

Palmer Planning Board

Planning Board Meeting Minutes

Tuesday, September 4, 2018

I. Call To Order

Chairman Michael Marciniac called the meeting to order at 7:05PM on Tuesday, September 4, 2018, in the Town Administrative Building, Meeting Room. Present were members Norman Czech, Paul Burns-Johnson, Kathy Burns. Tom Skowyrza was absent. Also present was Town Planner, Linda Leduc, and Gillian Davis recording minutes.

II. Public Hearing

Waiver of Site Plan – Burgundy Brook Farm

The applicant, Brett Lord was present

M. Marciniac asked B. Lord to explain the business to the Board.

B. Lord explained he will be running a breakfast and lunch restaurant, located at 3090 Palmer Rd. He hopes to have an ice cream stand by next year. He further explained that he owns *The Stables*, a restaurant located in Hadley, MA, which is the same concept that he is bringing to the Town.

M. Marciniac stated, Zoning Enforcement Officer and Building Inspector, Bonnie Weeks had asked Mr. Lord for a letter from his attorney, Atty John E Jerzyk, received August 18, 2018, which stated the business will be operating under the agricultural exemption. He reiterated this property is not within a commercial zone but rather agricultural.

N. Czech asked what products will be local.

B. Lord said he will be using meat from the Roberts, property owners, and a multitude of other local products.

A motion to approve the waiver of site plan was made by N. Czech, seconded by P. Burns-Johnson. The motion passed (4:0).

7:00 PM – JJC Drive – Preliminary Subdivision Plan

Don Frydryk of Sherman & Frydryk LLC, on behalf of the applicant was present. Mike Shea and Michael Woloshchuk, land owners were present.

John Furman of vhb, was present on behalf of the Planning Board.

M. Marciniac explained comments have been received from various departments: Board of Health, Conservation Commission, and Department of Public Works, regarding this preliminary subdivision plan.

A motion to acknowledge receipt of comments received was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (4:0).

D. Frydryk went over the project to the Board.

D. Frydryk explained this is a two-lot subdivision with very little anticipated traffic, approximately twenty cars per day. He continues, this is not for residential development but rather, development for large scale solar.

D. Frydryk said there is no municipal sewer or water connection proposed, all lots would be serviced by on-site systems.

J. Furman went over his memo dated August 31, 2018.

J. Furman summarized, the applicant is proposing to develop a two-lot subdivision on Breckenridge Street (1-ANR lot, 2-new lots). The total land parcel assembled for this subdivision consists of three parcels under four different ownerships. The total land assemblage is approximately 126.8 acres, all of which are undeveloped. Furthermore, the property contained resource areas regulated under the Massachusetts Wetland Protection Act. The site is also located within the secondary and primary recharge area.

J. Furman stated twelve waivers were officially requested as part of this application, which are the following:

1. Section 5.03: Plan Scale
2. Section 7.01.5: Cul-de-sac turn-around
3. Section 7.01.6a: Roadway construction Cross-section
4. Section 7.01.8: Roadway width
5. Section 7.03: Open Space
6. Section 7.07: Sidewalks
7. Section 8.06: Curbs
8. Section 8.14: Plantings
9. Section 8.16.3: Drainage
10. Section 8.19: Water
11. Section 8.20: Other Utilities
12. Section 8.23: Sanitary Sewer

J. Furman mentioned while the applicants do not intend to develop for residential purposes, he reviewed the application as the residential subdivision requirements.

M. Marciniac added, the Board has to look at this submission as a residential subdivision because the Town does not have subdivision rules and regulations specific to solar projects.

J. Furman suggested the applicant should confirm that the proposed roadway and property lines are flagged so a site visit by the Board can be performed.

D. Frydryk asked if the Board will be doing a site walk and if so, he will flag the road.

J. Furman stated the drawing scale 1" =100' is required scale. However, a waiver of this requirement has been requested for the scale as submitted, 1"=20'. The larger scale allows for the proposed lot line changes of the subdivision to be clearly shown. Since the lot line changes are proposed near the intersection of the roadway, vhb would support this waiver.

J. Furman added, the proposed street name needs to be clarified, there are inconsistencies on the plan set.

D. Frydryk responded the correct name should state "*JJC Drive*".

J. Furman discussed the proposed roadway and the requirements for conformity. He stated each intersection shall be provided with a minimum right-of-way radius of 40-feet. The proposed roadway does not provide a radius with its intersection with Breckenridge Street.

J. Furman said a cul-de-sac end with a turnaround at the end with a minimum outside roadway radius of 70-feet and a property line radius of 80-feet. The proposed roadway provides the required property line radius but request a waiver of the roadway radius for substitution with a hammer-head turnaround, vhb would not recommend waiver of this requirement. A large emergency vehicle would have difficulty in turning around in a half hammer-head provided. He continued, the design as presented does not provide a center island meeting the criteria of this section, and a waiver was not requested at this time.

D. Frydryk responded saying, implementing a cul-de-sac would create a lot of unnecessary impervious surface. Receiving comments from Conservation Commission, there are concerns with cold water fisheries and with those concerns in mind, the hammer head was proposed to reduce the amount of impervious service which is not needed for the property that will have up to twenty cars a day.

J. Furman explained multiple waivers are requested of this section, including a reduction in pavement width (24-feet to 18-feet); modification of berm type; elimination of the sidewalk; reduction in pavement cross slope. In evaluating these waiver requests, vhb recommends that the proposed roadway adhere to the design standards set forth in the subdivision regulations. A typical roadway cross-section showing compliance with the design standards should be included on the plan set.

J. Furman specified this regulation required a plan showing the location of an area equal to 5% of the total land area to be reserved for recreational purposes. This reserved land cannot contain wetlands, ledge, or other unsuitable features, and be located with 100-feet of continuous frontage. A waiver of this requirement has been requested by the applicant, due to the limited frontage of the property. He continued, 5% of the total project area is approximately 6-acres. It does not appear as if this project can comply with this requirement. The Planning Board should discuss the importance of this requirement, and the issuance of the requested waiver.

J. Furman then went on to discuss, sidewalks and bicycle paths. A waiver has been requested of these features. Bike paths and sidewalks are included in the Town's Master Plan to promote a healthy society and encourage pedestrian activity. It is vhb's opinion that these features should be provided to promote the Master Plan.

D. Frydryk defended the application by stating this is not going to be used as a residential area, meaning no pedestrian traffic or bicycles.

J. Furman continued, a waiver is being requested to change curb from Type 2 Bituminous (6" reveal) to Type A modified berm (mountable bituminous curb). Vhb would support this waiver, as the 6" high reveal berm tends to break apart during snow plowing operations.

J. Furman said a waiver is being requested for the installation of street trees, since the area outside the pavement will remain vegetated. It is vhb's recommendation that this waiver not be granted, as the area between the pavement and the right-of-way should be loamed and seeded after construction, and street trees should be planted to be consistent with the Town Master Plan.

J. Furman continued, another waiver is being requested to substitute High Density Polyethylene (HDPE) pipe for the specified Reinforced Concrete Pipe (RCP). HDPE is frequently used on private land development projects, but roadway construction uses RCP for longevity. Under extreme load and depending on cover, HDPE pipe may deform. Vhb would recommend adhering to the RCP pipe requirement.

D. Frydryk explained this waiver request has been granted in other subdivisions within town, such as Breton Estates and Burleigh Estates (Katie Lane).

J. Furman explained a waiver has been requested to utilize private wells for domestic water instead of connecting to the municipal water system in Breckenridge Street. No information has been provided to support this waiver request, other than a statement in the Development Impact Statement that no water for fire protection will be provided. There does not appear to be any fire hydrants in the immediate vicinity of the new intersection. Since, no other water supply has been discussed, vhb would recommend that the waiver be denied, which would require a water main be installed to serve both fire protection and domestic water.

J. Furman went on, a waiver has been requested to eliminate the installation of fire hydrants in the new roadway for fire protection purposes. Since the submittal has not provided any other information relative to how the fire department would obtain water to fight a fire, and there does not appear to be any fire hydrants in the immediate vicinity of the new intersection, vhb would recommend not granting this waiver.

J. Furman lastly stated, a waiver has been requested to all for the installation of private sewage systems for proposed homes instead of connecting to the municipal sewage collection systems. As there is a potential for this roadway to be extended in the future for additional building lots, vhb would recommend not granting this waiver, and require the installation of a sewage collection main to serve these new properties.

J. Furman went over the draft Development Impact Statement.

D. Frydryk stated the information will be provided at the definitive plan stage. He added, the test pits will be done for the definitive plan as well.

J. Furman concluded twelve waivers have been requested by the applicant as well as two additional waivers recommended by vhb: plan scale and change of asphalt berm.

M. Shea stated to the Board, if he installs water and sewer, then those would just be dead end.

D. Frydryk addressed the Board to the memo submitted by Conservation Commission dated, August 23, 2018, regarding the road and disturbing wetlands. He said why fill wetlands when you do not have to.

M. Marciniac stated if the Conservation Agent, Angela Panaccione has concerns with the road and the wetlands, maybe the road does not belong there.

M. Marciniac brought to the Board's attention an opinion from Attorney Brian Falk, regarding the PV moratorium and the purpose of the preliminary subdivision plan to freeze zoning, in this case. He reminded the Board, "Denying the preliminary plan will have no bearing on the freeze. So long as the applicant files a definitive plan within 7 months and the definitive plan is later approved, the 8 year freeze would be applicable. Keep in mind, the Board is never compelled to grant waivers unless warranted. An applicant seeking a freeze is wise to submit a plan that requires no waivers, to ensure approval."

John Motta from Dynamic Energy, spoke on behalf of the Woloshchuk property. He stated the Woloshchuk property has some clear problems with it, in that it does not have clear frontage for a buildable lot. He wanted to make the Board aware that the interest is above and beyond solar.

M. Marciniac responded, roughly twenty years ago, Attorney Cioata gave advice to combine the land with legal frontage or to sell to an abutter.

A motion to deny the preliminary subdivision plan as submitted was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (4:0).

7:30 PM – Jacques Drive – Preliminary Subdivision Plan, State Street, Bondsville

Don Frydryk of Sherman & Frydryk LLC was present on behalf of the applicant.

John Furman of vhb was present on behalf of the Planning Board.

J. Furman reviewed the project summary, stating the applicant is proposing to develop a 4-lot subdivision on State Street. The land parcel assembled for this subdivision consists of 5-land parcels totaling approximately 40-acres, all of which are undeveloped. The property was formerly utilized for earth removal operations, which were closed out. The property contains resource areas regulated under the Massachusetts Wetland Protection Act. Vhb has confirmed that the property does not fall within areas of concern by the Natural Heritage and Endangered Species Program.

J. Furman continued, the proposed road will form an intersection with State Street. The new roadway is proposed as a 24-foot wide paved surface, 500-feet long, with a Stormwater collection system, public water and sewer connections. The Development Impact Statement indicated that the proposed lots will be utilized for a proposed solar development. The land parcels are majority zoned Rural Residential, with two lots being zoned Suburban Residential. The site is also located within the secondary and primary recharge area.

J. Furman explained four waivers were officially requested as part of this application, summarized as follows:

1. Section 5.03: Plan Scale
2. Section 7.01.6a: Roadway Construction Cross-section
3. Section 8.14: Plantings
4. Section 8.16.3: Drainage

J. Furman said the applicant should confirm that the proposed roadway and property lines are flagged so a site visit by the Planning Board can be performed.

J. Furman stated the drawing scale 1" = 100' is required scale. However, a waiver of this requirement has been requested for the scale as submitted, 1" = 20'. The larger scale allows for the proposed lot line changes of the subdivision to be clearly shown. Since the lot line changes are proposed near the intersection of the roadway, vhb would support this waiver.

J. Furman continued that a waiver had been requested to decrease the pavement cross-slope from 3/8" per foot to 1/4" per foot. A typical roadway cross-section showing compliance with the design standards should be included on the plan set. Vhb would recommend that the roadway cross-section adhere to the subdivision requirements without exception.

J. Furman explained the regulation requires a plan showing the location of an area equal to 5% of the total land areas to be reserved for recreational purposes. This reserved land cannot contain wetlands, ledge, or other unsuitable features, and be located with 100-feet of contiguous frontage. A sketch plan has not been provided, and a waiver of this requirement has not been requested by the applicant. He added 5% of the total project area is approximately 2-acres. It appears as if this project can comply with this requirement through Lot 4.

J. Furman said a waiver is being requested for the installation of street trees, since the area outside the pavement will remain vegetated. It is vhb's recommendation that this waiver not be granted, as the area between the pavement and the right-of-way should be loamed and seeded after construction, and street trees should be planted.

J. Furman stated a waiver is being requested to substitute High Density Polyethylene (HDPE) pipe for the specified Reinforced Concrete Pipe (RCP). HDPE is frequently used on private land development projects, but roadway construction uses RCP for longevity. Under extreme loads and depending on cover, HDPE pipe may deform. Vhb would recommend adhering to the RCP pipe requirement.

M. Marciniac stated the Board is more inclined to approve this project with recommendations to look further into the design to comply with sub design standards.

A motion to approve the preliminary subdivision plan with recommendations was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (4:0).

III. New Business

SANR: Gerry Cioa, Mason Street/ Robinson Road, Lot Division Plan

M. Marciniac went over the proposed plan with the Board.

A motion to approve the SANR plan on Mason Street and Robinson Street, was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (4:0).

Abutting Town Notices were distributed to the Board and there was not a new Monthly Interest Allocation Report.

Meeting Minutes from August 20, 2018:

A motion to approve the meeting minutes as written was made by N. Czech, seconded by P. Burns-Johnson. The motion passed (4:0).

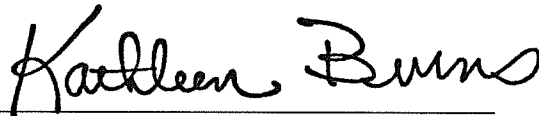
Town Planner Update:

L. Leduc reminded the Board that the Town Council meeting on September 10, 2018, will be addressing multiple topics involving the Planning Board, holding public hearings for the Zone Change at 1701 Park Street, and the 6-month large scale PV moratorium, and the second reading of recreational marijuana.

L. Leduc reminded the Board that the Town Council meeting on September 10, 2018, will be addressing multiple topics involving the Planning Board, such as, Zone Change at 1701 Park Street, 6-month large scale PV moratorium, and recreational marijuana.

IV. Adjournment

A motion to adjourn at 8:48 PM was made by K. Burns, seconded by P. Burns-Johnson. The motion passed (4:0).

A handwritten signature in black ink that reads "Kathleen Burns". The signature is written in a cursive style and is positioned above a horizontal line.

Kathleen Burns, Clerk