

INITIALS _____

LUNENBURG PLANNING BOARD

TOWN OF LUNENBURG

Emerick R. Bakaysa, Chair
Joanna L. Bilotta-Simeone, Vice-Chair
Thomas W. Bodkin, Jr., Clk.
Robert J. Saiia, Mbr.
Nathan J. Lockwood, Mbr.
Marion M. Benson, Planning Director



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Minutes
Public Hearing
MASS PV1, LLC, 651 Chase Road
September 10, 2012

Meeting Posted: Yes

Time: 6:30 PM

Place: Town Hall, 17 Main Street, Lunenburg, MA 01462

Present: Emerick R. Bakaysa, Chair, Joanna L. Bilotta, Vice Chair, Thomas W. Bodkin, Jr., Nathan J. Lockwood

Absent: Robert J. Saiia, Marion M. Benson, Planning Director

Motion made, Ms. Bilotta-Simeone to open the Public Hearing for MASS PV1, Chase Road, Second, Mr. Bodkin Jr. The Hearing opened with the reading of the legal notice advertised in the Sentinel & Enterprise August 27 and September 3, 2012. The Public Hearing was to hear and discuss a special permit under Section 4.15. and a development plan review under Section 8.4. of the Protective Bylaw of the Town of Lunenburg for construction of a ground-mounted photovoltaic installation at 651 Chase Road.

Applicant is MASS PV1, LLC, Plaza 57, 7301 SW 57th Court, Suite 440, Miami, FL, and was represented by Attorney Scott Fenton, Bowditch & Dewey, Robert Corning, Stantec Planning and Landscape Architecture, and Agustin Abalo, Principal. Property owner is Alice Heikkila, P.O. Box 475, Lunenburg, MA.

Attorney Fenton presented on behalf of the Applicant. The project consists of approximately 3.1 Megawatts on around 110 acres of undeveloped land. Thirty (30%) percent of the site is impacted by wetlands and also by a one hundred fifty (150') foot wide electrical easement. The project is located in both commercial and residential zoning districts. It was originally approved by the Planning Board in 2011 for 6 Megawatts. In order to conform to the current Solar Bylaw passed at May 2012 Town Meeting, the project has been downsized to 3.1 Megawatts.

Construction period will be four to six months. There will be no perimeter lighting. Inverters will be enclosed for noise reduction and weather protection. Sixty (60%) percent of the site will be left undeveloped. Panels will be three (3') feet off the ground and nine (9') feet high. The site will be remotely monitored with cameras mounted on the perimeter fencing pointed inward. The site will be divided into three areas. Area A is located within residential zoning and will have a two hundred (200) foot minimum setback at all property lines. A one hundred fifty (150) foot minimum area will be undisturbed along all property lines. There will be additional buffering in the northern and western corners of the site, adjacent to the three abutting residences. Area B is located within residential zoning and not being developed at this time. Area C is within the commercial district and has a fifty (50) foot buffer where it abuts commercial, and two hundred (200) feet where abutting residential zoning.

Attorney Fenton noted that they may have to request a twenty five (25') foot waiver for buffering in Area A.

There will be standard signage on the perimeter fence for emergency notification. Gates will be locked with keys provided to the Lunenburg police and fire departments if requested. Land clearing will be minimized to the extent possible. With existing vegetation and additional buffering by the Applicant, the site will not be visible to abutting residences. Roads will be pervious. No hazardous materials will be stored on site.

Jesse Johnson, David E. Ross Associates, Inc. is the reviewing engineer for the Town. His review noted items that he felt needed to be submitted for a complete submittal, and suggested the Board determine if they needed to be submitted at the present time, prior to construction, or waived. He specifically noted there was no maintenance protocol for drainage infrastructure. He recommended the "pull-over area" have a gravel surface rather than grass as shown. Proposed grading for the access drive should be modified to direct access road stormwater to the proposed swales. Detention basin design shows eight (8') foot cuts into the soil. He has concerns with groundwater intrusion at those elevations as this is listed as "C-Soil" which typically indicates groundwater levels closer to the surface. He recommends testing prior to construction and/or alternative design measures that could mitigate effects of groundwater on the basin. The internal roadway shows four (4") inches of crushed stone for the top surface. If the road is to be plowed during the winter months, this is not a typical surface treatment. He requested the Applicant verify they want this material and they supplement the crushed stone every spring after plowing operations. No detailed listing of plantings or planting schedule was submitted. He was unable to verify the selected sub-catchment areas due to the smaller scale submitted, and requested a larger scale. The stormwater basins have no wicks or proposed exfiltration and he expects they will clog over time and have standing water up to the outlet inverts; then the basins will not perform as calculated. Drawdown calculations should be provided and a mechanism for draining the basins proposed. Regarding screening and buffering, he noted the Applicant did not need a waiver from the twenty five (25') foot buffering, per his interpretation of the definition of buffer that the whole area of the buffer does not have to be planted. They have complied with the two hundred (200') foot setback.

Mr. Corning, Stantec, noted the submittal included a drawing showing plant species. In terms of stormwater and drainage design, the issues brought up tonight by the Reviewing Engineer were previously brought forth when they filed their Notice of Intent with the Conservation Commission. They took a conservative approach with soil testing as it is a difficult site to access; they did not want to cut down trees to access the area. As part of the Conservation Commission process, they will do test pits and verify the soil. They will make drainage modifications based on the soil they find. They will have to go through all drainage calculations before the Conservation Commission.

John Whalen, 526 West Townsend Road- presented to the Board a citizen petition (attached) urging the Board to strictly adhere to the Solar Bylaw. He also noted the proposed trees were five (5') foot. Attorney Fenton responded they are doing five to seven (5-7') foot but will do eight (8') foot trees if the Board desired. Mr. Whalen inquired as to the difference between detention and retention basins. Mr. Corning noted they are detention basins and will detain water in a large storm event and eventually drain out.

Baron Bowser, 512 West Townsend Rd- read a statement noting that he feels his rights are being violated by a solar field going on residential land. He feels his security is being jeopardized by this project. He has not received enough detailed information to convince him there will be no health issues in the future from living in close proximity to a solar project. He noted that the Solar Bylaw created Solar Overlay Districts and questioned as to why solar was being built on residential property before utilizing the Overlay District.

David Prokowiew, 733 West Street- asked for clarification on definitions of buffers and setbacks.

John Whalen presented to the Board a 2004 testimony from the Connecticut Siting Council (attached).

Chair Bakaysa asked Reviewing Engineer Jesse Johnson for clarification of setbacks. Mr. Johnson interprets the Solar Bylaw that they are from the property line to the structure, e.g., first array. Buffer definition states it needs to be available for vegetation, but does not specify it has to be continuous or uninterrupted vegetation within the buffer strip.

Mr. Lockwood inquired if any risk was posed by detention basins. Mr. Johnson noted that if it is located in a residential area with more accessibility, it would be fenced. That would also be depending on a depth of four (4) or more feet and if it will have standing water for any length of time. He felt that these basins would never have more than one (1') foot of standing water from the bottom of the basin to the invert elevation. There is also a fence surrounding the project.

Ms. Bilotta-Simeone noted that as a result of this Hearing, the Directives will note; 1) eight (8') foot plantings instead of five (5') foot and 2) that both retention basins are fenced in or within the perimeter fencing. Chair Bakaysa wants to keep the landscape plan "open" to ensure the Applicant provides adequate buffering to the abutters. If the planned two rows of plantings don't suffice, the Board would expect more plantings. Plantings on berms would also be a possibility for additional height for the benefit of the three abutters to Area C.

Chair Bakaysa recommended to the Board that if the plan, as presented, meets the intent of the bylaw, that the Hearing be closed and Findings and Directives prepared. Motion, Mr. Bodkin Jr., to close the Public Hearing, Second, Ms. Bilotta-Simeone, Roll Call Vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta-Simeone, aye; Chair Bakaysa, aye.

The Public Hearing closed at 7:40 PM.