

# Palmer Planning Board

## Planning Board Meeting Minutes

Monday, February 25, 2019

### I. Call To Order

Chairman Michael Marciniac called the meeting to order at 7:00PM on Monday, February 25, 2019, in the Town Administrative Building, Planning Department Office. Present were members Norm Czech, Kathy Burns, Tom Skowyra, and Paul Burns-Johnson. Also present was Town Planner, Linda Leduc, and Gillian Davis recording minutes.

### II. Public Hearing

#### 7:00pm –BWC Dumplin Brook LLC, L22 Sykes Street, Continued from November 26, 2018, and January 7, 2019.

M. Marciniac read a letter received, February 25, 2019, from Attorney Reidy of Bacon and Wilson requesting a continuance to the March 25<sup>th</sup> meeting.

M. Marciniac stated after discussion with peer review engineer, John Furman of vhb, it was suggested to continue the meeting to April 8, 2019, at 7:00pm.

A motion to acknowledge receipt of letter from Attorney Reidy, dated February 25, 2019, was made by N. Czech, seconded by T. Skowyra. The motion passed (5:0).

A motion to continue the public hearing to April 8, 2019, at 7:00pm, was made by N. Czech, seconded by K. Burns. The motion passed (5:0).

### III. New Business

#### Meeting Minutes from February 11, 2019

A motion to approve meeting minutes from February 11, 2019, as amended was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (4:0:1) P. Burns-Johnson abstained.

### IV. Old Business

#### Knox Pond Construction Report #136

A motion to acknowledge receipt of Knox Pond Construction Report #136 was made by P. Burns-Johnson, seconded by T. Skowyra. The motion passed (5:0).

#### Quaker Lane

M. Marciniac went over a letter received by Sherman and Frydryk on February 25, 2019, in response to a previous letter sent by the Planning Board, regarding hazardous situations and safety issues being addressed. He continued, a site visit is being requested to review the sites current status.

The Board felt there are other areas on site that are still not in compliance, and would like to send a letter back to the applicant to address the outstanding issues.

A motion to acknowledge receipt of letter and to response to the applicant was made by N. Czech, seconded by T. Skowyra. The motion passed (5:0).

## **II. Public Hearing**

### **7:15pm—BWC Swift River LLC, 3090 Palmer Road, Continued from November 26, 2018, and January 7, 2019.**

M. Marciniac read a letter received, February 25, 2019, from Attorney Reidy of Bacon and Wilson requesting a continuance to the March 25<sup>th</sup> meeting.

M. Marciniac again mentioned, discussion with peer review engineer, John Furman of vhb, it was suggested to continue the public hearing to April 8, 2019, at 7:15pm.

A motion to acknowledge receipt of letter from Attorney Reidy, dated February 25, 2019, was made by N. Czech, seconded by K. Burns. The motion passed (5:0).

A motion to continue the public hearing to April 8, 2019, at 7:15pm was made by N. Czech, seconded by P. Burns-Johnson. The motion passed (5:0).

### **Board Member Comments:**

#### **Scituate Conservation Commission – Open Meeting Law**

M. Marciniac went over a case from Scituate Conservation Commission. He said two residents had accused the commission of violating the law by not allowing public participating at its meeting before approving a landscape plan. The complaint also said the plan was not available for review during the meeting. Attorney General Maura Healey's office says the commission isn't required by law to hear resident's opinions, and that the plan doesn't have to be available at the meeting if nobody requested it beforehand. A copy of the letter from the Attorney General was distributed to the Board.

#### **Abutting Town Notices and Interest Allocation Report were distributed.**

## **II. Public Hearing**

### **7:30pm- Revised Solar Ordinance**

M. Marciniac explained a letter was received on February 25, 2019, from Jared Alvord of Mad River Solar with comments regarding the draft ordinance.

A motion to acknowledge receipt of letter from Jared Alvord of Mad River Solar, was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

L. Leduc explained since the last working session, the Board's attorney and engineer have added comments which have been incorporated into the current draft, in front of the Board currently.

L. Leduc reviewed the new language submitted by the parties above.

L. Leduc read section 3.1.5 which explains the solar array shall be constructed with the most efficient and environmentally safe panel technology available on the market at the time of the application. She went on, the Town is looking for the most efficient solutions.

There was discussion regarding the use of a common drive.

M. Marciniac stated yet again, this is a commercial use in a residential zone and that no one wants to see the poles.

Jared Alvord of Mad River Solar, LLC, stated he understands the Board has issues with utility poles and asked if there were any restrictions to having the utility poles underground.

Angela Panaccione, Palmer Conservation Agent, went over her concerns and things she would like to see incorporated in the ordinance, such as, land disturbance, erosion control, stormwater, forest management, and environmentally sensitive site design.

M. Marciniac mentioned that with the requirement of a special permit, it will limit the rights on the land.

Mark Ducomb, land owner in Palmer, asked in specifics to section 5.5.4, "mitigation for loss of stone walls, and/or historic features", he asked if a stone foundation would fit into that category.

M. Marciniac replied that since it is a stone foundation, the applicant could repurpose the stone and create a wall on the property.

D. Frydryk stated in section 3.6.2 Open Space Requirements, it mentions watercourses, lakes, ponds, wetlands, and slopes greater than 25 percent may not be included in open space calculations. He asked why 25%.

L. Leduc responded that slopes greater than 25 percent are not buildable or usable.

M. Marciniac added the question of why get credit for something that's not usable.

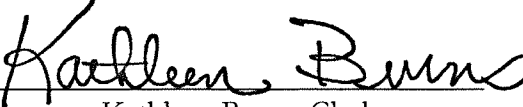
M. Ducomb regarding section 5.5.2, stating, the plans shall designate there on an areas of unprotected land on the same lot and of a size equal to one and a half times the total area of such installation. He asked if the 1.5 area has to be adjacent to the plot of where the solar will be placed.

L. Leduc referred to section 3.6 Open Space Requirements and stated the additional 1.5 times area does not need to be contiguous.

A motion to support the zoning amendment with changes was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (5:0).

## **V. Adjournment**

A motion to adjourn at 8:45pm was made by P. Burns-Johnson, seconded by T. Skowyra. The motion passed (5:0).

  
Kathleen Burns, Clerk