



TOWN OF WEST BOYLSTON PLANNING BOARD planningboard@westboylston-ma.gov
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MEETING MINUTES

April 9, 2014

Chairman: Christopher Olson

Members Present: Marc Frieden, Vincent Vignaly, Patrick McKeon, James Kaufman

Members Absent: None

Others Present: See Attached Sign-In Sheet

All documents referenced in these Minutes are stored and available for public inspection in the Planning Board Office located at 127 Hartwell Street.

The meeting was called to order at 7:00 p.m.

Jared Connell, Project Developer (Proposed Borrego Solar Project on Tivnan Drive) – David Albrecht, PE and Steve Long from Borrego Solar were present to discuss the design of a 4 megawatt solar energy plant on Tivnan Drive with the Municipal Light Plant (MLP). Mr. Albrecht noted that the site is 69 acres. They aligned the system around wetlands while maintaining a more rectangular plant. Inside the fence they will be cutting trees and removing stumps. They hope to chip the wood to use on site. After grinding the trees to less than 1", they plan to pile it along the limit of work line, but they need to verify with DCR due to the Asian Longhorned Beetle presence in the area. The access driveway is proposed to be gravel and there is no pavement except for the entrance. There will be three equipment pads which support the inverters that take the DC power from the sun and invert it into an alternating current (AC). There will be transformers, switch gears, and two weather stations that can be controlled remotely. The MLP will have access to monitor conditions. Mr. Frieden asked where it connected to the town's power lines and was told that everything inside the fenced area is buried cable. At the end of the gated fence, there will be a riser poles and poles along the driveway where it will connect to town lines. There will be 13,338 panels mounted on racks made by TerraSmart. Each rack will have four auger screws that are drilled into the ground. There are four posts tilted at a 30 degree angle in a landscape format. Each rack will hold thirty panels. The space between racks will be approximately 25'. No grading is proposed except for the driveway and for the concrete pads.

Inside the 6' fence, which will have three strands of barbwire on top, they will remove trees and stumps. They will use a native grass and wildflower mix outside and around the array for stabilization. Under the array they will use fescue, which is grass that grows well under the panels. Between the panels they will use a solar farm mix. Mowing will be needed. During construction they will use a tracking pad and the road will be swept regularly. Down-gradient of

the driveway they hope to use the ground trees and leave a 2 ½' wide woodchip berm to help filter and slow down the water. In addition, a silt fence will be put in down-gradient of the berm. Each location will have a motion-activated light. There will not be any buildings; therefore no Site Plan Review is required. Before the project is completed they will meet with emergency management personnel. All zoning setbacks are met, but they will need to go before the ZBA for a Special Permit for the use.

Mr. Vignaly asked if instead of mowing, had they ever had an agreement with a contractor who was a goat or sheep herder. Since it is already fenced off, the animals could be placed there for the summer and money could be made by renting the space out for the animals. Mr. Albrecht said he had seen it once with farmers in New York and explained how the sheep would have to be rotated, they would need water, and some farmers said they would be at the property 2-4 times daily to check on them.

Mr. Vignaly said it is up to the Conservation Commission, but asked if instead of a sediment fence on the downhill side, could they use a compost sock which would serve as a permanent berm to protect against runoff. Mr. Albrecht said they use compost mulch tubes where they come in and blow it into the tube on site.

Mr. Vignaly asked if the remote weather stations would be accessible to the public for weather data. Mr. Albrecht said they can be. When asked about snow removal, Mr. Albrecht said it slides off the panels.

Mr. Vignaly said that when proposals for the use of this property were discussed, the Angell Brook Village was being developed, there was discussion by the town that whatever was being constructed (sports field, complex, etc.) that they would consider a walking path for passive recreation. Is there some way to put a path around the site? Mr. Albrecht said where there is a will, there is a way and he will talk to Leon Gaumond.

Master Plan Rewrite (review of updated drafts) – Mr. Olson was informed that the contact person for submitting chapters to DCHD is Elaine Wijnja. Before submitting the previously approved chapters to DCHD, the board will review the School and Open Space chapters and send it all as a package.

At the last Town Wide Planning Committee meeting, Mr. Kaufman said there was discussion of expanding the TWPC to bring in others from the community. As far as the Master Plan Update, they are drafting revisions, but the new idea was to create an executive summary with a single page for each section to make it less intimidating to the public. He also said he reviewed the School chapter and thought it was well done and that it gave the administration and teachers a good plan to follow.

Non-Conforming Signs under Town Bylaw Section 5.6.A.5.e – Mr. Olson worked on a draft of an email to the Building Inspector highlighting the fact that the new sign bylaw puts the burden of doing all research for grandfathering on the applicant. Mr. Vignaly said he would like it to be clear and list specific action items as suggestions for a policy regarding issuance of the renewal permits. As an example, use the Gourmet Donuts sign permit, which will expire in less than five years. What was the information that was submitted or in his files that showed that

they were grandfathered? There is a question of whether signs can even be grandfathered? The specific wording of the request to Town Counsel should be reviewed before being sent. Town Counsel may not have a clear answer, but we don't know until we ask. We should note that our current bylaw says the applicant has to prove that it is non-conforming. Does non-conforming apply to signs, and what is the standard that should be applied for the submittal package? It is our understanding that buildings and lots can be grandfathered, not structures. Mr. Kaufman suggested that the Building Inspector draft a policy going forward that note specific submittal requirements for documentation of the non-conformance on the lot, whether it be signage, the use, or the building; with the intent that eventually there will be conformity in all businesses. Mr. Vignaly agreed and said that is what the bylaw was drafted to accomplish and what the town voted for. Gourmet Donuts did not submit any documentation and the Building Inspector issued a building permit. We want to apply the standard that is in the bylaw and ask Town Counsel for their interpretation and guidance that this is the appropriate standard, or tell us that it is wrong. Mr. Olson will draft a letter to the Building Inspector and Town Administrator and ask if Town Counsel can provide us with a decision or determination.

Mr. Frieden will provide a draft policy before the next meeting to review before sending to the Building Inspector to consider distributing to all sign permit holders letting them know that when a sign permit is renewed, compliance with all the zoning bylaws (including setbacks and size limits) will be required. If the existing sign is not in compliance, then the applicant is responsible to submit documentation to substantiate the claim that the sign is a legal non-conforming sign.

Status of Village Zoning Bylaw Grant with CMRPC – Mr. Frieden contacted CMRPC and found that we missed the deadline for the first round of applications. He will contact Chris Ryan to find out when the next deadline is and get an estimate of the hours needed to draft the application.

Mr. Vignaly said that Chris Ryan was invited to the TWPC to propose an estimate to work on the Master Plan for the town. Mr. Kaufman asked if the funding for him to do this was known before. Mr. Vignaly explained that the Planning Board is allotted about twenty hours per year. Mr. Vignaly said to the TWPC that the Planning Board discussed using these hours for the grant application and work associated with a Village Zoning Bylaw. Mr. Gaumond told CMRPC that if the Planning Board has not used that time, he would like to use that time to work on the Master Plan. Mr. Vignaly said the proposal from Chris Ryan was expected early this week, which included updates to the transportation, housing, and population sections along with GIS map work for the Master Plan.

New Business/Review of Correspondence/Emails Received – An email was received from Nick Burnham (CMRPC) regarding the 2014 Regional Bicycle and Pedestrian count program activities. Mr. Vignaly will request a bicycle count at Route 140, Route 12 and Route 110; in addition to the Rail Trail counts that have been done in the last few years and have them submit their findings to the board.

Reports from Other Boards – Mr. McKeon said the Economic Task Force met. They are trying to come up with ideas on how to attract businesses to the town. Space is available in all of central MA because of consolidation and downsizing. West Boylston is an Economic Target

Area and could offer reductions in taxes through a TIF incentive. He said the market is not robust. Mr. Kaufman agreed and said money is being held tight. On a side note, Mr. McKeon said the EDTF is working with his son to build a larger kiosk at the Rail Trail as an Eagle Scout project.

The “Welcome to West Boylston” sign is in need of repair. No business has stepped forward to sponsor the sign. It was suggested at EDTF to ask the Wachusett Chamber of Commerce to market the space for the sign. If they could get someone to sponsor the sign for six months for \$400-\$500, they could split the money. Mr. Vignaly asked if the town has established a Business Association. Mr. McKeon said they twice had meetings with business owners who came in to complain, but when the suggestion was made for establishing a regular Business Association, no one wanted to do it.

Mr. Vignaly said that as chair of the Open Space Implementation Committee, he met with the Parks Committee and the Community Preservation Committee (CPC). Mr. Kaufman was at both as the Planning Board’s representative. CPC drafted a plan on how they operated. They sent out a request for comments/suggestions and the Open Space Committee reviewed them and made comments. Most of them were the fact that the plan was outdated and the law changed. CPC will be revising and circulating a new draft.

Mr. Kaufman said the CPC has determined that the work on the Mason’s stained glass is dead. The town set aside a certain amount of money to renovate the windows that used to be in the Old Stone Church. The town wanted assurance that the windows are the town’s property if they ever sell the property or tear the property down. The Masons and attorneys could not agree to this language in the deed, so they decided not to do the restoration work. Mr. Kaufman said that the \$80,000 approved at town meeting will go back into the Community Preservation Committee fund where it came from.

Other Topics – Mr. Frieden said Pat Halpin spoke with him about the flag lots zoning bylaw change. She was not in favor. He said he is a little opposed to a four acre flag lot. Mr. Frieden said we need to address the language in the current bylaw or delete it. Mr. Vignaly said if you need 120’ frontage, it would be done. Mr. Frieden said Pat Halpin also mentioned the covenants at Lost Oak. Mr. Vignaly said there may be some standing there, but the Planning Board doesn’t have jurisdiction. She was also concerned with Oakdale, but liked the idea of an appeal. She suggested Mr. Frieden send a letter to the Town Administrator as a citizen saying that there are a lot of problems with this permit.

Mr. Vignaly said he got a telephone call from Mr. Ali’s attorney who was at the Town Clerk’s office asking if the town had an Inclusionary Zoning Bylaw. He told the attorney that we have an Incentive Bylaw, but not Inclusionary. In the Incentive Bylaw, proponents are not required but encouraged to include Affordable Housing in exchange for increased density. He also explained that it could be tied into the Residential Cluster Development Bylaw for higher density. The attorney said they need a new funding agency and expect to change it to a Local Initiative Petition. Mr. Vignaly said if it is a LIP, they need local support, and to show support he suggested that they should review the Housing Production Plan which was not in place when they started. They should review it and incorporate it for what the town wants, e.g., elderly units, smaller units, preference to the townspeople. If they can incorporate all these things and

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show that they are working towards it, it is possible to come in as a LIP. Mr. Vignaly suggested that if they come in and expects the town to spend \$200,000 to upgrade the sewer, water, pay no permits, pay no fees, then he did not think they will not get any support. Mr. Frieden will bring the draft to the next meeting for comment.

Approve Payment of Invoices/Review Draft Meeting Minutes of March 26, 2014 – Mr. McKeon made a motion to approve the March 26, 2014 Medical Marijuana Public Hearing Meeting Minutes with changes noted; Mr. Kaufman seconded; all voted in favor; motion approved. Mr. McKeon made a motion to approve the March 26, 2014 Meeting Minutes with changes noted; Mr. Kaufman seconded; all voted in favor; motion approved.

A motion was made by Mr. McKeon to adjourn; Mr. Frieden seconded; all voted in favor; motion approved. The meeting adjourned at 9:00 p.m.

Date Accepted: _____

By: _____
James Kaufman, Clerk

Submitted by: _____
Melanie Rich