



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD
Phone: (978) 874-7414
swallace@westminster-ma.gov

. Jon Wym/an - Chairman, Marie N. Auger - Vice Chair, Michael Fortin Jay Shenk Joseph Flanagan .

MINUTES OF REGULAR MEETING

Tuesday, September 9, 2014
Room 222, Town Hall

Attendees: Marie Auger, Jon Wyman, Mike Fortin, Joseph Flanagan, Jay Shenk, Town Planner Stephen Wallace

Absent:

Additional Attendees: Mr. Wesley Flis/Whitman & Bingham Associates LLC, Mr. John Lasertte, Mr. Kirt Mayland/Housatonic Solar 1 LLC.

7:00 p.m.

Jon opened the Planning Board meeting and informed those present the meeting was being audio recorded.

7:00p.m. *Minutes*

Jon asked PB members to review the minute. Marie made a motion to approve the August 26, 2014 minutes. Seconded Jay. The PB voted AIF to accept the minutes.

7:01p.m. *Housatonic Solar 1 LLC regarding a Site Plan Approval for a ground-mounted solar array to be located at 339 South Ashburnham Road in a Residential-II zoning district.*

Jon was asked by Mr. Wes Flis/Whitman & Bingham if the PB could delay the hearing until the Mr. Mayland arrived. Jon agreed.

7:02p.m. *Review and Comment: Zoning Board request for Finding on behalf of Michael Spadafore and Kim Mazzarella: addition over an existing deck, construct a second farmers porch and additional housing renovations on a legally non-conforming undersized lot at 35 North Shore Road(Leino Park).*

Jon read the ZBA request and asked for comments. Joe stated the application only attempted to answer two of the four criteria needed for a variance, the PB was not the ZBA and therefore could not support the application. Mike stated his standard comment that without a set of building elevations, he could not decide whether the proposal would be in the neighborhoods best interest. Jay and Marie had no comments.

Mike made a motion that Stephen provide a memo to the ZBA to provide no comment. Seconded Marie. Voted AIF. Stephen stated his memo to the ZBA would state that without a set of building elevations the PB could not make an informed decision on the impact to the neighborhood and thus have no comment.

Jon asked how the PB could correct the situation. Mike stated that the ZBA would continue to receive no comment until they update their methodology of the information they provide to the PB for comment. Stephen said he would speak with Don Frigoletto and offer to work with the ZBA to update forms to have the applicants provide better decision making information for those asked to comment.

7:07 p.m. *Planning Board review of Westminster Business Park earth removal progress reports for August 2014.*

Jon asked for comments to the August WBP earth removal progress report. Stephen asked board members for questions and noted that WBP owners would be asked to appear before the board in November. Jon asked if the PB needed to follow-up with a letter to the business park owners for action items that were outstanding and as yet not completed: Road sweeping, catch basin protection. Mike stated he thought he remembered reading in a previous report that there was a road sweeper that was being kept on site to keep the road clean, yet the last few trips to the animal hospital showed sand in the road and sand around the catch basin covers. Nike asked how the PB would get WBP to address their concerns. Stephen said he would pass the information on to the Con Com agent and DPW and ask them to review the PB concerns. Jon thought that maybe the WBP feels they do not need to respond to the Tetra Tech memos. Stephen said he had fielded noise concerns from neighbors recently about trucks going in early and he had contacted Steve Powell.

7:13p.m. *Housatonic Solar I LLC regarding a Site Plan Approval for a ground-mounted solar array to be located at 339 South Ashburnham Road in a Residential-II zoning district.*

Jon read the legal notice that had been published in the Gardner News. Stephen told the PB about the project. The lot (map 44 lot 13) at 339 South Ashburnham Road was created through the ANR process as a non buildable lot due to extensive wetlands but contains enough dry land for two areas of ground mounted solar panels covering about 3 acres of the 14 1/2 acre property with an output of about 650KW's. There had been a technical review meeting of Town Departments and the applicant. Additional information has been asked for. Access will require a variance for a shared driveway off the Redkey property that abuts the lot.

Mr. Kirt Mayland described the project: 650KW DC solar array sized to meet the new state solar certificates of no more than 650KW.

Shared access from South Ashburnham road would lapse if the solar array went away. Once built, the site would require very little access, probably no more than monthly. The array would be mounted on posts for minimal disruption to site contours and would follow the existing ground contours. Mr. Mayland described the wiring runs, inverters and transformers. Stephen noted he had shared the plan with the Energy Advisory Committee in hopes of selling power to the town at a discounted rate. Mr. Mayland described there would be a 65DBa hum from the panels but would not be heard by the neighbors. No chemicals would be used in the event the panels needed cleaning.

Mr. Wes Flis/Whitman & Bingham then described access to the site through the Redkey property. He described the layout of the panels, 6 foot fencing, a small wetland crossing requiring a culvert, and minimal road construction of the existing cart road. ConCom has walked the property with Mr. Flis. Access was presently being worked out with Mr. Redkey and ConCom. Grass planted would be a meadow type grass requiring low maintenance, minimal mowing and better water absorption. Mr. Flis described erosion control techniques that would be used during construction, and emergency lighting.

Jon asked board members for questions:

Joe asked about bonding the project. Mr. Mayland stated he would be purchasing the land, the project would 25-30 years, perhaps longer if new panels made sense. An investment company would own the panels, Mr. Mayland the land. Bonding usually was reduced due to salvage value of the panels.

Stephen noted that since there were no guidelines in zoning for solar projects, site plan review would decide if bonding was require. If so, the PB would have a bond proposal by the proponent reviewed independently by a PB consultant.

Joe asked if the BOH had any issues with noise. Stephen noted BOH was at the Technical review meeting but the subject did not come up at that meeting.

There was discussion of SRECs, net metering credits.

Marie noted that she thought the driveway was technically a remote driveway, not a shared driveway since it would not be used by the owner on a regular basis. Mr. Mayland told Marie that Mike Gallant had asked for a letter asking for a shared driveway. There was discussion about what driveway the owner used for his residence vs. the driveway that would be used to access the solar project.

Jay asked how high the panels would be. Mr. Mayland described typical post driven installations are 36" off the ground and tilted at a 25 degree angle. Tops are usually 8 1/2' off the ground. Grass usually is 2 feet high before being brush hogged. There was discussion of the solar investment value of the project and subsidies that make the projects affordable. More discussion of SREC values by Mr. Mayland.

Mike asked the PB to consider having the proponent be responsible to mitigate any abutter noise complaints rather than requiring noise studies. Mr. Mayland stated he had no issue with that and was confident there would be no noise heard by the abutters. Mike asked about vegetative buffers and if any more tree clearing between abutters and the panels would take place. Mr. Flis replied that Con Com has restrictions on tree removal. Mike asked that whatever screening that gets done be in consultation with abutters to reflect their desires, fence vs vegetative buffers. Mr. Mayland stated he would contact the abutters.

Joe asked about noise mitigation again. Mr. Mayland stated that if needed, the inverters could be enclosed, but he was confident that would not be required.

Jon asked if they would be able to plant vegetative buffers in the wetlands. Mr. Flis showed the PB areas of the site that were not in the wetlands but near them that could be planted in to form view buffers. Jon asked about sightlines for neighbors viewing the panels and if they would be viewed from other places in town other than abutters. Mr. Mayland stated the actual site was pretty isolated from the street.

Jon asked Mr. John Lasertte, the neighbor in attendance if he had questions or comments. He noted he lives directly across the street and was concerned that any barbed wire added to the top of the fencing would appear like prison fencing to the neighbors during winter months of no vegetation. Mr. Mayland stated that barbed wire had been suggested by the Police at the Technical Review Meeting as a measure of preventing theft, but he had no issues if they did not use it. Mr. Mayland stated he would work with Mr. Lasertte to satisfy his concerns.

Stephen summarized the outstanding issues:

Applicant needs to obtain an order of conditions from the Conservation Commission.

Applicant needs to obtain a variance for the point of entry.

Stephen will check with Officer Tamulen about the fencing, and whatever fencing chosen will need to be on the site plan drawings.

Applicant will need to supply Town with a contact person during the construction phase of the project.

Applicant will not schedule deliveries to the site during pickup and drop off times for schools.

Applicant will schedule a preconstruction meeting before the start of the project construction phase prior to breaking ground.

Applicant will prepare a landscape plan of plantings at the site after consulting with abutters.

Applicant will pay the Gardner News for the Site Plan Hearing advertising and show Stephen proof of payment. (copy of check is ok)

Applicant may need to provide decommissioning bond at request of the PB after review by PB independent consultant.

Stephen asked the PB to have the ZBA add two conditions to any relief they might grant to the applicant as a result of the variance hearing:

1) Whatever relief the applicant gets will expire after decommissioning of the solar installation and not run with the land in perpetuity.

2) Whatever legal instrument that describe the access agreement between the applicant and the abutter will be reviewed by Town Council.

Mike made a motion to continue the public hearing to October 14th 2014 (date chosen per request of the applicant). Seconded Marie. Voted AIF.

8:20p.m. Draft Zoning Amendments

Stephen suggested the PB hold off until Town Council and the Building Commissioner meet with the PB on September 15th for the Zoning Amendment working meeting. Stephen touched on the highlights of what will be reviewed during that meeting.

8 23p.m. Town Planner Update & Planning Board liaison reports.

- Master Plan final public forum will be October 2nd. Stephen sent out a reminder email to all town boards and departments on September 30th. Some minor comments have been received and will be addressed during one final editing session of the Master Plan Committee on October 15th.
- The Cecil Group met with the Master Plan Committee and will present a final report the the BOS on October 20th.
- Economic Development Committee chose a printer for the promotional brochure.
- Hazard mitigation Plan is out for review to FEMA and MEMA.
- Table of Town owned properties and Tax Title properties is out for review.

8:29p.m. Adjourn.

Joe made a motion to adjourn. Jay seconded. The PB voted AIF to adjourn.

4 Pages of Minutes
Respectfully submitted,
Michael Fortin

5 Attachments :

- 1) ZBA package for request for Finding on behalf of Michael Spadafore and Kim Mazzarella: addition over an existing deck, construct a second farmers porch and additional housing renovations on a legally non-conforming undersized lot at 35 North Shore Road(Leino Park) dated 8/20/14. 8 pages.
- 2) Tetra Tech August progress report memo for Westminster Business Park. dated September 8, 2014 6 pages.
- 3) Housatonic Solar 1 LLC information packet from Applicant. 12 pages.
- 4) Town Planner Site Plan Review memo for Housatonic Solar 1 LLC dated September 4, 2014. 5 pages.
- 5) Town Planner monthly BOS update dated August 25, 2014. 2 pages.