

EGREMONT PLANNING BOARD

Minutes: Tuesday, November 1, 2016

The meeting opened at 7:00 PM.

Present: Helen Krancer, Don Pulfer, Greg Cherin, Lucinda Vermeulen, Mark Holmes.

Also:

Robert Coons

Vicki Coons

Kevin Granger

Henry Granger

Brian Huntley, Tighe and Bond

Briony Angus, Tighe and Bond

Henry Barrett, Kearsarge Energy

Andrew Bernstein, Kearsarge Energy

Marj Wexler

Eileen Vining

Ben Barrett

The Chair read the following: *The official record of this meeting is being kept via written minutes. The Planning Board is not recording this meeting. Anyone wishing to record this meeting must inform the Chair prior to the meeting.* No one so stated.

New business:

Peter Schoeffler of Tremont Drive asked if he could read a letter to the Planning Board. Krancer said he could have five minutes. Schoeffler asked if all the members had read the materials he emailed to the individual members of the board outlining his concerns with the Rose Form A plan on Tremont Drive. The board members answered in the affirmative. He stated that Krancer had informed him that she did not need to submit his earlier questions to attorney Jerimiah Pollard, and he agreed with that. He asked if one of the Planning Board members make motion, which he had drafted, that included 3 paragraphs (Labeled "Possible motion to be made by Planning Board member."). See attached. No Planning Board member volunteered to make the motion. Krancer explained to Schoeffler that the Town Counsel has advised the Board not to make such a motion at this time.

Peter Schoeffler told the Board that he would take the case to Land Court. He then left the meeting.

Minutes:

The reading of the minutes was postponed until the next meeting.

Tighe and Bond: McGee Road and Pumpkin Hollow Rd. proposed solar arrays:

Tighe and Bond has submitted a new transmittal for the Pumpkin Hollow Road proposed solar array, dated October 27, 2016, in order to correct the G.I.S map and geographic description in the application.

Krancor questioned which lots in the application were referenced. Ben Barrett explained that 29 Pumpkin Hollow Road originally referred to the entire Riverbend Subdivision parcel, "pre-subdivision." Krancor stated to Barrett that they would need to have a separate Special Permit for each of the individual solar arrays, since they are proposed to be located on adjoining lots that cross lot boundaries. Briony Angus argued that the lots are all presently owned by the same owners (the four Barrett siblings) so the fact that the proposed solar arrays crossed lot lines from Riverbend Subdivision to Lot 1 was irrelevant.

Pulfer stated that 5.6 of the Zoning Bylaw does not apply to any other parts of Egremont – only the parcel of land referenced in the LGSPI Overlay District. He said it is not a permitted use the Zoning Bylaws. Angus said that the Egremont Building Inspector had guided them to believe that it was allowed by Special Permit. She asked if it was not specifically prohibited did the bylaws provide an avenue to allow it? Pulfer stated that an industrial or utility generation use is not allowed under zoning bylaws. Angus referred him to Chapter 40A Section 3 of the Massachusetts General Laws, which states that "no zoning ordinance or bylaw shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare."

The Planning Board will seek the advice of town counsel about the specifics of the legality of the solar installation. Brian Huntley said that if the deadline of January 8, 2017, is not met for spending of at least 50% of the cost of the array, the project may not be able to go forward.

Krancor stated that since Tighe and Bond is asking for zoning relief from the setback requirements for the proposed Pumpkin Hollow Road large-scale solar array, they may need to ask the ZBA if there is a way to combine two lots of a subdivision, Lot 1 and Lot A (which is outside the subdivision and labeled "Remaining land of Margery B. Barrett etc.) to create the proper parcel setbacks. This would have to be done at a ZBA hearing.

It became evident that Tighe and Bond did not realize that the Special Permit Hearing for the Pumpkin Hollow Road solar array, scheduled for November 9, 2016, had been cancelled by the Planning Board because of a mistake in the specifics of the application. It was pointed out to Tighe and Bond that there were mistakes made on both the McGee Road and Pumpkin Hollow Road solar array applications, making them incorrectly submitted.

Ben Barrett asked if the problems were ironed out with the application, could the November 9, 2016 hearing date deadline still be met. He was told that since the hearing was canceled, the newspaper publication dates had to be timely scheduled. The next Planning Board meeting will be on Wednesday November 9, 2016. Tighe and Bond will attend the meeting with new applications for both proposed solar arrays.

Tighe and Bond then presented new applications and maps for the proposed "0 McGee Road solar array facility, with corrected addresses and Book and Page numbers for the parcel, instead of street numbers. The materials were reviewed by the board. Krancer mentioned that the Planning Board has the right to hire a consultant, at the applicant's expense, to help the board understand the issues involved. She also mentioned that the proposed facility is close to the Great Barrington airport and the FAA may have to be consulted. Angus said that Tighe and Bond will provide airspace information for the McGee Road proposed facility, but she stressed that the application is administratively complete. Andrew Bernstein said that there have been solar arrays built near the end of Westover Air Force base runway without problems.

The Board voted to accept the Tighe and Bond withdrawal, without prejudice, of the Oct. 17, 2016 application for McGee Road Solar Array. The Board also voted unanimously to accept the October 27, 2016 version of the McGee Road solar array. Krancer asked that the board have the chance to seek advice of a qualified consultant. Andrew Bernstein of Kearsarge Energy said that the consultant would not be scrutinizing the electrical plan, for instance. Greg Cherin noted that he understood the Board was not expected to understand every detail of the electrical plan. Krancer said that the board would attempt to hire a consultant to look over the plan and application in detail before going forward.

The Clerk will inquire whether the Berkshire Eagle will be able to publish the legal noticed for the Special Permit Hearing on Friday, November 4, 2016, and Friday November 11, 2016, for a hearing date of Friday, November 18, 2016.

Form A's:

Kevin Granger presented a Form A plan for 11 Baldwin Hill Road East, creating Lot 1 (1.958 acres) and Lot 2 (1.799 acres) with a 30' access from Baldwin Hill Road East. The Planning Board accepted a check for \$50.00 from Kevin Granger for the fee. He will come to the next Planning Board meeting and the Board will decide if it will endorse the Plan at that time.

Budget:

Krancer stated that she told the Board of Selectmen at the all-boards meeting that the Planning Board's budget request would be approximately \$3,500.00. She asked Lucinda Vermeulen to itemize the budget request as detailed as possible.

Mail:

Bill from the Berkshire Record for 2 insertions for legal notices for Appalachian Trail Conservancy Special Permit Amendment Hearing, for \$182.69.

Notice of Cancellation of proposed Pumpkin Hollow Road solar array Special Permit Hearing

Notice of Cancellation of proposed McGee Road solar array Special Permit Hearing.

Abutters list for Appalachian Trail Conservancy Special Permit Hearing.

Notice of Public Hearing, Great Barrington Board of Selectmen, for Special Permit for Mary Rivers for a 3-unit residential dwelling at 137 Bridge St., Great Barrington. November 28, 2016.

Notice of Decision on Special Permit, Great Barrington Board of Selectmen, granted to 47 Railroad LLC. October 25, 2016.

Letter from Peter Schoeffler, dated October 6, 2016.

Letter from Egremont Office Administrator Mary Brazie, outlining procedures for proposing major expenditures for town boards.

Memorandum from Board of Selectmen asking the Planning Board for a detailed report justifying conclusions in Report on Proposed Bylaw Changes, Village and Rural Districts.

Meeting was adjourned at 9:53 PM.

Respectfully submitted,

Mark Holmes, Planning Board Clerk