



TOWN OF WEST BOYLSTON ZONING BOARD OF APPEALS

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MEETING MINUTES

May 19, 2014

Chairman: John Benson (absent)

Members Present: Francis Cahill (Clerk, Acting as Chairman tonight), Kristina Pedone, Charles Witkus and Paul Hennessey (Associate Member, Acting as Full Member tonight).

Others Present: Secretary Toby Goldstein

Members Absent: John Benson (Elected Chairman), Jon Meindersma (Elected Vice-Chairman) and David Femia (Associate Member).

Acting as Chairman in the absence of John Benson, known in advance of the meeting, Mr. Cahill called the meeting to order at 6:17 p.m. He read to the audience the names of the board members present. (Paul Hennessey sat as a full board member, in the absence of Jon Meindersma, which was also known in advance of the meeting). Mr. Cahill read to those present that the only order of business on the agenda was that of the Continued Public Hearing for Borrego Solar Systems, Inc.

Continued Public Hearing, Borrego Solar Systems, Inc., Agent for the Town of West Boylston, Petition for Special Permit, Paul X. Tivnan Drive:

(Representatives were David Albrecht, P.E., and Jared Connell, both of Borrego Solar Systems, Inc.). Mr. Albrecht began speaking with some background on the delays taking place causing Borrego Solar Systems to continue their Public Hearing from the originally planned April 28 meeting date. He began by informing the board that the applicants' Notice of Intent was approved by the Conservation Commission. Since then, it was found that one of the parcels that the Town was believed to own it did not in fact own (parcel 001), so the applicants needed to re-visit the layout and must return to the Conservation Commission because they had promised them that if they found themselves needing to be within a wetland buffer zone, they would appear before them again. Meanwhile, they needed to send a wetland scientist out for wetland delineation after the snow melted. The applicants lost 36 acres of usable land to the north, and they had previously tried to stay away from land further to the south which contained more wetlands. (A map of wetland delineation is on file). Then, earlier today, the applicants learned that another parcel of land also did not belong to the Town, after sending

the completed plans with the previous changes to Ms. Goldstein and Leon Gaumond, Town Administrator. Mr. Albrecht notified them of this change of parcel, and at the meeting, Mr. Albrecht referred to a large scale version of the proposed work site, where this second parcel was removed. They are maintaining a 25 ft. buffer zone. The area they propose to use for the solar panels is increased from 18.4 to 18.8 acres. Their aim is to reach a 4 mW energy total (according to the RFP, a minimum of 3 and a maximum of 4 mW). He opined that it was important to come to agreement with conditions tonight so that the applicants can submit their paperwork, along with a ZBA Special Permit, to the State for Managed Market Solar Energy Credits. Mr. Cahill asked if the panels would be located under power lines, and Mr. Albrecht replied that the solar panels are much further up the hill from the power lines. Mr. Albrecht added that the solar abides by the setbacks, and that the Conservation Commission previously agreed with the applicants' working in the buffer zone. He also added that, 5 years ago, during an infestation of Asian Longhorned Beetle (ALB), host trees were removed on the property, so there are less trees present than on maps from several years ago.

Mr. Albrecht described how there would be 4 different arrays of solar panels, with a road to each, all fenced in. Access would be the same as on previous maps. There would probably be three different electrical equipment pads. Each electrical equipment pad will have an inverter, transformer, switch gear, weather station, and a motion-activated light. Each array area will be gated and have a 6-foot high fence, with 1-ft. barbed wire and locks on the gates, and a gravel access road. Only the entrance will be paved (first 50 feet). Erosion controls are indicated on the plans on file. Regarding any cut trees, the stumps will be ground up by people certified by DCR because of ALB, and they plan to create a wood chip berm to prevent erosion and it will collect sediment. No grading will be done on the site. There will be some excavation for trenching and for the concrete pads, but he opines not much; there will be about 1,000 square feet of concrete pads.

Next, Mr. Albrecht described the racking (also on file). He referred to detail #8, C5.0 on the map. Each rack will hold 30 panels, in a landscape format, five high by six wide. Four auger screws, about 6 ½-feet long, will be screwed into the ground, and the rack will be built on top of that. Each rack will have 12 pieces, and the panels will be attached to them, bolted down and wired together. He stated that there would be no overhead wires in the fenced-in areas; everything goes underground. The arrays will be connected and overhead a connection will be made to Paul X. Tivnan Drive, close to the proposed entrance. Mr. Albrecht indicated on the plans that there will be approximately 13,400 panels in total, just short of 4 mW. They will be using Terra Smart racking, each at an angle of 30 degrees. There is a 22 to 25-foot spacing between rows; a vehicle could fit between rows. They have a 3-dimensional program which allows them to optimize the land, as the racking does little to the topography. The site will not be directly facing south, but will be angled according to the sun. Mr. Albrecht then asked for

any questions from the board, saying that he would entertain any suggestions of conditions that would allow them to go forward.

Mr. Hennessey asked Mr. Albrecht to clarify why the applicants need to appear before the Conservation Commission again, and if it was because of the parcels found not to be owned by the Town. Mr. Albrecht replied that they may be working in areas with more wetlands than were originally anticipated, so that they might need to amend the Order of Conditions that they obtained. At the meeting where the Order of Conditions was issued, Mr. Albrecht mentioned that he informed the Commission that the applicants might have to change the shape of the work as it was proposed at that time. Mr. Connell added that they intended to stay out of the 100-foot buffer zone of the wetlands, but might now have to work within that zone so they need to appear before the Conservation Commission for permission to do so.

Mr. Witkus then asked about how much electrical power the Town uses. Mr. Connell replied that John Fitch of West Boylston Municipal Lighting would know better, but they did an analysis showing that 4 mW can be accepted at the grid at Paul Tivnan Drive and that fits in with what the Town purchases from other sources. Mr. Hennessey opined that the Town can accept a certain amount of mW power due to contracts that the Town has with providers. Mr. Connell added that the Town has a 20-year power purchase agreement with Borrego Solar.

Mr. Witkus then asked if the solar panels work in the winter. Mr. Albrecht replied that they would not when it is not sunny, or if there is snow on them, but they should be operating in the winter. Mr. Witkus also asked where they are made, and Mr. Albrecht replied that the ones they have are Ying Lee's, made in China, but there are other suppliers that they may look into also; they have agreements with other manufacturers as they are currently handling 46 mW worth of projects. Mr. Witkus asked if they are indestructible, and Mr. Albrecht replied that they are not. The panels have a 30-year warranty, but they expect that they will last longer. Mr. Connell opined that they will withstand normal use, and added that the panels are tested to take the impact of a golf ball, but they will not withstand insurance-type damage, such as vandalism.

Mrs. Pedone asked for verification of the height of the structures, and Mr. Albrecht replied that they would be an average of 9'5", some could be higher; they are static, but the ground moves, which could affect the height. Mrs. Pedone also wanted to verify the height of the fence, that the fence would be 6' high with 1' barbed wire, and what the fencing would be made from. Mr. Albrecht agreed with the height, and replied that galvanized chain link fence would be used, and the fencing would only be seen along Tivnan Drive.

Mrs. Pedone then asked if the applicants need to ask for permission to build within 25 feet of the buffer zone, and Mr. Albrecht replied that they do need to do that. He added that, except

for trees, they are not removing anything, and they will be planting grass seed. Mrs. Pedone then asked if there would be any trenching done, and Mr. Albrecht replied that there would be, outside of the 25-foot area, for utility conduits.

Mr. Cahill asked if there would be any hazardous materials used. Mr. Albrecht replied that no OSHA-regulated materials would be used in the project.

Mr. Hennessey opined that solar power would be better for the environment, but expressed concerns about underground power lines, which will not be used. He also mentioned a static array of silica (on the site map) but opined that it would not affect the environment.

With no further questions or comments, Mr. Cahill asked if the board wanted to make a motion to vote on the special permit request. Mrs. Pedone moved for the board to vote. Mr. Witkus seconded. All in favor.

Mr. Cahill informed all present that a “yes” vote is in favor of the special permit request, and a “no” vote would reject the request, and asked all members voting “yes” to raise their hands. The vote was as follows:

Mrs. Pedone-“yes”

Mr. Cahill-“yes”

Mr. Hennessey-“yes”

Mr. Witkus-“yes”

Mr. Cahill announced that the motion passed. Mr. Hennessey asked if there would be any conditions imposed on the applicants, and Mr. Cahill replied that, at this time, only a vote on the petition was being taken, and the applicants must still return to the Conservation Commission. Mr. Albrecht agreed that they need to return to Concomm, and added that Planning Board is in favor of the project.

At 7:50 p.m., Mrs. Pedone moved to adjourn the meeting. Mr. Cahill seconded. All in favor.

Respectfully submitted,

Toby S. Goldstein, Secretary

Date Accepted: _____

By: _____

