

**TOWN OF MARION  
PLANNING BOARD  
September 8, 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

**MEMBERS ABSENT:** Mike Popitz

**BOARD ASSISTANT:** Terri Santos

**ALSO PRESENT:** Bill Saltonstall  
Steve Kokkins  
Mathew Bernat  
Bob Rogers  
Richard Serkey  
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 21, 2015 as amended, seconded by Clerk Hills.

**VOTE: 5-0-1 Note Member Francis abstained.**

Motion made by Member Marum to approve the minutes of May 4, 2015, seconded by Clerk Hills.

**VOTE: 5-0-1 Note Member Francis abstained.**

Motion made by Member Marum to approve the minutes of May 18 as amended, seconded by Clerk Hills.

**VOTE: 6-0-0**

**Correspondence**

Chairman Lane noted that he was called by CLE Engineering representing the buyers of the Route 6 and Spring Street property. They will be bringing a plan to the Board at some future date.

## **Old Business**

### **Revised Forms – 4A, B and C**

Clerk Hills explained that the forms had been revised to have minor changes and no content change. There was some discussion and recommended changes by the Board.

Motion made by Member Francis to accept the forms with changes, seconded by Member Marum.

**VOTE: 6-0-0**

### **Approval of Bills**

Motion made by Member Gonsalves to accept the invoice for Coneco Engineering in the amount of \$1,848.70 dated August 28, 2015, seconded by Member Marum.

**VOTE: 6-0-0**

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

Member Marum explained her letter dated August 24, 2015 regarding Ridgewood Lane Subdivision and the applicant Charles Boston. She concluded that the situation appears to be more of a legal issue than an engineering issue.

Clerk Hills recounted the unsuccessful steps that the Applicant has taken since 2009 trying to comply with the requirement to deed a portion of the lot for conservation and recreation. He felt this represented a good faith effort to comply that was continuing and they should not be penalized.

Motion made by Chairman Lane that the Applicant has complied with the original requirements, that nothing has been rescinded, and made a motion that they should continue with the action required by original order and complete the required work and transfer, seconded by Member Marum.

**VOTE: 6-0-0**

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

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

**VOTE: 6-0-0**

Chairman Lane reviewed a list of items which needed to be done or had been done and included a memo which asked the Board to bring up what they may want to discuss. He noted that he was hoping that this would be the last public hearing. Some items to be addressed were as follows:

- Storm Drainage - Revised sheet number 2 with elevations.
- Consideration of a landscape maintenance contract.
- Consider what hours construction should be allowed.
- Consider site light restrictions.
- Emergency access on year round basis.
- Escrow agreement agreed on by Board and Applicant.

Mr. Rogers explained that they had a meeting with Coneco Engineering and have a final letter dated September 2 that resolves the storm water waiver; a Marion waiver is all that is required.

Mr. Novack of Coneco Engineering confirmed that they have no problem endorsing the design.

Regarding the Chapter 61A, Mr. Carrey explained that the BOS have waived their option to acquire the property and they are waiting for the assessor to issue a certification they need. It was noted that finalizing of the Chapter 61A should be put in the decision.

The general consensus of the Board is that Construction restrictions should be what is normally put in language for Site Plan.

Mr. Carey commented that there is no site lighting. It was noted by the board that there would then be no restrictions.

Chairman Lane asked for any other questions from the Board and there were none.

Chairman Lane went over his memo (schedule A) Letter of Escrow Agreement based on the September 1 Draft of agreement. After discussion it was noted to add the Building Commissioner under number 4 and attach the Schedule A to the Site Plan Language.

Member Francis commented that she does not think should go overboard with the amount and is uncomfortable with the amount requested.

Attorney Serkey addressed his comments in order of increasing concern:

- Item #7 – he has included Town Counsel remarks and has been unsuccessful contacting Town Counsel
- Item #4.4 – he would prefer the wording “reasonable discretion”; Chairman Lane did not agree
- Item #3 – the Applicants escrow estimate of \$40K is not far from the Peer Review Engineers estimate of \$50K and the average of escrow from other towns is \$41K. He is willing to go to \$50K but stated that \$75K cannot be justified.

Vice Chairman Ferrari commented that he has no idea how other towns get to their amounts and what process they go through or details used for decommissioning amounts. He said that the Board doesn't have to agree with the Peer Review Engineer estimate, that he felt the additional \$25K is chump change.

Mr. Novack of Coneco Engineering noted that they would feel comfortable at the \$75,000 by removing of the salvage value based on their decommissioning estimate submitted August 14, 2015.

Steve Kokkins noted that if there is any environmental remediation that may need to be addressed. Clerk Hills responded that there was no environmental impact.

Mr. Carey asked the Board to meet in the middle with \$60K for decommissioning knowing that in 7 years the number can change. After discussion an amount was still not agreed on.

Chairman Lane asked for more comments from the public and the Board. He then asked the consulting engineer if there were any other points to be raised with the plans.

Mr. Novack noted that from an engineering perspective everything asked for is on the plans. It was noted that the Mets and bounds for the full perimeter of the leased premises under land lease should be in the language.

Motion made by Vice Chairman Ferrari to close the public hearing, seconded by Member Marum.

VOTE: 6-0-0

Chairman Lane explained that there were draft conditions included in the packet for the Board to review. It was noted that appendix A would be stapled to the site plan approval and copies were distributed. He noted that he would like the Board to look at and consider the findings under the Special Permit.

Chairman Lane asked the board if they would like to tackle the language tonight or if they would like to wait. The general consensus was that they need to wait to digest things and review the language over the next two weeks.

Clerk Hills suggested a special meeting next week.

Chairman Lane noted the he and the Board Assistant would revise the decision to include everything from tonight and possibly have a special meeting. The general concession was to possibly have a special meeting next Tuesday evening after contacting Member Popitz.

Motion made by Member Marum to adjourn, seconded by Member Francis at 8:40P.M.

**VOTE: 6-0-0**

List of Documents Received:

Minutes of April 21, 2015, May 4, 2015, May 18, 2015  
Budget Dated 9/3/2015

Draft Forms 4A, 4B, 4C  
Invoice, Coneco Engineers August 28, 2015  
Memo Ridgewood Lane dated August 24, 2015  
ZBA Notice of Decision case 705  
Memo Paul Dawson Warrant deadlines

Solar Farm, Clean Energy Collective off Tucker Lane c/o GAF Engineering:  
Application - Site Plan Review and Special Permit  
Draft Decisions Site Plan Review and Special Permit  
Memo Michael Popitz Solar Farm Escrow For Tucker Lane Solar Farm  
Memo Rob Lane, Chairman 9/4/2015  
Memo decommissioning Mike Popitz Town Comparisons  
Decommissioning Comparable Information, Richard Serkey  
Schedule A Escrow Agreement Required Changes

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

Respectfully Submitted,

Norm Hills, Clerk