

## PLANNING BOARD

DATE: May 8, 2014  
TIME: 7:00 P.M.  
PLACE: Large Meeting Room  
FOR: Regular Meeting  
PRESENT: Jonathan Hankin, Chairman; Brandee Nelson  
Malcolm Fick, Associate Member  
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 7:13 P.M.  
Mr. Hankin elevated Mr. Fick to a voting member.

### **FORM A'S:**

Mr. Parsons was present with a Form A application on behalf of Lynn Hutchinson for a parcel of land located on the west side of Long Pond Road. Lot 1 contains 1.466 acres of land. The plan moves the lot line created by a previous plan.

Ms. Nelson made a motion to endorse the plan, Mr. Fick seconded, all in favor.

### **MINUTES: APRIL 24, 2014**

Ms. Nelson made a motion to approve as amended the minutes of April 24, 2014, Mr. Fick seconded, all in favor.

### **SPECIAL PERMIT: HOUSATONIC SOLAR 1 49 VanDuesenville Road**

Kiurt Mayland, the applicant, was present to discuss the application for a commercial solar array at 49 Van Duesenville Road. Mr. Mayland said the proposal is for a 2 megawatt ground mounted solar array on a 9.5 acre lot ~~formerly~~ used as a gravel pit. He said there are two sets of isolated wetlands that we will stay out of. He said the lot will be leveled enough to put posts in for the panels. There will be a 6 foot chain link fence around the site. There will be two gravel access roads within the fenced in area.

Mr. Mayland said there will be a main gate with some low level lighting for the owners and emergency access. He said it is the intent to make sure that the project is not too close to any residence.

Mr. Mayland said there will be electric poles out at the road. National Grid will also have a couple of poles on VanDeusenville Road.

Mr. Mayland said this is a residentially zoned piece of property. The use will change from one non-conforming use to another non-conforming use. He said he believes the solar use to be less detrimental than the previous landfill use. He said he is currently working on a tax agreement with the Town. He is hoping ~~to~~ the power will be used by the school system but he is still working on the details.

Ms. Nelson asked about the lease term on the land.

Mr. Mayland said the lease ~~if~~is for 20 years.

Ms. Nelson asked if there is an option to extend it.

Mr. Mayland said yes. There is a mutual agreement for an extension.

Ms. Nelson asked for the status on the tax agreement.

Mr. Mayland said he is working on it with Chris Lamarre, Town Assessor and the Town Manager, Jennifer Tabakin. He said there is a formula that will be agreed upon based on the projected costs.

Ms. Nelson asked if the Selectmen have to sign the agreement.

Mr. Mayland said yes. He said he hopes to have everything in place by July 1.

Ms. Nelson asked about the site grading.

Mr. Mayland the engineers, Whitman & Bingham have engineered the plan. They were unable to attend tonight's meeting. He said the goal is ~~to~~not to move a lot of earth. There is a Storm Water Management System Design Report that the engineer will discuss at the next meeting on May 22.

Mr. Fick asked if there is a decommission plan.

Mr. Mayland said ~~we~~he would put up a decommissioning bond. It is a typical order. ~~We~~He plans to take the panels out when he is ~~we are~~ done with the site but it is a good idea to have a bond in place.

Mr. Hankin said that with a 20 year lease there would be at least 5 years left in the life of the panels.

Mr. Mayland said the land owner put the stipulation in the lease. He said he pushed hard for more but she wanted to limit it to 20 years. Mr. Mayland said everything would still have value and would be reused if the lease were not extended. The panels would still have 85% efficiency after 20 years.

Mr. Hankin said the infrastructure is a large percentage of the cost. Wouldn't you want to replace the panels and keep going?

Mr. Mayland said yes but if the land owner wants us to pull out we will. Ideally the lease will be renewed and we will keep going.

Ms. Nelson asked what the plan will be for construction of the project.

Mr. Mayland said the major construction work should be completed in three months. We should have our interconnection up and running in five months. There are no major upgrades needed. We expect the interconnection to be fairly simple.

Ms. Nelson asked if Mr. Mayland had his own construction crew.

Mr. Mayland said he used a company called Pro Star Electric for the Orange and Brimfield sites. He said they are a good company and will do everything except the site work. He said he would use someone local to do the site work.

Mr. Rembold asked how long it will take to clean up the site.

Mr. Mayland said the clean up will be part of the excavation work and it will take four to six weeks.

Mr. Rembold asked if there will be any impacts during the clean up and grading.

Mr. Mayland said we will be noisy. When we are under construction it will look like a construction site.

Mr. Mayland said there is a storm water control plan. We will need approval from the Conservation Commission. The project manager will make sure the ~~site~~ site ~~it-is~~ properly stabilized. He said the project is small enough that it can be done without phasing. Standard construction control will be in place.

Ms. Nelson asked if there will be security lighting.

Mr. Mayland said no. There will be a light at the gate that will be off unless someone needs to go out at night. Otherwise the site will be completely dark.

Ms. Nelson asked if there would be any landscaping.

Mr. Mayland said there will be a thick line of shrubs to shield the view of the neighbors. One neighbor will have a view of the array as they are higher. They are very frustrated by all that goes on in their neighborhood.

Ms. Nelson asked if we want to hear anything from them or if they will want anything.

Mr. Mayland said we would have to go on their property to plant in order to shield their view. They don't want that and we would want to stay on our property.

Mr. Rembold said the ZBA will deal with that issue.

Mr. Hankin asked if there are zoning issues.

Mr. Mayland said there is no solar bylaw in place in the Town. We have taken a round about way to get here. There is no use listed in the Table of Uses so it is prohibited. However, it is not allowed to prohibit solar in this State so we would be allowed by-right. In another town we were considered light manufacturing but light manufacturing is not allowed in a residential zone. The Building Inspector has decided to go with light manufacturing and it is a less detrimental use than the previous use.

Mr. Mayland said his lawyer will go to the ZBA with the explanation that there was never a closure plan submitted for the landfill so we are going with the opinion that the previous non-conforming use still exist.

Mr. Hankin said he thinks this is a good reuse but it would be good to understand the position you are taking.

Mr. Mayland said a brief will be prepared for the ZBA.

Mr. Rembold said the concern is if it is more or less detrimental than the previous use. He said the ZBA will deal with that issue.

Mr. Mayland said the only grading will be in the northwest corner. The rest of the land will stay at the existing grade with some clearing and smoothing out.

Ms. Nelson said it is hard to imagine that there will be no grading except in that area. Will the terraces remain?

Mr. Mayland said the terraces will be left. We will smooth out the land and remove the debris.

Ms. Nelson asked if the panels will shade each other.

Mr. Mayland said the post height can be adjusted. There will be enough space between the panels to eliminate panel to panel shading.

Ms. Nelson asked how the soil will be stabilized once it is cleaned up.

Mr. Mayland said a clover grass mix will be planted and covered with hay after the panels are in.

Mr. Hankin asked if the panels will be running across the steep slope.

Mr. Mayland said there won't be panels on the steep slope.

Mr. Hankin said this sounds more like a concept than a project.

Ms. Nelson asked if the Site Plan criteria should be read through.

Mr. Hankin thought the Board should wait until there is more information.

Mr. Rembold asked Mr. Mayland to send a full size set of plans so the Board can look at them before the next meeting.

Mr. Mayland said he would send a full size set of plans.

Mr. Rembold asked if the construction access would be from VanDeusenville Road. He asked if there would be a problem getting large vehicles over the railroad tracks.

Mr. Mayland said yes the access would be from VanDeusenville Road. He said he did not expect the railroad tracks to be an issue.

Mr. Hankin said what we are looking at would be the maximum footprint.

Mr. Mayland said yes. Stuff gets moved around on the site so the plan shows the maximum footprint. It might shrink a little but I am not sure where. It could shrink by 10-15% but it will not increase.

Mr. Hankin said it looks like the approach is fine.

Mr. Rembold said it will be good to see something more practical and the full size plans.

Mr. Hankin said he wanted to see a cross section to see how the panels relate to the slopes.

Ms. Nelson asked what the hours of operation for construction will be.

Mr. Rembold said the ZBA will set the hours.

Mr. Rembold asked where the debris will be removed to and disposed of.

Mr. Mayland said that is part of the corrective action plan. He said he would get it to the Board.

Mr. Hankin said the Board will take no action on this application and continue it to the next meeting on May 22.

#### **SPECIAL PERMIT: HOUSATONIC SOLAR 1-0 PARK STREET**

Mr. Mayland said he has an option to purchase 65 acres of land at the Rising Paper Mill site on Park Street. He said 13.5 acres would be used for solar the remaining 50+ acres would be put into some type of preservation.

Mr. Mayland said the property is in the Industrial zone so the use is allowed by-right. There are flood plain issues that require a special permit. This property was a landfill and is now a brown field site. He said the property is suitable for solar as it is flat. Compensatory storage will be provided to deal with the flood plain issue.

Mr. Mayland said there is also a Natural Heritage issue. He said he has applied to Conservation Commission. He said there will be some restrictions on construction and fencing. He said there will be a continual cutting plan.

Mr. Mayland said he is dedicated to putting a walking trail in. He said he has reached out to environmental groups who are conceptually in favor. He said there will be an access point on Park Street. He said there may be access through the Hazen property. Access will only be built if it is not provided through Hazen.

Mr. Rembold said a little bit of the property is in the R-zone.

Mr. Mayland said he will pull out of the residential zone. He said he does not want to deal with residential zone issues.

Mr. Mayland said he would rather not have chain link fence. He said he expected Natural Heritage to have a say in the type of fencing. He said he is flexible. He said the access would be gravel.

The Board continued the discussion to the next meeting on May 22.

**TOWN PLANNER'S REPORT:**

Mr. Rembold said the zoning amendments from the Annual Town Meeting have already been sent to the Attorney General. He said he has already incorporated the changes into the text.

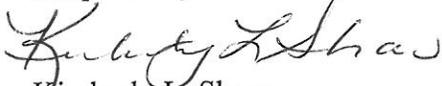
Mr. Hankin said the amendments are not active until they have been approved by the AG.

Mr. Rembold said technically. They are not in effect until they have been approved by the AG, but once approved, they will be effective as of the date of the Annual Town Meeting.

Mr. Rembold said there are two applications for the next meeting: one for St. James Place and the other for the Fairgrounds. He suggested site visits for both. The Board scheduled site visits for 6:00 P.M. at the Fairgrounds and 6:20 at St. James Place on May 22.

Without objection Mr. Hankin adjourned the meeting at 9:10 P.M.

Respectfully submitted,



Kimberly L. Shaw  
Planning Board Secretary