

# Palmer Planning Board

## Planning Board Meeting Minutes

Monday, May 7, 2018

### I. Call To Order

Chairman Michael Marciniec called the meeting to order at 7:00PM on Monday, May 7, 2018, in the Town of Palmer Planning Department office space. Present were members Paul Burns-Johnson, Kathy Burns, Tom Skowyra, and Norm Czech was absent. Also present was Town Planner, Linda Leduc, and Gillian Davis recording minutes.

### II. Public Hearings

#### 7:00PM - Nexamp Breckenridge Solar, Breckenridge St.

Site Plan Approval and a Special Permit to install a 4.29 MW ground mounted solar photovoltaic array at the property located on Breckenridge Street. Assessor's Map 7, Lots 12 & 13 and Map 58, Lot 28.

The chairman opened the site plan and special permit public hearing for large scale solar array located in the primary and secondary recharge area in the aquifer protection district at 7:02PM. Gillian Davis read the public hearing notice. Chairman stated both public hearings will be held concurrently.

A motion to acknowledge receipt of letters from Board of Health and Conservation Commission was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (4:0).

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

Don Frydryk, P.E. of Sherman & Frydryk Engineering was present and spoke on behalf of the applicant.

John Furman, of vhb, was present, representing the Planning Board.

D. Frydryk presented the project to the Board, stating this is a proposed 4.29MW (5.71 DC) solar array, located off the end of a paved access road which was once a gravel pit, on Breckenridge St. He continued to inform the Board the first array is 4.28 acres, second array is 3.06 acres, and the total fenced area totals 25.04 acres.

D. Frydryk stated the site is balanced, open space plan shows 27.4 acres of open space and the total project area being 26.6 acres.

D. Frydryk explained there will be six poles along the southerly side of the access road.

D. Frydryk mentioned he has received comments from the water district as well as fire department. The fire department had no issues with the access road, however, asked for a Knox Box on the gates. No comments have been received from either department, to the Planning Board at this time.

D. Frydryk explained to the Board the site is a consolidation of three separate parcels, owned by: GM&M, JJC Materials, and Mark Campbell. A draft ANR plan was submitted and the lots will be combined if approved under JJC Materials. Mark Campbell's buildings will be removed.

M. Marciniec asked D. Frydryk to point out the location of the poles.

D. Frydryk showed the location and restated there will be six poles on the southerly side.

M. Marciniec replied, asking how close the poles are to the closest residence.

D. Frydryk responded, from building to poles is approximately 70 feet to the north and from property line to residence is approximately 20 feet.

M. Marciniec explained the problems that arose from the last solar project on Breckenridge Street, regarding the location of the poles.

E. Gyles answered this is a typical National Grid layout of the poles.

M. Marciniec said he does not understand why the poles are so close to the residence. The Board would rather see the poles as far back as they can.

There was then discussion about line clearing and potential of the having one pole next to the road and the remaining five be underground.

M. Marciniec explained it is a residential zone with a commercial business. He further explained it is the Board's responsibility to make the residents a priority. He concluded by stating the Board needs to go out and look at the site and where the poles are proposed.

J. Furman went over memo dated May 7, 2018.

J. Furman reported the project summary and stated four waivers have officially been requested:

- Parking, Loading, Circulation
- Landscape Plan
- Erosion and Sediment Control Plan
- Televising of underground utilities

J. Furman addressed that a parcel on the site is within two different zoning districts, Town Residential and Rural Residential.

M. Marciniec clarified solar projects are only allowed in Rural Residential zoning districts. He said, the clearest solution would be a zone change, which would push back the application. He then stated, it is an issue not a problem and him and L. Leduc will reach out to the town's attorney for legal advice.

J. Furman outlined the required content of a complete application. He stated a new ANR plan that shows lot configuration needs to be signed upon completion, he mentioned adding that as a condition.

J. Furman alluded to the house and accessory building identified on the design plans. He said there have been no mentions made as to what the plans for the house will be. The Palmer Zoning code

does not allow for two principle uses on a property, and the solar field cannot be considered accessory to the house because it is not supporting the house. It is vhb's opinion that the house must be demolished for the solar project to be constructed. He finished by stating the applicant could request for the home to be used as a construction office during the construction period.

J. Furman stated the applicant should provide an estimate of the number of construction vehicles that will visit the site on a daily basis during construction, and identify a parking location for worker vehicles.

J. Furman mentioned the site control requirement is not met. He continued, the information submitted includes the purchase agreement for the two land purchases, and an Option Agreement for the parcel owned by GM&M Realty Trust. This zone section requires that the project proponent prove they have site control to allow for construction of the project. The site control needs to be counterchecked for the lease agreement.

J. Furman discussed the design plans for the vegetated buffer. He said the plans provide for the 100 foot vegetated buffer from the property line to the panels. He continued by saying this section states that this 100 foot buffer width shall not be managed, maintained, trimmed or subject to selective removal. Portions of the buffer are being cut down for solar shading and replanting. It is vhb's opinion that this trimming does not comply with the requirement of this section.

J. Furman stated the access roadway which connects Array 1 and Array 2 does not provide the 100 foot buffer of the project area. The area is defined to include the interior roadways. There is land owned by JJC Materials that could be included to meet this requirement.

M. Marciniac stated the Board rewrote the ordinance in order to make these solar arrays less visible.

There was general discussion about vegetation and elevation of the site.

M. Marciniac asked if the wetland line has been approved yet.

D. Frydryk answered that it has been walked, but has not yet been approved.

J. Furman said the certificate of insurance is provided with the application, however, it expired in January. A new certificate is needed.

J. Furman stated the decommissioning surety amount needs to be raised by 25% to \$132,638.00.

J. Furman explained the application does provide a copy of the Interconnection application, which is a required component. The Board has historically required a copy of the application along with an acknowledgement of the receipt from the receiving power company. He added a safety plan needs to be updated to include local officials and DEP.

There was discussion on top soils and fertile grounds for future uses, especially regarding paper fiber mulch, GeoEarth compost product.

J. Furman explained this site does not use or create hazardous materials, the inverters and transformers utilize mineral oil for cooling. Since this site is located in the primary and secondary recharge area, vhb recommends components be protected with a containment system in the unlikely event they are

ruptured and oil leaks from them. Plans need updating as well as said containment plan be given to the Board of Health for their records.

J. Furman mentioned a site-specific safety plan has been prepared for this project and submitted to the Board. However, it is recommended that the plan be amended to include emergency contact information as well as including contact information of local and state emergency officials.

J. Furman stated Meddie Perry, Senior Hydrologist of vhb, provided his opinion regarding changes in hydrology, stating there would be no impacts to ground water. It was noted that Perry's statement is formulated based on experience on other solar projects in the area. It was then noted if the Planning Board request additional information, the applicant should request to engage with a hydrogeologist to perform such a study.

The Board had discussed further about erosion issues and infiltration.

J. Furman said there was no conventional Stormwater system proposed and all DEP criteria has been met. Erosion and Sediment plan may be needed considering the size of the project.

D. Frydryk stated he will submit a narrative regarding the change in the sites topography after earth removal so that the water does not flow toward the reservoir or areas of critical habitat.

J. Furman confirmed a performance guarantee of \$5,000.00.

M. Marciniec stated the Board will need to conduct a site visit and obtain information from the town's attorney.

M. Marciniec opened to the public and there were no comments made.

A motion to continue the public hearing to June 4, 2018, at 7:45PM was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (4:0).

### **III. New Business:**

#### **Adult Use Marijuana Ordinance**

L. Leduc explained she created a draft of the ordinance and still needed the Board's input on a handful of topics. She distributed maps showing the Highway Business zones to get an idea of location and proximity.

A final draft of the ordinance will be complete by May 21, 2018. The final draft will then be distributed to various departments for comments.

#### **DeTech- Minor Amendment**

M. Marciniec stated there is a request for a minor amendment for a building addition. He went over the site plan with the Board.

M. Marciniec reported there is an extra dumpster that is not permitted on the site. The dumpster needs to be moved.

A motion to approve the minor amendment with the request that the dumpster be moved was made by P. Burns-Johnson, seconded by T. Skowyra. The motion passed (4:0).

**Meeting Minutes of April 23, 2018:**

A motion to approve the meeting minutes of April 23, 2018, as amended was made by P. Burns-Johnson, seconded by K. Burns. The motion passed (4:0).

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

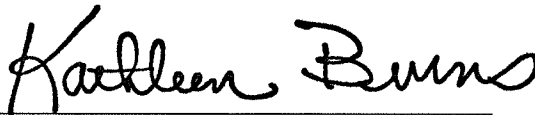
**IV. Old Business:**

**Palmer Paving Condition of Approval**

A motion to acknowledge receipt of updated site plan was made by K. Burns, seconded by P. Burns-Johnson.

**V. Adjournment:**

A motion was made to adjourn at 9:35PM was made by K. Burns, seconded by P. Burns-Johnson. The motion passed (4:0).

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

Kathleen Burns, Clerk