

Palmer Planning Board

Planning Board Meeting Minutes

Monday, June 4, 2018

I. Call To Order

Chairman Michael Marciniac called the meeting to order at 7:00PM on Monday, June 4, 2018, in the Town Administrative Building Meeting Room. Present were members Norm Czech, Paul Burns-Johnson, Kathy Burns, and Tom Skowrya. Also present was Town Planner, Linda Leduc, and Gillian Davis recording minutes.

The chairman explained a meeting needed to be added, on June 25, 2018, to hold a public hearing on the new ordinance.

II. Public Hearing

7:00PM – Moratorium on Large-Scale, ground mounted Solar Photovoltaic Systems

The chairman opened the moratorium public hearing at 7:00PM. Gillian Davis read the public hearing notice.

L. Leduc read memo dated June 4, 2018, which gave the Board and the public an example of the language being proposed to Town Council. She explained the purpose of the moratorium, being the Town currently has 13 Large-Scale, ground-mounted solar photovoltaic energy installations. Palmer alone has over 44 MW of solar power completed, approved or proposed, impacting an estimated 500 acres in town. She continued that in April 2017, as a response from residents, that the solar panels were dramatically changing the town's rural landscape, the Planning Board proposed an amended ordinance to increase buffer requirements, require that cuts and fills be balanced, and clarify the minimum open space requirement. In July 2017, the ordinance was amended for the second time to allow large-scale, ground-mounted solar canopies over parking areas.

L. Leduc continues, since the adoption of the April 2017 amendments the town has received 3 applications, the last two on Breckenridge Street are the largest systems yet at 6.4MW and 5.7MW. Further, the purpose of the vegetated buffer, placement of utility poles and the calculation of open space continue to require great discussion.

L. Leduc finished by reviewing outstanding issues of greatest concern and which are still not sufficiently addressed in the zoning ordinance are as follows:

- View Shed Analysis
- Land Clearing/Loss of Forest and Forest habitat
- Subject Parcel Minimum Frontage
- The Town needs sufficient time to engage in the planning process to better address open space calculation, compatibility with adjacent residential uses, loss of agricultural lands, safety implications of the projects proposing power storage by battery, and evaluate the method of financial assurance for the eventual decommissioning of such installations.

M. Marciniac stated during this temporary moratorium the Board will not accept any new applications for large-scale ground-mounted photovoltaic installations by site plan approval.

M. Marciniac opened discussion to the public.

Mike Strzemienski, 129 Sykes Street, went over a solar project he is working on with Bluewave Inc. and handed out a letter to the Planning Board describing their project. He asked if there might be a way for this project to be grandfathered into the moratorium.

M. Marciniac said there was no notification to discuss the specific project. The zoning freeze takes place on the date of publication which was May 17, 2018.

Diana Strzemienski, 129 Sykes Street, was worried that there will not be another solar program after the Smart Program.

Drew Pierson, Director of Project Development at Bluewave Inc., spoke about dual use with agriculture and solar systems, which is the proposed plan for this project on Sykes Street.

Tom Reidy, attorney from Bacon\Wilson, spoke on effective date and asked when the Town Council vote will occur. He also asked about dual-use projects and under the category of solar, is that something in which could be eliminated from this moratorium.

L. Leduc replied it would be something to consult with the Town's attorney.

P. Burns-Johnson said the Board should follow their precedence. He further explained, if we carve out for this project, how do we not carve out for other individual projects.

L. Leduc questioned how much time the moratorium would be and stated it might not take a full year and there is a possibility it would only take three to four months.

M. Marciniac agreed and said he does not expect the moratorium to last a year, however, the Town has the option. He stated this is not the end of solar projects. He asked the Board to verify, but he said there has not been an application where, at some point, the room has not been filled with abutter's saying deny the application. He said yes, the town makes money, but the people are hurting. That is the reason for this moratorium.

P. Burns-Johnson said the most common complaint he has heard from the public has been about solar projects. The Board needs to stop and take a breath to see what we can do.

N. Czech asked if it would be feasible for a 6 month moratorium.

M. Marciniac said we will try to but if there needs to be an extension, we would run into scheduling issues with Town Council.

A motion to amend the moratorium to 6 months was made by N. Czech, seconded by T. Skowyra. The motion passed (4:1).

A motion to recommend adopting the moratorium to Town Council was made by N. Czech, seconded by T. Skowyra. The motion passed (5:0).

7:10PM – Finding for demolition of a pre-existing, non-conforming structure and reconstruction of a single family home. Project is located at 51 French Drive. Also known as Assessor’s Map 68, Lot 70.

Applicant, Manuel Silva was present.

M. Silva distributed a revised plan, looking to change front and rear setbacks from 31 feet to 30 feet.

L. Leduc distributed pictures from the application file of existing conditions and proposed plan of the new home.

M. Marciniac asked if there are any trees being removed.

M. Silva stated all sizable trees will be removed because they are hazardous.

M. Marciniac then opened to the public.

John and Evelyn Sullivan, 50 French Drive, stated they both support the project if it is done as approved, as it is an eyesore now, they welcome change. They issued concern of the existing structure being a health hazard to the neighborhood.

William Buehler, 55 French Drive, stated he has no problem with improving the site. However, the existing structure is less than 1- foot from his property and is infested with termites, skunks, raccoons, and mold. He emphasized the mold issue and stated it is very potent and is concerned health hazards from demolition being so close to his property.

Gary Webber, 116 Flynt Street, said he has no problem with the project but would like it to meet setbacks as approved.

M. Silva told the Board it will be around 1,200 – 1,300 square foot blueprint with a garage underneath with a small loft. He welcomed Abutter’s to view the blueprint he had.

A motion to approve the amended plan to adjusting front and rear setbacks to 30 feet was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

7:20PM – RDL Associates Earth Removal – L66 Palmer Street

Don Frydryk was present, representing the applicant.

Mark Gomes of RDL Associates, was present.

D. Frydryk went over memo dated, May 31, 2018.

D. Frydryk explained this is the third year of a three year plan and that they are still operating in Area 1. He stated hours of operation and truck routes will remain the same.

D. Frydryk said three waivers are being requested:

- Natural Buffer
- Test Pits
- Landscape Plan

M. Marciniak questioned what is going to happen, regarding vegetation, when the last cell is reached.

D. Frydryk suggested loam which would create a buffer.

M. Marciniak suggested to create a plan for a berm, to make a permanent buffer to the road. He continued to state if the plan is implemented now, it would establish naturally once the last cell is reached.

J. Furman went over his memo dated June 4, 2018.

J. Furman stated two issues remaining about well covers and invasive species.

N. Czech asked how many years has the Board requested to take care of invasive species.

J. Furman replied with approximately three to four years. He suggested all invasive species be removed on site during this permit cycle as a condition.

A motion to approve the three waivers requested was made by N. Czech, seconded by K. Burns. The motion passed (5:0).

A motion to approve special permit with conditions was made by N. Czech, seconded by K. Burns. The motion passed (5:0).

7:45PM –Nexamp Breckenridge Solar, Breckenridge Street- Continued from May 7, 2018

N. Czech reviewed audio version of previous meeting, making him an eligible member to vote.

The Planning Board received comments from Chief Bernat, dated May 30, 2018, as well as, a legal opinion from Alan Seewald Esq. dated May 10, 2018, regarding the two zoning districts that make up the parcels frontage.

A motion was made to acknowledge receipt of letters received by P. Burns-Johnson, seconded by T. Skowrya. The motion passed (5:0).

D. Frydryk, of Sherman & Frydryk, was present.

Chris Clark, Senior Vice President of Business Development, Ethan Gyles, Development Manager, and Justin Kasunick, Construction Manager, all present from Nexamp.

D. Frydryk went over memo dated May 31, 2018, which addressed comments from the previous meeting.

D. Frydryk discussed a Lot Consolidation plan which has been submitted for approval. He explained the property line has been changed slightly, so the access road between arrays now has the required 100-foot buffer to the property line. He added the existing buildings will be removed and in regards to parking, there will be no parking on Breckenridge Street.

D. Frydryk mentioned the plans have been revised to include a 100-foot buffer that will not be trimmed. Thus, increasing the open space area to 54.4%.

J. Furman replied the property line closest to array 1, is something the Board will need to determine if there needs additional vegetation added to the area or let it remain as a field.

D. Frydryk said he will come up with a transplanting plan for that area.

P. Burns-Johnson inquired about the flea market on Park Street and if this array will be visible from Park Street.

M. Shea said he does not think it will be visible from Park Street, but rather Route 32 on Hospital Road in Ware, MA.

D. Frydryk added the proposed layout of the utility poles at the entrance has been revised to move the interconnect poles approximately 300-feet into the site. The wires will then be overhead on two single utility poles to the connect to the existing utility pole on the opposite side of Breckenridge Street.

There was mention on the Town Residential and Rural Residential split zoning, which is still waiting to be addressed because comments have not yet been received from the Board's Attorney, in response to Attorney Seewald's opinion.

D. Frydryk said a lease option agreement was submitted. This agreement includes an option for JJC Materials to purchase the Land of GM&M Realty Trust. The information submitted also includes an assignment of the option for GM&M to purchase the Campbell property to JJC Materials. The remaining land is owned by JJC Materials.

D. Frydryk stated an updated Decommissioning Plan has been submitted including a financial surety of \$135,000.

J. Furman stated proof of notification to National Grid still needs to be submitted.

C. Clark of Nexamp, explained that the impact study is the next step after notification is proof of acceptance by National Grid.

D. Frydryk stated the equipment on site uses a vegetable oil based product called FR-3. Additional information was provided on material. He stated the applicant does not feel containment is required based on this material is non-hazardous and biodegradable.

J. Furman explained with previous solar projects the Board has required containment which means a precedent has been set. He continued, containment should be required because of the Aquifer Protection District.

D. Frydryk said two waiver are being requested:

- Parking, Loading, and Circulation
- Landscape Plan

J. Furman went over his memo dated June 4, 2018.

J. Furman consulted Senior Hydrologist of vhb, Meddie Perry who provided an opinion, stating the panels do not effect hydrology. He continued to say, if the Board requests further information, Nexamp will be required to gather an opinion.

J. Furman referred to applicant has proposed to use Geoeath Compost Product as an organic material for planting. He continued JJC Materials has used a similar, if not the same, product to supplemental topsoil for stabilization. He said this product has performed well over the years, and the town monitors it three times a year. If this product is being proposed for stabilization verses topsoil, additional information should be provided for evaluation.

J. Furman commented on internal lot lines. He restated the project parcel is composed of three individual lots. Typically, an ANR plan is filed with the application for endorsement by the Board, removing the internal property line. He said the Board should include an Approval condition that an ANR Plan be submitted and endorsed prior to the issuance of building permits. Proof of recording should be provided to the Board for record.

J. Furman lastly stated this project disturbs more than 1-acre of land, requiring the filing of an EPA NOI for Construction related activities. One component of that filing is the Stormwater Pollution Prevention Plan, which was included in this submittal. An approval condition should include a requirement that the Applicant provide a copy of the EPA issued permit for the Planning Board files prior to issuance of the building permit.

A motion to continue the Public Hearing on July 9, 2018, at 7:00PM was made by P. Burns-Johnson, seconded by T. Skowyra. The motion passed (5:0).

SANR Lot Consolidation - Breckenridge Street – JJC Materials

A motion to approve the proposed SANR plan for JJC Materials was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (5:0).

SANR Lot Consolidation – Breckenridge Street – Thomas and Michael Woloshchuk

A motion to approve the proposed SANR plan for M. Woloshchuk, only internal lines are being removed, was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (5:0).

III. New Business:

Meeting Minutes from May 21, 2018:

A motion to approve the meeting minutes from May 21, 2018, as amended, was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

Abutting Town Notices and Interest Allocation Report

Abutting Town Notices were distributed to the Board and there was no new Interest Allocation Report.

LED Sign 1237-1239 Park Street

Bonnie Weeks, Building Inspector and Zoning Enforcement Officer, needed advice from the Planning Board about a proposed sign for the canopy over the gas dispensers at 1237-1239 Park St. Food and Fuel gas station. In accordance with the Town's Zoning Ordinance, Chapter 171 Article XVII, S 171-94 B (2), she needs the input of the Planning Board.

A motion to approve language as requested was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

V. Old Business:

Gravel Reviews

J. Furman distributed memos for all six gravel pits to the Board members. He will go over the memos next meeting.

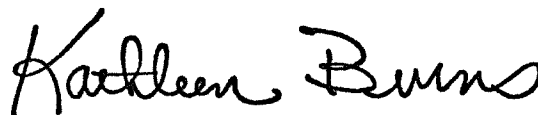
Town Planner Update:

L. Leduc stated the Adult Use Marijuana ordinance needs to be referred to the Town Council.

A motion to send the marijuana ordinance to the Town Council was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (5:0).

V. Adjournment:

A motion to adjourn at 9:10PM was made by P. Burns-Johnson, seconded by T. Skowyra. The motion passed (5:0).



Kathleen Burns, Clerk