

**STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, FEBRUARY 10, 2015**

Ms. Gibson-Quigley called the regular meeting of the Planning Board to order at 6:30 PM.

Ms. Gibson-Quigley noted the members were present.

Present: Charles Blanchard
James Cunniff
Penny Dumas
Heather Hart
Sandra Gibson-Quigley, Chair
Susan Waters, Clerk

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

Absent: Russell Chamberland

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

APPROVAL OF MINUTES

Motion: Made by Mr. Blanchard to accept the amended draft minutes of January 13, 2015.

2nd: Ms. Waters

Discussion: None

Vote: 6 – 0

**PUBLIC HOUSE – REQUESTING PERMISSION TO WORK THEIR
CONSTRUCTION PROJECT ON PRESIDENTS’ DAY – FEBRUARY 16, 2015**

Materials presented:

Email from Mr. Glick, General Manager Publick House – Working on Holidays – dated 2/4/2015

Mr. Glick, General Manager of the Publick House spoke. Mr. Glick stated that due to the snowstorms we have experienced in the last two weeks the project is three weeks behind schedule. The Publick House would like to request permission to work on Presidents’ Day on February 16, 2015. Allowing us to work will help us catch up on our schedule.

Motion: Made by Mr. Blanchard to grant permission to the Public House to work on Presidents' Day, February 16, 2015.

2nd: Ms. Waters

Discussion: Mr. Blanchard stated that some major employers do not have the State holidays off. The Board may want at a future meeting rethink these holidays and not have them listed in our Site Plan Approval as a condition of no exterior construction.

Vote: 6 – 0

CONTINUATION OF THE PUBLIC HEARING – BORREGO SOLAR SYSTEMS, INC. IS REQUESTING SITE PLAN APPROVAL TO CONSTRUCT A TOTAL OF TWO (2) 1.0 MW SOLAR ARRAYS ON A COMBINED PARCEL OF 48 ACRES OF LAND. THE PROPERTY IS LOCATED AT 17 KELLY ROAD/90 RIVER ROAD.

Materials presented:

Proposed Solar Array located at 17 Kelly Road - prepared by Bertin Engineering – plan date 10/10/2014 – DWG #CVR – project #14-732 – revision #4 – dated 1/12/2015

Report from Quinn Engineering, Inc. – Peer Review – dated 1/29/2015

Bertin Engineering – response to comments from Quinn Engineering on 1/29/2015 – dated 2/3/2015

Report from Quinn Engineering, Inc. – Peer Review – dated 2/4/2015

Mr. Loin of Bertin Engineering spoke on behalf of the applicant. Mr. Loin stated that revised plans and materials were provided to the Peer Reviewer, Quinn Engineering. Mr. Quinn provided a report on January 29, 2015 listing a few outstanding questions and concerns. A memorandum dated February 3, 2015 was submitted by Bertin Engineering in response to the review. All the outstanding issues have been resolved.

The Board had the following questions and concerns:

- Does the applicant have Conservation approval – Ms. Bubon stated yes
- How often will the trash and debris be removed – Mr. Murphy stated that there will be a dumpster on site and trash and debris will be removed on a regular basis
- Concerns of the Fire Department addressed – Ms. Bubon stated that the Fire Department received the revised plans and no comments back

The Board thanked Mr. Loin for staking out the property.

Mr. Zeh of 42 Old Farm Road asked if there are trees being planted.

Mr. Loin stated that there are no new plantings proposed, all the natural vegetation will remain.

Motion: Made by Mr. Blanchard to close the Public Hearing.
2nd: Mr. Cunniff
Discussion: None
Vote: 6 – 0

The Board went through the 24 conditions for approval:

- On Condition # 5 – delete Patriots Day
- On Condition #17 – add black and delete 8”
- Delete Condition #18

Motion: Made by Mr. Cunniff to approve Site Plan Approval requested by Borrego Solar Systems, Inc. for the construct two (2) 1.0MW solar arrays on the property located at 17 Kelly Road with the 23 following 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 Noon on Saturday. No exterior construction shall occur on Sundays or State Holidays as follows: New Year’s Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas.
6. The applicant/developer shall provide no less that 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.
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 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 black chain link fencing shall be installed with a clearance of 6" to allow for movement of smaller species.
18. 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.
19. 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.
20. Prior to energization 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.
21. Prior to energization 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.
22. 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.
23. Two copies of an as-built plan shall be provided to the Planning Department after completion of construction.

2nd: Mr. Blanchard

Discussion: None

Vote: 6 - 0

OLD STURBRIDGE VILLAGE – INFORMAL DISCUSSION REGARDING SOLAR INSTALLATION FOR THE VILLAGE

Materials presented:

Proposed Ground Mounted Solar PV System – Old Sturbridge Village – prepared by Solect Smart Solar, Smart Business – plan date 12/15/2014

Also present:

Attorney Eichman, Town Counsel – Kopelman & Paige
Mr. Donahue, President & CEO Old Sturbridge Village
Mr. Howe, Solect
Mr. Linera, Senior Project Manager Solect
Mr. King, Senior Vice/President OSV
Attorney Joyce, OSV Counsel

Mr. Donahue thanked the Board for letting him explain his proposal .Mr. Donahue stated as that the financial situation at the Village was dire when he became President in 2007. Attracting consistent visitors to an historic living museum in the digital age has its challenges, but through the efforts of many people in our community, including the Town of Sturbridge, things have turned around and are moving in the right direction. Mr. Donahue recognizes that many businesses rely on the Village to be successful, and they take that responsibility seriously. Still, vitality at the front gate due to weather and other factors makes us vulnerable financially.

Mr. Donahue stated that in order to remain a viable business, the Village must take every opportunity to reduce operational costs. To that end, the Village is undertaking a sustainability initiative which includes energy cost reduction programs. The Village researched many renewable energy technologies and feel solar energy is the best overall fit for the museum. Not only will it significantly reduce our energy cost, but it will support the Commonwealth's efforts to reduce its carbon footprint.

Mr. Donahue stated that after assessing multiple solar companies the Village has chosen Solect Energy Development of Hopkinton, MA to assist the Village in development of our solar project.

Mr. Howe stated that the project would be a 1.8 MW, ground mounted solar array located on the south Old Sturbridge Village Road adjacent to the property purchased by the Town. This land is bordered on the west by a hill, the north by wetlands, the east by Old Sturbridge Village Road and the south by Town lands.

Mr. Howe stated that as a living museum, the Village is also an educational facility providing classes and information on the history of the Commonwealth to over 65,000 children annually. It is the Village's understanding that the State allows educational institutions to install solar systems as an auxiliary use to their facilities under the Dover Act, and there has been precedence in the Town of Easton where they have approved the development of a solar array for Stonehill College on their campus, even though the site did not fall into the "overlay" zoning as approved by the Town. The Village would like to work with the Town of Sturbridge counsel to further review this auxiliary use as a way that it complies with the Town's zoning and permitting.

The Board had the following questions and concerns:

- Will the array be visible from the trails – Mr. Howe stated the array will not be visible – may see from 84 in winter
- Owner of the arrays – Mr. Howe stated may bring in a financial partner – OSV will always be the beneficiary
- How many acres – Mr. Howe stated 13.83 acres only 8 -10 acres for the arrays
- Not allowed in the zone – Attorney Eichman stated that the Board received a letter from counsel for OSV dated November 12, 2014 indicating OSV's desire to install a ground-mounted solar energy facility on its property to provide power for OSV. In that letter, OSV acknowledges that the proposed solar installation is expressly prohibited by the Town's zoning bylaws, but asserts that OSV is an educational use and that the proposed solar facility is thus exempt from the Town's zoning requirements under G.L.c.40A,s.3. The Board needs to make the determination as a matter of law in the first instance whether OSV is entitled to the protection is asserts under G.L.c.40A s.3
- Examples of Solect projects – Mr. Howe stated that a project similar to OSV is Terrace Farm in Holliston
- Other avenues – another approach
- Attorney Eichman explained the Dover Amendment - an educational use State law
- Attorney Joyce stated that since OSV is clearly an educational institution seeking to engage in a prohibited accessory use, the Dover Amendment clearly applies and OSV is plainly entitled to an exemption from Town's prohibition on Solar facilities.

Mr. Zeh, 42 Old Farm Road, asked whether the Village thought about solar arrays on the buildings or putting a roof over the parking lot with solar arrays.

Mr. King stated that they looked at different options but this is the one that made more sense economically.

Mr. Donahue thanked the Board for giving him this opportunity to present this project.

TOWN PLANNER UPDATE

The Land Use Priority Plan – provided electronically to the Board

Farm to Table Event – Regional Economic Development local farms and restaurants working together – March 16th

Telecommunications Bylaw Update

CPTC Conference – March 21, 2015 at Holy Cross

New Program at the Senior Center – February 25th - update seniors on what is going on around Town

Special Town Meeting – February 23, 2015

OLD/NEW BUSINESS

The Board thanked DPW for a good job with all the snow removal.

NEXT MEETING

February 24, 2015 – Center Office Building

On a motion made by Mr. Cunniff, and seconded by Mr. Blanchard, and voted 6– 0, the meeting adjourned at 8:15 PM.