



Town of Westminster

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

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

MINUTES OF REGULAR MEETING

Monday, November 10, 2014

Room 222, Town Hall

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

Absent: Joseph Flanagan

Additional Attendees: Mr. Michael Moakley, Ms. Linda Moakley, Mr. Carmelo Infantino for Ms. Nancy A. Hodge, Mr. David Albrecht Natick Ma/Borrego Solar, Mr. Don Leblanc, Mr. Mark Maclusky Hudson Design Group.

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 October 28 2014 minutes. Marie made a motion to approve the minutes. Seconded Jon. The PB voted AIF (those present) to accept the minutes.

7:02p.m. *Approval Not Required (ANR) Plan for Nancy Hodge, 36 Spruce Road.*

Jon asked the proponent to describe the plan. Stephen asked to let the record note he had a letter authorizing Mr. Carmelo Infantino to speak for the owner. Mr. Infantino described the plan. The PB reviewed the plan. Mike asked if the existing house was within 15 feet of the property line. Mr. Infantino replied the closest structure to the property line was the barn outline delineated on the plan. Marie asked why the existing house was not included on the plan. She noted that location of any existing dwelling is part of the required information to be included on subdivision plans according to Westminster Subdivision regulations and that Brian Szoc should be aware of the requirements. Mr. Infantino asked if the PB had copies of the plats that show the location of existing buildings. The Board reviewed the GIS map that showed relative locations of buildings. Mike noted that there is a note on the plan that states no existing buildings are within the setback requirements. After discussion by the Board, Stephen offered to send Mr. Szoc a copy of the Westminster subdivision Regulation Plan requirements and a note that future ANR plans will need to conform to the requirements. Marie moved to endorse the plan with inclusion of the GIS map. Seconded Jay. The PB voted AIF to endorse.

Public Hearing - Continued

7:15 PM – *Borrego Solar Systems Inc. regarding a Site Plan Approval for a ground-mounted solar array to be located at 60 State Road West in a Residential-I zoning district.*

Jon re-opened the public hearing that had been continued at the October 28th 2014 PB meeting. Mr. Mark Maclusky from Hudson Design Group updated the Board. He stated they had taken the input from the prior meeting and incorporated that input to a new driveway that would reduce the cut and fill required and it better addressed possible run-off and erosion concerns. (See attached Site Plan Review Memo dated November 3, 2014.) Stephen told the Board that the new road plan had been sent to Fire, DPW and ConCom. The Fire Chief had no concerns with the new road. Bob Maki stated ConCom had no concerns with the new layout. Stephen told the Board DPW had not responded yet but their initial concerns were related to the access road being passable to the Fire Department.

Mr. Mark Maclusky noted there will be a gate at the foot of the road with a Knox box for Fire/Emergency access. Mike asked if the plans had been revised to reflect an 8 foot high fence. Mr. Maclusky stated the plans showed 6 feet but they would make it 8 feet if that was what was needed. There would be no barbed wire.

Stephen told the Board there were still 2 outstanding issues. One was the review of the lease agreement and access agreements by Town Councils. Stephen had forwarded those reviews to PB members. The second was the decommissioning Bond review by Tetra Tech that had been completed with a recommended bond amount of \$31,300. Jon asked about Tetra Tech's suggestion to add possible legal fees to the estimate review. After discussion the Board agreed on a \$31,300 decommissioning bond amount.

Jon asked for questions from attendees of the meeting. Mr. Michael Moakley asked whether work might impact his well. Mr. Albrecht stated the panels would be mounted to frames that used a screw in the ground type connectors and concrete excavation would be limited to a pad of 400 square feet. Trenches for conduit would be refilled level with existing grade, and there would be cut and filling for the roadway. Fence posts would likely be predrilled. He did not anticipate any blasting. Ms. Linda Moakley asked why the project site had the same street number as her house. Stephen told her it was a guess by the proponent as to what number it would be. The Town does not have a number assigned to the project parcels. Permitting and site plan review was tied to lot numbers on assessors maps. She asked who benefits from the solar projects. Mr. Albrecht stated Town would benefit by additional taxes, there are permitting fees, power would go into the grid. The owners of the project would benefit by negotiating agreements with National Grid. The Country Club owner would benefit from a lease agreement.

Mr. Moakley asked about traffic on the driveway. Mr. Albrecht stated mowing would occur twice a year, and the road would be plowed at Town request after accumulations of more than 10 inches.

Stephen asked to see the non-reflective coating notes and the driveway maintenance notations on the plan. Mr. Maclusky showed the Board both inclusions. Jon asked about the erosion control measures. Mr. Maclusky reviewed the erosion control plan page.

Marie moved to close the public hearing. Seconded Jay. The Board voted to close the public hearing. Stephen asked the Board to next act on the following waiver requests:

- 2.1 The submitted Site Plan was drawn to a scale of 1" = 30', instead of the 1" = 40' required under Section 2.1 of the Site Plan Regulations.
- 2.1.4 The location of all proposed septic systems, water supply, utilities, refuse and other disposal methods.
- 2.1.7 A waiver for luminary plan as no exterior lighting is proposed.
- 2.1.8 A waiver from the Open Space & Recreation Area as the project does not contain any such areas.
- 2.1.9 The locus maps on the submitted Site Plan were drawn to a scale of 1" = 1,000', instead of the 1" = 200' required under Section 2.1.9 of the Site Plan Regulations.
- 2.1.11 Building elevation plans showing elevations of all proposed buildings and structures and indicating the type and color of materials to be used on all facades.
- 2.1.13 A waiver from the Evaluation of Impact on Landscape plan as the natural terrain will be altered during construction, other than tree clearing.
- 2.1.14 Evaluation of traffic impacts.
- 2.1.15 Environmental impacts.

Marie moved that all waiver requests be granted. Seconded Jay. The Planning Board voted AIF (4 – 0) to approve all waivers requested by the Applicant.

Stephen then outlined the conditions of approval: Applicant will pay the Tetra Tech decommissioning bond evaluation bill. Applicant will file with Fire Department and Town Clerk to get the appropriate street number for the project. Applicant will post a decommissioning bond in the amount of \$31,300, and the four standard conditions the PB adds to all site plan reviews:

- 1) Other approvals or permits required by the Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.

- 2) The Site Plan Approval applies only to the site which is the subject of this Application. All construction to be conducted on the site shall be conducted in accordance with the terms of this Approval and shall be limited to the improvements shown on the Plan.
- 3) The Board hereby reserves its powers to modify or amend the terms and conditions of this Approval upon its own motion with consent from the owner, or on the Application of the owner. The Board further reserves its powers to amend this Approval without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Zoning Bylaw or with the terms of this Approval.
- 4) This Approval shall lapse on November 10, 2016 if a substantial use thereof has not sooner commenced for good cause. Any request for an extension of the time limitation set forth herein shall be made in writing to the Board at least 30 days prior to November 10, 2016 and the Board reserves its rights and powers to grant or deny such request without a public hearing.

Marie made a motion to approve the site plan with the 4 standard conditions and the decommissioning bond. Seconded Jay. The PB voted all in favor to approve the site plan.

7:49 p.m. General Business

Review and discuss Special Town Meeting Warrant Articles.

Jon asked Board members for input on the following Fall Town Meeting articles.

- Article 4 Sewer Applications 25K- All in Support
- Article 8 Master Plan- All in Support
- Article 9 Rebanna Road Acceptance- All in Support
- Article 11 Amending Advisory Board Bylaw- All NOT in support.
- Article 13 Housekeeping on PB Special Permits- All in Support
- Article 14 Non Criminal Disposition- All in Support
- Article 15 Kennel Definitions- All in Support

8:01p.m. Liason Reports

Stephen informed the PB that Housatonic Solar 1 LLC has requested their public hearing continuance be extended to from November 25th to December 9th due to their schedule to complete ConCom approval.

8:15p.m. Adjourn.

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

Only 3 Pages of Minutes :)
Respectfully submitted,
Michael Fortin

11 Attachments :

- 1) ANR Plan for Nancy A. Hodge by Szoc Surveyors. 1 page.
- 2) Town Planner package for Nancy A. Hodge including Form A, tax cards and Town Planner GIS map. 5 pages.
- 3) Town Planner Site Plan Review memo for Borrego Solar Systems Inc. dated October 14, 2014. 4 pages.
- 4) Site Plans titled: Solar Energy Generating Facility for Borrego Solar Systems, Inc at 60 State Road West, Westminster MA last dated 10/21/14 by Hudson Design Group. 10 pages.
- 5) Revised point of access (Sheet A-2: Layout and Materials) prepared by the Hudson Design Group LLC, dated October 21, 2014.
- 6) Tetra Tech Decommissioning Bond Review for Borrego Solar . 1 page.
- 7) Decommissioning Estimate prepared by Borrego Solar Inc. and dated September 30, 2014.
- 8) Application for Site Plan Approval and submission package letter prepared by the Hudson Design Group LLC dated September 23, 2014.
- 9) Emergency Response and Communications Plan prepared by Borrego Solar Inc. and dated September 30, 2014.
- 10) Waiver request letter prepared by the Hudson Design Group LLC dated September 24, 2014.
- 11) November 18, 2014 Special Town Meeting Warrant. 6 pages.