

# Planning Board Minutes 07/19/2016

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MONSON PLANNING BOARD  
MINUTES JULY 19, 2016

MEMBERS PRESENT: Craig Sweitzer, Paul Hatch, Tara Hengeveld, Karen King and Marilyn Gorman-Fil.

MEMBERS ABSENT: Kevin Haley

ALSO PRESENT: Dan Laroche, Town Planner.

Craig Sweitzer stated the venue for the Planning Board meeting and the advertised public hearings was changed to accommodate the public interest. The change of location was listed on social media, the Town web site and the Palmer Journal. If members of the audience want to speak please raise your hand to be recognized and come to the front of the room to the microphones on either side of the isle, limit your comments to the bylaws, avoid redundant statements and limit the duration to two minutes. The Monson Zoning Bylaws are on line and the Board encourages everyone to read them, because it is the Bylaws that govern the actions and votes of the Planning Board, not opinions and not necessarily opponents. The first hearing is for a Large Ground Mounted Photovoltaic Installation which under Section 6.23.3 on the Zoning Bylaws is allowed by right with review by the Planning Board to ensure the proposal meet the criteria.

7:15 Craig Sweitzer convened a public hearing for a Large Ground Mounted Photovoltaic Installation at 53 Wilbraham Road and read the Legal Notice as it appeared in the Palmer Journal the weeks of June 30, and July 7, 2016. ZPT Energy Solutions, LLC proposes a 2.0 Megawatt installation on twelve acres of a larger twenty eight acre parcel owned by Raymond & Catherine Beaudoin.

Brendan Gove CEO, ZPT Energy Solutions, LLC Principal Manager stated after meeting with the Monson Conservation Commission they had submitted new plans for the proposed two (2.0) Megawatt solar installation, and understood that there would be no decision this evening, as the Town Boards would need to review the plans. He stated ZPT has done several solar arrays and is experienced dealing with various topographies and site conditions. Three different plans have been submitted:

1. The first plan showed a gravel access way adequate for emergency vehicles that would require a new curb cut and a detention basin near the road.
2. The second plan revised the location of the gravel access way to an existing curb cut, removing the detention basin near the road and leaving the existing screening in place along the road.
3. The plan this evening is a result of the meeting with the Conservation Commission and removes all of the work out of the wetland area and buffer zones. The closest work is one hundred and five feet to the wetlands. The shading cast by the trees will impact the array at certain times of the year, but that is a tradeoff ZPT is willing to make to work with the Town. The proposed configuration minimizes the impacts to the wetlands.

Scott Langron P.E. Meridian Associates stated the total acreage of the property is twenty eight (28) acres, the project will take up eleven point two (11.2) acres bound by a chain link fence. The topography slopes west to east with wetland resource areas on both the east and west sides of the site. A perennial stream is located off site. The solar array is located out of the two hundred (200) foot riverfront area and out of the one hundred (100) foot buffer zone of the wetlands. Soil samples were taken and show sandy soils with good characteristics. An infiltration basin is proposed to collect the run off that flows west to east. The plan is in compliance with Stormwater Management and the revisions allow a vegetated buffer with additional arborvitae along the west side. No excavation of the site is proposed, the mounting system for the panels is low impact, the total number of modules is seven thousand six hundred and fifty two (7,652), covering seven (7) acres of the site. Access to the site is through a twenty (20) foot wide gravel road with an existing curb cut. A seven (7) foot chain link fence will surround the solar array with provisions for a gate to accommodate emergency vehicles and prevent unwanted access.

Craig Sweitzer questioned if any revisions had been made to the Stormwater Management plan pre and post conditions?

Scott Langron stated a revised package with changes to the drainage and a new set of calculations was submitted.

Craig Sweitzer questioned if the Board wanted to hire an independent engineering review?

Paul Hatch stated he would like to continue the conversation first.

Craig Sweitzer questioned if the applicant was requesting any waivers?

Scott Langron stated they are not requesting any waivers.

Craig Sweitzer stated when the revised plans are submitted follow Section 6.23.6.1 it makes it easier for the Board and the engineer the Board sends the plan to.

Scott Langron stated they had submitted plans.

Jessica Allen 165 Palmer Road stated the proposed development is directly across the road from her parents' house at 53 Wilbraham Road. She stated they have a shallow well and asked that the Board keep the impact the project may have on the shallow well in mind. The site for the solar array is heavily forested and her parents and the neighbors were shocked that this site was picked for a solar array. At the Conservation Commission meeting it was described as a critical forest, and the proponent has yet to explain how this is a good site for a solar array. It impacts her parents' farm, denudes the land, increases the water runoff and dries up the wetlands.

Scott Langron stated the land slopes west to east not toward road, the majority of the runoff flows north of the barn towards wetland. There is no disturbance to the ground once the trees are down the installation is not intrusive. There are not going to be dozers and backhoes on the property.

Jessica Allen questioned how the solar panels would be put in place without disturbing the land?

Scott Langron stated he was talking about stormwater management not large earth moving.

Jessica Allen questioned how it was proposed to clear a dense forest?

Scott Langron stated taking the trees down is one point, the other is we are not changing the land characteristics to the point that it impacts stormwater runoff. The proposed design meets the Stormwater Management guidelines for pre and post conditions, the EPA standards are met before the runoff leaves the property.

Jessica Allen stated John Morrell asked at the Conservation Commission that the runoff be addressed. She stated Wilbraham Road is heavily travelled, when her parents say they have a problem getting in and out onto Wilbraham Road, so it is going to be a problem for huge forestry trucks. She questioned Brendan Gove if Richard Cooper who was involved with Protech Energy Solutions, one of the companies who worked on the failed Macomber Road solar project, was also a management partner at ZPT Energy Solutions, LLC?

Craig Sweitzer reiterated that he asked the audience to keep their comments relative to Sections 6.23 and 7.4 of the Monson Zoning Bylaws.

Craig Sweitzer read a letter from John Morrell dated July 12, 2016 stating if the current plan is approved the applicant will be required to obtain a driveway permit from the Highway Department. He expressed concern with the narrow access width between the buildings and also the large vehicles entering and exiting the site during construction. Since Wilbraham Road is heavily traveled he advised the Board to require signs preceding the access road in both directions.

Paul Hatch questioned what was happening with the stumps?

Brendan Gove stated the stumps are usually ground on site, the excess chips are screened for poison ivy and exported offsite.

Craig Sweitzer read correspondence from Police Chief, Stephen Kozloski stating based on limited sight distances for vehicles primarily traveling eastbound on Wilbraham Road he had concerns about the likelihood of significant truck traffic resulting from the forestry and installation activity. He stated he would ask for a comprehensive traffic safety plan to address vehicles entering and exiting the proposed site and their impact on vehicles traveling on Wilbraham Road.

Craig Sweitzer questioned the estimated traffic from site?

Scott Langron stated the site access was designed to accommodate traffic off and on site from Wilbraham Road. He stated they would look at putting the traffic plan on the plans.

Mary Ellen Aronson, 29 Hilltop Drive questioned what two (2) Megawatts meant?

Brandan Gove stated the megawatts are sized on the converters.

Craig Sweitzer asked that Mr. Gove make it easier to understand by estimating the number of houses it would power?

Brendan Gove stated approximately one hundred and thirty six (136) homes.

Mary Ellen Aronson stated there are studies now that these high density proposals are a risk to human health in residential areas

Robert Kaddy 65 Butler Road questioned if anyone from the Environmental Protection Agency had walked the site?

Scott Langron stated no.

David Mitchell 62 Wilbraham Road stated he was a direct abutter to the site and questioned the Zoning district they were located in?

Craig Sweitzer stated rural residential.

David Mitchell questioned how that was possible when the site was generating electricity?

Craig Sweitzer stated Section 6.23.3 of the Zoning Bylaws allows it by right with Site Plan Review on all parcels of land.

David Mitchell stated one wind tower would generate the same amount of power as all of the panels. He stated clearing would be within thirty nine feet of his property line.

Scott Langron stated the panels would be one hundred (100) feet from the Mitchell property.

David Mitchell asked that the review make sure the buffer meets the bylaw.

Craig Sweitzer stated there would be an independent review.

David Mitchell stated the applicant has said there would be no machinery, will a grinder be used on the stumps or will they be ripped out with an excavator?

Brendan Gove stated they are proposing to bring forestry equipment onto the site to take down the trees and grind the stumps.

David Mitchell questioned if the stumps would be ground in place?

Scott Langron no.

David Mitchell stated when they are pulled out with an excavator it will create craters and valleys.

Brendan Gove stated they were not grading.

David Mitchell questioned how they would put in panels without grading the craters and valleys left by the machinery? He stated he lives there and once the trees are pulled out water would be running off of the property onto his property, because the run off also comes south. He questioned if something would be planted before putting in the panels?

Craig Sweitzer stated some questions are premature, because the Board does not have plans showing existing and proposed grades. He stated he would like a narrative explaining exactly how the stumps would be handled.

Dan Laroche stated a clear landscaping plan showing exactly what the seventy five (75) foot buffer zone will look like should be submitted.

Craig Sweitzer asked everyone to review the bylaws.

Leo Bailey 56 Wilbraham Road stated he had an excavator come and shoot levels from 53 Wilbraham Road uphill, at the telephone pole it was twelve (12) feet, up the hill another eleven (11) feet, it was a total of approximately thirty seven (37) feet heading west up the hill from the mail box. That is water run off that is about forty seven (47) feet tall.

Craig Sweitzer stated there will be a review.

Sandra Bailey 56 Wilbraham Road stated they have submitted a petition of registered voters to put a warrant article on the next town meeting for Large Ground Mounted Photovoltaic Installation Section 6.23 to be located only in Commercial zones.

Craig Sweitzer stated he was glad that Town residents had done their homework and was involved in the process.

Roxanne Gunther 69 May Hill Road, stated if one of the partners of ZPT Energy was involved in bankrupt Macomber Road project why start a new project, finish Macomber Road and leave this site alone?

Craig Sweitzer asked the audience to keep their comments and questions to the bylaw under review.

Autumn Bailey 4 Country Club Drive questioned when the panels are obsolete who pays for the removal?

Craig Sweitzer stated the bylaw provides a surety for decommissioning.

Scott Pascale 46 Upper Palmer Road stated he lives across the street from the other solar site on Macomber Road and they were told bonded money was in place to pay for the plants but that did not happen.

Craig Sweitzer stated the Planning Board would take some of the blame for that not enough money was put aside, the Board took the contractors word and it did not come to be that way.

Tom Villamaino 52 Palmer Road stated when the engineer reviews the plans, make sure they are on site and do their own survey not by the plans.

Craig Sweitzer stated they will look at the plans but he did not think they would survey the property.

Tom Villamaino stated he almost lost his property when the detention basin at Quaboag Heights was not done properly because the contractor took short cuts.

Craig Sweitzer stated the Board would hire Tighe & Bond.

Lauren Donovan 16 Homer Drive questioned the appeal of this property, as opposed to land that is already cleared?

Brendan Gove stated from an electrical standpoint, sun exposure and topography the site is ideal.

David Xanatos 14 Maple Street stated during the Conservation Commission discovery process wording from DOER recommending against removing forest for solar arrays was read. He questioned which is more valuable solar installations or forests?

Craig Sweitzer stated these are all good questions, but all the Planning Board is charged with is Site Plan Review.

Kathy Richards Lakeside Drive questioned how soon would these solar panels be obsolete and something else much smaller be used?

Karen King stated she read the same information from DOER they strongly recommend preserving natural resources and minimizing environmental impacts and discourage cutting of trees. She questioned if over a certain amount triggers MEPA review.

Brendan Gove stated they review documents and provide comments.

Paul Hatch questioned if an Environmental Notification Form was filed?

Scott Langron stated it was not filed.

Paul Hatch stated the Board will want that for review.

Paul Hatch moved to continue to August 16, 2016.

Tara Hengeveld seconded the motion.

It was so voted, unanimous.

8.35 Craig Sweitzer convened a Public Hearing on the application of Kevin P. Pelissier, Jr. on behalf of John M. & James E. Arooth to amend the Monson Zoning Bylaws to create a Medical Marijuana Overlay District on property located on the east side of Upper Palmer Road identified on Monson Assessors Maps as parcels Map 089, Parcels 005, Map 090, Parcels 001, 002, 002A and Map 091, Parcels 14C and 15A to allow Medical Marijuana Centers and Registered Medical Marijuana Dispensary in the Medical Marijuana Overlay District by Special Permit; to amend the way minimum distances for a Medical Marijuana Facility are calculated from property lines to structures and to amend various provisions of the Monson Medical Marijuana Bylaw to clarify certificates that must be obtained from the MA Department of Public Health before applying for a Special Permit and time that no sale or distribution of marijuana to the public will occur 8:00 P.M. to 8:00 A.M. advertised The Republican Newspaper July 4, & 11, 2016.

Kevin Haley recused himself and left the meeting to avoid the appearance of a conflict

Kevin Pelissier made a presentation to the Board stating he has been involved in the industry for seven (7) years, the location is good and this site is a good opportunity to bring a spark back to the area and minimize impact on the residents. The establishment of an overlay district is to allow this project

and not open the site to other undesirable industries. Future discussion with the solar array owner to utilize the space of the solar array and as part of that discussion try and get them to make good on their promises for the screening. He stated room for greenhouses to grow the product and the high capacity utility lines make it a good location. The changes to the bylaw would allow the Medical Marijuana in this location only by Special Permit from the Town. The clarification of the State process is the requirement that the Special Permit from the Town does not have to be done prior to the State process. An informational session was held at the Polish Club and residents of Macomber Road brought forward the issue of water pressure. The production would use a lot more water than a home and to address the poor water pressure a ground water source would be used or some other arrangement through the Town. Other changes to the Medical Marijuana clarifies that nothing originates from the property between the hours of 8:00 P.M. and 8:00 A.M. the goal is to locate a long term grow facility, not a long term sale facility, and for security reasons deliveries would be at random times. The proposal repurposes farm land to a different type of growing. The expectation is the creation of thirty (30) to forty (40) jobs in an industry classified as white manufacturing by the State.

Kevin Pelissier stated although SunEdison the company who built the solar facility on Macomber Road went bankrupt they are not selling off this asset, because the panels are generating power and there is a contract with the University of Massachusetts to provide power for fifteen (15) years.

Craig Sweitzer stated an overlay district will be added to the existing bylaw.

Kevin Pelissier stated other changes would allow the Special Permit process to waive minimum distances from residential uses, no sale or other distribution of marijuana to the public between 8:00 P.M. and 8:00 A.M.

Craig Sweitzer questioned if this was clear that these changes are only in the overlay district and not in the Industrial zone?

Kevin Pelissier stated they wrestled with how to do this.

Craig Sweitzer stated he saw a lot of questions with this in the future.

Kevin Pelissier stated the changes are strictly for the Special Permit in the overlay district. He stated there are three phases to the State application:

1. Who are you and what are your finances.
2. A summary of your policies and procedures, and compliance with State Law.
3. Invited to submit application for siting.

The changes to the bylaw clarify that the Special Permit is not required before the State deadline.

Craig Sweitzer questioned Town Planner Dan Laroche if the changes made sense to him?

Dan Laroche stated yes, they tried to steer the applicant to industrial space, but then provided guidance for the Zoning changes, this is near the MDC land, it makes sense.

Craig Sweitzer stated the model bylaws vary from three (300) hundred feet to five (500) hundred feet.

Dan Laroche stated three (300) feet is standard.

Paul Hatch stated allowing this in a residential district is contrary to planning.

Craig Sweitzer stated this is different from the last hearing, in this instance the applicant is asking to change the Zoning Bylaw. He stated this is a two-step process, the first step is the Public Hearing held by the Planning Board to discuss the merits or demerits of the proposal and then take a vote to make a recommendation to the Board of Selectmen, in favor, or against, or make no recommendation at all. The second step is a Special Town Meeting where all residents of Monson who attend the Town Meeting have a vote on the proposed changes. Ultimately it is up to the public.

David Xantos 14Maple Street stated he was in favor of business, as long as the bylaw did not allow other business to take advantage of lesser area requirements.

Kevin Pelissier stated they were looking at a production facility with a lot of security. The Security Consultant for this project is the former East Longmeadow Police Chief Doug Mellis. If the State passes marijuana legalization it would potentially mean more business, the focus would then be on production because the volume of demand would go up.

David Xantos questioned if it was not only Medical Marijuana?

Kevin Pelissier stated if the State passes to legalize marijuana the potential is more business.

Scott Pascale 46 Upper Palmer Road stated first the solar installation, now this, all for someone to make money. How do I explain to my ten year old daughter there is a drug factory across the street? Medical Marijuana is still a drug factory to me.

Kevin Pelissier stated nothing viewable and there is a strong case for medical marijuana. He encouraged anyone to reach out to him and have a conversation.

Rosemary Taft 3 Macomber Road questioned if anyone would buy property on Macomber Road when it is completely surrounded by marijuana factories?

Kevin Pelissier stated it would be by Special Permit and the Town would have some control.

Rosemary Taft stated there would still be greenhouses on both sides.

Kevin Pelissier stated they were looking at one facility at this time with approximately thirty to forty new jobs. He stated they were still going through the process with the solar people and it would depend on them if there was another facility.

Rosemary Taft questioned if the access was from Macomber Road?

Kevin Pelissier stated there was one at the top of Macomber Road and another possibly from Upper Palmer Road.

Rosemary Taft commented that Macomber Road is basically a one car road there is barely width for two cars to pass.

Joan Pink stated she owns property at the top of Macomber Road and questioned how this affected access to her property?

Kevin Pelissier stated they would not affect the access to her property. There would be a parking lot on the Macomber Road facility and would not affect Macomber Road in a negative way.

Jennifer Silver 8 Pease Avenue questioned if this was production only?

Kevin Pelissier stated growing during daylight hours nothing happening before 6:30 A.M. The State has a list of security requirements, with security specifics for this project coming later.

Charles Norris 22 Hovey Road questioned why the change to the bylaw was through the Arooths', did they want to change the bylaw for this site?

Kevin Pelissier stated he wanted the overlay district for a particular parcel of land and control the way it would work with a Special Permit.

Charles Norris questioned if the change to the bylaws establishes an overlay district does that not affect the whole Town?

Craig Sweitzer stated currently the bylaws allow this only in an Industrial zone, the applicant is proposing an overlay district on these parcels only with a Special Permit process.

Charles Norris stated he was opposed to this.

Glenn Nordin 9 Hovey Road questioned if this was a dispensary where individuals come pick up their prescription from Doctor?

Craig Sweitzer stated there are different types of facilities, one for growing, one that sells or a combination of both.

Glenn Nordin questioned if there was the potential to sell the product from this site?

Kevin Pelissier stated that would be part of the Special Permit process, although this market is not conducive for retail.

Glenn Nordin questioned the type of greenhouse?

Kevin Pelissier stated it was an indoor growing facility, a solid building with a glass roof, air exhausted through an infiltration system with a secure perimeter.

Glenn Nordin questioned if the wetlands on Upper Palmer Road at the bottom of Stebbins Road would be disturbed?

Kevin Pelissier stated no.

Rosemary Taft asked that the Board take into consideration the low water pressure low and that the proposal opens up Macomber road for a purpose the residents did not bargain for.

Doreen Hebert, 1 Moulton Hill Road stated the overlay district was setting a precedent.

Kevin Pelissier stated there is not much Industrial zoned land in Monson the largest is the Sand and Gravel on Stafford Road and they do not return any calls.

Doreen Hebert reiterated this would open up an opportunity for overlay districts in other residential areas.

Gene Quaglini 62 Upper Palmer Road stated there are expensive properties on Macomber Road and this would affect property values.

Kevin Pelissier stated they are not doing anything that would affect property values any more than the solar facility already has. He stated they were trying to create an overlay district specific to these parcels, to create jobs with minimal traffic.

Paul Hatch questioned the staffing for the retail sales?

Kevin Pelissier stated the retail is a small part of the project, they focused more on the growing.

Paul Hatch questioned ten, fifteen retail sales a day?

Kevin Pelissier stated the retail would be addressed through the Special Permit rigors of the Planning process.

Paul Hatch stated the current bylaw allows a Medical Marijuana facility in the Industrial zone, the proposal before the Board benefits the applicant, it is not necessarily a benefit to Town residents.

Craig Sweitzer stated the overlay district allows this facility by Special Permit, but nothing is included in the changes to the bylaw that is specific to a special permit for a project like this. He stated the Planning Board has 3 options, recommend to approve, not approve or make no recommendation.

Dan Laroche stated the Planning Board holds a public hearing, makes a recommendation to the Board of Selectmen, it then goes to Town Meeting and must pass with a two third majority.

Linda Patrice Upper Palmer Road stated the traffic is heavy on Upper Palmer Road because of the two schools and it is a cut through to Palmer, now it is proposed to add additional traffic. It is difficult to pull out from our driveways now or to walk our dogs on the road because of traffic. She questioned how other grow facilities have affected property values?

Kevin Pelissier stated there are no facilities up and running in Massachusetts, but there would not be hundreds of people coming at one time.

Linda Patrice stated there would still be additional traffic.

Kevin Pelissier stated he wanted to put in a growing facility, an agriculture project on Macomber Road. He stated he understand that it was a heavily traveled road but was not changing the zoning to industrial, he was proposing an overlay district, specifically to grow marijuana in green houses.

With no further comments Tara Hengeveld moved to close the public hearing at 9:50 P.M.

Paul Hatch seconded the motion.

It was so voted unanimous.

The Board members discussed the presentation for an overlay district on five parcels of land owned by John and James Arooth on Macomber Road and Upper Palmer Road, and changes to the Town of Monson's Medical Marijuana Bylaw.

Paul Hatch stated he lives on Munn Road, and the Tree House Brewery has affected the traffic that travels Munn Road.

Karen King stated this is not an agricultural use.

Paul Hatch stated the proposal is making a residential area into an industrial area producing a product and selling it commercially.

Craig Sweitzer questioned the recommendation of the Board to the Board of Selectmen?

Paul Hatch moved not to recommend the proposed changes to the Medical Marijuana Bylaw and not to recommend the creation of an Overlay District on parcels of land owned by John and James Arooth, located on Macomber and Upper Palmer Road.

Tara Hengeveld seconded the motion.

It was the consensus of the Board that the changes to the Zoning Bylaws and the creation of an Overlay District affect the integrity of a residential area.

It was so vote, unanimous.

10.05 Paul Hatch moved to adjourn.

Craig Sweitzer seconded.

It was so voted unanimous.

Respectfully submitted,

Linda A. Hull