

**TOWN OF MARION  
PLANNING BOARD  
July 20, 2015  
Main Conference Room  
Marion Town House  
Two Spring Street**

**MEMBERS PRESENT:** Rob Lane, Chairman  
Rico Ferrari Vice-Chairman (arrived 7:05)  
Norm Hills, Clerk  
Jennifer Francis  
Steve Gonsalves  
Eileen Marum  
Mike Popitz

**MEMBERS ABSENT:** None Absent

**BOARD ASSISTANT:** Terri Santos

**ALSO PRESENT:** John Garcia  
Jonathon Novak  
Anne Smith  
Bill Saltonstall  
David Anderson  
Robert Nakashian  
Kathleen Giles  
Bob Rogers  
Sheila Gibbons  
Will Saltonstall  
John Quirk  
Greg Carey  
Jay Myrto  
Cathy Stone  
Michelle Bazari  
Sydney Lewis  
Karen Clemishaw  
James and Cynthia Camarata  
Gary and Rosemary Cosman

**Commencement** – Chairman Lane called the regular meeting to order at 7:00P.M.

**Approval of Minutes**

Motion made by Member Marum to approve the minutes of March 2, 2015, seconded by Clerk Hills.

**VOTE: 6-0-0**

## **Correspondence**

### **Old Business**

Chairman Lane noted that there were draft revisions of Form 4A in the Packet. He suggested postponing discussion on the revised forms for the next meeting. He asked Clerk Hills to get input from the Board Assistant and Town Counsel.

Chairman Lane read the meeting notices for the Master Plan Department Head and Committee chair meeting 7/22/2015 at 2:00 at the Police Station, a meeting for the Master Plan advisors 7/21/2015 and noted that on August 1 there will be a Master Plan workshop.

Clerk Hills commented that the Board has an old warrant budget item for computer mapping equipment that we are probably not going to use. He suggested talking to Judy Mooney about using the funds to support the Assessors GIS effort. Chairman Lane told him to feel free to do so.

### **Approval of Bills**

#### **None to approve**

#### **Comments to the ZBA – 490 Point Road, Donna Tobin, In-law Apartment**

Clerk Hills questioned why the ZBA application forms were not completely filled out. After discussion it was decided to comment that in the future that the ZBA make sure the application and forms are complete.

#### **Review of Tabor Plans to Erect Bleachers at their Athletic Field**

Chairman Lane noted that the Planning Board received an email today from Scott Shippey who had been consulted with Jon Witten and determined that Site plan Review was not needed.

Will Saltonstall and John Quirk addressed the board and explained the plan dated July 17, 2015 and that they were back tonight to inform the Board of what was going on. Mr. Saltonstall noted that in reference to a Planning Board question, there would be no lighting. As far as storm water, the seating will be pitched slightly to the field so will flow onto field. They are proposing a path at top of bleachers and creating two handicap accessible parking spaces for access at top of bleaches. They do not anticipate any truck or traffic issues on Spring Street during construction. He noted that they hope to answer questions and get it constructed before the football team gets back.

Chairman Lane asked for comments from the Board; all the comments were positive.

Chairman Lane asked for comments from the public.

Dana Anderson asked if the railing went all the way across the top of the structure and hill.

Mr. Quirk explained that there would be a safety railing. Mr. Saltonstall added that they will put a bollard and chain system across the top to separate the parking which was recommended by the Building Commissioner.

**Public Hearing – Site Plan Review and Special Permit Solar Farm, Clean Energy Collective off Tucker Lane c/o GAF Engineering 20**

Motion made by Vice Chairman Ferrari to open the Public Hearing, seconded by Member Gonsalves.

**VOTE: 7-0-0**

Chairman Lane explained that this is the first application under the new Solar Bylaw and then explained the Public Hearing process. He noted that he just saw a letter today dated July 16, 2015 to the Board of Selectman regarding removal of part of the property from Chapter 61A. He noted that they do not know if the plan submitted in the letter is the same as what is in the application but they must remove sufficient land for the solar farm and the setbacks from the Chapter 61A land.

Clerk Hills read the legal notice into record.

Mr. Greg Carey, Solar Manager from Clean Energy Collective introduced Jay Myrto Project Manager and Bob Rogers of GAF Engineering. He then explained the application as submitted. He noted that he had received the Peer Review on Friday and had not had time to properly review it.

Mr. Rogers then explained the plan noting that the site was already cleared and the only detail required is as storm drainage design. He said that they had reviewed the Coneco letter and it would be better from their perspective to interact with Coneco and the Conservation Commission before responding to the Planning Board. He noted they had an onsite meeting with the Conservation Commission and will be presenting to them.

Jonathon Novack of Coneco Engineering explained that his company wrote the peer review letter of July 17, 2016. It was issued last Friday and he did not expect to have a full discussion of the review tonight.

Mr. Rogers commented that he understood the comments and felt that there was no real problem. He would need to discuss the mounding comment with Coneco.

Mr. Novack noted that the communications would be between them and GAF and would keep the Board in the loop.

Chairman Lane asked for comments from the Board.

Member Francis asked if there would be tree clearing. Mr. Rogers replied that the large trees that would shade the array on the West will be cut, trees less than 20 feet will remain. Trees will be topped for the electrical connection to Tucker Lane but that will be addressed with the Conservation Commission. There would not be clearing to the north and east side.

Member Marum asked if the hay field would be left as is and questioned if the sandy soil was enough support for the panels. She noted that this is an isolated area and looks like a perfect site.

Mr. Rogers replied that the existing contours seen will not be changed and best practice is to have grass underneath and maintain it so do not have growth between spacing of panels. They did test pits to make sure the soil could support and provide for water drainage.

Member Marum noted that on the Coneco review Marion was misspelled.

Clerk Hills noted that there were several mistakes in the Coneco review that need to be corrected, he will discuss them with the Coneco representative after the meeting.

Member Popitz expressed concern over the escrow amount that was provided in the Application, feeling that it is a very low amount. It was probably one third the amount needed for decommissioning and removal in his estimation.

Mr. Rogers responded that the amount in the application was a bid price given to them for removal and decommission, it was not an engineering estimate.

Chairman Lane noted that may need to get a third party to evaluate and are not in position to evaluate this evening. Needs to be reviewed by counsel, the land owner and must pick an institution to hold funds and all money deposited up front.

Mr. Carey explained that they will be happy to work with Coneco on the numbers noting that they have permitted three other projects in other towns and this number is within \$1000.00 of the other three.

Member Popitz commented that the setbacks might be difficult to work with.

Chairman Lane explained that they need to work within the parcel removed from 61A and do not know from that plan what was removed from 61A. That plan must support all development and dimensional requirements under the bylaw. They can choose to remove more from 61A Chapter land if that is what is needed. The applicant will also need to deal with the Town of Rochester on access, setbacks and safety as a requirement.

Mr. Carey replied that Scott Shippey Town of Marion Building commissioner arranged a meeting with department heads of Rochester.

Mr. Rodgers noted public hearing was scheduled for July 28 with Rochester.

Chairman Lane asked for comments from the public.

Michelle Bizari asked how long it would take for the project to be completed.

Mr. Myrto explained that it would take approximately 6 to 8 weeks to construct.

Mr. Graven asked if the access is off of Tucker road.

Mr. Rodgers said that there would be no vehicular access only an electrical connection.

Mr. Camarta asked if this were being built in the Board's backyard would you be in favor of and if it will be visible to the public.

Mr. Rogers replied that don't think anyone on Tucker Lane will see this facility other than the new utility pole.

Mr. Ferrari noted that the board as a group is in favor of solar but does not mean that they will vote on it. Research he did showed that they generally do not affect prices of homes. He noted that members of the public and abutters should look at the Solar Bylaws and be familiar with them before the next public hearings.

Sue Lewis commented she was in favor but was concerned with potential road damage during construction

Jim Camarata commented that he is in favor of the project but concerned about property values and drainage. Tucker lane has wetlands and a bit of a drainage issue.

Chairman Lane asked how long it would take to resolve the Chapter 61A land issue, could it be done in two weeks? Mr. Carey responded yes.

Motion made by Vice Chairman Ferrari to continue the Public hearing to August 3, 2015 at 7:15, seconded by Member Gonsalves.

**VOTE: 7-0-0**

Member Francis asked why we were using another firm for this project rather than one from the list of four approved recently approved by the Board.

Chairman Lane responded that in his opinion the RFP process was not intended to be an exclusive list of Engineers and the Board may use whoever feel would be appropriate for the project.

Clerk Hills disagreed, stating that the Board had gone through the RFP and selection process so that it would not have to advertise and approve an Engineering firm for each

application. He pointed out that the decision was made unilaterally without a vote of the Board. Member Popitz commented that he had talked to some of the firms and determined they did not have the experience of Coneco. Clerk Hills responded that it should be brought to the Board to make a decision.

Chairman Lane replied that there had never been a discussion about who any engineer would be on any project. He and Member Gonsalves thought it was a waste of time.

Vice Chairman Ferrari commented that because of the RFP process, there is now a benchmark to go by for selection of engineers.

Clerk Hills disagreed; the reason for the RFP and selection process was to formalize the Board's actions; to be more professional. There was no reason provided why one of the four approved engineering firms should not be chosen. Clerk Hills questioned the existence of a contract with Coneco. Chairman Lane said there is none. Clerk Hills commented that was a potential problem; work has been done without a contract.

Chairman Lane commented that in the future we may want to talk about contacts for Engineers but felt that it should not be discussed on the night of a public hearing.

Motion made by Member Francis to adjourn, seconded by Member Popitz at 8:20P.M.  
**VOTE: 7-0-0**

List of Documents Received:

Minutes of March 2, 2015

Meeting Notices, July 22, 2015 and July 21, 2015

ZBA Application– 490 Point Road, Donna Tobin, In-law Apartment

Plan of Tabor Bleachers at their Athletic Field Dated July 17, 2015

E-Mail from Scott Shippey July 20, 2015 Regarding Tabor Bleachers and Jon Witten

Application Site Plan Review and Special Permit Solar Farm, Clean Energy Collective off Tucker Lane

Review Letter Coneco Engineering dated July 17, 2015

Extension Form Clean Energy Public Hearing

Dennis & Karen Cleminshaw letter dated July 16, 2015 for removal of land from Chapter 61A

Note: The documents, reports, correspondences, submittals, notices, exhibits are a part of the official record along with these minutes.

Respectfully Submitted,

Norm Hills, Clerk

