

Leicester Planning Board Meeting Minutes

June 2, 2015

MEMBERS PRESENT: Jason Grimshaw, Debra Friedman, David Wright, Sharon Nist, Adam Menard

ASSOCIATE MEMBERS:

MEMBERS ABSENT:

IN ATTENDANCE: Michelle Buck, Town Planner; Barbara Knox, Board Secretary

MEETING DATE: June 2, 2015

MEETING TIME: 7:00PM

AGENDA:

- 7:00PM Public Application
 Site Plan Review – Stafford Street Solar Farm
 - 7:30PM Public Hearing:
 Special Permit, Self-Storage Units – 145 Clark Street (Randy Davis)
 - 7:45PM Public Application:
 Site Plan Review – Mulberry Street Solar Farm
 - 8:15PM Discussion:
 Boutilier Solar, Decommissioning Bond
 - 8:45PM Approval of Minutes:
 5/12/2015
 - 8:50PM Town Planner Report/General Discussion:
 - A. Project Changes, Central Mass Crane
 - B. New Applications
 - C. Planning Board Committee Liaisons
 - D. FY2016 Projects
 - E. Vacation Request
-

Mr. Grimshaw called the meeting to order at 7PM

Public Application

Site Plan Review - Stafford Street Solar Farm

Doug Pyne of PowerSecure Solar represented the application.

Ms. Buck reviewed since the last meeting, additional comments received from Quinn Engineering regarding the revised set of plans that were submitted. Before the response comments were completed, another revised set of plans were received showing the entrance driveway being relocated by 250-feet and that issue was still being addressed with the applicant.

The applicant sent some responses received today, in response to Kevin Quinn's comments of May 28th. They weren't reviewed at meeting because another set of new plans had just been received showing the relocation of the access drive.

Ms. Buck asked Mr. Pyne which set of the plans he was submitting tonight. Mr. Pyne said the current plans dated May 28th. He explained that the new sets of plans were addressing the request made from the Highway Superintendent asking for the access drive to be relocated. Ms. Buck explained with these new plans dated May 28th are going to need Quinn Engineering's review. She further explained that there's been an issue with revised plans being submitted prior to the Town reviewing a previous set and information was getting crisscrossed.

Ms. Friedman asked if Quinn Engineering reviewed the plans being submitted tonight. Ms. Buck said no, Quinn Engineering reviewed the plans submitted last week. These new plans being submitted tonight will need to go to Kevin Quinn for a new review.

Ms. Friedman said the plans being submitted tonight have not been reviewed by Quinn Engineering. Ms. Buck agreed. Ms. Friedman asked if these plans were revised on May 28th. Ms. Buck agreed. Ms. Friedman asked if these plans showed the changes based on previous comments. Ms. Buck said it was based on the comments dated May 28th.

Mr. Pyne said in the May 28th comment letter, most of the comments were marked resolved. Mr. Wright agreed but noted there were three outstanding comments that were deferred back to the Board.

Ms. Buck said one response received from the applicant was related to the financial security or a decommissioning bond. The applicant stated that it was the property owner who should be providing documentation on the financial security. She disagreed noting that the applicant was the one responsible for taking care of that on behalf of the property owner through this permitting process and this office has not yet received a response to that.

Mr. Pyne asked if a decommissioning bond could be added as a condition to occupancy. Ms. Buck said no because previous applicants have failed to address that issue during the permitting process and it works best when it is worked out during this process.

Ms. Buck said there were some questions related to the ownership and the operation long term. The owner listed is New England Power, but there is no deed reference to be found. She requested for some clarification; who the owner is, who is going to manage this project and who will have the long-term responsibility. She also explained that the zoning boundaries continue to be very inaccurate, because the applicant apparently used Munimapper (a mapping program available on the Town's website) to map out the property, and looked up zoning for each parcel. Leicester's zoning in this area, however, doesn't follow property lines. The Assessor's Map shows there's a zoning line running right through the parcel and the zoning boundaries do not follow parcel boundaries lines

Ms. Buck wanted to take another look at the date on the plan that shows relocation of the driveway and to also check what impact the driveway relocation will have in relation to the Conservation Commission. Ms. Friedman asked if the application needs to go back before Conservation. Ms. Buck wasn't sure but it may have to.

Mr. Grimshaw asked if there were any further comments or questions; hearing none, asked for a motion to continue.

MOTION: Mr Wright moved to continue the public application for Site Plan Review on the Stafford Street Solar Farm, pending the clarifications outlined by Ms. Buck to the applicant, to July 7th at 7:30PM.

SECONDED: Mr. Menard – Discussion: None

VOTE: All in Favor

MOTION: Mr. Wright moved to extend the deadline to file a decision for the Stafford Street Solar Farm to July 14th.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Approval of Minutes:

- 5/12/2015

MOTION: Ms. Nist moved to approve the minutes of May 12, 2015

SECONDED: Mr. Menard – Discussion: None

VOTE: 4 - In favor / 1 – abstained (Ms. Friedman)

Town Planner Report

A. Project Changes, Central Mass Crane

There have been some site changes proposed that are not considered major construction changes. The developer will be raising the entire site by a foot and changing some of the Stormwater controls. Ms. Buck had asked the developer to submit more detail so Quinn Engineering can review these changes. The plans were submitted and Quinn Engineering had a number of comments a few weeks ago. JH Engineering, on behalf of Mass Crane, submitted revised material last week and new comments were received today from Quinn Engineering. Quinn noted everything had been resolved, except a minor issue.

Ms. Buck said she was comfortable considering this a minor construction change, as long as the Town Engineer agrees. There was only one minor thing that needed to be added to the Stormwater Report. Originally, the driveway was revised so it exceeded the slope and that would have required a variance. So instead having to go through the process for a variance, they altered the slope, so now it's below the slope requirement.

B. Committee liaisons

The Selectmen's Office asked for this to be put on the agenda to re-appointment or appoint the Planning Board Representatives to the respective committees. Ms. Buck spoke with the Selectmen's Assistant and Planning Board committee appointments can be put off until July (after the election). Ms. Buck asked about other appointments.

- Ms. Nist agreed to be reappointed to the Bandstand Committee.
- Ms. Friedman agreed to be reappointed to the Historical Commission.

C. New applications

- Oakridge

A Special Permit and Definitive Subdivision Amendment application was received for this project with some significant project changes. The changes include: changing unit numbers, eliminating a sidewalk, changes to phasing, and extending the deadline. There will be a hearing held on this at the Board's meeting on July 7th.

- Cumberland's

An application for Site Plan Review is expected from the Cumberland Farms located in the Town Center. This will be a minor application, adding an access drive off Pleasant Street, adding a handful of parking spaces and demolishing the old Exxon Station building.

Ms. Friedman asked how many parking spaces were being added. Ms. Buck said only 4 because they wanted to stay below triggering a special permit from ZBA for impervious area. The amount of impervious will actually be reduced, because they will be knocking down the building within the existing paved area.

Mr. Wright asked if Pleasant Street would only be for access and not egress. Ms. Buck said it would be for both. Ms. Nist asked if egress to Pleasant Street would be a right turn only. Ms. Buck said no, not as currently proposed.

- Greater Worcester Land Trust

Ms. Buck received a call from Colin Novick of the Greater Worcester Land Trust group. They are interested in working with the Town to permanently protect Kerry Scola's land located on Tobin Road, Cherry Valley. This is a 100 acre parcel that was previously proposed for a large subdivision. Mr. Novick asked for input from the Board on applying for a grant towards a percentage of the purchase.

Ms. Friedman felt it would be great opportunity, but only if there was a way to find some funding to buy that piece of land. All agreed.

D. FY 2016 projects

Tabled

E. Vacation request

Ms. Buck requested the week of June 22nd for vacation.

MOTION: Ms. Nist moved to approve the Ms. Buck's vacation request for the week of June 22nd.

SECOND: Mr. Menard – Discussion: None

VOTE: All in Favor

General Discussion:

Ms. Friedman asked if it was possible for the Board to go back to two meetings a month, starting in the fall, now that the Town Planner's position will be back to full time as of July 1st if there are long agenda's.

Ms. Buck agreed that in the months where there was a lot going on, it wouldn't be a bad idea.

Ms. Friedman felt going back to two meetings would make the Board more pro-active, allowing more time to work on other projects, such as Subdivision Regulations, on the weeks there wasn't much going on. She recommended going back to the 1st and 3rd Tuesdays, noting a meeting could always be canceled if not needed. All agreed.

Public Hearing

Special Permit, Self-storage units – 145 Clark Street

Mr. Grimshaw read the notice into the record and then opened discussion to the applicant to present their petition.

Randy Davis represented the application. Mr. Davis explained wanting to add a 40 x 70 structure onto the existing structure. There will be 7 bay-units in the front & 7 bay-units in the rear. The addition will be built in the same style and color as the existing structure, with the same lighting.

Ms. Buck noted not having any concerns because this was an existing site and the new structure will have the same design and be within the existing fenced in area. There were two previous additions built that fell below the trigger that would require an updated drainage report, so under #4 of the Conditions within the Decision, a sentence was added stating: “any future expansion or modification of the project shall require submittal of a new Stormwater/drainage report.”

Ms. Friedman asked if all the previous conditions related to the 2004 permit will still be intact. Ms. Buck said yes.

Mr. Wright noted a correction needed in the Decision under Findings on page 2 of 4; item #3, the number of additional units will contain “sixteen” and it should read “fourteen”.

Mr. Grimshaw asked for any questions from the public.

Mr. Bill Miley asked if there were going to be any changes other than being used for storage. Ms. Friedman explained all the conditions noted on the original approval of 2004 will apply to this approval. For example; no outdoor storage allowed, certain items cannot be stored in the units and no work can be done on vehicles stored in the units.

Hearing no further questions or concerns; Mr. Grimshaw asked for a motion.

MOTION: Ms. Friedman moved to approve the Special Permit Amendment for Randy Davis of 11 Mayflower Circle, Leicester for property located at 145 Clark Street to construct an enclosed rental storage facility with the modifications as noted by Mr. Wright.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Public Application

Site Plan Review – Mulberry Street Solar

Mr. Mike Loin, Bertin Engineering and Ms. Danielle Taylor, Seaboard Solar represented the petition. Mr. David DeLollis, property owner was present.

Ms. Buck explained that a set of revised plans and revised letters were just submitted yesterday and she had not had the opportunity to review any of the material. She recommended allowing the applicant to present the project’s overview and continue to the next meeting.

Mr. Loin said their proposal was for a ground mounted solar facility located off of Mulberry Street. This facility will be encompassing 4 existing lots owned by Mr. DeLollis and dividing those 4 lots into 3 separate systems; two 1.5-megawatts ground-mounted systems and a 1.2-

megawatts system; having a single access with a complete loop road around the site. There are bubble areas built in to the site plan and shown along the project, that will be for the fire department staging areas if needed. Currently, the property is still all wooded. Each lot will be leased from the solar company for each one of the lots. The lots themselves, being 2, 3 & 4, would still remain, eventually, in the front, as a building lot, with easements on the rear portion of the lots.

Mr. Loin continued. The parcel slopes down towards Mulberry and Chapel Streets and because this area will change from a wooded area to a grass area, the Town required a Stormwater Management Plan. There will be 4 retention basins that will direct the ground water away from the abutting property owners. Even though this project won't be increasing the flow, they will actually be controlling the flow, as shown in the latest set of plans. They will be putting down a low growth shade seedling, formulated by Hydro-grass in Oxford. It will be low growing shade seedlings that require less maintenance. Once a year they will visit the site to make sure the site is clean and mowed. The solar panels do not need a lot of maintenance. There will be a 7-foot tall chain link fence surrounding the site. The fence will be raised 6-inches off the ground, to allow small wildlife habitat to travel through the site safely. The fence will have a support cable at the bottom, securing the fence so it can't be pulled up for someone to crawl under. The only area of lighting will be by the inverter locations and they will be run on motion and a switch sensor. There will be one inverter located on each lot and is indicated on the site plan by the little white squares. The gate to the site is set back roughly 50-feet off of the roadway. Once construction is completed, the maintenance vehicles will visit the site maybe once or twice a month. There will be no washing of the panels because they get cleaned by the rain.

There will no hazardous materials involved.

Mr. Loin noted that the Historical Commission submitted a comment regarding the location of the old P. L. Holbrook Farm that could be an archeological sensitive site. He indicated they will not be going near that area and will be going around the perimeter of that area. Although the property is not listed on any historic register, they understand the importance to maintain and save that area. A decommissioning plan, as well as a stormwater maintenance plan, have been submitted.

Ms. Nist asked about the Police Department's request regarding a radio booster and if that needed to be placed on a tower. Mr. Pyne wasn't sure. She questioned whether FCC approval would be needed for the tower.

Mr. Loin said they will file an application with the Department of Transportation and will verify what that department will need.

Mr. Wright asked about the Highway Department concerns regarding water going onto the roadway and there wasn't a drainage basin. Mr. Loin said the revised set of plans submitted shows more detail regarding the drainage.

Ms. Friedman asked for a review on the amount of wooded area being left around the perimeter, especially where it abuts existing residential properties. Mr. Loin said the entire area around the backside, except where it slopes; there will be a 50-foot buffer minimum. Along the cart path/roadway there will be a 20-30 foot buffer. Where there is an abutter on one side where they will be getting close to their property line, they are adding an additional buffer along that edge,

being the north side of the lot. It looks like they will be adding a 40-foot buffer of trees along that entire side.

Ms. Buck asked if the plan specified the type of tree being planted or the height. Mr. Loin said probably not, but he will get the information and submit it to the Board. He agreed to include the detailing on the type of tree that will be used and all the planting detail.

Ms. Friedman asked if the 7-foot fence would have barbwire at the top. Mr. Loin said no.

Ms. Buck asked if the ANR lots were already carved out. Mr. Loin said the lots in front have been reconfigured and the 4 lots themselves already exist.

Ms. Buck asked if this property was before the Planning Board a while back. Mr. Loin said yes, back in 2000.

Ms. Friedman said the lots that have already been divided, look like any newly constructed houses will go with the solar field. Mr. Loin said lot 4 will just be a regular lot with a couple of easements; lot 3 will maintain the same frontage area off of the roadway and the 1.5 megawatt system will be in back as part of lot 3 and leased from lot 3; lot 2 will have the 1.2 system and leased from lot 2 and last lot will not have a home and will probably be a separately-owned parcel. Upon approval, there will be a condition to come back at the next meeting for the ANR lots approval.

Mr. Loin felt the issues he needed to address were increasing the buffer from the residential property and address concerns noted from Quinn Engineering before the next meeting.

Ms. Buck asked if Seaboard Solar will be managing this site long term or will it be turned over to someone else. Ms. Danielle Taylor said usually after development, it gets sold to an investor for the long haul. Ms. Buck asked if this site would be sold to National Grid. Ms. Taylor said no.

Ms. Friedman asked where the other sites they developed were located. Mr. Loin said Hubbardston, West Brookfield, Oxford off of Old Webster Road and Spencer off of Route 32 and off of Treadwell Drive.

Hearing no further questions or concerns, Mr. Grimshaw asked for a motion to continue.

MOTION: Mr. Wright moved to continue Site Plan Review on the Mulberry Street Solar Farm to July 7th at 8PM and to extend the deadline for a Decision to July 14th, 2015

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Discussion

Boutilier Solar, Decommission Bond

Recent correspondence received from Attorney Megan Tipper of the Legal Department at National Grid made it very clear they have no intention on submitting a bond under any circumstances. The wording in the contract National Grid has with the State says that they don't have to submit a bond, but are required to maintain responsibility for the facility and at the end of the 20 year lease period; they either renew the lease or remove the panels.

Currently Borrego Solar is willing to put up a decommissioning bond temporarily and have asked for the Board to accept the amount they've suggested of \$47,433. They also asked for the Board to modify the conditions of approval, so that when National Grid becomes the owner,

removal of the bond will be required. Quinn Engineering reviewed the Bond and felt it was a reasonable amount.

Ms. Friedman asked if the motion could be made very clear that if National Grid ever decides to change its ownership, that the new entity will absorb all responsibility and be held responsible. For example: 10-years ago National Grid did not exist and 10-years from now, it might not exist.

Ms. Buck prepared a motion for review, which was modified by the Board to address Ms. Friedman's concern.

MOTION: Ms. Friedman moved to a) set the required amount of the removal bond required for Boutilier Solar at \$47,433, as required under the Site Plan Approval for this project under Condition #29; and b) Modify the conditions of approval for Boutilier Solar so that during any time that National Grid or any subsequent public utility entity is the owner of the solar generating asset, then no removal bond is required as they are a Public Utility with a public order signed and agreed to by the State of Massachusetts, to own, operate and remove such solar asset. This amendment does not remove the obligation to remove the solar installation at the end of its useful life in accordance with Leicester's Zoning Bylaw Section 5.14, subsection 5.10.

SECONDED: Mr. Wright – Discussion: None

VOTE: All in Favor

Boutilier Solar Farm

The Police Department has asked the applicant to install on the solar property land a piece of equipment that could cost approximately \$20,000. Ms. Buck discussed this with the Town Administrator and expressed concern that this wasn't specifically tied to project impact. She felt it was more reasonable to ask an applicant for something if it's to mitigate project impacts. All agreed.

Town Planner Report/General Discussion Cont:

New Applications continued

- Cumberland

Ms. Buck reviewed the provisions for a Site Plan Review. Because they are disturbing land more than 10,000 square feet and it will involve altering a major intersection, Site Plan Review will be required, but it should be considered a minor application.

General Discussion:

Town Planner Contract

Ms. Buck received a draft copy of her contract with the Town for review. The previous contracts had both the Planning Board and Selectmen signing her contract. The draft copy shows only the Selectmen signing the contract. She asked how the Board wanted to proceed. After some discussion, the Board indicated their preference that it be signed by both Boards.

Pepin's Site Route 9

Ms. Nist noted that the Pepin property has a new sign out for a metal drop-off. Ms. Buck said she will look into it.

Hearing no further discussion, Mr. Grimshaw asked for a motion to adjourn.

MOTION: Mr. Wright moved to adjourn meeting

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:40PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Minutes approved by the Planning Board on: July 21, 2015

Documents included in meeting packet:

- Agenda
- Memo to Board from Michelle Buck regarding June 2nd meeting, dated May 28, 2015
- Comments received regarding Davis Storage Units, 145 Clark Street from: Historical Commission; Police Department; Building Inspector; Board of Health;
- A Special Permit Draft Decision for Davis Storage Units
- Comments received regarding Mulberry Street Solar Farm from: Quinn Engineering; Highway Department; Memo from Quinn Engineering regarding runoff impact onto roadway; Historical Commission; Police Department; Board of Health; Conservation Commission; Cherry Valley Sewer District; Cherry Valley & Rochdale Water District; Building Inspector;
- Memo from Kevin Quinn regarding Boutilier Solar Facility decommissioning bond.
- Email memo from Attorney Megan Tipper regarding Boutilier Solar Project decommissioning bond.
- Comments received regarding Stafford Street Solar Project from: Quinn Engineering;
- Letter from National Grid regarding Boutilier Solar Project decommissioning bond.
- Copies of Mulberry Street solar project site plan layout
- Copies of Davis Storage Unit site plan layout
- Planning Board minutes of May 12, 2015

Documents submitted at meeting:

- Suggested motion for Boutilier Solar Decommissioning Bond
- Comment rebuttal letter from Bertin Engineering sent to Quinn Engineering regarding Mulberry Street Solar Project.