

Palmer Planning Board

Planning Board Meeting Minutes

Monday, September 24, 2018

18 OCT 24 AM 8:14
TOWN OF PALMER, MA
TOWN CLERK'S OFFICE

I. Call To Order

Chairman Michael Marciniac called the meeting to order at 7:03PM on Monday, September 24, 2018, in the Town Administrative Building, Meeting Room. Present were members Norman Czech, Paul Burns-Johnson, Kathy Burns and Tom Skowyr. Also present was Town Planner, Linda Leduc, and Gillian Davis recording minutes.

II. Public Hearing

7:00PM – Palmer Motorsports Park – Amendment to Condition #10

The applicant, Fred Ferguson of Palmer Motorsports Park, LLC, was present. Attorney Roger Dowd was present on behalf of the applicant.

Attorney Chris Heep of Miyares Harrington, was present on behalf of the Planning Board.

M. Marciniac read the current amendment Condition #10, and as proposed.

M. Marciniac read: Within 90 days of the commencement of operation, the applicant shall record actual noise readings (receptors shall have the same location as in the original study), to validate the project model and confirm compliance with state regulations. New information shall be submitted to the Board for professional review, at the applicant's expense, and proper mitigation measures shall be implemented, if needed.

M. Marciniac then read the proposed condition #10 from the applicant. It reads: Within 90 days of the commencement of operation, the applicant shall record actual noise readings (receptors shall have the same location as in the original study), to confirm compliance with state regulations. New information shall be submitted to the Board for professional review at the applicant's expense, and proper mitigation measures shall be implemented, if needed. The applicant will provide the town with an acceptable means of measuring actual noise readings whenever the race track is in operation. If noise readings are found noncompliant, proper mitigation measures shall be implemented.

Atty Heep gave an update to the ongoing litigation. He stated both parties went to trial in early spring. The judge issued a new sound study needed to be performed, using the original standard of Lmax. The study was conducted on September 8, 2018, at a high sound event. He explained the sound event was done by Eddie Duncan of Resource Systems Group Inc. and Jason Ross of vhb. The testing was set up at four locations and tested throughout the day. RSG Inc. will share the raw data with vhb, and a written report is due to the Planning Board by October 5, 2018.

Atty Dowd spoke on behalf of the applicant. He stated this application is to try and find a way to give the Town a level of comfort that allows the Town to act quickly to get the track to act quickly in case

of any violations. He continued, based on the rough numbers from the sound study conducted on September 8th, the applicant will look into other areas to do mitigation.

Atty Dowd said the current maximum instantaneous standard is difficult to meet, one second of sound will cause a violation. He stated to ensure not being in risk of the contract they are proposing this language. The applicant would like to use a standard, more generally accepted to meet DEP standards.

F. Ferguson added if there was ambiguity in the language of the permit, it is his job to get it clarified. He said there is nothing spelled out that the Town could use to tell whether the track was in compliance or not.

F. Ferguson submitted signatures from various businesses in Town, who felt that the track provides an economic benefit and organization in town who they have partnered with.

M. Marciniac stated from advice of the Board's attorney, the Board will not be closing the hearing tonight, until after receiving sound study results and advice of the judge.

M. Marciniac opened to the public for comments.

Michael Dominarski, 79 Bacon Road, referring to the proposed 24/7 video access monitoring, he questioned how that would help him at his home if a violation occurs.

Eric Lavalle, 266 Malboeuf Road, Ware, MA, stated he does not want to remove the current "project model". He issued concerned with using a lesser measurement

Fred Johnson, 256 Malboeuf Road, Ware, MA, owner of the Liberty Baptist Church, which was one of the testing points for the sound study. He stated the testing equipment was situated in between two buildings and wondered if that would have an effect on the results. He also mentioned Saturday, the day of testing was a quieter day compared to Monday and Sunday, which were significantly louder. He asked who decided the days and questioned if it was representative.

Atty Heep responded that this sound study was scheduled earlier in the summer and unfortunately due to inclement weather, it was rescheduled to another high level sound event. He added, the court order was tied to one day.

Gary Mikeres, 122 Bacon Road, Ware, MA, asked what the time frame for recording was. He also asked what has been done so far for sound mitigation at the track.

Atty Heep stated the sound testing was recording throughout the day. He added the old sound reports were taken based on average over time. However, this new sound report is based on the loudest noises throughout the day.

F. Ferguson responded there has been 1,000 feet of acoustic fabric that has been put up around the track in efforts to reduce sound in targeted sections, targeted primarily towards Ware.

Mike Swain, 378 Rondeau Road, stated that there are many loud days and some days are better. However, serious thought needs to go into mitigation.

Richard Starodoj, 329 Palmer Road, Ware, MA, Planning Board Chairman in Ware. He referred to the potential video monitoring, stating he would request that Ware has access points as well. He added noise is more noticeable on cloudy days.

Eric Lavell, 266 Malboeuf Road, Ware, MA, mentioned that the sound study that was supposed to be done in early summer but was rescheduled due to the weather. He asked what 'appropriate' weather was.

Atty Heep answered that both engineers agreed the weather conditions were poor for a sound study. He continued, both engineers agreed persistent precipitation and no winds greater than 13 mph.

A motion to continue to November 26, 2018, at 7:00PM was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

7:30PM Altitude Organics— 1235 Thorndike Street, Continued from August 20, 2018

D. Frydryk was present on behalf of the applicant.
Aaron Bluse and Billy Mardin of Altitude Organics were present.
Van Kacoyannakis of Milone and MacBroom was present on behalf of the applicant.
John Furman was present on behalf of the Planning Board.
Jeremy Bourque, Intern at Sherman & Frydryk was present.

D. Frydryk briefly went over the background of the project.

M. Marciniac explained to the Board there is a bit of an issue regarding the parcels. He went on, Altitude Organics purchased the property and then found out that the parcel was marked as one parcel, when there are actually two, the other being owned by Bishop of Springfield. He added, the Board should understand they are dealing with what the parcel is for right now and this hearing will be continued.

D. Frydryk went over the new plan, received September 24, 2018.

D. Frydryk explained the front building will be demolished and the 4,660 square foot building will remain.

D. Frydryk stated that 25 parking spaces are proposed. Palmer's zoning requires 23.

A Notice of Intent will be filed with Conservation Commission.

V. Kacoyannakis went over traffic report, which was created based on ITE #882. He stated traffic will not have any issues with current or proposed traffic. Level of service will be D or better.

V. Kacoyannakis proposed a right turn only and turning left lane heading south, which would reduce crashed and overall 1.5% until 2025 for no build future build and described general improvements that will need to be approved by Mass DOT at the High Street intersection.

Kevin Wenzel, 1212 Thorndike Street, asked when the traffic study was conducted. He mentioned he works for Mass DOT maintenance division and feels as though traffic will become a concern and the U-turn will be dangerous.

V. Kacoyannakis replied that the study was done during the school year, May 31, 2018.

K. Wenzel added, he feels that the existing signage is too bright and too big.

Stuart Beckley, Town Manager of Ware, asked if the Town has signed a Host Community Agreement.

M. Marciniac stated further work needs to be done to address Stormwater.

A motion to continue to October 29, 2018, at 7:00PM was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

Amendment to Site Plan -271 Breckenridge Street, Borrego Solar

L. Leduc explained to the Board that Borrego Solar is proposing to reduce the foot print of the project area.

A motion to approve the amendment to site plan, received September 5, 2018, was made by P. Burns-Johnson, seconded by T. Skowrya. The motion passed (5:0).

Meeting Minutes from September 4, 2018:

A motion to approve the meeting minutes as written was made by N. Czech, seconded by K. Burns. The motion passed (4:0:1) T. Skowrya abstained.

Abutting Town Notices and Monthly Interest Allocation Reports were distributed.

N. Czech stated the abutting notice from Wilbraham regarding the proposal for large scale solar on 285 Three Rivers Road, should be verified if Palmer Abutters need to be notified.

V. Old Business

Knox Pond Construction Report

A motion to approve Knox Pond Construction Report #131 was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (5:0).

Second Interim Gravel Inspection Reports

J. Furman distributed gravel reports to the Board.

M. Marciniac stated prior to these inspections there were six opens pits and now there are only four, with two pits being completely closed out.

J. Furman said Palmer Paving on Warren Road, former Edge Realty, has closed out completely. There are three small detention basins along the access road which are lined with stone.

J. Furman then reviewed the pit owned by JJC Materials located on Park Street. He alluded to the photos within the report, stating this is a great case study regarding the paper fiber mulch, which has

been considered in various projects. The photos show the fiber mulch does not have any growth other than brown grass even after a considerable amount of time.

J. Furman reviewed the pit owned by RDL Associates. He alluded to the invasive species on the site and well tops which need to be addressed.

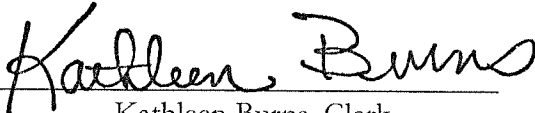
M. Marciniac stated he believed there closed out slopes do not have enough loam and that sub-soil was used.

J. Furman said RB Enterprise pit was closed out now and a solar project is in progress. He continued with the pit on Ware Road, owned by Palmer Paving, the wells to be measured will only be in or near the active excavation area.

J. Furman finished with JT Brown pit stating, the owners are moving forward with newly acquired land for excavation.

IV. Adjournment

A motion to adjourn at 8:50 pm was made by T. Skowyra, seconded by Burns-Johnson. The motion passed (5:0).



Kathleen Burns, Clerk