

**Planning Board
Meeting Minutes of December 5, 2012**

Present: Michael Fitzgerald, Chair (MF)
Ken Miller (KM)
Alan Rice (AR)
Lauren Preston-Wells (LPW)
Sarah Holbrook (SH)
Walt Cudnohufsky (WC)
Brittany Martin (BM)
Guest, speaking on behalf of Eduardo Suarez, Tom Leue (TL)

The meeting is called to order at 7:28pm.

1. Planning Board discusses the letter from Donna MacNicol regarding the Temporary Weather Tower that has been dismantled and the bond money from Eduardo Suarez that he is requesting to be returned. LPW is interested in where the sound studies are that came from the tower. LPW states that UMass may want to conduct further studies in the future to which MF states if they wanted to apply for another permit they would need to finish the sound study work before submitting another application if it was to be conducted on the same land. MF thinks that UMass may have run out of grant money and that is why the Planning Board never received the sound studies. WC is interested if the gentleman's land that the tower was set up on, ever received the studies. Eduardo Suarez is scheduled to be at this meeting at 8:00pm.
2. Planning Board reviews the November 27, 2012 minutes. SH moves to accept the minutes as amended, AR seconds and all vote in favor.
3. Planning Board discusses the letter to be published in the January issue of the Ashfield News regarding the Wind Turbine By-law. MF states that Council thinks that this is a fine approach to take. From a legal prospective, the town of Ashfield can stand on the 50' tall wind turbine rule until the state changes regulations. Council agrees that information regarding large wind turbines is contradictory and tough to make a decision on. BM will submit the letter to the Ashfield News for print in the January issue.
4. AR states he attended the Route 116 scenic byway corridor management plan workshop. The two chapters discussed were transportation services and scenic resources. AR has copies if anyone is interested in receiving them electronically.
5. Planning Board discusses Echo Bond. Eduardo Suarez called Tom Leue and stated that he is in Boston, his truck has no brakes and he has 1,000 pounds of grease on board. He will not be able to make this meeting. TL will represent Eduardo Suarez to best of his ability. TL states that Eduardo would like his \$3,000 bond returned now that his permit has been fulfilled. MF states that two conditions of the permit have not been fulfilled, one of which states that all public information, including but not limited to, the readings of the anemometer were supposed to be sent to the town when completed. The town of Ashfield has only received 1/4 of the information to date.

MF asked TL about the UMass grant money. TL states the following:

1. Echo paid legal fees to defend the lawsuit from a town citizen, and to defend the town of Ashfield. The lawsuit was dismissed with prejudice.
2. The grant was rescinded.
3. The state then decided not to pay for the work or the studies.
4. UMass is asking \$8,000 for the studies, which Echo does not have, and they will not release the information until they receive that money.
5. He isn't sure if the studies are available because the data may not have been produced into any useful form.

LPW is interested in confirming with Eduardo that March 2012 is the last data that he received. Jim Manwell of Conway, Ma is in charge of the data. MF states that he will contact Jim Manwell to learn his side of this situation and if there is information that is in a useful form that can be provided to the town of Ashfield.

TL states that the \$3,000 cash bond should be returned to Mary Wentworth. Mary gave Eduardo the money and he would like it to be returned to her. KM states that he would like to release the bond but would still like to try and get the information from the studies. AR states that he is concerned with releasing the bond, as all involved parties may walk away without the town of Ashfield ever receiving the information from the studies. However, he doesn't interpret this bond as leverage, therefore agrees with KM. LPW states that she thinks that the condition of the bond as written has been met and would also like any information gathered by the anemometer. MF agrees that the bond should be released.

AR moves to release the \$3,000 bond to Echo, KM seconds. Motion passes with MF, KM and AR in favor. SH opposes and LPW abstains. The bond will be released.

6. Planning Board discusses the letter regarding the subcommittee for the Open Space and Recreation Plan and Five-Year Action Plan. AR hasn't had the chance to write it but will make sure that it is complete by the next meeting, scheduled for December 19, 2012.
7. Planning Board discusses what to work on next.
 - a. Our part on the Open Space and Recreation Plan and 5 Year Action Plan
 - b. Senior Housing
 - c. Town Center Zoning
 - d. Small wind turbines
 - e. Land use list for a by-law
8. AR motions to adjourn the meeting, LPW seconds and all vote in favor.

Meeting adjourns at 9:07pm.

Respectfully submitted,

Brittany Martin