

Palmer Planning Board

Planning Board Meeting Minutes

Monday, February 26, 2018

I. Call To Order

Chairman Michael Marciniec called the meeting to order at 7:00PM on Monday, February 26, 2018 in the Town Hall meeting room. Present were members Norman Czech, Kathleen Burns, Thomas Skowrya and Paul Burns-Johnson. Also present was Town Planner, Linda Leduc, and Gillian Davis recording minutes.

II. New Business

7:00PM – Site Plan Waiver Request, Zap Electric – 2025 Pine Street, Three Rivers

Vice President of Zap Electric Inc., Mike Menard, was present to represent the company.

The requested site plan waiver is for a warehouse for Zap Electric Inc. office space. The board asked how many workers would be in the space. M. Menard replied with a maximum of five workers. The board also voiced concerns regarding trucking and deliveries. N. Czech issued apprehension of the narrow streets for tractor trailer trucks and the probability of running over resident's lawns. M. Marciniec further suggested that the deliveries be restricted to straight trucks only. M. Menard acknowledged concern and said the restriction will be stated on every purchase order. The board also questioned hours of operation. M. Menard answered with Monday thru Friday, hours being 7am to 7pm, no weekends or holidays.

A motion was made to approve the requested site plan waiver by P. Burns-Johnson, seconded by N. Czech. The motion passed 5:0.

III. Public Hearings

7:08PM - Borrego Solar Systems, Inc. - 271 Breckenridge Street, Palmer

Site Plan Approval to install a 6.4 MW ground-mounted photovoltaic system at 271 Breckenridge Street, Palmer. Parcel also known as. Assessors Map 19, Lots 60-63.

The chairman opened the site plan approval public hearing at 7:08PM. This meeting was continued from January 22, 2018. Chairman then opened the special permit hearing for large scale solar array located in the secondary recharge area in the aquifer protection district. Town Planner, Linda Leduc, read the public hearing notice. Chairman stated both public hearings will be held concurrently.

The applicant Steve Long, P.E., accompanied by Michael Conway, P.E. from Borrego Solar Systems, Inc. were present to discuss the project.

John Furman of vhb was present representing the Planning Board.

A motion to acknowledge receipt from Board of Health, Conservation Commission, and Water District by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

S. Long went over the site plan application and the changes made to the plan set dated February 8, 2018. He spoke on the special permit application for the construction of the project in the secondary recharge area.

M. Conway informed the board about the batteries that were of concern. Conway stated the batteries are lithium ion based, meaning there is no liquid component. The batteries are stacked within 10'x40' climate controlled containers, accompanied by a fire suppression system.

J. Furman went over his second review of the Site Plan and Stormwater memo dated February 26, 2018.

J. Furman stated the latest set of plans dated February 8, 2018 is currently being reviewed for both applications.

J. Furman stated the initial memo was utilized as a base for the second review. Items which were considered addressed in the first review were not received again. J. Furman also stated there are three waivers that have been officially requested as a part of this resubmittal. He listed the following:

1. Request Waiver of televising underground stormwater utilities
2. Request Waiver of Formal Landscape Plan per Section 171-29.D [4] [h].
3. Request Waiver of verification of Estimated Seasonal High Groundwater Elevations.

J. Furman directed the Planning Board to c. 171-29.C.(1)(e) which requires the Board, when reviewing Site Plan applications, to considered whether the proposed project is found to be in harmony with the surrounding neighborhood, and that the existing trees are preserved to the maximum extent possible.

J. Furman stated that there is still an outstanding issue regarding removal of trees. Total parcel area being 62.7 acres, 29 acres of trees will be removed for the solar construction. Open space calculation was submitted by Borrego Solar.

J. Furman said a waiver has been requested and recommends the planning board should conduct a site visit, which would warrant a discussion for approval of the waiver of a landscape plan.

M. Marciniac questioned if the utility poles are a part of the project, which would have the 100' buffer to property line.

S. Long then stated that the poles have been pushed back as far as they can be.

M. Marciniac proposed the road might need to change and that it is something the board will need to observe.

J. Furman added after construction the regrowth will offer some relief to the pole sighting.

J. Furman reviewed the Borrego Solar letter dated February 22, 2018 signed by Zachary Farkes.

J. Furman said the site is balanced. 1,370 yards of material will be brought into the site. The act of bringing in material is less disturbance than generating material on site.

J. Furman articulated the current regulation to provide 50 percent open space which cannot include wetland areas. The position of the Developer, from letter dated February 22, 2018, is that their interpretation of the zoning ordinance is that the forested area proposed to be managed, (outside of the fenced areas where the panels are located), is considered open space, even though they are cutting all the trees in this area but not stumping it. Revised open space calculations have been provided supporting this claim.

In viewing the ordinance citations made by the applicant, vhb disagrees that the managed area is to be considered part of the open space. Prior to the adoption of the solar ordinance, the open space definition was intended mostly for urban developments, where a retail or office use was required to create an open space for landscape. In the instance of Solar, Section 3.7 of Article XXIII further refines the open space definition, in that the open space is defined as remaining as natural open space. Cutting the trees and brush-hogging the brush does not leave forested land in a natural condition. Borrego does not agree with the opinion of vhb.

M. Marciniac asked if managed open space is not allowed will it impact any other things such as stormwater or erosion.

J. Furman said erosion and sediment control have vastly improved and stormwater management model will remain the same.

S. Long addressed the utility notification stating the emailed response from National Grid has been included within the resubmission. S. Long also said an email was received and is in the process of review by Deputy Chief William Bernat, regarding emergency notification.

This project has applied for a Stormwater Management Permit under the Palmer Ordinance. However, no specific stormwater management system is being proposed for this project. Vhb stated the methodology utilized for the stormwater models, which account for a change in cover type from “woods” to “meadow”. This change alone results in a cover type which absorbs more stormwater, resulting in a lower peak rate of runoff. As a result of this methodology, many of the items normally required by the ordinance have not been provided.

S. Long stated no stormwater features have been added due to their declaration of the panels being impervious and allowing any stormwater to fall into the permeable surface below the panels.

Erosion and sediment control plan has much improved, if best management practices are being incorporated, this should control the site during construction.

J. Furman stated there are no specific dates for inspection, however, dates need to be provided. Furman also stated vhb’s opinion that televising the underground conveyance piping is not required and a granting of this waiver would be supported.

J. Furman said there is an existing drainage easement to MassDOT listed on the survey. The deed for one of the properties indicates an easement to American Telephone and Telegraph, but the company however, no longer exists. It was said that the chances to impact development is slim.

Regarding estimated seasonal high groundwater elevation, Mr. Furman stated no soil tests were performed for the stormwater permit, vhb supports a waiver.

J. Furman reviewed section 145-7 and all items have been addressed.

Under section 145-8 J. Furman has stated peak rate of discharge is equal to, or less than pre-construction. Furman also said the site has very little impervious surface. J. Furman further stated total suspended solid rates are very low.

J. Furman explained a draft agreement has been submitted for review as part of the drainage manual. Language regarding emergency work and repairs by the town has not been included in the agreement. This plan needs to be turned into an agreement form, and updated to include the specific language. A copy of the permit needs to be provided to the board as well as a copy of the stormwater protection plan. He further stated that SWPP allows the contractor to be flexible during construction in order to respond daily to site stormwater flows.

S. Long displayed a site plan to show stormwater and erosion and soil controls which were shown in red.

J. Furman said the use of silt fences, would create dams and diversion dikes that can be utilized to slow water velocity. Vhb suggests to keep some of the temporary sediment basins as permanent. A site visit should be conducted to determine which should remain. J. Furman suggests two near the wetlands should stay.

Letters were received from Board of Health, Conservation Commission, and Palmer Water District. There were no issues from the Board of Health. Palmer Conservation Commission stated concern with lack of erosion control, however, those issues should be addressed within the revised plan set. Palmer Water District has issued concern of potential changes in hydrology. Meddie Perry of vhb, submitted an opinion via email dated February 23, 2018. Perry said he does not believe that a hydrologic study is necessary for this project, because it is highly unlikely that it would have any effect on the rates or directions of groundwater flow. Considering the limited extent of the proposed grading and the fact that the solar panels would be elevated above the ground surface, Perry expects that precipitation would continue to recharge the groundwater at this site in the same manner as it does under existing conditions. Precipitation that lands on the solar panels would run off at the panel edges, fall on the pervious ground surface, and soak into the soil next to and beneath the panels. The project does not involve subsurface construction that would alter groundwater flow.

Palmer Water District also expressed concern of hazardous material. William Taber of vhb, stated in an email dated February 26, 2018 the solar facility appears to have oil filled transformers. W. Taber stated depending on the type of oil filled within the transformers that is being used, secondary containment or its equivalent may be required.

M. Marciniac stated the planning board can require secondary containment for transformers and batteries. Recommended by vhb that a site specific safety plan for these items be created.

S. Long stated there is no oil in the inverters. He also stated secondary containment will be provided for three transformers and one battery.

P. Burns-Johnson asked how long the containment membrane would last.

S. Long stated twenty years or more but will provide more information.

In conclusion regarding letters received, Board of Health is good. Palmer Conservation Commission is non-jurisdictional, but any concerns stated should also be addressed by new Erosion and Sediment plan. As far as Palmer Water District, the planning board cannot address their request to consult with David Loring's principal of Tighe & Bond. The planning board through the requirement of MGL 53G1/2 has contracted with vhb for peer review consulting and due to public procurement laws cannot select another firm without requesting a proposal for services.

Chairman Marciniac asked for questions from the public.

Justin Gregoire, 263 Breckenridge Street, asked if there have been any case studies conducted on the batteries. He expressed concern of gases and carbon monoxide, which could be highly flammable. J. Gregoire then questioned what would happen in the event of the batteries catching on fire.

M. Marciniac said Borrego will submit information on battery storage that will be reviewed by vhb.

Justin Gregoire, 263 Breckenridge Street, asked how often the panels were cleaned.

S. Long replied due to the location in New England the panels are not cleaned with anything because of the plentiful amount of precipitation. S. Long also stated that in the event the panels needed to be cleaned, they would do so with water. S. Long said workers go into the area twice a year, July and October to cut grass.

Scott Rohan, 274 Breckenridge Street, asked if there has been any research to the batteries. Mr. Rohan also asked if the fire department has to do any training and if so who is paying for it.

M. Marciniac stated the fire department pays for training and that it will be looked into further at the next meeting.

Justin Gregoire, 263 Breckenridge Street, asked what the diffusion rate of gasses was and at what angle the panels would be.

S. Long responded saying the panels are fixed at a 25 degree pitch.

Lucy Rohan, 274 Breckenridge Street, had concern regarding water runoff. She asked what would happen if water overflows onto her property.

M. Marciniac asked S. Long what the anticipated construction period was and what the panels are held down with.

S. Long replied with six to eight months for construction and approximately four months for panel installation. S. Long also stated the poles will have screw foundations.

Robin Sininsky, 285 Breckenridge Street, asked if the poles will be visible from the street. Ms. Sininsky expressed concern of the lithium batteries and the potential explosions being dangerous. She asked if the batteries were all near each other.

S. Long said panels will be 9' from the bottom and 3' will be visible from the street.

M. Conway stated it is good to be concerned with the batteries regarding fire safety. However, the batteries will be held within a climate controlled container accompanied by a fire suppression system above said container. M. Conway also alluded to other sites that use these lithium ion batteries located in Charlton, MA and Braintree, MA.

Mark Sininsky, 285 Breckenridge Street, asked if he will be able to see the panels from his house.

M. Marciniac stated there is 200' of existing vegetation that will remain. Marciniac also stated that land will most likely will be developed on one way or another. He alluded to other development projects could very well not have restrictions of keeping the vegetated buffer and could clear right to the property line.

Mark Sininsky, 285 Breckenridge Street, questioned what the town would be gaining from this. He believes the town people would not be benefiting.

M. Marciniac replied that electricity would be cheaper through battery and energy storage. Marciniac also explained, any revenue generated from solar projects is deposited into the general fund.

M. Conway articulated that electricity supply and demand is ongoing, it is in the state's best interest to invest in electric energy storage.

Lucy Rohan, 274 Breckenridge Street, said that since Breckenridge is newly paved, will this construction project damage the road and if so, who would be responsible for curb cut damage.

M. Marciniac expressed Borrego Solar would be responsible for any damage at the curb cut.

A motion to continue the public hearing on March 19, 2018 at 7:00 PM was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

8:50PM- Recess for 5 minutes.

III. Old Business:

Knox Pond Construction Report # 124:

A motion was made to acknowledge receipt of Knox Pond Construction Report #124 by P. Burns-Johnson, seconded by K. Burns. The motion passed (5:0).

IV. New Business:

Meeting Minutes of January 22, 2018:

A motion to approve the meeting minutes of January 22, 2018 as amended was made by P. Burns-Johnson, seconded by T. Skowyra. The motion passed (5:0).

Abutting Town Notices and the Monthly Interest Allocation Report were distributed to the Board.

Town Planner Update:

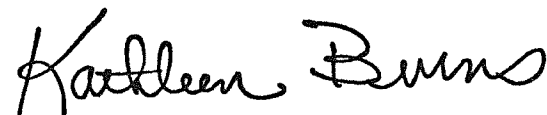
L. Leduc distributed to the board, a letter from MassDOT regarding a proposed bridge replacement on the US 20/Brimfield Road Bridge over Quaboag River on the town line between Monson and Palmer.

Board Member Comments:

Letters from Atty. McCay were distributed to the Board.

V. Adjournment:

A motion was made to adjourn at 9:06PM by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0)

A handwritten signature in cursive script that reads "Kathleen Burns". The signature is written in black ink and is positioned above a horizontal line.

Kathleen Burns, Clerk