

**STURBRIDGE PLANNING BOARD  
MINUTES OF  
TUESDAY, DECEMBER 10, 2013**

Ms. Gibson-Quigley called the regular meeting of the Planning Board to order at 6:30 PM. On a roll call by Ms. Dumas the following members were present:

**Present:** Charles Blanchard  
Russell Chamberland  
James Cunniff  
Penny Dumas, Clerk  
Sandra Gibson-Quigley, Chair  
Susan Waters

**Also Present:** Jean M. Bubon, Town Planner  
Diane Trapasso, Administrative Assistant

**Absent:** Heather Hart

Ms. Gibson-Quigley opened the meeting and read the agenda.

**APPROVAL OF MINUTES**

**Motion:** Made by Mr. Cunniff to accept the minutes of November 12, 2013.  
**2<sup>nd</sup>:** Ms. Waters  
**Discussion:** None  
**Vote:** 5 – 0 – 1 (Ms. Dumas)

**DISCUSSION OF PROPOSED ZONING AMENDMENTS BYLAW – MEDICAL MARIJUANA FACILITIES**

Ms. Bubon stated that she had prepared a draft bylaw modeled after the bylaw provided by Kopelman & Paige. She stated that she limited these facilities to the Industrial Park and Special Use Districts in this version. She chose these Districts because they seem to have sufficient land area available that is not in close proximity to schools, libraries, etc. as required and they are not within the main commercial areas.

Ms. Bubon believes the simple model prepared by Kopelman & Paige along with our site plan requirements will cover the areas needed to ensure suitable siting of such facilities. She would like to begin review on the bylaw and continue to another meeting if necessary to conclude work on the draft so that we may begin the process to be ready for the Annual Town Meeting.

Ms. Gibson-Quigley stated the Town cannot prohibit these facilities. She stated that Phase I is the application and once they are approved then it's Phase II for the location. They must follow the strict guidelines of the Department of Public Health.

The Board had the following questions and concerns:

- Can the marijuana be grown elsewhere – yes
- Will the process cause emissions – Ms. Bubon stated that she is not sure and will research
- The marijuana plants are grown indoors and the facility must be visible for security reasons
- If allowed in the Industrial Park District – what about RRI and Bay Path College – Ms. Bubon stated that the buffer would be 500’ of a school and screened
- Extend the moratorium – Ms. Bubon stated that the Attorney General’s office would not approve
- Security – who pays – Ms. Bubon stated that the applicant or developer maintains security through Public Health
- The Board will allow but not encourage the facilities

Ms. Bubon asked the Board, do they wish to pursue Medical Marijuana Facilities in Industrial Park and Special Use Districts.

Some members of the Board have a concern with Special Use because of the residential factor.

Ms. Bubon stated that she will continue with the draft and make edits and research more information and keep Industrial Park and Special Use Districts as where allowed.

**PUBLIC HEARING – PROPOSED ZONING AMENDMENT – THE PROPOSAL WOULD AMEND CHAPTER TWO – DEFINITIONS BY INSERTING A DEFINITION FOR WIND ENERGY FACILITY AND BY AMENDING CHAPTER TWENTY, SECTION 20.20 PROHIBITIONS BY ADDING WIND ENERGY FACILITY.**

**Materials presented:**

Proposed modifications to Chapter Two Definitions

Proposed modifications to Chapter 20 – General Regulations

Ms. Dumas read the legal notice.

Ms. Gibson-Quigley stated that we have a bylaw on Solar. We can prohibit Wind according to Kopelman & Paige and that was the wish of the Board.

**Motion:** Made by Mr. Blanchard to close the Public Hearing.

**2<sup>nd</sup>:** Mr. Cunniff

**Discussion:** None

**Vote:** 6 – 0

**Motion:** Made by Ms. Dumas to support the proposed amendment to Chapter Two Definitions by inserting a new definition for Wind Energy Facility in the proper bylaw and to forward the proposal to the Town Administrator for inclusion on the Special Town Meeting, January 27, 2014.

**2<sup>nd</sup>:** Mr. Blanchard

**Discussion:** None

**Vote:** 6 - 0

**Motion:** Made by Ms. Dumas to support the proposed amendment to Section 20.20 Prohibited Uses by adding a new (e) Wind Energy Facilities.

**2<sup>nd</sup>:** Mr. Blanchard

**Discussion:** None

**Vote:** 6 - 0

### **TOWN PLANNER UPDATE**

Turner Lane – Ms. Bubon stated that the roadway has been completed and the As-builts are being finalized by Waterman Design.

**Motion:** Made by Ms. Waters to petition the BOS to begin the Layout and Acceptance process for Turner Lane.

**2<sup>nd</sup>:** Mr. Cunniff

**Discussion:** None

**Vote:** 6 - 0

### **CONTINUATION OF THE PUBLIC HEARING – SITE PLAN APPROVAL – BLUEWAVE CAPITAL, LLC IS REQUESTING SITE PLAN APPROVAL FOR THE INSTALLATION OF A PROPOSED 3 MEGAWATT DC ELECTRIC GENERATING FACILITY CONSISTING OF GROUND MOUNTED PHOTOVOLTAIC SOLAR MODULES MOUNTED ON POST DRIVEN FOUNDATIONS AND RELATED SITE IMPROVEMENTS. THE PROPERTY IS LOCATED AT 1 HARE ROAD.**

#### **Materials presented:**

Application for Site Plan Approval – BlueWave Capital LLC – received 10/16/2013

Stormwater Management

Solar Project Plans for Town of Sturbridge – applicant Bluewave Capital LLC – prepared by TRC – Wannalancit Mills, 650 Suffolk Street, Suite 200, Lowell MA – plan date 9/10/2013 – revision B 10/11/2013

Letter from Kopelman & Paige – dated October 11, 2013 – Re: Application of Zoning Bylaw Frontage Requirements to Land on Route 20 & I-90

EcoTec, Inc. – dated October 28, 2013 – Re: Sturbridge Solar Project, 1 Hare Road, Sturbridge MA (DEP File #300-0888) – Notice of Intent Peer Review  
Correspondence from TRC – subject BlueWave Solar Project – Hare Road – Response to Review Comments & Submission of Revised Plans to the Planning Board – received 11/12/2013

Correspondence from TRC – subject BlueWave Solar Project – Hare Road – Response to Third Party Review Comments & Submission of Revised Plans to the Conservation Commission – received 11/12/2013

BlueWave Capital, LLC – Operations & Maintenance Manual – BlueWave Capital – Sturbridge MA – received 11/12/2013

Solar Project Plans for Town of Sturbridge – applicant Bluewave Capital LLC – prepared by TRC – Wannalancit Mills, 650 Suffolk Street, Suite 200, Lowell MA – plan date 9/10/2013 – revision B 10/11/2013 – revision C – dated 11/12/2013 – received 11/12/2013

Solar Design Associates – BlueWave Sturbridge – received 11/12/2013

The following represents additional submittal material that was provided at the Public Hearing on November 12, 2013:

- Correspondence dated November 7, 2013 from Mr. Samuel Moffett, Senior Environmental Planner - TRC to the Sturbridge Conservation Commission – Subject: Blue Wave Solar Project, Hare Road – Response to Third Party Review Comments and Submission of Revised Plans.
- An updated Operations and Maintenance Manual (un-dated)
- Specifications Sheet for SMA America, LLC Disconnect Unit
- Specifications Sheet for SMA America, LLC Sunny Central CP US
- Specifications Sheet for Cooper Power Systems – Envirotran Transformer
- Stormwater Management System Operation and Maintenance Plan – Prepared for the Sturbridge Solar Photovoltaic Project, Location – George Vinton Road, Sturbridge, Massachusetts. Owner: Bluewave Capital, LLC, 75 Arlington Street, Boston, Massachusetts 02116. Prepared by TRC, Wannalancit Mills, 650 Suffolk Street, Suite 200, Lowell, MA 01854, dated November 2013.
- Correspondence dated November 12, 2013 from Mr. Samuel Moffett, Senior Environmental Planner - TRC to the Sturbridge Planning Board – Subject: Blue Wave Solar Project, Hare Road – Response to Review Comments and Submission of Revised Plans; and
- Plans prepared by TRC 650 Suffolk Street, Lowell, MA 01854 entitled “Solar Project Town of Sturbridge Worcester County Massachusetts; Applicant Blue Wave Capital, LLC – 75 Arlington Street, Suite 500, Boston, MA 02116 (dated Issued for Submittal 11/12/2013).

The following represents additional information provided to this Department by Glenn Colburn, Conservation Agent:

- Correspondence dated November 19, 2013 from Mr. Arthur Allen, CPSS, CWS - Eco, Tec, Inc. Re: Sturbridge Solar Project, 1 Hare Road, Sturbridge, Ma (DEP File #300-0888), Subject: Second Notice of Intent Peer Review;
- Correspondence dated November 19, 2013 from Mr. Carl Hultgren PE - Quinn Engineering, Inc. Re: Proposed Solar Project – George Vinton Road;
- Correspondence from Mr. Samuel Moffett, Senior Environmental Planner - TRC dated November 21, 2013 to Sturbridge Conservation Commission. Subject: BlueWave Solar Project – Hare Road, Response to Third Party Review Comments (Round Two) and Submission of Revised Plans.
- Correspondence dated December 4, 2013 from Mr. Carl Hultgren PE - Quinn Engineering, Inc. Re: Proposed Solar Project – George Vinton Road;
- Email from Samuel Moffett in response to Peer Review Comments (forwarded to Ms. Bubon on December 5, 2013);
- Email from Carl Hultgren PE – Quinn Engineering with additional questions and comments (forwarded to Ms. Bubon on December 5, 2013);
- Email string between Samuel Moffett, TRC and Carl Hultgren – Quinn Engineering discussing questions and comments (forwarded to Ms. Bubon on December 5, 2013).

The following represents additional information provided by Samuel Moffett, Senior Environmental Planner, TRC on December 6, 2013:

- Correspondence dated December 6, 2013 from Samuel Moffett, Senior Environmental Planner, TRC – Response to Comments and Submission of Revised Plans;
- A document from Solar Design Associates dated December 6, 2013 – Decommissioning Rough Estimate; and
- Plans prepared by TRC 650 Suffolk Street, Lowell, MA 01854 entitled “Solar Project Town of Sturbridge Worcester County Massachusetts; Applicant Blue Wave Capital, LLC – 75 Arlington Street, Suite 500, Boston, MA 02116 (dated Revised Per Review Comments 11/27/2013 (Received by the Planning Department on December 6, 2013).

Also present were the following:

Mr. Moffett, Senior Environmental Planner, TRC  
 Mr. Jackson, TRC  
 Ms. Reitmayer, BlueWave Capital  
 Ms. Merritt, BlueWave Capital  
 Mr. Graber-Lopez, BlueWave Capital

Mr. Moffett, Senior Environmental Planner, TRC, spoke on the project. Mr. Moffett stated that the project is located at Hare Road. The property consists of nearly 106 acres and contains the Mass DOT maintenance facility. The property contains a mixture of wooded areas, meadow and wetlands areas. We request Site Plan Approval to construct a 3 MW solar facility on approximately 11.5 acres of the site.

Mr. Moffett stated that the revised plans show additional design information for the project that has been developed by TRC in response to the third party review comments submitted to Sturbridge by EcoTecc and Quinn Engineering which were provided to TRC on November 19th and December 2<sup>nd</sup>, 2013 in the context of the Conservation Commission review of the proposed project.

You will note on the updated plan set that several design modifications have been made to the project drawings. The replacement of the formerly proposed silt fence/hay bale erosion control initially proposed with "Super Silt Fence" erosion barriers throughout the project. Inclusion of concrete headwalls where replacement culverts are proposed at the Stream 9 crossing and at the stream crossing associated with access to Array Area 2.

In addition, TRC has added significant detail to Sheet 18 – Landscaping Plan – in response to specific comments from the Conservation Commission requesting more specificity about the criteria that will be used to select trees for removal.

The Board had the following concerns and questions:

- Being able to see array #1 from Route 20 – Mr. Moffett stated that the existing vegetation will remain and will be a continuous buffer – only cut what is necessary – Mr. Graber-Lopez stated the solar panels are not reflected – the highest of racks are not tall and the grade drops
- What about the existing roadway and stonewalls – Mr. Moffett stated they are outside the disturbed area – not clear cutting for roadway – keeping it natural
- What about vegetation growth and pruning – Mr. Moffett stated that only around the panels to access the sun
- Can the chain link fence be black and a condition – Mr. Moffett stated yes
- The large trees that will be cut – will the trunks be removed – Mr. Moffett stated that they will be removed
- Decommissioning table breakdown – Mr. Graber-Lopez stated that there is value in the equipment on the site after decommissioning

Mr. Graber-Lopez stated that in Condition # 5 the work time on Saturdays be 8:00 AM to 5:00 PM? This would shorten the length of time for construction.

The Board and Ms. Bubon agreed to the new time for Saturdays.

Ms. Bubon stated that she believes the applicant meets all the criteria for approval of the Site Plan as submitted with the revised plans and recommends to the Board approval with the amended 24 Conditions:

1. Construction, operation and maintenance of this facility shall be as described on the plans and supporting documentation provided with the application submitted to and approved by the Planning Board.
2. All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to.
3. All other necessary permits and approvals must be obtained prior to the start of construction.

4. The site shall be kept in a neat and orderly condition throughout the construction process. All trash and debris shall be removed from the site at regular intervals.
5. Exterior construction shall only occur during the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 PM on Saturday. No exterior construction shall occur on Sundays or State Holidays as follows: New Year's Day, Martin Luther King Day, Presidents Day, Patriots Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas.
6. The applicant/developer shall provide no less than forty-eight hours notice prior to the start of any construction activity including clearing.
7. An emergency contact phone list with at least two names and numbers on it be supplied to the Sturbridge Police Dept. to be used by the dispatchers, in case of an off hour emergency, prior to the start of the project. The list must be updated whenever necessary for the duration of the project.
8. A construction liaison shall be identified for this project. The liaison shall serve as the single point of contact for the Planning Department and other staff during the duration of the construction activity.
9. A copy of the approved plan and all orders of conditions and notices of decision shall be on site at all times. Contractors working on site shall be familiar with the conditions of approval.
10. A pre-construction meeting shall be held with the Town Planner, Conservation Agent, DPW Director and any other pertinent town personnel.
11. A staging area shall be identified prior to the start of construction. The staging area shall be discussed at the pre-construction site meeting and shall be in a location acceptable to the Town Planner, Conservation Agent and DPW Director.
12. Prior to ground disturbance of any kind, the project work areas and limits of disturbance shall be clearly delineated by stakes, flags or other clearly identifiable method. Tree clearing shall be limited to that depicted on the plans submitted.
13. Prior to ground disturbance all erosion control measures shall be installed.
14. During construction, all disturbed soils and unpaved roads shall be adequately watered to keep soil moist to provide dust control.
15. No vehicles or equipment shall be refueled within 100' of a wetland or drainage area (or greater distance as may be specified by the Conservation Commission) unless a bermed and lined re-fueling area is constructed. Any vehicles driven and/or operated within or adjacent to drainage areas or wetlands shall be inspected and maintained daily to prevent leaks.
16. A Knox box shall be required for the chain link fence around each array with keys being provided to public safety personnel.
17. All chain link fencing shall be black and installed with a clearance of 6-8" to allow for movement of smaller species.
18. On site landscaping/screening shall be installed as shown on the plan submitted. The landscaping/screening shall thereafter be maintained in viable condition until the project is decommissioned. A site inspection shall be conducted by the Planning Board and/or it's agent within five months to review the visual impact of the project. The Planning Board may require additional buffering if deemed necessary to screen the solar.
19. The applicant/developer shall be responsible to maintain the access roads to the project in a viable condition for emergency vehicles on a continuing basis.

20. The applicant/developer shall submit periodic construction reports that provide details of work occurring on site, condition of erosion control measures, compliance with conditions of approval and any issues encountered during construction. The frequency of reporting shall be established at the pre-construction meeting.
21. Prior to energizing the facility or final inspection, whichever occurs first, the applicant/developer shall install electrical safety signage on all solar arrays in the immediate vicinity of all wiring and on all electrical conduit using weather resistant and fade proof materials. The purpose of this measure is to reduce the risk of electric shock.
22. Prior to energizing the facility or final inspection, whichever occurs first, the applicant/developer shall provide appropriate training for emergency personnel of the Town of Sturbridge. Training to be arranged through the Police Chief and Fire Chief and the details of such training shall be provided to the Planning Department in advance of the training.
23. The applicant/developer shall be responsible for restoring all public roads, easements, rights of way (ROW) and infrastructure (signs, guard rails, etc) within the public right of way that have been damaged due to project-related construction activities.
24. Two copies of an as-built plan shall be provided to the Planning Department after completion of construction.

**Motion:** Made by Ms. Waters to close the Public Hearing for BlueWave  
**2<sup>nd</sup>:** Mr. Blanchard  
**Discussion:** None  
**Vote:** 6 – 0

**Motion:** Made by Ms. Waters to grant the Site Plan Approval to BlueWave Capital, LLC for the installation of a proposed 3 megawatt DC electric generating facility consisting of a ground mounted photovoltaic solar modules on post driven foundations and related site improvements. The property is located at 1 Hare Road with the 24 noted above conditions:  
**2<sup>nd</sup>:** Mr. Blanchard  
**Discussion:** None  
**Vote:** 6 – 0

### **MPIC UPDATE & REPORTING**

Ms. Gibson-Quigley stated that the Committee is once again reviewing progress made on Master Plan Implementation this year so that it can prepare an annual report for inclusion in the Annual Town Report.

Ms. Gibson-Quigley also stated that the Master Plan is a working document for all committees to follow and to work together to implement. This reporting system is our way of helping to ensure that this occurs. Last year we were pleased to see how many Board, Committees and Departments were working towards implementation of various goals contained within the plan and we are looking forward to reviewing the report this year.



## **TOWN PLANNER UPDATE**

Pilot Travel – The quarterly report has been submitted as required.

Tannery Road – The Hearing for the Order of Layout for Tannery Road has been scheduled for December 16, 2013. Ms. Bubon provided the Board's recommendation of acceptance to the BOS.

## **OLD/NEW BUSINESS**

Ms. Bubon stated that the meeting with MassDOT, Pare Corporation and Mr. Suhoski went very well. MassDOT was very receptive of the plan.

## **NEXT MEETING**

January 14, 2013

On a motion made by Mr. Cunniff, seconded by Ms. Waters voted 6 – 0, the meeting adjourned at 8:40 PM.