minutes of September 9, 2015 as written made by Mrs. Libby; second: Mr. Kretkiewicz – unanimous.

Motion to approve the Minutes of September 16, 2015 as written made by Mr. Kretkiewicz; second: Mrs. Sapanek – unanimous.

MICHAEL SPERA – 732 BRIMFIELD ROAD – SITE PLAN REVIEW WAIVER REQUEST

Mr. Spera has submitted his application for a Special Permit and Site Plan Review under Section 3.23.15 to construct a three car garage for the purpose of operating a contracting business with equipment on said property. Mr. Spera has requested a waiver of the Site Plan Review portion in its entirety. He is still required to secure a Special Permit to which conditions can be placed. After a brief discussion, the following motion was made: Motion to waive the Site Plan Review requirements as requested made by Mrs. Libby; second: Mr. Kretkiewicz – unanimous.

Mr. Spera will be advised of the Board's decision and Mrs. Acerra will submit a request to reimburse him his fee for this portion. The Public Hearing on the matter will be held on October 28, 2015 at 6:45PM.

BILLS/BUDGET/PAYROLL

Motion to approve and sign payroll for Rebecca Acerra in the amounts of \$236.83, \$166.95 and \$178.60 made by Mr. Kretkiewicz; second: Mrs. Libby – unanimous.

Motion to approve and sign the invoice for Wm. Scanlan for w/e 9/11/15 & 9/28/15 both in the amount of \$1,300.00 made by Mr. Kretkiewicz; second: Mrs. Sapanek – unanimous.

ALLTOWN CONVENIENCE STORE/SERVICE STATION – 1300 MAIN STREET

John Guskowski from CME Associates provided a narrative and plan showing the addition of a 1,000 above-ground LP tank which was not part of the original site plan approval. Due to the cost of tying into the natural gas line, which was originally proposed, has now become far too costly. Therefore, the alternative LP tank has been proposed. Mr. Guskowski on behalf of his client, Global Montello Group (fka Drake Petroleum) has petitioned the Board for approval as a minor site revision. Due to an emergency, Mr. Guskowski was not able to attend this evening; however Mrs. Acerra spoke at length with CME Associates and Petroleum Engineering (GC) about the change.

Mr. Nickerson did inquire as to whether the abutters need to be notified. According to Mrs. Acerra, under MGL, c148, §6 address the placement of LP tanks. A Public Hearing under c148, §13 is not triggered unless it is 2,000 gallon capacity or greater. With no further discussion, the following motion was made: Motion to

allow the change without the necessity of an additional public hearing made by Mrs. Libby; second: Mr. Krawczyk – 4 Yes, 1 No Vote (Mr. Ramsey). All parties will be notified as to this evening's decision.

ALTUS POWER AMERICA

Members of the Conservation Commission addressed the Board this evening regarding Basin #2 located on the 87 Spring Street Solar Project site. The Commission still has ongoing concerns regarding the basin's inability of doing its proper job. This is due to suspected improper construction. Photos that Alana Chain provided clearly show that there are issues with the construction. There was also discussion regarding the soils. Wes Flis from Whitman & Bingham Associates, LLC stated that after a Peer Review by Graves Engineering on behalf of the Planning Board, the basins were added.

Basin #2 is next to the wetland which is 25' from the riverfront. If and when an overflow occurs, the excess water/sedimentation will go into the river. Mr. Kretkiewicz questioned who faces the repercussion should this occur seeing this was already built and approved. He also feels that there should be a level of trust between the town and developer.

Mrs. Eichacker stated that the design is not flawed however the entire construction was NOT done to specification. She also stated that Graves Engineering should have requested soil testing. The plan also calls for a blue clay core or liner. Ms. Chain would need to verify with the contractor. Ms. Chain stated that she is the owner and all maintenance of the basins is her responsibility. She stated that it would be in her best interest to maintain them properly as she would be responsible for any damage. She also feels that she should not be punished for prior contractor's mistakes. Mr. Krawczyk stated that it is never a good practice to ignore specs and projects should be built accordingly.

Mr. Flis stated that it is not customary practice to provide a stamped document stating that basins are built to spec however feels that the basins are consistent with storm water and DEP regulations. He will have final comment after an additional review. Ms. Chain will provide additional pictures prior to our next meeting set for October 14th.

Ms. Chain stated that the 70 Ware Road site is in process and they will be seeking a site inspection soon. Mr. Kretkiewicz requested that a member of the Commission be present during that inspection as well to which they were agreeable.

The Board will meet with members of the Conservation Commission and Altus Power American on October 14th at 7:15PM.

PROPOSED ZONING AMENDMENT

Commercial District

At the last meeting, the Board was in agreement to open up the entire length of Rte 67 for the creation of a commercial district. Mr. Scanlan revised the current Use Table to include a Commercial District. He didn't rezone the Village District as most commercial uses are currently allowed by right. His focus was on the Residential/Rural District. He provided a map which highlighted the rezoned districts. Each highlighted area had perimeters bound by either streets or districts. He wanted the Board to think about the long term impacts of development. Mr. Krawczyk requested that Mr. Scanlan speak with the Board of Assessor's to see what impact if any a commercial district would have on abutting properties.

After a discussion, the Board requested that Mr. Scanlan provide a map that shows 1,000 from the center line of Rte 67. All were in agreement to move forward for inclusion at the Special Town Meeting.

Wireless Communication Facilities

Ongoing discussion took place regarding the proposed change to allow towers throughout all districts in town. It is clear that the residents are in favor of bringing in more cell service to town, evidenced by emails the office has received in favor of the change*. Mr. Krawczyk is still concerned over the lack of protection for the town. At the last meeting he provided a copy of the Town of Sharon's bylaw. Some of the issues that he feels needs to be addressed are the following:

- Site Plan Review should be incorporated into the permitting process as a requirement.
- Definitions should be rewritten in order to clarify
- Radio stations, distances between towers
- Should consider eliminating the balloon requirement as he feels it is a waste of time
- To restrictive for Police
- Issues with Section 7.1.1 "Purpose"
- Change municipal uses to exempt status
- Ongoing concerns with setbacks

In summation, Mr. Krawczyk feels that this bylaw should be reviewed more thoroughly and be presented at the Annual Town Meeting in May. Mr. Kretkiewicz feels that the Town of Sharon's bylaw is very restrictive and would hamper any future development.

The majority of the Board was in agreement to move forward with an amendment in November. The Public Hearing on the matter will be set for Wednesday, November 4, 2015 at 6:45PM.

Next Meeting Date: October 14th, October 28th and November 4th. Times to be determined and posted accordingly.

Motion to Adjourn made by Mr. Kretkiewicz; second: Mrs. Libby – unanimous at 8:45PM.

Respectfully submitted,

Rebecca Acerra
Secretary

Date Approved

**Note: Mrs. Acerra responded to each email individually with an update on the proposed zoning. In her response, it was made clear that voter participation is critical in adopting zoning changes.*

