

**TOWN OF MARION
PLANNING BOARD
August 17, 2015
Main Conference Room
Marion Town House
Two Spring Street**

MEMBERS PRESENT: Rob Lane, Chairman
Rico Ferrari Vice-Chairman
Norm Hills, Clerk
Jennifer Francis
Steve Gonsalves
Eileen Marum
Mike Popitz

MEMBERS ABSENT: None Absent

BOARD ASSISTANT: Annita Donovan

ALSO PRESENT: John Garcia
Jean Perry
Bob Rogers
Ted North
Jon Novak
Greg Carey

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 April 6, 2015, seconded by Member Popitz.

VOTE: 7-0-0

Correspondence

Old Business

Revised Forms – Chairman Lane noted that the discussion of the Forms will be postponed until the next meeting.

Project Coordinator – The Board was provided a point paper outlining the process of appointment and including duties and responsibilities. Chairman Lane provided his recommended changes. Members provided a few additional changes. Motion made by Member Popitz to approve the Planning Board Project Coordinator Outline dated August 4, 2015 as written by Clerk Hills and revised this evening, seconded by Member Francis.
VOTE: 7-0-0

Approval of Bills

None to Approve

Comments to the ZBA – 460 Front Street, Kathleen Marie Hill

After discussion it was decided to recommend the ZBA to pay attention to the safety and health regulations during the Public Hearing process.

Comments to the ZBA – 828 Point Road, Dena Xifaras & Michael Papadakis

After discussion it was decided to recommend the ZBA determine if the non-conforming use remains valid.

Comments to the ZBA – 16 Cottage Street, Sippican Preservation, LLC

No Comment, this is part of a negotiated resolution.

Discussion – Ridgewood Lane – Previously Approved Subdivision c/o GAF Engineering

Chairman Lane noted that Member Marum will be the Project Coordinator for this project. A letter was sent dated August 17, 2015 to Mr. Bill Madden the Applicants representative explaining the need for a peer review engineer. Chairman Lane suggested holding off on Board discussion until after receiving a report from a peer engineer.

Member Francis asked for a brief description of the project.

Bill Madden gave a short explanation of the Ridgewood Lane subdivision project that started in 1986 and generated a Form C application in 2007. This resulted in a Board decision that nothing was required to be accomplished on-site.

Chairman Lane requested a \$2000 Chapter 53G account be established.

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

Motion Made by Member Marum to open the public hearing, seconded by Member Francis.

VOTE: 7-0-0

Chairman Lane noted that there were still issues to be taken care of with after conversations with Jon Witten. He then itemized his conditions and concerns as follows:

1. Request to see the elevations with typography and evaluate the screening
2. On sheet number 2 of the plans show the 61A area and the relative set-backs.
3. Copy of the land lease to Jon Witten.
4. Further discussion on storm drainage and needs to be resolved by the consulting engineer and the applicant's engineer.
5. Will add Rochester to the Escrow Agreement so will become a 5 party agreement. The cash alternate could be a bond if is an acceptable bonding company, the specific agreement will be taken care of between Mr. Serkey the applicants Attorney and Town Counsel. Chairman Lane noted he has reviewed the decommissioning amount and noted he still feels that amount should be \$110,000.
6. Regarding setbacks the general fee owner and land lessee must agree that as long as there is a land lease there will be no subdivision of the 23-acre lot.

Greg Carey introduced Rich Serkey the counsel for Clean Energy.

Mr. Rogers reported that there was a negative Determination of Applicability with Rochester Conservation Commission and last Tuesday the Rochester Planning Board issued an approval of requested waivers except for the decommissioning. Last Wednesday they met with the Marion Conservation Commission and requested a continuance subject to plan changes with the Planning Board. Mr. Rogers presented a letter from Clean Energy from the Clemishaws stating they would not subdivide any portion of property in Marion as long as the solar lease is in effect.

Mr. Lane read the letter dated August 17, 2015 from Dennis and Karen Clemishaw. He noted that the letter will need to be put in document to be recorded and agreed to by both lawyers.

Mr. Rogers presented an aerial photo specific to Loves parcel to discuss the 100 foot setback in relation to existing wetlands. The Loves have agreed to grant an easement on their property shown on the map and showed that it is not reasonable to build a house on their land with the easement and the wetlands.

Chairman Lane asked the Board agreed that if they were satisfied with Mr. Rogers showing the setbacks in that area.

Member Popitz and most of the board commented that they were satisfied with the conclusion that it was not reasonable to have a house on the lot.

Mr. Rogers explained the changes made to the retention basin; it is redesigned as a dry extended detention basin and needs one foot of separation from ground water. The recalculations were sent to Coneco and Mr. Novack with the changes.

Mr. Novak reported that they had received the information on Friday and haven't had time to do a through review. His initial indications are that the separation is not adequate. Mr. Rodgers disagreed, noting that the two engineers need to discuss this outside the meeting. Clerk Hills agreed that they need to resolve the difference of opinion.

After discussion Chairman Lane asked the two of them to meet about this issue in the next week and to have a resolution for the next meeting.

Chairman Lane noted he had provided his comments on the proposed escrow agreement to Mr. Carrey. The Chairman then went on to state his view that the escrow amount should be \$110,000 and that he considered salvage value totally speculative and didn't agree using it. In his opinion the purpose of escrow is to make it incumbent on the operator to do the work so that the Town doesn't have to. It is incentive and should be more than is necessary.

Mr. Novak referenced a memo dated August 14, 2015 from Coneco Engineering (it was noted that the Board members other than the Chairman had not received the memo) and explained that the estimate based on the permitting drawings and Coneco's experience.

Mr. Carrey noted that they complied with the bylaw and commented that to go from \$40,000 to \$110,000 is unreasonable. Chairman Lane responded that he is not prepared to move from \$110,000, that he had used the 2022 cost estimate to get his value.

Vice-Chairman Ferrari suggested that the escrow amount be based on a percentage of the original value.

Mr. Carrey noted that he will meet with the Coneco engineers to discuss and come up with a number. Clerk Hills agreed that the two engineers should work together to agree on an escrow amount. He also noted that the Bylaw specifically requires an engineering estimate, it does not provide for the Board to make an estimate.

Member Francis commented that we should be looking at the Comps of other Towns. After discussion it was decided that they would research the Comps of other Towns and Chairman Lane suggested using the 7 year reference in the Coneco Memo.

Chairman Lane asked the Public for comments. There were none.

Note: Extension of Public Hearing Form signed by Applicant and Chairman Lane and extension of Site Plan approval to date of Special Permit extension date signed.

Motion made by Member Marum to continue the public hearing to September 8, at 7:15 seconded by Member Hills.

VOTE: 7-0-0

Motion made by Member Marum to adjourn, seconded by Member Popitz at 8:10P.M.

VOTE: 7-0-0

List of Documents Received:

Minutes of April 6, 2015

Marion Zoning Board of Appeals letter dated August 3, 2015 for 16 Cottage St.

Marion Zoning Board of Appeals letter dated July 28, 2015 for 828 Point Rd.

Marion Zoning Board of Appeals letter dated August 3, 2015 for 460 Front St.

GAF letter dated August 14, 2015 – Ridgewood Lane Extension

GAF letter dated August 12, 2015 – Clean Energy Collective Proposed Solar Array off Tucker Lane, Response to Coneco Peer Review

Clean Energy Collective Site Development Plan off Tucker Lane Revision 2 dated August 10, 2015

Undated letter from Norman E. Dupuis, P.E. – Removal Cost Estimate for Proposed 1.0MW (DC) Solar Farm, 32 Tucker Lane, Marion, MA.

Memo, Coneco Engineers dated August 14, 2015 re: decommissioning estimate

Letter dated August 17, 2015, Dennis & Karen Clemishaw to PB

Planning Board Project Coordinator Point Paper dated August 4, 2015

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

Respectfully Submitted,

Norm Hills, Clerk