

Sutton Planning Board
Minutes
October 26, 2009

Approved _____

Present: S. Hughes, Chair, T. Connors, R. Largess, S. Paul, D. Moroney, W. Whittier
Staff: J. Hager, Planning Director

Minutes:

Motion: To approve the minutes of 10/19/09, S. Paul
2nd: W. Whittier
Vote: 2-0-3, T. Connor, D. Moroney and S. Hughes abstaining as they were not present

Motion: To approve the minutes of 9/28/09, D. Moroney
2nd: W. Whittier
Vote: 4-0-1, W. Whittier abstaining as he wasn't present

Motion: To approve the minutes of 10/13/09, D. Moroney
2nd: T. Connors
Vote: 4-0-1, S. Paul abstaining as he wasn't present

Alana Drive Covenant

J. Hager explained there was a covenant in place in the 1980s to ensure the completion of Alana Drive. The road was finished and accepted as a town way, but for some reason the covenant was never released. A law firm has requested the Board execute this release to clear up title on these lots. J. Hager confirmed with Highway Superintendent, Mark Brigham, that there is no reason to withhold the release.

Motion: To release the covenant for Alana Drive dated 6/10/1985 at Book 8987 Page 40,
S. Paul
2nd: T. Connors
Vote: 5-0-0

Stockwell Hollow Covenant Extension

J. Hager explained Mr. Didonna is still not ready to begin this two lot subdivision. He is aware of the overall grandfathering which will run out in 2011.

Motion: To extend the covenant to 11/1/2010, D. Moroney
2nd: T. Connor
Vote: 4-0-1, T. Connors abstaining as he is an abutter

(R. Largess)

Public Hearing (Cont.) – Duzak Estates – Dudley Road

The applicant has requested and extension to finish their response to questions and concerns received to date.

Motion: To continue the hearing to 11/16/09 at 7:30 PM, W. Whittier
2nd: D. Moroney
Vote: 6-0-0

Ansar Energy – Public Information Session

S. Hughes read the notice that was mailed to direct abutters.

J. Hager explained that Junaid Yasin of Ansar Energy LLC is interested in developing a parcel off Colonial Road as a solar energy generation location. As the project is of significant size and the process involves significant financial resources, it was recommended that he attend a public information sessions where direct abutters were invited to gage any issues with the project before he proceeds with a filing.

J. Yasin introduced other individuals with him: Caryn DeCarteret of Ansar, and Jeff Plante of ERM. Mr. Yasin explained he has been developing energy sites for over 30 years. Most of his holdings are coal and natural gas generation. In accordance with the recent directive from the Governor that power companies generate at least 20% of their energy via renewable resources by 2020, his LLC has decided it would be beneficial to establish such facilities to service these power companies. Due to financial considerations, they have determined they must develop \$200,000,000 worth of sites or about 50MW of generation. Due to connection issues, each site will generate no more than 5 MW of power. They have selected 12-15 sites in Massachusetts, each of which is at different stages in the permitting process. They are developing solar as opposed to wind because the wind permitting process takes too long. Mr. Yasin stressed they want synergy with the community on their sites. They will lease the land from an owner and establish a payment in lieu of taxes (PILOT) with the local community.

S. Hughes asked if the Town will get “credits” for hosting a solar project. It was noted they will not get direct “credits” but can achieve green community status through a prescribed process that is friendly to solar projects. C. DeCarteret overviewed the Green Community Program briefly.

J. Yasin clarified that it takes about 5 acres to hold panels to generate about 1 MW. 1 MW powers about 500 homes.

J. Plant reviewed the very preliminary site plans. He noted the facility will be unmanned and will generate about 2-3 visits per month by staff. It will be fenced for security. The site will be completely pervious, not paved, with panels of about 8’ high directly ground mounted. As the only structures on the site (other than a few riser poles with power lines), the inverter sheds will be no more than 10’ high and 30’ long and transformers will be standard small business size. There may be security lighting that would be directed down and/or away from existing homes. They intend to hold a 50’ no disturb to wetland edges, but will have to file a Notice of Intent with the Conservation Commission. Construction should take less than a year.

S. Paul asked for a breakdown on the 1,000 jobs cited in the project summary. J. Yasin explained 1,000 temporary construction jobs would be created for the entire 50 MW statewide project. Permanent jobs maintaining these facilities will probably number less than 10.

Gina Betti of 107 Dudley Road did not feel the use was allowed. J. Hager explained that in accordance with the provisions of Chapter 40A §3 of MGL, a town cannot “prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.” As the use cannot be prohibited the most likely review procedure will be Site Plan Review. On a follow up question, J. Hager stated preliminary indications are that this statute relates to any solar installation, not just individual residential installations.

Enrico Betti of 107 Dudley Road stated the proposal will have an effect on noise as forest cover will be removed between Route 146 and their homes. He also disliked having to view a chain link fence on his property line. He asked why there is no buffer? He also expressed concerns with pesticides that will be necessary to keep down weed growth getting into area wells.

The proponent’s team stated they would consider a buffer as well as fencing/screening methods. They will likely employ a weed blanket application below the gravel surface in order to avoid the costs associated with herbicide applications.

Jack Sullivan of 41 Colonial Road asked for setback measurements. There is approximately 200’ from the road to the property line of the parcel and 50’ from the property line to the panels behind his home.

Dianne Labonte of 45 Colonial Road said this project does not provide “synergy” she doesn’t like it and doesn’t want to look at it.

Nancy Corey of 121 Dudley Road was concerned about the radiation the site might emit, the effect of vegetation removal on drainage, condition of the area wells, effect on wildlife and privacy/noise.

E. Betti asked if they will install a concrete noise barrier and if there is even a standard for noise. J. Hager noted the EPA does have a guideline for how much new noise a project can produce, she believes it is a 10 decibel increase from background ambient, but that will be reviewed if the project moves forward.

The proponent’s team stated the voltage at the site is the same as that coming from the power poles in front of your home. There are no high tension structures or lines proposed.

G. Betti noted the land owner is looking for a return on his investment in the property but asked what the Board’s responsibility is with respect to balancing the land owner’s return with the value of all the abutters land.

Chairman S. Hughes noted it is the Board’s job to weigh a proposal in accordance with the standards established by state law as well as the regulations established by the residents of the Town of Sutton as contained in the Zoning Bylaw. R. Largess added when he sits on the Board he has to “unscrew B. Largess and put on his town hat” Whether a Board member likes a project or not, it is their job to review it in accordance with set standards and also to determine what is best for the Town as a whole.

Laura Betti of 107 Dudley Road stated she is learning about green architecture and feels this type of project ruins ecosystems. She asked why this type of use isn't proposed for a brown field or why the panels aren't installed on large warehouses instead of cutting down a forest.

N. Corey asked to have setbacks clarified. It was noted only a 20' side setback is required and 50' front and rear setbacks. She stated she wasn't opposed to the use but wants protection for her property. She asked the Planning Board to please consider the concerns.

It was also noted that they appear to be cramming in this use into this 12-15 acres. If they had more, they wouldn't have a problem providing buffers.

Kay Harding of 145 Dudley Road had concerns with aesthetics and wildlife.

J. Hager summarized the Site Plan Review process including who gets notified.

J. Yasin stated this is the first town he has personally been to with such opposition. He stated in most towns they weigh the effects on them if the land is developed for homes versus if the land is developed for a solar site, and they realize the impacts of the solar site are far less.

G. Betti asked if they will get a trade off from the Town if this use goes in, if her property value drops will her taxes get cut too?

There were additional concerns expressed with "shade maintenance zones" shown on the plans that appeared to give the proponent the right to cut vegetation on other people's property. J. Hager noted she does not agree this is allowed unless the Town adopts a regulation that says it is allowed.

J. Yasin noted the plan presented was a very preliminary plan that had not been very well developed to which adjustments could be made. They will regroup and decide how they wish to proceed.

Motion: To Adjourn, D. Moroney
2nd: W. Whittier
Vote: 6-0-0

Adjourned 8:50 P.M.