

# Palmer Planning Board

## Planning Board Meeting Minutes

Monday, March 25, 2019

### I. Call To Order

Chairman Michael Marciniac called the meeting to order at 7:06PM on Monday, March 25, 2019, in the Town Administrative Building, Meeting Room. Present were member Kathy Burns, Paul Burns-Johnson and Tom Skowyra. N. Czech was absent. Also present, Town Planner Linda Leduc and Gillian Davis recording minutes.

### II. Public Hearing

**7:00 – Palmer Motorsports Park—Amendment to Condition #10, Continued from September 24<sup>th</sup>, November 26<sup>th</sup>, and January 7<sup>th</sup>, 2019.**

F. Ferguson informed the Board and public, he will be installing an additional 800ft of acoustic barrier for mitigation towards the South. Installation will begin early next week and will approximately take two weeks to complete.

M. Marciniac stated to Mr. Ferguson, this information about the acoustic fabric does not impact the amendment on Condition #10 which is what this public hearing is regarding.

F. Ferguson replied the acoustic fabric is being implemented in efforts to mitigation.

M. Marciniac explained the Board has been advised by their attorney to deny or act until litigation runs its course. He went over where the litigation stands. He said the mitigation plan wasn't in agreement between the engineers. A request for continuation on the litigation was made. A revised copy of the litigation agreement is scheduled to be submitted to the Board by this Friday, March 29<sup>th</sup>. Then another meeting will take place in early April to hopefully move forward.

F. Ferguson stated he is trying to figure out the scope of mitigation.

M. Marciniac exclaimed he is surprised Mr. Ferguson is moving forward with fabric to which was not agreed upon both engineers.

F. Ferguson explained he anticipates a lengthy time period in the court system. He went on to state, if the Board would rather deny the amendment since him and the Board are not in agreement until litigation is complete, he will do so.

F. Ferguson verbally requested to withdraw the Amendment to Condition #10 for Palmer Motorsports Park.

A motion to accept withdrawal for the amendment to Condition #10 for Palmer Motorsports Park was made by P. Burns-Johnson, seconded by T. Skowyra. The motion passed (4:0)

Eric Lavalley, 266 Malbeouf Rd, Ware MA, asked the Board, if there is an established date or time frame for when the court will reach a decision.

### **Minor Amendment – Borrego Solar, River Street**

M. Marciniac went over the memo submitted by peer review engineer, John Furman of vhb, on March 25, 2019. In a conversation, John mentioned there are significant concerns regarding the re-design.

M. Marciniac gave a brief overview of the current issues regarding slope and run-off. He continued, this new plan, submitted by Steve Long of Borrego Solar, will have a basin in both the front and back of the site.

M. Marciniac explained, it would be very difficult for water to get into the back basin.

A motion to acknowledge receipt of Drainage Remediation design submitted by Borrego Solar on March 11, 2019, was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (4:0).

A motion to acknowledge receipt of John Furman of vhb, memo received March 25, 2019, was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (4:0).

M. Marciniac opened to the public for comment.

Scott and Lucy Rohan, 274 Breckenridge Street, wanted to address numerous issues regarding the solar project by Borrego Solar on Breckenridge Street.

L. Rohan stated heavy trucks are going over the bridge that are way over the weight limit. There are tractor trailers that have been in their driveway, and cracks in their homes allegedly due to the construction of the solar array. She asked where can these issues be addressed and to whom.

L. Leduc replied that the Rohan's should construct a letter to put all of the issues in writing and submitted to her and Bonnie Weeks, Building Inspector and Zoning Enforcement Officer.

### **III. New Business**

#### **ANR – Peterson Road**

M. Marciniac went over the ANR plan with the Board.

A motion to approve the ANR for David Siegel, was made by P. Burns-Johnson, seconded by T. Skowrya. The motion passed (4:0).

#### **Bacon\Wilson- Dumplin Brook Letter**

M. Marciniac read a letter submitted by Attorney Tom Reidy of Bacon\Wilson on March 14, 2019. The letter was submitted as a request for the withdrawal without prejudice of the Site Plan Application for the proposed solar project on Sykes Street. The applicant, BWC Dumplin Brook, LLC, is withdrawing the instant application and filing a new application for Site Plan Approval and Special Permits for the use on the property.

A motion to accept the request to withdraw without prejudice was made by P. Burns-Johnson, seconded by T. Skowrya. The motion passed (4:0).

**Beaumont Solar Decommissioning Surety**

L. Leduc explained to the Board, the solar project located on Ware Street has been purchased by another solar company, Sea Oak Capital. Prior to this new company, the decommissioning surety was cash payments. However, Sea Oak would now like to bond the project.

The Board had general discussion about the decommissioning of future projects.

A motion to respond to Sea Oak as discussed was made by P. Burns-Johnson, K. Burns. The motion passed (4:0).

**Meeting Minutes from March 11, 2019**

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

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

**IV. Old Business:**

**Quaker Lane**

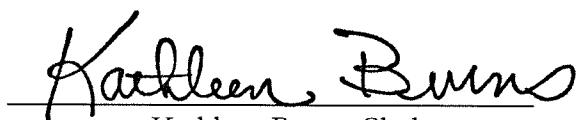
A motion to send the response letter as written was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (4:0).

**Knox Pond Construction Report #137**

A motion was made to acknowledge receipt of Knox Pond Construction report #137, by T. Skowrya, seconded by P. Burns-Johnson. The motion passed (4:0).

**V. Adjournment**

A motion to adjourn at 7:53pm was made by T. Skowrya, seconded by P. Burns-Johnson. The motion passed (4:0).

  
Kathleen Burns, Clerk