

LUNENBURG PLANNING BOARD TOWN OF LUNENBURG

Joanna L. Bilotta-Simeone, Chair
Nathan J. Lockwood, Vice-Chair
Damon McQuaid, Clk.
Kenneth Chenis, Mbr.
Matthew Allison, Mbr.



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Adam R. Burney
Land Use Director

Minutes
Public Hearing (cont'd)
322 Flat Hill Community Solar
October 27, 2014

Meeting Posted: Yes

Time: 7:00 PM

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

Present: Joanna L. Bilotta-Simeone, Nathan J. Lockwood, Damon McQuaid, Kenneth Chenis, Adam R. Burney

Public Hearing was to hear and discuss a Special Permit and Development Plan Review under Sections 4.15. and 8.4. of the Protective Bylaw of the Town of Lunenburg for construction of a 75kW ground-mounted photovoltaic installation at 322 Flat Hill Road (Map 087, Parcel 0026). Applicant/Owner is Michael Conway, 322 Flat Hill Road, Lunenburg, MA.

M. Allison recused himself as an abutter to the site.

Proposed site is a 75 kW ground mounted solar array which will be located at the rear of the property behind the primary residence.

Reviewing firm Whitman & Bingham Associates was not in attendance as additional information was not received in the Planning Office early enough for a timely review. Some of the Board members went on site October 25th. Applicant M. Conway recapped the additional information he supplied to the Board in his October 15th letter. He specifically noted setbacks and vegetative buffers. He provided a shade scene which had been requested by the Board. He also responded to Whitman & Bingham Associates (WBA) review letter of September 22nd noting the ZBA Special Permit for Dimensional Variation, Evidence of Utility Approval, Surety Estimate, Northern Setback Clarification, 600' per Inch Location Map, Fencing and Signage, and Pictures of Proposed Building Site and Surrounding Properties. Distance from the array to the closest structure is 229 feet, 10 inches, distance from vegetated buffer at north side of 322 Flat Hill Road to south side of buffer at 44 Cortland Circle is 143 feet, 8 inches, and the distance from vegetated buffer of 322 Flat Hill Road to 0 Cortland Circle (common area) is 266 feet, 9 inches.

K. Chenis inquired if M. Conway had reached out to his neighbors and if so, he did receive any cooperation. M. Conway responded he had reached out to them, but did not receive any cooperation. In his letter of October 24, he noted he "offered to hang a large blue tarp at the proposed height and location of the panels so each neighbor could identify their specific sight lines through the woods ... the abutters declined". He also "offered to move the entire system southwest along the property line, so the panels were closer to the footprint of my house than any of my neighbors. This proposal was also not given any consideration." That would also impact a conservation buffer zone.

Attorney Kimberly A. Bielan, Marcus, Errico, Emmer & Brooks, P.C., representing Michael and Maryellen Ramstack presented a letter stating that the "Ramstacks respectfully request that you deny the applications for both special permit relief and development plan review." The proposed solar panels are in an inappropriate location and have an adverse effect on the

residential neighborhood. The applicant is only using 3 kW; selling 72kW. Are the scenic vistas taken into account? What acreage was used in developing the stormwater analysis? She noted that it is the applicant's burden to establish that the granting of the permit will not have a detrimental effect on the neighborhood.

Tom Alonzo (Board of Selectmen member), 284 Lancaster Avenue- Noted difficult history of the solar bylaw resulting from the two major commercial solar enterprises located on Chase Road and Pleasant Street. Noted both of them being too close to residential properties and too large. This project will cause another uproar in another neighborhood in Town. This is the wrong project for this site.

Gregory Kelly, 45 Cortland Circle- Strongly opposed and in agreement with Attorney Bielan. He was open-minded in speaking with M. Conway, but his opinion is unwavering. This is a commercial project being proposed in a rural area. A third party noise impact study should be conducted. Questioned why the Board would consider granting such an application. N. Lockwood responded that the law includes the special permit process the Board is currently involved in. The Bylaw takes into consideration aesthetics, protecting neighbors, property value, and health and public safety.

J. Bilotta-Simeone noted the first step was for M. Conway to go before the Zoning Board of Appeals, now to the Planning Board.

James Targove, 35 Cortland Circle- Inquired if the plan submitted to the Planning Board is in compliance with the ZBA decision.

M. Allison (spoke as a resident, not as a Planning Board member), 305 Flat Hill Road- M. Conway is following the process and waivers should be granted. This application results in better use of the land than a 40B.

Michael Ramstack, 44 Cortland Circle- Opined that just because you can't see the site from your house, should not be reason for the Board to approve.

M. Conway noted that the Board reviews on a case by case basis. If he downsizes to 10 kW the system would mount on two racks instead of the nine he currently proposes. No public hearing is required. He can simply go to the Building Official for a permit.

John Whalen, 526 West Townsend Road- The Board needs to ensure the Bylaw is enforced. Commercial projects belong in the Commercial District. The applicant has to provide adequate buffering. D. McQuaid noted that no bylaw is perfect; applications have to be viewed on a case by case basis.

Paula Bertram, 312 Townsend Harbor Road- Requested the Board keep the hearing open so the public has an opportunity to view the additional submitted information.

Both D. McQuaid and K. Chenis opined that there should be more collaboration between the applicant and the neighbors for appropriate buffers and better setbacks. N. Lockwood stands behind the principles of the bylaw and opined that the ZBA action was appropriate. He would like to find a way to make the project work. He noted he went to the Pleasant Street solar site and noticed that the pad mounts were noisy, but not the panels themselves. J. Bilotta-Simeone noted livability was important to her.

D. McQuaid made Motion to continue the Hearing to November 10, 2014, 7:00 PM, Second, N. Lockwood, all aye.

Hearing recessed 8:55 PM.

Documents used at Hearing:

Application for Special Permit and Development Plan Review

Letter, Marcus, Errico, Emmer & Brooks, P.C., dated October 27, 2014, Re: 322 Flat Hill Road, Application for 75kW Solar Farm