**PLANNING BOARD MINUTES**

**DATE:**  September 4, 2019

**CONVENED:** 7:00pm

**MEMBERS PRESENT:** Dave Killian, Noah Smith, Pam Marquis, Russell Smith, and Kate Koprowski

**ANR’s:** Ed Bourgeoise of 108 Little Alum Rd parcel ID 5C-B-4. Taking a parcel that is non-conforming, using a parcel from that and adding it to another parcel that is currently non-conforming and making it more conforming. A motion to sign the plan as presented, subject to ZBA approval. Russell seconded that motion, all in favor and non-opposed.

**NEW BUSINESS:**

-Cumberland Farms, Phil Lombardo, needs an extension. Order of Conditions dates November 15, 2017. Phil recapped what is happening with the property. Still working with ZBA, just finished up with Conservation. Had trouble permitting the well, since it is a public well. Mr. Lombardo’s request is to be completed in 4yrs, November 15, 2021. Dave made a motion to grant the 2yr extension, Pam seconded that motion, all in favor none opposed.

-Chris Nolan of BETA Group, Consultant to Sunpin Solar has questions about using a Brimfield parcel to access a Warren parcel for a 4.5-megawatt solar facility. Electrical conduit and access road would be in Brimfield. Jim Martin, of Robinson Donovan, the attorney for Sunpin Solar, asked if our zoning bylaws allow only for solar in the business district or is it allowable in the residential district. There was discussion about the parcels that were recently added to the Zoning Bylaws for solar, even though they are in the Residential/Agricultural, will they have to follow the zoning regulations for the 7A Bylaw which clearly states In the Business District. He Asked about our last Town Meeting, and the Warrant Articles that were presented at the May 2019 Annual Town Meeting. Talked about using Mr. Hache’s land as an access road, with underground cables going out to the street, and there will be transformers, to tie into one pole on the street, along with stormwater retention. Property in question is Parcel 4B A 18 on Brookfield Road. They don’t consider the solar array to be in Brimfield and is asking for the board’s opinion. Dave went over the warrant articles, stating that the residential properties that were approved for solar have not been re-zoned, to the best of our knowledge. Pathways for this is ZBA for a special permit or article on the warrant to allow for this specific situation. He asked if 7A-is only for the business district. The Brimfield Building Inspector did not answer any of their questions, he sent them to the Planning Board. The attorney mentioned that our zoning for solar is too restrictive. The attorney does not agree that this parcel will have a solar array on it, it is just an access road to a large solar array in another town. Pam asked if the transformers and other parts are considered part of the facility. In some cases, everything in the fence including the plantings, is usually considered part of the facility. But this access road, will not be within the fencings of the array. Zoning 7A does include appurtenant structures, regarding setbacks, height, size, transformers, meet 5.10 in the 7A. Sunpin counsel asked if it would be appropriate to submit the plans to the town for a public hearing. Chris Nolan showed the plans to the Planning Board. Dave is asked for a cost estimate for the road, poles, fencing, etc. Mr. Nolan stated that only one pole at the end. Planning Board will need peer review. Pam asked who the solar agreement with if the connections are in Brimfield, there is only 5 boxes and a pole, seems like it is only a benefit to Warren. Chris Nolan asked how much of the Warren plans does Brimfield need. Chris Nolan asked about stormwater and if it is conservation that does that, which they do. Planning Board Clerk will be in touch with Chris Nolan about application and fees. Discussed going to counsel first to make sure this is allowable. Planning Board will like to have counsel attend any meeting that Sunpin Solar comes to.

-Dave mentioned that work is being done on the building owned by Jean Sullivan, the pottery shop, on route 20. Dave mentioned maybe reviewing our site review laws, to make it a requirement.

-Dave asked if we should have the Building Inspector come in for a discussion regarding zoning. He will be invited to the next meeting.

-Making the Peer review have a due date.

**PUBLIC HEARING 7:30pm:** Caron Solar Project, continued from July 3, 2019-has not heard from DOT, so still waiting on conservation, postponed until next month.

**PUBLIC HEARING 8:00pm:** Woloshchuk Project, continued from July 3, 2019; will be postponed until next month, due to not receiving the Graves Proposal in enough time.

**OLD BUSINESS:**

-Ronald Cox property review-money for ANR’s still not received-The BOS is contacting counsel on behalf of The Brimfield Planning Board and Conservation regarding these properties and what legal action, if any, can be taken- Planning Board Clerk gave a recap from BOS meeting about going to counsel.

-Continue updating our Order of Conditions

-Bylaw changes for businesses regarding obstructions in the windows/safe lines of site

**OTHER:**

-Review Minutes-August 6, 2019-Pam made a motion to accept the minutes as written, all in favor non opposed

-Emails-reviewed

-Sign Payroll-signed

-Mail-none

-Next Meeting: October 2, 2019

Motion to Adjourn, Pam motioned to adjourn, Russell seconded, all in favor none opposed. 8:34pm