

**Sutton Planning Board
August 22, 2011
Minutes**

Approved _____

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

General Business:

Minutes

Motion: To approve minutes of 4/11/11, D. Moroney
2nd: T. Connors
Vote: 3-0-3, R. Largess, J. Anderson and W. Whittier abstained as they weren't present

Motion: To approve minutes of 7/25/11, W. Whittier
2nd: D. Moroney
Vote: 5-0-1, T. Connors abstains as he wasn't present

Form A Plans – None.

Road Layout Recommendations

J. Hager reminded the Board of the procedure for layout of a way as public. First the Selectmen vote their intention to layout the way, which they did at their meeting on August 16th. Then the Planning Board is asked for recommendation, which is what the Board is considering tonight. Next the Selectmen will actually layout the ways and place the plans and descriptions on file in the Town Clerk's Office at least 7 days prior to Town Meeting. If Town Meeting votes to accept the ways as public, the parties involved have 120 days to get a deed for the roadways on file at the Registry. The aim is to have all paperwork and any remaining work done before Town Meeting, so Orders of Taking and/or deeds can be filed right after Town Meeting.

Motion: To recommend that the Selectmen lay out Gale Road as a public way, S. Paul
2nd: D. Moroney
Vote: 6-0-0

Motion: To recommend that the Selectmen lay out Gilmore Drive as a public way, D. Moroney
2nd: R. Largess
Vote: 6-0-0

There was some discussion about the Board rescind their support for this acceptance if work does not proceed expeditiously on Gilmore Drive.

Motion: To recommend that the Selectmen lay out Jared Drive and Jenna lane as a public ways,
D. Moroney
2nd: R. Largess
Vote: 6-0-0

Correspondence/Other: None.

Proposed Bylaws

The Board reviewed proposed bylaws. Four of five bylaw deal with renewable energy resources and particularly solar photovoltaic installations. One article creates a new Renewable Energy Resources section in the Table of Uses, one article moves wind turbines and small hydro into this section, one establishes specific review and construction standards for photovoltaic installations over 250kW, and one adds this use as an allowed use in all non-residential districts, with smaller installations allowed everywhere. The fifth article states where charitable donation boxes, like those for the Salvation Army, may be located.

Based on complaints, the Planning Director was requested by the Town Administrator to formulate a bylaw regulating the placement of charitable donation boxes and bring it to the Board for consideration. There was extensive discussion about the definition of "charitable donation boxes" as well as the issues with the boxes. It was noted the issue appears to be the size, location and color of these boxes, although there was discussion about non-profits vs. others. The Board decided there were too many open issues for this bylaw to proceed to fall town meeting. The Board offered that the Planning Director will assist the Administrator and/or Board of Selectmen if they wish to pursue and article further, but they would recommend it be a general bylaw.

The Board discussed solar photovoltaic installations. It was noted that a 250kW ground mounted system occupies about an acre of land. It is proposed that a system of less than 250kW be allowed anywhere with just Site Plan Review as well as roof mounted systems of any size and consumptive systems of any size. Projects over 250kW are more commercial/industrial in nature and shall only be allowed in the business and industrial districts in compliance with site plan review and the more detailed standards proposed. No solar uses will require a Special Permit.

Tammy Blakeslee of 162 Eight Lots Road commented that concerns on these installations were more about locating a particular size installation in the right place, where is it appropriate.

It was noted the proposed bylaw was derived from the model Department of Energy Resources Bylaw and the Town of Salisbury's solar regulation.

Ken Kyle of 159 Eight Lots Road noted the Town's bylaw already say power plants are prohibited in residential districts. He asked if this prohibition already covers large solar power installations? J. Hager stated State law deals with solar generation separately from other types of power generation and exempts solar generation from unreasonable regulation and the Special Permit process. Carolyn Kyle said she felt the state didn't anticipate this type of large installation. She asked how the Board would prohibit larger installations from the residential areas. She also expressed concerns with the effects of a project on areas impacted by line upgrades and site work necessary to get the power from this type of site into the grid, basically off site impacts including herbicides to keep transmission corridors clear, etc.? J. Hager pointed out that there is a proposed article with specific review regulations for large installations and also an article that proposes that small installations will be allowed everywhere, but large installations will only be allowed in the commercial and industrial districts.

J. Hager noted the solar exemption has been in State law for decades and likely was intended for small scale residential use. However, she noted as this statute remains unchanged, towns now have to try to regulate much larger installations without technically conflicting with the framework of State law. She stated after town meeting acts on an article it goes to the Attorney General for final approval. Regardless of whether town meeting unanimously approves a bylaw, if the AG feels it is in conflict with the law, it will be struck down and never take effect.

It was noted it would be helpful to have a visual of what 250kW powers, like how many homes, etc.

J. Anderson questioned whether the Town should regulate based on acreage as opposed to kW? He noted as technology improves he wouldn't want to restrict based on kW if more kW can be located in the same reasonable acreage. The Board was comfortable with the kW cap for the time being.

Motion: To adjourn, R. Largess
2nd: T. Connors
Vote: 5-0-0

Adjourned 8:12 PM