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TOWN OF WINCHENDON



Planning Board

Telephone (978) 297-5414

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Planning Board Minutes October 20, 2015 Town Hall Auditorium

Present: Chairman Guy Corbosiero, Vice Chairman Robert O'Keefe, Greg Vine, and
Burton Gould Jr.
Recorder Doneen Durling
Steve Campbell of Sun Edison
Scott Lundin

Absent: James McCrohon

Materials: Agenda October 20, 2015

Minutes 10-06-15

Committee Meeting updates

Correspondence

Notice of public hearing for modification of solar site

Application for amendment to site plan

Letter for hearing request from TRC to planning director

Outlining modification and maps

Notice of solar site plan approval decision dated Jan. 5, 2012 including
map

Proposed notice of decision with conditions

TRC Memorandum/noise test results and map.

Site Plan Notice of Decision Solar Farm 2012

Call to Order; 7:00

Pledge of Allegiance

Announcements

The chairman announced that attendees were allowed to record the meeting but the board must be notified.

Public Comment

None

Minutes

October 6, 2015

Mr. Vine made a motion to accept as written/second by Mr. O'Keefe

New Business

7:05 — Site Plan Modification Sun Edison/TRC — off River St.

The chairman read the legal notice stating the board was conducting the hearing to consider an application for a site plan modification issued to Axio Win LLC, a subsidiary of SunEdison of 40 Garden St, Poughkeepsie, NY. 12601 identified as PB#2011-0906 to construct a 2.4 MW Solar Farm on property located off River St. identified on assessor's Map 4 Parcels 25, 26, 27, 28, and 29 owned by the town of Winchendon. The property is in an R80 zone.

The chairman explained it was a modification to an approval given in 2011.

Steve Campbell of SunEdison said they are seeking a modification and hope to get construction going by spring of 2016.

Scott Lundin said one modification was to change the name of the developer from Axio Power to SunEdison. SunEdison acquired Axio Power.

He said the other change is due to improvements in technology over the last couple of years. There is a reduction in the number of panels from 10,400 to 8,136 roughly a 20% reduction. There is also a reduction in the footprint from 13 acres to 10. Instead of one large staging area of the southern end of the solar array, two small staging areas are proposed in the southwest quadrant. Originally there were panels in the northwest quadrant, they have been removed because the facility requires less space. There were 4 inverter pads that change AC to DC. Now there are two inverters that will be located at the center of the facility to reduce .

The perimeter fence is now tighter. No new grading is proposed.

SunEdison is submitting a revised noise control plan after doing a study on ambient noise last week to compliment what was presented in the letter to the planning director. Estimated sound levels are still what they were before with average levels a 26 decibels. When sound levels were measured last Thursday in the Northeast quadrant, they were between 34.5 and 35.5 decibels. In the southwestern corner the noise level was 30 decibels. The inverters will be quieter than the ambient levels measured there, consistent with what was indicated in the letter.

The chairman confirmed that what SunEdison was saying was there would be no increase in sound at the property line from the inverters.

"Correct," said Mr. Lundin

Mr. Gould asked if the modification was based on the original site plan approval granted in 2011.

"Correct," said Mr. Campbell.

Mr. Gould asked if the original permit was valid. He said he believed the law says a project like this must be completed within 2 years.

The chairman said the original permit was still valid due to the Permit Extension Act.

Mr. Gould said it was not shown to the board.

The chairman brought forward something on the Permit Extension Act. He said it was passed by the legislature in 2010 and 2012 and extends all permits for 4 years. He said it gives them until the spring of next year to start.

Mr. Gould said it should be voted to be included in the original permit.

The chairman said he did not think it was needed.

Mr. Gould said the original permit said it was null and void if the job was not started in 6 months.

The chairman said the state legislature said they would allow 4 years, and that trumped the original permit.

Mr. Gould said that another thing that bothered him was he saw no approval from the Army Corp. of Engineers. You are in the flood plain.

Mr. Lundin said there were no wetlands.

Mr. Gould explained that the site was in a proximity to the river. He said the landfill was built in 1973 and the Army Corp of Engineers was all over them. He said ACOE has control of that area. He said the area fills up every spring.

Mr. Lundin said solar panels are off of the ground. He said there were no wetlands, and no reason for the ACOE to evaluate the project.

Mr. O'Keefe asked if the town's engineer reviewed the original plans.

The chairman said the town's engineer reviewed the site plan and they went back and forth twice.

Mr. Campbell said because there would be no grading, they would not be raising or lowering anything. He said the Corp. would be responsible for the disturbance area, which is over an acre, so they would have to file NIPPIES(SP) permit. He said they did not see an issue with that.

Mr. Gould said they would be told they are on their own.

Mr. Vine asked if there would be a quick completion of the project since it was scaled back.

"Yes," said Mr. Campbell. He added clarification that just because it was a smaller project did not mean the output would be less than the output first proposed. He said once the project starts he projects 10 to 12 weeks for completion. He said then it would take a month to get the AC side for a total construct time of 16 weeks.

Mr. Vine asked if it would generate a lot of traffic during construction.

Mr. Campbell said there would be flatbeds for both the rack materials and for the modules. He said it would not be a caravan of trucks coming in because the drops are timed. He said there would be 30 – 50 people on site daily during the build.

After construction, people would come in once a year unless there was an issue.

During the growing season, someone would come in 2 – 3 times to cut.

The chairman said there was a request to drop the lighting condition.

Mr. Campbell said there is no lighting planned in the site plan. They said they are happy with the safety of the perimeter fence. They do not require lighting.

"We respectfully request it be dropped."

The chairman said that the Police Chief and the Fire Chief, have not gone to the site yet, but have reviewed the plan. He said they saw no problem but would be going to visit the site. They gave tentative approval.

The chairman said that right now the applicant was only seeking approval for the modification. He asked if they wanted it added that a noise study has been completed.

Mr. O'Keefe asked when the noise studies were performed.

Mr. Lundin said 3 – 4 p.m.

Mr. O'Keefe asked what the ambient would be a 2 a.m. when everyone was asleep.

Mr. Campbell said the inverters only operate during the day in the sunshine.

The chairman said the noise of the inverters is actually lower than the ambient noise.

The chairman asked for questions from the public.

The chairman called the hearing closed at 7:25 p.m.

Discussion

The chairman said the Planning Director typed up a notice of decision that was meant for discussion with conditions to consider. He said if the board felt the sound study was appropriate, they could add the sound documentation to the site plan modification approval.

The chairman said that since there would be no lighting, lighting conditions would be removed.

Mr. Vine asked how close the nearest residence is to the site.

The chairman said he did not, but it should be in the original packet.

He said the south side is a sewer treatment plant.

Mr. O'Keefe said he would make a motion that mirrors the planning director's decision with exception of all the red items to be removed.

The chairman asked if Mr. O'Keefe would add to his motion that the sound testing requirements have been met.

Mr. O'Keefe said he would not make a motion to include something he has not seen.

Mr. Gould said that if this decision was made after a public hearing, they should be careful about what they take out because the public can't be heard.

Mr. O'Keefe said it was a public hearing conducted now. He said the public was invited to hear.

Mr. Gould said he did not think the public was included in the changes.

Mr. O'Keefe said the public was invited to the public hearing just conducted.

Mr. Gould said the point was that the public did not see this.

Mr. Vine asked where the copy was for the sound test. He said there should be a copy for it at town hall.

Mr. Lundin passed copies out to the board.

Mr. O'Keefe moved to approve the modifications in the line with the Notice of Decision with all the red sections not to be included. Also at the very end of item 1 there are a couple of words in black that make reference to the red sections ...strike that line/second by Mr. Vine.

Gould (P) Vine (Y) O'Keefe (Y) Corbosiero (Y) 3 – 0 - 1 Approved

D. Stephen Herbert/Brandywine Farms/White's Mill

The chairman said Dr. Herbert was supposed to be in attendance to speak about the White's Mill project. It was noted a selectman was in the audience.

Mr. Gould asked if any notification was given.

Mr. Vine said he was becoming more skeptical about things. He said he would definitely like to see someone to talk about this.

The chairman opted to move on.

Planning Board Input according to Article 3.3 regarding Special Permit

The chairman explained there was a ZBA hearing tomorrow night concerning a piece of property on Rte 140 specific to Jamison VanDyke and Ray LeClerc property in a C1 Zone with the back in R80 approximately 900 feet. They wish to extend C1 to the rest of the lot. They are looking for any input.

The chairman said he had no problem with extending the C1 900 feet.

Mr. O'Keefe clarified the zoning would not be changing, it would be the single use.

Mr. Gould said the Planning Board has no standing. How can you make a comment when you have no standing.

Board members agreed there was no input to share.

Mr. O'Keefe made a motion that the Planning Board has no comment on this matter/second by Mr. Gould.

Gould (Y) Vine (Y) O'Keefe (Y) Corbosiero (Y) 4 - 0 Approved

The chairman said he would relate the decision to the Planning Director tomorrow.

Committee Meeting Updates

Open Space and Recreation Committee

The chairman said the OSR Plan has been completed but it has not been sent out yet. He expects it in the next day or so, and at the next meeting they should be commenting on it.

Master Plan Committee

The October meeting had to be rescheduled. Next meeting Nov. 2. At 6 p.m.

George Snow from MRPC has been invited to present Circulation and Transportation.

Work continues on the draft of Economic Development and Housing. The committee voted in the first Monday of the month as their meeting day.

MRPC

Will have info next meeting.

MJTC

No October meeting.

Correspondence

MVOC looking for a Special Permit to allow a boarding house. It is on the corner of School and Pearl Streets. ZBA will have a public hearing.

Mr. Gould said he found it interesting that all that money was spent there and but they don't have a valid permit. He asked if there was a building department He said it is not fair to anybody. He inquired what do they do now if somebody says no.

Mr. O'Keefe said Mr. Gould had a good point. He asked if it was that the building commissioner saw no change of use so thought it didn't need to go to a board. He asked how it occurred so they can assure it does not occur again.

Mr. Gould said it was the building inspector's job. He asked what the building department was doing in this town. He said as a public official, board members have a right to question it.

The chairman said he was sure the town manager would be more aware of what is going on.

Mr. O'Keefe said site plan approval is given to the owner, not the property, so a change has to go through the board.

The chairman said a special permit has to go through the ZBA.

The chairman said the building department is not helping people with applications.

Mr. Gould said some day there would be a notice from a lawyer because of this.

Mr. Vine asked if there was a notebook that contained a description for every job position.

Mr. Gould said it is public information and when someone signs a contract, that is the agreement you are supposed to do your job by. He said they need to be updated and the town manager needs to hold feet to the fire.

Mr. O'Keefe moved to adjourn/second by Mr. Vine

Gould (Y) Vine (Y) O'Keefe (Y) Corbosiero (Y) 4 - 0 Approved

Adjourned: 7:57



Chairman Guy Corbosiero



Vice Chair Robert O'Keefe

Clerk James McCrohon

Greg Vine



Burton Gould Jr. 11/2/15