

Palmer Planning Board

Planning Board Meeting Minutes

Monday, November 26, 2018

I. Call To Order

Chairman Michael Marciniac called the meeting to order at 7:02PM on Monday, November 26, 2018, in the Town Administrative Building, Meeting Room. Present were members Paul Burns-Johnson, Kathy Burns, Norm Czech, and Tom Skowyra. Also present was Town Planner, Linda Leduc, and Gillian Davis recording minutes.

II. Public Hearing

7:00PM –Palmer Motorsports Park – Amendment to Condition #10, Continued from September 24, 2018.

The applicant, Fred Ferguson was present.

F. Ferguson read a statement, received November 26, 2018.

M. Marciniac stated talking to Attorney Chris Heep, it is his recommendation the meeting be continued until the Board has an analysis of the sound study reviewed by Vhb.

M. Marciniac then reminded the Board, of the sound study deadline which was not met, to which the applicant's new attorney asked for a 45 day extension, which was denied in court. The sound study has been received by vhb's, Jason Ross.

P. Burns-Johnson said, if there is no new information being presented at this time, while the Board is awaiting the sound study review, he believes the public hearing should be continued until the Board receives that analysis.

A motion to continue the public hearing to January 7, 2018, at 8:00PM was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

III. New Business

ANR- Louis Zglobicki, 112-116 North Street

M. Marciniac went over the ANR plan with the Board members and engineer, Don Frydryk.

A motion to waive strict compliance was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

II. Public Hearing

7:15PM – BWC Dumplin Brook LLC, L22 Sykes Street

The following were present on behalf of the applicants:

Tony Somers, Landscape Architect/Planner of SWCA Environmental Consultants

Brain Hunt, Senior Director of Project Development of Bluewave Solar

Tom Reidy, Attorney at Bacon\Wilson

Drew Pierson, Director of Project Development of Bluewave Solar

John Furman, PE of vhb was present on behalf of the Planning Board.

T. Somers oriented the Board to the parcel and proceeded to give an overview of the project. He began, stating the proposed project consists of 22.8 acres with approximately 20,000 panels, with grades no greater than ten percent. Vegetated Management is approximately 11 acres. Sykes Street being the nearest access road.

J. Furman reviewed memo dated November 19, 2018.

J. Furman began his review explaining, according to Palmer GIS, this parcel does not have frontage on a public roadway. There was an ANR which was recently endorsed by the Planning Board, which both froze the zoning at that time, allowing this application to be filed under the current Solar Ordinance, and provided frontage on Dumplin Road. He went on, he did not find a copy of the ANR in the Registry of Deeds, which raises the question if this parcel currently has frontage.

J. Furman continued, assuming the frontage issue is resolved, this parcel proposes access from Sykes Street across from Parcel 18-20. Due to the fact, this is not legal frontage of the parcel a Special Permit is required for access other than through the Legal Frontage under Ordinance Section 171-45. The legal frontage for this property needs to be determined.

J. Furman stated the application proposes access across two land parcels which were not included in the abutter notifications. Ownership signatures are required for the two other parcels included in this application, Map 18 Lot 20 and the land parcel owned by Penn Central Corporation. Due to the fact this is an active rail line, and the permanent access road to the solar development is required to cross this separate property, inclusion of the rail property in the application is required.

M. Marciniac stated this is a concern that needs to be resolved because it's an issue to cross the land that the applicant's do not own.

J. Furman carried on, the land parcel contains resources areas regulated by the Massachusetts Wetlands Protection Act, requiring a filing with the Palmer Conservation Commission. Vhb has confirmed through MassGIS that there are no Habitat or Priority Habitat Areas located on the property. Federally Listed Endangered Species, Northern Long Eared Bat is affected by tree removal, and will need to be documented through the Conservation Commission process. He stated, the trees cannot be cut during mating season.

M. Marciniac if the property was still regulated under Chapter 61 and if so, at what point of the process does it get removed from the program?

J. Furman answered, he is not aware if there is any requirement. The town has to be given right for first refusal.

J. Furman noted the underground duct back and utility yards are shown on the plan. Three new utility poles are shown on the plan at the location where the access road and power company easement intersect. The conductors will be underground from these poles to the inverter and solar panels.

T. Somers stated there are three poles proposed internal to the site and the system will be connected directly to the transmission line.

J. Furman added, the survey plan indicates the topography is the result of Light Detection and Radar (LIDAR) Technology, supplemented and verified with on-the ground survey shots. He continued, to ensure the topography within the solar array area and proposed roadway is accurate, the survey shots performed to verify LIDAR accuracy should be shown on the plan.

J. Furman stated all abutters are to be shown on plan. As presented, only the abutters which are adjacent to the property have been identified on the Existing Conditions Plan. He stated that the application only included abutters from parcel 18-22 but should have included 18-20. Due to this, he asked if the application was legally noticed.

J. Furman identified inconsistencies in acreage of the land parcel. He stated this discrepancy should be clarified so open space calculations can be accurate. Additionally, section 11 of this lease provides the land owner the right to harvest lumber off the site. The Land owner should be advised to avoid the cutting of lumber from the site until the Planning Board has had the opportunity to view the woodland located within the required buffer area to determine if it is adequate or requires supplementing. No cutting within the buffer area is permitted.

J. Furman said, the site plan does not provided the 100-foot minimum setbacks as specified in this section to the project area. Prior rulings by the Board have determined that the solar array and access road are considered to be part of the project area.

J. Furman added the project is required to provide 50-percent open space, which cannot include the wetland area. The total site is reported at approximately 185-acres or 154 acres. The total site is reported at approximately 185-acres or three maintenance area, is reported at 40-acres. A chart should be included in the plan set which totals these areas and provides the area of the wetlands so compliance with this requirement can be verified.

J. Furman discussed the financial surety has been addressed. A detailed decommissioning estimate has been provided, estimating the cost to be \$139,000. Per regulation, this is to be increased 25-percent resulting in a value of \$173,750. This decommissioning amount appears to be higher than other previous estimates provided. Vhb has reviewed the detailed decommissioning estimate provided, and agrees with the initial figure of \$139,000. The surety form is left up to the Board.

J. Furman explained this project requires a Special Permit application for construction due to this parcel being in both the primary and secondary recharge areas. Additional information and public notice is required.

J. Furman stated the inverters and transformers usually utilize a mineral oil for cooling. Since this site is in the primary and secondary recharge area, vhb recommends these components be protected with a containment system in the unlikely event they are ruptured and oil leaks from them. These containment systems should be sized to hold the volume of oil plus a safety factor. Additionally, the

Board of Health should be provided with a copy of this containment system for their records, as they are charged with enforcement of this zoning ordinance section.

J. Furman continued, the existing and proposed topography for the site is shown. However, proposed topography does not appear to be complete. He added the applicant needs to determine the type of foundation, driven or piled.

M. Marciniac questioned why the applicant is choosing driven instead of screws and reminded the applicants, the Board is very restrictive on work times when using a driven foundation.

J. Furman made clear, the hydrologic model for the proposed and existing conditions has been provided. However, as water intercepts the gravel roadway, it is recommended to add other detention basins for stormwater management on the roadway.

J. Furman said project sequencing is needed for this project.

M. Marciniac opened to the public for comment.

Michael Strzemienski, 129 Sykes Street, regarding the notification of abutters, John Furman had mentioned previously, he believes all abutters have been noticed

Diana Strzemienski, 129 Sykes Street, added the ANR that J. Furman was referring to was recorded at the registry and will provide a copy of that information to the Board.

J. Furman responded that in other projects, the residence is the primary use. This project in particular, this parcel has a different parcel number than the residence which is needed for access to a public way.

M. Marciniac stated the Board has never had a project with this issue regarding access and crossing property. He assumed attorneys from both parties will be at the forefront of this issue.

P. Burns-Johnson asked what the total acreage of trees proposed to be clear cut.

T. Somers responded approximately 22.3 acres will be clear cut and stumped and 11.2 acres will be vegetated management area.

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

7:15PM – BWC Swift River LLC, 3090 Palmer Road

The following were present on behalf of the applicants:

Tony Somers, Landscape Architect/Planner of SWCA Environmental Consultants
Tom Reidy, Attorney at Bacon\Wilson
Drew Pierson, Director of Project Development of Bluewave Solar

Land Owners, Thomas and Maryanne Roberts were present in the audience.
John Furman was present on behalf of the Planning Board.

T. Somers again, oriented the Board of the property and proposed location of the project to construct a 4.89 MW 'dual-use' solar generating facility. The solar portion of the project is proposed to occupy a total of 22.1 acres of the 125-acre parcel, including access roadway. The roadway will connect to an existing paved surface near Palmer Street, and will follow an existing path through the wetlands towards the array area. Once the wetland is crossed, a new roadway is proposed.

D. Pierson introduced the Board to the new wave of development that is dual-use. He stated this modified design allows vegetation and livestock to roam as if the panels do not exist on site. There are two arrays for this project, the larger array being proposed for livestock on managed meadow and the smaller array be used for food crop cultivation.

N. Czech asked if the smaller area would be subject to flooding.

T. Somers replied that the array lies outside of the flooding wetland area.

M. Marciniac asked what the total output of the project is proposed and if a design had been decided on.

D. Pierson answered, 5 MW AC and no specific crops have been decided yet.

J. Furman went over his review memo dated November 21, 2018.

J. Furman said the land parcel being considered for development falls within the Primary Aquifer Recharge Areas. Development in this area requires a Special Permit which should be applied for the continuation of the project.

J. Furman explained an ANR for the project was endorsed by the Planning Board, however, it seems to not be recorded.

J. Furman reached out to River Strong, Associate Director of UMass Clean Energy Extension, to discuss the aspect of dual-use solar developments. He went on, from a local Ordinance perspective the dual-use proposal has only a few areas of concern, including the ability to use the area under the panels for livestock given the installation of a fence around the panels, and the re-use of the existing wetland crossing culvert for purposes other than agriculture, Mr. Strong indicated that the intent of the program is not to isolate the solar panels on the property, but to position them in a manner which allows livestock access to what they would normally have. He added, in vhb's opinion the project submitted does not meet the requirements of the dual-use under the State program.

J. Furman said the underground duct bank and utility yards are shown on the plan and three new utility poles are shown near Palmer Street, where the system will connect into the grid. The conductors will be underground from the poles to the inverter and panels.

N. Czech asked if the conductors are underground, what about the wetlands.

J. Furman answered by adding gravel over the culvert, there is no new wetland disturbance.

P. Burns-Johnson asked what the total elevation of panels were and how that elevation will affect abutters.

T. Somers responded the top of the panels are approximately 14-feet and from the ground 10-feet.

J. Furman explained the site does not provide the 100-foot minimum setbacks as specified in the ordinance. The plan shows both solar arrays extending to within 30-feet of the northern property line, with the proposed fence extending to within 20-feet. Plan revisions are required to bring the design into compliance.

M. Marciniec responded by stating the power lines pulled panels up by Sykes Street would be better off. Perhaps the Board would waive strict compliance to pull the panels back.

T. Skowyra agreed, stating the interconnect runs along the North side.

There was general discussion on power connections.

J. Furman then noted the utility notification has been provided with the application, however it is not signed. He added the Board has requested a copy of some sort of acknowledgment from the utility company that the application has been received.

J. Furman explained the inverters and transformers usually utilize a mineral oil for cooling. Due to the site being located in the primary and secondary recharge area, Vhb recommends these components be protected with a containment system in the unlikely event they are ruptured and oil leaks. The containment system should be sized to hold the volume of oil plus safety factors. In addition, the Board of Health should be provided with a copy of the containment system for their records.

J. Furman said this project does not propose any stormwater management features to attenuate peak flow rates. He went on, historically, solar facilities experience some level of flooding and stormwater issues. Since infiltration is a required of the Special Permit, Vhb would recommend that a detention basin or water quality swale be strategically incorporated into the design to capture and infiltrate some of the stormwater.

J. Furman noted, as no stormwater management system is proposed, the estimated seasonal high groundwater elevation has not been provided. In Vhb's opinion that while the stormwater model meets the intent of the DEP standards. He added, a detention basin or water quality swale for infiltration purposes, strategically placed to collect sheetflow.

J. Furman stated the proposed dual use could create a situation where plowing and turning of soil always keeps soil in a disturbed state, or hoofs of livestock destroy the stability of grass surface, both of which allow for sedimentation. Vhb recommends that each array incorporate a shallow detention basin or water quality swale to accommodate these conditions to ensure erosion is kept to a minimum and contained on site.

M. Marciniec opened to the public for comment. There were no public comments at this time.

M. Marciniec stated that it must be determined if the project will be approved as a dual-use project. If so, conditions of approval should be added to ensure the project remains as such for the life of the project.

M. Marciniec asked the applicants to mark the front southerly edge.

A motion to continue to January 7, 2018, was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

III. New Business

SANR – Margaret Landers, 3034 Pleasant Street

M. Marciniac went over the proposed ANR plan to the Board.

A motion to approve the ANR plan for Margaret Landers at 3034 Pleasant Street, was made by P. Burns-Johnson, seconded by T. Skowrya. The motion passed (5:0).

Meeting Minutes

A motion to approve the October 29, 2018, meeting minutes as amended was made by P. Burns-Johnson, seconded by T. Skowrya. The motion passed (4:0:1).

Abutting Town Notices and Monthly Interest Allocation Reports were distributed.

IV. Old Business

Knox Pond Construction Report #133

A motion to approve Knox Pond Construction Report #133 was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (5:0).

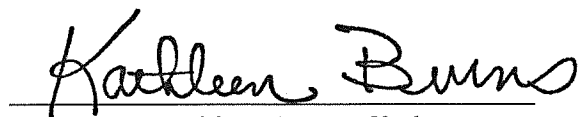
Town Planner Update

L. Leduc presented to the Board the idea of a commercial overlay district which was discussed at the November 19th Town Council meeting, presented in the Town Manager's monthly report.

L. Leduc made the Board aware of a Rail Stop Committee that is being formed and explained it would be beneficial to have a Planning Board member present.

V. Adjournment

A motion to adjourn at 9:57 pm was made by N. Czech, seconded by T. Skowrya. The motion passed (5:0).



Kathleen Burns, Clerk