**Planning Board Minutes**

**DATE:** May 1, 2019

**Convened:** 7:19pm

**Members Present**: Dave Killian, Russell Smith, Noah Smith, and Pam Marquis. Town Counsel: Jonathan Silverstein

**PUBLIC HEARING 7:00pm**-Zoning Bylaws for Warrant-made 25 copies for the public, had to make additional copies. Opened at 7:26pm. Dave mentioned that they will be presented at the annual town meetings. Question is taking away the moratorium and replacing it with Article 24. Jonathan mentioned that Article 26 is to prohibit it, he mentioned that Brimfield voted yes in 2016 and then the town would have to prohibit it. Article 24 is to regulate it; Article 26 is to prohibit it. Don Moriarity asked if it is to too late to reverse the order of the Article numbers. Jonathan mentioned that someone can make a motion to change the order on Town Floor. Eva Pettsinger asked if it is voted down does it have to go to ballot. Jonathan, if the ban passes at town floor and does not pass at ballot, you will be a fall back on the state regulation if #24 passes at town meeting. Jonathan mentioned that people can make an amendment to articles at the town meeting, such as setbacks. Dave mentioned to prepare any amendments in writing. Mr. Goodspeed asked if both articles 24 and 26 needed a 2/3rd vote. Mike McFadden brought up special permitting, and it gives the town the right to say no and article 24 allows for special permitting and it only allows 2. Article 24 does not allow it by right. Mrs. Hilker, if we vote for article 26 it just bans medical, and article 24 regulates both. Gerrold Bennet, if article 24 passes at town meeting and 26 passes and goes to vote and does not pass, it will. Mr. Hilker mentioned that the town in a town wide ballot will vote for marijuana and if the ban passes at town meeting, then Brimfield would be without at any regulation. Amy Gerrish asked if Brimfield passed the marijuana in 2016, and it was clarified yes it did. At the forum, was medical discussed to be banned at that time? No, we did not. Mr. Field mentioned that the smoke for marijuana is worse than cigarette smoke and asked about just having specific products instead of smoking only. Jonathan mentioned that the cannabis control is the authority and zoning is about land use, not product use. Jonathan mentioned the host agreement that must be made prior to getting a permit for the town so the BOS can decide what types of businesses to let into town. Jonathan briefly discussed Article 25, even though it is not a zoning bylaw. Dave asked if anyone had questions about Article 26. Dave asked about moving to end all marijuana in town and it is up to the moderator if banning everything is within the scope of the article or not. Mike McFadden clarified that with Article 24 passing then there will be special permitting if the ban fails. Mr. Goodspeed mentioned the Charlton case. Jonathan spoke to the Charlton case. No further comments on Article 26. Dave asked for a vote for Article 24 and 26. Bill Simonic, what are the gains if we have marijuana approved, what will it bring to bottom line for the town, he noticed the 3%, but would the town get. Jonathan spoke to that, tax applies to retail establishment, and not sure what that would bring into Brimfield. Retail establishment will gross $10 mill a year, and that is $600,000 for Brimfield potentially, a host community agreement usually calls for some thing for the town, impact fee of 3% capped at 5 yrs. and renegotiated at that time, other payments like development fees. A member asked what the neighbors are doing, Jonathan mentioned he is working with Charlton, he believes Southbridge and Sturbridge have negotiated, he does not know about Palmer, Northbridge is approved and negotiating agreements with them. 60/40 across the state. Mrs. Hilker went through all scenarios. Mr. Goodspeed asked about voting all yes’s on Articles 24, 25, and 26. Mrs. Hilker clarified it saying do you want to ban and not allow. Mike McFadden commended the Planning Board for the postcard and hard work on the bylaws. Pam made a motion to make a positive recommendation as written, Noah Smith seconded all in favor and none opposed. Pam made a motion to approve Article 26 as written and Russell seconded, all in favor and none opposed. Dave asked if anyone had a question on Article 32. Bill Simonic asked if it was spot zoning. Dave clarified that it would be allowed by the Special Permitting Authority (ZBA), or not allowed. Dave mentioned that ZBA will be the authority and go through the town wide process, which it will give more control. Dave mentioned that right now it would be all down the route 20 stretch, but this gives it a process to move it to residential areas that won’t been seen or heard. Doug Tetreault, asked about the acres increase, must have a minimum of 15 acres, that will eliminate a lot from the business district, and possibly in the agricultural. Stephanie Bayliss, asked about it currently being in only the Business district, does that not make it unreasonably restrictive now. Mike McFadden, is in favor of this article, having it be by special permit. Mentioned that $14,000 per year per megawatt goes to the town of Brimfield from the current solar facility. Mike mentioned why not leave it at 5 acres, because you could discount that property owner who has 14.7 acres. Jonathan clarified questions. A property owner asked if 15 was the minimum, and a person could have 30 acres. Mike McFadden asked about special permitting. Mr. Goodspeed, mentioned the 500ft set back on route 20, mentioned the solar field current on the Boys Club, is not 500ft setback because we had no regulations when that came to town. Then asked about if a property owned both business and residential and talked about setbacks will it open the door for other businesses. Jonathan mentioned no; the town is the one to decide what comes into town. Amy Gerrish, zoning was developed for business development to be in the business district and not in the residential, that is not why people move to small towns. Amy mentioned the noise level and can noise level be included in the study. Jonathan mentioned that with special permitting, the ZBA would regulate that. Dave Girouard spoke to the central inverters and those are noisy, but most do not make them. Mike McFadden said that by special permitting it would be regulated by case by case basis. Dave asked if there is anything in state law about the sound, Jonathan mentioned the sound standard, and discussed that. Applicant would be required to pay for peer review for the town to hire their own consultant relative to sound, peer review, etc. Jonathan mentioned, that Planning Board does site plan review (but can’t say no), ZBA has the discretion to say no. So, one board does the approval and two board do the regulation process. There was discussion about 3 phase power. Mike McFadden mentioned that if Article 32 fails but the following other articles pass giving the petitioners the ability to do it nothing. Joe on East Hill asked who the board would be to deny a project. Mr. Fields, comment on the noise levels, they are using cheap materials and transformers are not efficient. Mr. Goodspeed asked about solar on the roofs, the roof top solar is not regulated in the town of Brimfield, you can not regulate it for residents. This bylaw will not regulate to the roof tops. He is worried about a solar field 30 yrs. down the road, is there a decommissioning in place, yes there is. Amy asked if this will discount most of the members of the ZBA, she is asking if ZBA is special permit granting authority can they vote. Dave asked if there were any other questions, none. Dave asked if there was anyone from the Article 33 petitioners. Eva Pettsinger is here on the behalf of the Friends of the Senior Center and spoke to their article. Explained that money received from the solar would go directly to the Friends of the Senior Center. Dave asked if there was a comment for the petitioners. Stephanie Bayliss asked if article 32 passes, if they kept it and both articles passed it would allow solar under the provisions of 32. Stephanie asked about 34 as well. Dave asked if there were any questions on Article 32, no there was not. Dave asked if there was any one here to speak to Article 34, Mike McFadden spoke to the article for Dave Bell, mentioned just like the Friends of the Senior Center, they would withdraw is Article 32 passes. Dave asked if there were any other comments on 34. Russell made a motion to accept Article 32 as written, Noah seconded, Pam abstained, 3 approved. Russell made a motion to accept 33 as written, Noah seconded, Pam abstained, 3 approved. Russell made a motion to accept 34 as written, Noah seconded, Pam abstained, 3 approved.

**PUBLIC HEARING 7:30pm**-Caron Solar Project- Opened the Meeting at 9:27pm. The board reviewed Graves Engineering quote, and Brian Caron asked about taking only $2,000, instead of the full $2,900. Dave mentioned we usually take full amount plus 30%. The board decided that $2,000 retainer fee, keep track of it and let Mr. Caron know if monies are getting low. Mr. Caron, paid check 1936 for $2,000, and a check for $158.58 to cover continued public hearing and posting in paper. This hearing will be continued until next month, June 5th, 7:30pm.

**NEW BUSINESS:**

Cumberland Farms-ANR and update-Phil Lombardo from Cumberland Farms, is here as an informal meeting to add land to the parcels. Just looking to run the plan through the board first. Phil showed the plans to the board, adding a piece of property from the side and back to square off the lot. No changes to the proposed site plan. The Planning Board sent them to ZBA, he will be back with an ANR plan next month or after.

**ANR’s:** None

**SITE PLAN REVIEW:** Don Frydryk and Michael Woloshchuk-Commercial Building Route 20. Filing a site plan review, Determination of Site Plan Review has been waived. Fees are based on project value. Public Hearing is scheduled for June 5th, at 8:15pm. Checks for $350 and $100 were submitted.

**OLD BUSINESS:**

TO Be Addressed in the Future:

- meet with Fire/Police about guidelines or recommendations for bylaw changes for businesses and how to minimize obstructions in windows/doors to encourage safe lines of site in and out of the buildings.

-changes to Order of Conditions continue updating

**OTHER:**

* Review minutes – March 6, 2019 and April 3, 2019- Pam made a motion to approve the March 6th minutes as amended, Noah seconded, all in favor none opposed. Dave made a motion to approve the April 3rd minutes as written, Russel seconded, 3 approved, Pam abstained.
* Emails-went over the emails
* Sign payroll-for April-signed
* Mail-reviewed
* Next Meeting-June 5, 2019

Dave made a motion to adjourned, Pam seconded all in favor and none opposed.

**Adjourned:** 9:55pm