

**WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
March 24, 2015**

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the West Newbury Planning Board was held on March 24, 2015 in the Second Floor Hearing Room. Board members Ann Bardeen, Richard Bridges, Raymond Cook, and Brian Murphey, Chairman, attended. Planning Board Administrator Jean Nelson was also present.

The meeting was called to order at 7:03 PM.

Public Hearing for Site Plan Review for a Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI) under Section 5.G. and 8.B. of the Zoning Bylaw at 694 Main Street, Assessors Map R-23, Lot 23, in the Residence C Zoning District, and the LGSPI Overlay District.

Owner is the Town of West Newbury, Applicant is Ameresco, Inc., d/b/a West Newbury Main Street Solar, LLC, 111 Speen Street, Suite 410, Framingham, MA 01701.

Murphey opened the Public Hearing. He announced that the meeting is being recorded. Bardeen read the Legal Notice.

Murphey continued that Town Meeting voters approved the Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI) Zoning Bylaw and the Overlay District on the Town-owned Page School property at the Annual Town Meeting of May 3, 2012. The LGSPI is a by-right use, which requires a Site Plan Review by the Planning Board. The Public Hearing tonight is for the Site Plan Review, in response to an Application from Ameresco, Inc.

The Town, through the Board of Selectmen, has executed a contract with Ameresco to lease the land for use as an LGSPI solar facility. The purpose of the Hearing tonight is to address the Site Plan details. The contracts with the Town are not part of this Hearing process.

The Applicant will make his presentation, Board members will ask questions, then the public present will have the opportunity to comment and ask questions. If you speak, please state your name and address.

Murphey noted that we have received correspondence from:

Paul Sevigny, Health Agent, noting no comment

Lisa Holmes, Police Chief, no comment

Michael McCarron, Town Clerk, noting that the Applicant has been authorized to submit applications on behalf of the Town.

West Newbury Planning Board Minutes of Meeting March 24, 2015. Approved by the Planning Board on May 5, 2015

Joel Lindsay of Ameresco spoke for the Applicant. He introduced his colleague Ray Hanna, Project Construction Manager and Rob Bukowski of Amec Foster Wheeler, Engineering Department Manager and civil design subcontractor. Lindsey made a quick introduction: Ameresco was awarded thru the RFP process the opportunity to work with the town on the solar project. They have worked with Michael McCarron and others. Ameresco has submitted for interconnection and has obtained an agreement with National Grid. They also recently filed for net metering assurance with mass ACA. That allocation has been used up quickly, and they got in under the wire.

He continued that they have submitted six renderings from different angles. The renderings were done a few weeks ago. They have modified the arrays. The 440 kW solar arrays are sized to stay within the overlay district and the size matches town's load for municipal use, not including the schools.

Bukowski said the area is around 1.4 acres. Panels can only be put on 20% slope or less. Slopes in the wooded area were greater than 20% so they moved some tables off of the steep slope. A fence proposed around the overlay district. The construction entrance off Main Street is temporary. A temporary staging area, when stabilized and restored, will be removed. He said there will be no impact on the trail. Sedimentation barriers proposed on the downslope side. Hanna said there is a 50' offset from the fence for the array itself. Connection toward road to two new poles underground for some then up to first pole closer to the road. Cook asked if the poles are on the renderings-the response was that they are not. Hanna said they are standard timber poles. National Grid will install. Murphey asked if they had a picture of the transformer and Bukowski said no. Nelson asked if he had received the letter and checklists which she had sent where she asked for a picture. He had received it. They will provide a picture. Murphey said they are unattractive. Cook asked the noise level, and asked for a decibel level. He asked if it will meet our sound bylaw. Cook said on a quiet evening on Sunday morning it could be annoying. He asked for decibel levels. Hanna said they can get a level probably 50 dB at 50 feet. Cook asked for the specs.

Hanna said they have included photos of an agricultural fence as well as a chain link. It is a wire mesh. A kid cannot crawl through it. Lindsay said a black chain link is fairly unobtrusive. The Ag fence may be a bit more maintenance intensive. Nelson asked what will happen to the existing barbed wire on the property, and their intention. Bukowski said they could offset the fence to stay off the barbed wire. Cook asked if they would remove it. Lindsay said that the town owns the fence. Lindsay said they don't object to moving but he hopes it will be easy to get out. It is not in the contract.

Bridges asked how often lawn maintenance is performed. The response was once in the Spring and once in the Fall. Cook asked if there is any benefit to keeping access there off Route 113. The response from Bardeen and Murphey was no. Bardeen noted that this was discussed at the West Newbury Planning Board Minutes of Meeting March 24, 2015. Approved by the Planning Board on May 5, 2015

Pre-Application Conference. She asked if they would use school lot for access. Lindsay said cars can park across the street. When equipment is delivered it will be unloaded then gone. Construction is two to three months. Hanna said mid-late April and finishing by late July, then an additional month for commissioning and running the bugs out.

Cook said he assumed the racks are mounted on sono tubes. Lindsay said a screw is used.

Murphey asked if a detail officer will be there. Cars fly down the hill. Hanna said they have a project on the Pike so it is not an issue for them to submit for a detail. They are looking at a couple of flagmen or a detail if necessary. They are familiar with the requirements and the process.

Murphey asked if there will be a closed gate at night. Hanna said there will be a double swing gate 8' wide which gives 16' of access when opened.

Murphey asked about the gravel drive at the top of the site, and if it is new. Lindsay said the gravel drive from the school is existing and that will be used after construction.

Cook asked if the racks are all hot dipped galvi. Lindsay said yes, and the foundation material has a life of 30 years. Lindsay said the lease is for 20 years and they pay into a fund each year for decommissioning per the contract.

Bardeen asked about the tables that hold the panels. Hanna said the system is designed to follow the grade. The low end is 2.5 feet and high end is approximately 8-feet. They usually look for a 24" minimum above grade. The pitch allows snow to shed off.

The system is designed for 110 mph wind load.

Cook said that we are at latitude of 42 degrees, and noted with the slope of the site and slope of racks it seems they are sitting back and would be less efficient. Lindsay said they look at the optimal tilt angle when designing. Typically they are at 25 degrees and there are factors. They use a system that allows you to optimize. Lindsay said in the spring and fall months you get good production when the panels are not overheated. The more the temperature goes up, the more it degrades performance a bit.

Bridges asked what happens to the groundcover. Lindsay said since the system is above the ground they can let the grass grow. They use a five seed formula and it is full season growth type vegetation. It requires minimal maintenance. They will try to maintain what is there.

Cook asked if there is a danger if someone climbs over the fence and runs thru the panels. Hanna said unless you tear into a box and try to do malicious damage, the boxes are closed in lockable positions. Everything is in a conduit or tray which is higher. Some problems are caused by seagulls which drop something that might cause damage. All the combiner boxes are lockable and there are two different places where they can be locked. Cook asked if everything

will be locked. Hanna said they will be if that is what is wanted. Murphey asked who would be responsible for that. Hanna said if they if they are on town property the owner can say it should be locked. They have not seen any malicious intent or anyone wanting to come to unlock a panel. They have an alarm if that happens and they are notified. The alarm notifies them at the office-it is not alarmed on site.

The fence should be tight enough for a dog not to be able to get through it.

Cook asked if a phone number is posted. Bukowski said there is a detail on the plan with the sign which will be posted with information.

Cook asked if anything can be stolen. Hanna said the conduits are underground.

Murphey asked for a consensus on the fence. Cook said chain link looks good. He asked if the agri fence wire fence could be black. He said he has seen it in dark green. Lindsay will look into that.

Bardeen asked if there is one combiner panel. Hanna said there is a string inverter package for each panel. They are under the panels. They are not seen. The transformer and AC combiner are on the pad. Bardeen asked again for a picture. Murphey asked if the transformer can be screened. McCarron said there is a tree line. Hanna said the inverter is typically green and the panels is 4' wide by 6 to 6.5 feet tall, which is about the same height as the fence.

Cook said he likes the board fence. He thinks it is fine as is. Green would probably make the mesh more expensive. He recalled a discussion of the solar array on a former pasture at Town Meeting. Hanna said it won't be quite as visible due to the fence. Cook said that the sound may become an issue with homes across the street with the way sound can travel. Lindsay reminded him that there won't be any sound at night.

Murphey asked McCarron who could monitor the work. McCarron said they have to get building and electrical permits. Murphey said he imagined the Con Com agent would check the barriers. McCarron said it is outside the jurisdiction of the Con Com because there are not wetlands. Hanna said they have to get a NPDES permit and there will be weekly inspections by either Amec or the contractor. Cook asked who will have an eye on the fence installation, laydown area, etc. Hanna said they will not be able to close out the ENS permit without having this done.

Lindsay said they will own the facility. They need it to be done right. McCarron said if they do not perform, they have to pay the Town a penalty. Cook asked if it is easy to replace a panel. Hanna said that panels come with clips. They come off in 2 to 3 minutes, and are easily replaced.

Brad Buschur, 347 Main Street, said it would help to minimize the negative visual impacts of this industrial use being inserted into open space if the poles can be eliminated. He felt it would

mitigate the intrusion of a commercial use onto open space. He noted the poles are not on the rendering. Lindsay said that it depends on what NGrid requires. He is not sure if he can change it. The scope from NGrid includes the poles. Lindsey said most of the run is underground. There is a portion that will be hidden by trees. Buschur asked the Board to consider adding a requirement to condition minimizing the number of poles.

Buschur asked what type of wood and the diameter of the mesh in the fence is. Lindsay said it is like a chicken wire. Lindsay did not know but said the wood is probably pressure treated. He said a chain link is more durable. Cook asked for the specs on the fencing.

Buschur said he walks thru the field to take his kids to school. The Page driveway is a five point intersection. He asked what is being done to facilitate walking to school. Buschur said that the public uses that trail. Murphey said he is not aware of a trail now. Don Bourquard said it is on the trail map. Bardeen noted that people can still walk around the fence. Buschur said it eliminates a safe route to school, and this is the most logical route to walk. He asked the Board consider this.

He said this is an innovation school. He asked what support the owner will provide as interpretation to the Page School. Rick Parker said Amersco has provided educational materials and they are looking for volunteers to work with the program.. Buschur asked what funding the owner will provide for murals on the fence. Murphey said there will be no murals on the fence.

Buschur asked who approves the SWP. Hanna said it is through EPA and there is no local approval. Hanna said there is an Erosion and Sediment Control sheet in the plan.

Cook said he is an advocate of trails. The logistics of a sidewalk along Main Street are difficult. He looked at the trail map on the web, and the trail is not shown on the posted map. Greason said a trail goes along the west side of the fence line. Cook said that any path across the field would be interrupted by the array.

Bridges asked if the OSC had brought this up during discussion of the overlay district. Steve Greason said they don't want to see the trail closed any time during construction. Runoff from the site may impact the trail. He would like to see a handicapped access flat trail along the western side of the fence line then up to the school so the children would have easy access to see the site. The trail route could be improved.

Jean Lambert, 215 River Road, said she is a 30 year resident of the Town, and she laments that the pasture is being taken for this industrial use. She remembers when her son and Ann's son were taken to task for going astray to see the cows. She has been a long time member of the OSC and the last 3 surveys have been the rural character that people prize in this town. She would like to see the visual impact minimized. She asked if low bushes can be put around the transformer to mask them, or a species that the kids could study in some way.

Bardeen summarized that the Town retains ownership of the land. There is space between the fence and every edge of the district. She noted there is nothing to prevent the Town from planting around the fence. McCarron said that would be ok as long as the vegetation did not interfere with the solar panels. He said Ameresco would not have the right to do that because it would be outside of their leased area.

Cook assumed that vegetation outside of the fence line at 20 feet tall would not be a problem. Lindsay said that would be too tall. Bardeen suggested 6 feet. Lindsay said you need something short. Cook asked if they can model the height of the vegetation that would be OK just beyond the fence line. Murphey said he likes the ag fence. Lindsay said there is a line of trees along the road that will hide it.

Lambert asked for renderings with the poles and Murphey asked for them also. He suggested that the Applicant prevail upon National Grid. Lindsay said the typical requirement from Ngrid is that they want a disconnect, a line of separation to shut the system down at their own pole, and Ameresco cannot take that away. Existing poles are linked to others on the street.

Don Bourquard of Crane Neck Street said in reading the specs he would hope access to the trail could be maintained during April to September. He said the trail is off to the left. Bukowski said this is a safety matter. Bourquard persisted that the trail be closed when deliveries are being made and otherwise open. Murphey said that for safety, a temporary closure is necessary. Nelson said the Planning Board does not have authority to close the trail, and suggested that the matter should be referred to the Board of Selectmen to close the trail. Bourquard said there is another trail access if necessary.

Nelson asked Bukowski if the questions she sent will be addressed and he said yes. She reminded the Board that the proposed sign is a hybrid, and can be approved under Site Plan Review. It needs to be addressed. She asked the Board to discuss the Fee Waiver request.

Bridges said a for-profit enterprise should not be granted a Waiver. Cook agreed. Bardeen said the fee is usually waived for a municipal project. Murphey asked McCarron if this had been discussed during negotiation. McCarron said that Ameresco is responsible for all fees. That gave the Applicant a sense of the Board.

Murphey reviewed the Waiver requests. There is no lighting proposed. He would like the Applicant to come back to discuss screening. Bridges asked if the transformer can be tucked in anywhere. Hanna said they need to keep access between the rows. This location made the most sense. He would need to ask the designers. They need to use the available space. It can't go where the trees are and the slope is too steep.

Cook asked if there is impact to the septic field for the school. The response was no. Parker said it is overgrown but an access from the school exists.

Bourquard asked if the school can see the results of this on an ongoing live basis. It would be a good educational thing. Lindsay said they provide an LED screen that shows it in real time.

Motion made by Murphey, seconded by Bardeen, to continue the Public Hearing to April 21, 2015, at 8:30 PM.

**Continued Public Hearing to consider Applications for Definitive Subdivision Plan (M.G.L. Chapter 44 §81T-81GG) and Special Permits for
 ..a Common Driveway Special Permit to serve three lots, Section 7.D., and
 ..Reduced Frontage Lot Special Permit for three lots, Section 6.A.1.,
 for “Estate Homes at Rivers Edge”, land located off Sullivans Court**

Greg Hochmuth represented Tom Neve. He is a Licensed Registered Sanitarian, Certified Soils Evaluator, Professional Wetlands Scientist, and a member of the Merrimac Con Comm. He has been representing Neve at the Con Comm meetings in West Newbury.

Murphey addressed the March 17 letter from Hughes Environmental, with a request that the Board not proceed until the appeal is resolved. Hochmuth said an ANRAD had been filed with the Con Comm in the Fall. They had walked the lines with the Commission before the snowfall. They had changes some flags and the lines had been revised. He said The Mean High Elevation of the Merrimack River is 4.1. The riverfront area is measured from that elevation. The Con Comm issued an ORAD, which is an Order of Conditions, which has been appealed. Hochmuth said the Applicant feels the lines will be as they are today. The Con Comm is drafting Orders of Conditions for the six lots applied for. They expect approval in two weeks. To eliminate the current appeal, Neve will probably withdraw the ANRAD. Murphey asked if they are proceeding while the appeal is still pending. Hochmuth said he is hoping the Board will keep the Con Comm matters separate. Murphey said he had an opinion from Town Counsel that the Board should proceed unless requested by the Applicant. Murphey noted that the Applicant proceeds at his own risk. Hochmuth said the Con Comm was thorough, and they did make revisions to the line. He said the Applicant asked DEP, who said they can go forward with the NOIs, but it would be better to withdraw the original filing.

The Board began to review draft Conditions. Nelson had a question as to Sheet C-8 and the easements. Neve said the trails and easements will be shown on the Lotting Plan, but they will be shown on C-8 with metes and bounds.

Edits were made to the Conditions. There is a question posed by Nelson as to whether or not a trail easement is needed on Town owned land. She had asked Judy Mizner and Jay Smith, and Miner’s response was legally complicated. The Board decided it should be referred to Michael McCarron for a response.

Inclusionary Housing will be discussed when Neve is present.

Hours of construction include an expanded definition of “construction”. Cindy Sherburne asked if the Board can enforce this condition. Murphey said it has been a problem in the past. Howard Hill said there is no enforcement power. Nelson said other than calling the police and the Board, it is hard. She had checked with Town Counsel and the Building Inspector, but there is not a way to fine them. Hill suggested a condition with a fining authority. Murphey said most developers will try to accommodate. Hill asked what if they violate orders of conditions. Murphey said they can be reminded and Cook said they need to come in to have lots released. A discussion of the Cottages violations followed. Horgan said they police should be called if a noise ordinance is violated. Nelson said she was advised by the Building Inspector’s Office to have people call the police. She said she does not feel this is a good example of typical behavior. Bardeen said most people do stick with the conditions. Murphey said there have not been egregious violations of conditions in this town.

Cook listed the powers of the Board, which can be documented so that the proper officials can be called. He said there are performance guarantees and releases, and there are no guarantees of people’s behavior. Hochmuth said Neve has a good reputation.

Only Lots 1 and 2 will be conditioned with no walk-out basements. Hochmuth will look into the visual impact on other abutters. Hochmuth explained that circles on C-7 are plantings for the infiltration system. The trees on the site will need to be determined. Murphey said the Board does not want any trees on Sullivans Court. Nelson asked if he should remove the trees from the plans, but it was decided to resolve this with Neve.

Brian Richard asked when would be a proper time to discuss trees between lots. He said that Neve had agreed to buffer trees early on, but had determined that Richard’s request was too much. Jay Soucey said it needs to include the driveway for Lot 6 around his lot as well. Murphey said if the trees are planted, the abutters will lose view of the river. Richard he is willing to take a chance. Bardeen said her approach when facing developers in the past was to selectively plant on her own land. Richard said he can do that after the natural barrier is planted. Bardeen said there is no requirement for this. Hochmuth said it was talked about until there was the appeal, but then after the appeal it hard to ask the developer to do something for an abutter who is appealing his project. Hill asked if Hochmuth was threatening them because they are appealing. He said Neve agreed to do this.

Bardeen suggested “Area of Restricted Planting” along the common driveway in response to Nelson’s request for a better name. It was determined that a landscaping discussion is needed.

Neve had sent the data on the intersection at 40 and 20 scale. Sarkis will need to give input on what he was looking for. Nelson explained her interpretation that the Board, Neve, and Gary Bill would walk the intersection, clean back around the pavement, and Cook said he thought a best-guess sketch would be required now to make it clear, and know what the overall intent is.

Stormwater O&M will be under the purview of the Con Comm. Tom Horgan said he did not see the Drainage Easement across the back of Lot 2 in the Conditions. Nelson said it is in there near the beginning under the Site Section. Hill asked for a copy of the language when completed.

Steve Greason, 86 Coffin Street, asked if the trails are on the paper copy yet. He asked about the bridge to go over to Rivermeadow, and asked if it can be called a bridge. He said a catwalk is not a permanent structure. It is narrow. Nelson said the “catwalk” is not defined in the conditions. Greason said a catwalk is a small gangway structure. Nelson quoted it would be hand built and like a nature conservancy boardwalk, according to Neve. Hochmuth said it will be going through the Con Comm for approval. He said the intent is to get over the stream. Hochmuth said there is a fine line and that bridge means something different. He said that a lot of plantings will be made in the riverfront area in the different sections, which will be screening in areas near the river.

The next meeting date was discussed. Nelson noted that Jay Soucey had asked earlier if the Cottages will be coming in. Murphey asked for any complaints in writing. Soucey said he wants to talk about the way things are happening over there.

Motion made by Murphey, seconded by Bardeen, to continue the Public Hearing to 7:30 PM on April 7, 2015. The vote in favor was unanimous.

Executive Session, Screening Sub-Committee, pursuant to M.G.L. Chapter 30A, § 21(a)8, for the purpose of conducting interviews for the Planning Administrator Position

Murphey said it is now 9:20 PM and we will prepare to enter Executive Session of the Screening Subcommittee, pursuant to M.G.L. Chapter 30A, § 21(a)8, for the purpose of conducting an interview for the Planning Administrator Position. Planning Board members have been invited to attend.

The purpose of the Executive Session is to conduct interviews for the Planning Administrator Position. Having the discussion in an open session will be detrimental to the public body’s ability to attract qualified applicants for the position.

Each member must vote by roll-call to enter into executive session. A majority must vote in favor. Murphey called the roll for the vote:

Bardeen, in favor, Bridges, in favor, Cook in favor, Murphey, in favor.

The Board returned to the scheduled meeting to discuss candidates and hiring.

Motion to adjourn, 10:30 P.M.

Submitted by,

Jean Nelson, Planning Board Administrator