

Conway Planning Board Minutes
Thursday, January 6, 2022 7-8:30 p.m.

Location: Meeting conducted via Zoom

Meeting called to order 7:03 p.m. by Chair Beth Girshman

Members Present: Beth Girshman (chair), Jenn Mullins (vice-chair), Susan Fentin, George Forcier, Bill Moebius, Joe Strzegowski (associate member).

Other Attendees: John Moore; Roaring Glenn Farm LLC; Devlin Selman; Gerry LeBlanc; Jiyanna Vagedes Baue, Main Poland Rd.; Lisa Gustavsen, 40 Whately Glen Rd. Chris Larabee, Greenfield Recorder Thomas Lesser, 195 South Part Rd. John Moore, 40 Whately Glen Rd.

George moved to accept minutes from 12/16/21; Jenn seconded. Unanimous approval. Susan requested she take a leave of absence until spring due to other Board commitments.

1. Review and approve minutes of previous meeting, December 16, 2021

Motion by George to approve minutes of Planning Board meeting as submitted, seconded by Jennifer.

2. NEXAMP: Outstanding issues and reports: Joe: spoke of where we are with the ongoing matters. He visited site last week, took photos, met new NEXAMP employee. Joe rec'd photos from Jamie Stanton. They have done some work on the rear and the fence line, adding green matting of plastic to assist in erosion. Conway Conservation Commission looked at Joe's photos and went to site today. Plastic material is of concern to all. Joe was concerned about future of driveway. The driveway is private, maintenance not part of NexAmp agreement with Newmans. Planning Board received emails from abutters concerning electrical noise.

Beth: Suggested we consider notifying Newmans re: Planning Board understanding of whose responsibility driveway will be.

Electrical noise: Beth notes this is outside our site review oversight (stormwater management) Chair opens floor to attendees, for a limited amount of time to speak tonight. Questions? Joe: it may be appropriate Planning Board to send letter to NEXAMP and Eversource to expedite a solution to this problem. Susan suggests we research other town's issues. Devlin Selman spoke re: electrical noise inside home. She spoke with a Sr. Supervisor of Eversource. They will be

doing readings of amps and volts. Lead engineer of Just Harmonics of Eversource will be helping them. Sound frequency specialist in Cambridge was interested in the issue.

Beth suggests best way forward as a Planning Board – research to determine whether similar issue near other solar arrays. Gerry LeBlanc appreciates that if Planning Board is eager to align with them, Jiyanna, Jeff, Devlin and Gerry feel like guinea pigs and feel like they need to report this in a public way. The Newmans are not in attendance. Jaymie Stanton asked if the Planning Board would like to do a site visit. We have contract for one more inspection by Tighe and Bond. Joe will attend and notify others of date for group site visit. Devlin asks what is recourse after the close of scheduled oversight. Beth shared that there is recourse, mainly through Conservation Commission and DEP regulations. Conway Zoning bylaw on driveway and public ways. We would rely on Franklin County Inspections for implementation.

3. Flood plain bylaw revision (George/Beth)

Flood Plain Bylaw Revision: George and Beth met this morning to review. Susan did a lot of work on this. We are looking at the model bylaw suggested by FRCOG, along with some work on bylaw being done in Whately. Conway Town Admin will take on role of Floodplain Administrator. We need to prepare for upcoming information session.

4. Local solar bylaws and potential Massachusetts Supreme Judicial Court case (Susan)

Local Solar Bylaw: Susan Fentin reported. Came about when a solar project wanted to use a residential lot in Waltham to access land. Land Court found that Waltham had unreasonably regulated solar installations. Waltham appealed to SJC. Justices are soliciting amicus briefs re allowing solar in certain areas of a community but not others. Affirmation = solar bylaws are moot and no solar control would exist. This can weaken the ability of Towns to have any regulation of any restrictions on industries. Susan will review and bring ack to Planning Board. We will consider signing onto to Amicus brief. Beth asked whether this might be environmental justice issue and that might be why SJC wants to hear it. Waltham is trying to prevent the installation of an access road to the solar field in the private residential neighborhood lot; also asking whether the bylaws are too restrictive.

5. Vertex Tower Assets – cell tower project (Beth) - no new information

6. Planning Board has been asked to write a letter of support for the Open Space and Recreation Plan. Beth will do this. People should take a look at the plan on the town website. Motion to send letter of support for open space/recreation plan. Website has the plan. So much is in it and it could be folded into revised Master Plan. Beth will speak with

Selectboard in January to coordinate on grant funding for DLTA funds and possible state assistance with master plan work.

6. Annual report due in February (Beth): Lara wrote the Annual Report before she left. Beth will review and submit.

7. Administrative assistant hiring process/interim plans: We are looking to hire an admin assistant

8. Information session/public hearings – Zoom, in person or hybrid?

Allowed to continue remotely through April 1, 2022 so we will continue until we must decide otherwise. This time will not cover flood plain hearing April 21st.

9. Town Counsel guidance re: revision of Town of Conway's Bylaw concerning Cannabis, at Section 11.5 (r)

Counsel for the Town of Conway provided guidance on revision of language in this section of the Bylaw which we discussed briefly this summer. Towns have made this clause part of their Order of Conditions, that the permit expires with the named licensee. We will not be able to prepare this revision for the June Town Meeting and need to re-visit later. Beth will bring forward examples of other town's bylaws for sample language, etc.

10. Roaring Glen Farms, LLC special permit amendment (SF recuses)

7:58 p.m. Susan Fentin recused herself. Discussion and vote re: Roaring Glen Farms LLC's Amended Special Permit.

Joe: on 12/30 we got a response from Town Counsel confirming added language to #12 of Special Permit, "In light of the unusual burden," Joe also added the names of all Planning Board members (George, Beth, Joe, Bill, and Jennifer) as well as date of this Amendment under "referenced document".

Tom Lesser: RGFLLC to provide an annual Cert. of Compliance on or before 12/31, and supply the names of the Cooperative members.

Jennifer made a Motion to approve the Roaring Glen Farm LLC's Application for Amended Special Permit; Joe S. seconded. Aye: Beth Girshman, George Forcier, Bill Moebius, Joe Strzegowski, Jennifer Mullins, in favor of RGFLLC's Amended Special Permit. Members to sign Decision in Town Hall on Monday, January 10th which will be followed by a 20 day appeal period.

11. Mail/email

12. Old business

13. New business/public comments (not anticipated 48 hours in advance)

Next meeting is January 20th.

Zoom meeting and I.D will be the same every time. .

Meeting Adjourned at 8:09

Upcoming Meetings

January 20, 7 p.m.

February 3 and 17, 7 p.m.