



TEL: (413) 436-9312 x260
FAX: (413) 436-9754

TOWN OF WARREN
PLANNING BOARD
WARREN, MASSACHUSETTS 01083

WARREN PLANNING BOARD
MINUTES OF June 13, 2022

PRESENT: Mr. Derick Veliz Chairmen: Mr. David Dufresne-Vice Chair; Mrs. Drue King; Mr. Edward Londergan; Mr. Richard Eichacker

Absent: None

ATTENDEE: Dan & Lori Fournier, Donna Skoczylas, Tiffany Floria, Brenda Church Building Inspector/Zoning Enforcement Officer

Meeting was called to order at 7:18PM

Payroll/Bills/Budget

Motion to approve and sign payroll in the amount of \$ 296.74, \$ 264.66 and \$ 300.75 for Jill Chalifoux-Miller made by: Mr. David Dufresne second Mr. Edward Londergan - 5 yes votes.

Motion to approve and sign payroll in the amount of \$ 56.07 for Kathy Czub made by: Mr. David Dufresne second Mr. Richard Eichacker - 5 yes votes.

Motion to approve and sign 3/31/2022 invoices for O'Reilly Talbot & Okun Assoc in the amount of \$ 3,591.41 (Lot 3) and \$ 2,385.67 (Lot 4) made by: Mr. David Dufresne second Mrs. Drue King – 5 yes votes.

Motion to approve and sign April invoices for Mirick O'Connell in the amount of \$ 950.00 (Planning Board), \$ 736.19 (Sunpin Litigation), \$ 1,101.65 (ASD Solar Lawsuit), \$ 70.00 (ZPT Litigation) and \$ 280.00 (Copart) made by Mr. David Dufresne second Mrs. Drue King – 5 yes votes.

Motion to approve and sign WB Mason invoices in the amount of \$ 589.51 and \$ 212.03 made by: Mr. David Dufresne second Mrs. Drue King – 5 yes votes.

Motion to approve and sign Staples Invoice for \$ 320.95 made by Mr. Edward Londergan second Mrs. Drue King – 5 yes votes.

Continue Public Hearing on Special Permit # 300 and Site Plan # 66 for Donna Skoczylas under Section 1.5 of the Town of Warren Zoning By-Laws. The applicant is requesting to expand/ alter a non-conforming structure to add three (3) additional apartments. The property is located at 2282 Main Street, West Warren also known as Assessor's Map 20 Lot 38 which is located in the Village District. **A copy of the application may be inspected in the Office of the Planning Board or Town Clerks Office during normal business hours.**

Abutter's notification and publication was done in accordance with the provision of Chapter 40A, 11 of the Massachusetts General Laws.

Representatives: Michael Pietras, Engineering & Land Solutions, Inc., Donna Skoczylas, owner

Documents Submitted:

- Preliminary Plans of Apartment Additions dated 9/14/2021
- Conceptual Site Plan Existing & Proposed Conditions dated 4/11/2022

The Board, Mrs. Church, Mr. Pietras and Mrs. Skoczylas discussed whether the expanding/altering of Donna's non-conforming structure to add three (3) additional apartments can be added or a duplex can be built. At the last hearing continuance, they discussed that it may be a Zoning Board of Appeals application. Mrs. Skoczylas wants to exhaust any options through the building department. Mrs. Church stated that the applicant needs to decide what she wants to do: apartments or the duplex. Mr. Pietras was under the impression that the addition of apartments would need an extensive sprinkler system and a duplex would not. Mrs. Church told them that either project would need a sprinkler system. Mr. Dufresne reviewed that originally the board told them they could not move forward because it is non-conforming. In the last hearing continuance Mrs. Skoczylas was advised to go to the Zoning Board of Appeals because it is against the zoning bylaw. The bylaw states that you are not allowed to increase the non-conformity. She will need to bring it into conforming regulations. A variance for density needs to go through the Zoning Board of Appeals (ZBA). Initially Mrs. Skoczylas wanted to put in additional apartments and submitted plans for those apartments. Then the idea for the duplex came about to avoid having to install a sprinkler system. Now that she knows sprinklers are needed to be put in for either idea she wants to go back to the original plan of the apartments. Mr. Veliz told her due diligence needs to be done regarding the density issue. If it does not fall within the town by-law she will need to go to ZBA or alter their plans to be within the correct density requirements. If her plans are within the density by-law they can go ahead with the original plan of the apartments.

Motion to Continue Public Hearing on Special Permit # 300 and Site Plan # 66 for Donna Skoczylas to August 22, 2022 made by Mr. Richard Eichacker second Mr. David Dufresne – 5 yes votes.

ZPT Energy Solutions, LLC (ZPT)- Mr. Eichacker stated that in their special permit decision there is a condition stating that ZPT was required to fund a peer review account. This is not being done. A wetland replication was conducted in November. The Planning Board oversees the funding. There is currently not enough funding in the account. Legal said that ZPT should be funding the account until everything is complete. \$ 5,000 is supposed to be kept in that account. The power can be turned off if the electrical inspector gets something in writing that the site needs to be shut off because it was turned on in error. The Planning Board will send a letter to Scot Mansfield, the electrical inspector about the electricity.

Motion to send a letter to Scot Mansfield, the electrical inspector to shut of ZPT's electricity for non-conforming to their special permit and decision made by: Mr. David Dufresne second Mr. Edward Londergan- Roll Call Vote; Mrs. King- yes; Mr. Londergan- yes; Mr. Dufresne- yes; Mr. Veliz- yes; Mr. Eichacker- yes; 5 yes votes.

Borrego Solar Systems, Inc. (Borego)-

Representative: Michael Giaimo, Attorney with Robinson & Cole LLP; Dean Smith, Engineer for Borrego Solar Systems, Inc; Ben Sufrin | *Project Development Director for AES Distributed Energy*

Infiltration testing was completed a couple of weeks ago, the report was sent to the board in an e-mail. In a nutshell there was infiltration results conformed to the stormwater report that was received when the project was approved. One location was perking slower than the others. Mr. Smith has reached out to his consultation looking for recommendations on how to address the problem. He said they have tested 5 locations across the drainage basin for infiltration rates. The average came out to be 1.01 inches per hour The modeling that was done on the basin during design was 1.02 inches per hour. The average is very close to the design rate. One test hole perked slower than the others, this was near the control structure. He is consulting with S.W. Cole Engineering who conducted the testing to get some recommendation on what they can do to increase the infiltration rates in that isolated area. It may be something as simple as removing the surface layers and replacing them with better infiltration material. He will do some remediation of the soils so that it will function as designed. He will come back with a firmer answer on what they can do to remediate the situation. Mr. Eichacker spoke about the basin where tadpoles were seen. Water had been in the basin for more than three days because the tadpoles were maturing. He was not the original design engineer; he did not see a smaller basin on the design plan and will go back out there to look at it. Mr. Dufresne spoke about how during a site walk one of the site supervisors told the Board that the reason the basin was not properly draining and a pool had formed is because the liner had slipped underneath. He was not there to observe the construction of the basin and did not excavate to look at it. He was not aware there was anything wrong with the basin. He will go back and look at it. Borrego still has an open consultation with SW Cole Engineering. He will get back out there and get recommendations as quickly as possible. He will get some written recommendations along with what actions they will take and forward them to the board. The Board thanked him for speaking with them.

Mr. Sufrin asked if the Board would allow the transfer of the decommissioning bond to the new owners, AES Distributed Energy. The board agreed.

Motion to approve moving the decommissioning bond from Borrego to AES made by Mr. Richard Eichacker second Mr. David Dufresne – 5 yes votes.

Comments and Concerns-

Mr. Londergan said KP Law is still waiting to hear back from the Attorney General about the Open Meeting Law violations. Mr. Eichacker sent the wind bylaw to the town clerk to send to the Attorney General. It could take up to 90 days to hear back. The board spoke about the possibility of Agilitas Energy having stopped their solar project. Mr. Eichacker will check with O'Reilly Talbot & Ogun & Associates to see what they know. Mr. Eichacker spoke about the question from a past meeting. The question being: if we deny a solar project why would we approve a gravel pit? Gravel pits by their nature are loose sandy soil and they drain well. All of the solar projects we have in town are on rocky ledge filled sites and they do not drain well. The solar panels sit on top of the ground. Each panel takes rain and dumps it into the area right below causing the water to build up. Mrs. Fournier asked if Agilitas Energy is bonded. The board wants me to check with the treasure to see if they are. Mr. Dufresne asked Mrs. Church if she has some time to look into perमितeyes software for online permitting. She said she can get them to give a demonstration.

Other Business

Motion to Adjourn made by: Mr. Richard Eichacker second Mrs. Drue King – 5 yes votes @8:35pm

Next Meeting Date: June 27, 2022 @ 7:15pm

Respectfully submitted,

Jill Chalifoux-Miller
Secretary

Jill Chalifoux-Miller

06/27/2022

Date Approved

Members of the Board Signatures

[Signature]
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