

PLANNING BOARD

DATE: August 25, 2016

TIME: 7:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting

PRESENT: Malcolm Fick, Vice Chair; Jonathan Hankin; Jack Musgrove; Jeremy Higa
Pedro Pachano, Associate Member
Chris Rembold, Town Planner

Mr. Fick called the meeting to order at 7:00 P.M.

FORM A'S:

There were no Form A's presented.

MINUTES: AUGUST 11, 2016

Mr. Hankin made a motion to approve the minutes of August 11, 2016 as amended, Mr. Musgrove seconded, all in favor.

SITE PLAN REVIEW: 770 SOUTH MAIN STREET

Mr. Rembold presented an amended Site Plan Review for Guido's at 770 South Main Street. The revised plan by SK Design Group, dated August 16, 2016, shows a row of panels left off of the previous submission.

Mr. Musgrove made a motion to approve the revised plan, Mr. Hankin seconded, all in favor.

SPECIAL PERMIT: 16 SOUTH STREET

The Board conducted a site visit prior to the meeting.

Jeff Lynch, attorney for Dante Realty, was present to discuss an 8 family dwelling located at 16 South Street. He said the property is for sale and the buyer's attorney requested that a special permit be obtained prior to the sale to legalize the property.

Mr. Lynch said his clients purchased the property in 2008. He said building permits have been obtained for work done on the property during their ownership.

Mr. Lynch said a waiver is being requested from the parking requirement. There are 8 parking spaces but 16 are required.

There was some discussion of a shed on the property. It was believed that the shed was on the neighbor's property but a survey shows that the shed is on this property. The shed was going to be removed but the neighbor asked to keep it. An agreement has been reached with the neighbor for the shed to remain.

Mr. Lynch said there are six one bedroom apartments and two studio apartments in the building. He said the apartments are rented year round with locally employed individuals. He said the goal is to allow the building to remain in its current state and maintain the occupancy.

Mr. Hankin made a motion to send a positive recommendation to the Selectboard for the multi-family use in the B-2 zone with the recommendation to allow the waiver for parking requirement, Mr. Musgrove seconded.

Mr. Pachano asked if we should be concerned about the driveway being only 13 feet wide. He said emergency vehicles might have a problem accessing a driveway so narrow.

Mr. Hankin said he didn't think there is a concern based on what we saw on the site visit, which seemed considerably more than 13 feet.

Mr. Musgrove agreed it is not an issue.

Mr. Fick called for a vote on the motion, all in favor.

SITE PLAN REVIEW: 3 NOLAN DRIVE

The Board conducted a site visit prior to the meeting.

Engineer Tim Coon was present from JR Associates was present with Sam Maylin. Applicant Kirt Mayland (no relation) was also present.

Mr. Coon said the parcel at 3 Nolan Drive consists of 34 acres of land. The proposed parcel for the solar array is 5.17 acres of land. The site will be accessed from Nolan Drive. The interconnection for the array will be through an underground conduit running from Nolan Drive to the site.

Mr. Coon said the site will be leveled. A security fence will surround the array. There will be gated access to the site. The tree line along the property will be removed. A berm will be built along the property line abutting the railroad tracks. Arborvitae will be planted on top of the berm. This will provide a visual buffer.

Mr. Coons said the project is consistent with the Master Plan and meets Site Plan Review criteria.

Mr. Fick read an e-mail from Ms. Nelson dated 8-25-16. Ms. Nelson recommended consideration of the visual impact of the solar facility. She recommended a condition on the interconnect location, that the work hours be limited and consistent with previous permits and a site maintenance plan be submitted. She also recommended 6 inches of top soil and a conservation seed mix across the site.

Mr. Musgrove asked if the posts would be pounded into the ground.

Mr. Kirt Mayland said yes. He said he has no issues with the work hours.

Sam Maylin said there is a possibility of using helical piers.

Mr. Musgrove said work can start at 7 AM but no pounding until 8 AM.

Mr. Hankin asked if the helical piers would work.

Kirt Mayland said they are more expensive.

Sam Maylin asked if work was limited to week days.

Mr. Musgrove said week days 7 AM to 6 PM. No noise until after 8.

Mr. Rembold said the fairgrounds project was not able to work from 8 PM until 7 AM. No overnight work. He said they were not allowed to work on Sundays.

Mr. Musgrove asked how many days will it take to drive the posts in.

Kirt Mayland said it will take 15-20 days. He said it would be nice to have extra days to work to get the crew in and out but it is not worth arguing about.

Mr. Higa asked if other work would be going on at the same time.

Kirt Mayland said if the project goes smoothly there could be other work going on.

Mr. Hankin asked about the berm.

Mr. Coon said the panels are about 6 feet lower on other side of the berm. The berm will help to buffer the visual impact.

Mr. Higa said the road is higher at one end. He said the site will be visible from that part of the road. Trees would provide some visual and noise buffer.

Mr. Musgrove said the top of the berm appears to be even with the road then it goes down. He said it looks like the first row of panels would be even with the top of the berm then go down the hill.

Mr. Coon said with the berm and arborvitae, the panels will be shielded from view.

Mr. Musgrove said most of the panels won't be seen.

Mr. Higa said he is more concerned about the view abutting properties will have.

Mr. Coon said there is only one house that might have a view and they shouldn't see too much.

Mr. Hankin said he doesn't think the berm accomplishes anything.

Mr. Coon said the berm with the arborvitae provides a good buffer.

Mr. Hankin said you could plant taller arborvitae without the berm. He suggested the berm could be eliminated. It would be environmentally better.

Sam Mayland said the plants have a better survival rate if they are smaller. We are proposing to plant 3 foot trees.

Kirt Mayland the purpose of the perm was to provide screening. If you don't want it we won't put it in.

Mr. Fick said the solar is not unsightly on an industrial site.

Mr. Musgrove asked if the berm would be 8 feet high.

Mr. Coon said it would be 6 feet high and 130 feet from the edge of the road.

Mr. Musgrove said it does create a little hill.

Mr. Coon said the top of the berm comes up to the elevation of the road at the north end.

Mr. Fick asked what the Board thinks about the berm.

Mr. Musgrove said he thinks they should do what they think is necessary. He said he has no objection to the berm.

Mr. Hankin said he is not saying not to build the berm but wondering why it is being proposed. He said the solar array is not unsightly.

Mr. Higa said people will react more to the trees coming down than to the solar array.

Mr. Fick said it is a business decision for them. He asked about a maintenance plan.

Mr. Coon said a low maintenance seed mix is proposed for this type of job. The seed mix is not specific.

Kirt Mayland said he thinks the berm will go up.

Mr. Fick said there needs to be a maintenance plan.

Mr. Hankin said there needs to be a decommissioning plan.

Mr. Rembold said the application has not addressed the operation of the site. Landscape maintenance and decommissioning are usually required.

There was a brief discussion of requiring a bond. Sam Mayland said usually bonds are very small and would not cover the expense of removing the material from the site.

Mr. Rembold suggested the Board consider a condition requiring an operation and maintenance plan, a landscape plan and a decommissioning plan prior to the issuance of a building permit.

Kirt Mayland said it would not be a problem to submit. It is not very technical.

Mr. Musgrove said he didn't think we needed to see the plans they should be submitted to the Building Inspector.

Mr. Musgrove read through the Site Plan Review Criteria.

Mr. Musgrove made a motion to approve the site plan review with the following conditions: Work will take place on weekdays between 7 AM and 6 PM with no pile driving before 8 AM. There will be no overnight work.

Suitable ground cover will be planted under the panels to prevent erosion. Six inches of top soil with an appropriate grass mix will cover the site.

The applicant has the option of building the berm. If the berm is installed it will be no larger than what was shown on the plans. Arborvitae will be planted in either case.

The applicant will provide an operation and maintenance plan.

The applicant will provide a landscaping plan.

The applicant will provide a decommissioning plan. All plans will be submitted to Mr. Rembold and Mr. May prior to obtaining a building permit.

Mr. Hankin seconded.

Kirt Mayland said 6 inches of top soil across the site is a huge amount of top soil. He asked if 4 inches could be required.

Mr. Fick said there needs to be sufficient top soil.

Mr. Musgrove amended his original motion to require no less than 4 inches of top soil cover over the site. Mr. Hankin seconded the amendment. All in favor.

Mr. Fick called for a vote on the motion, all in favor.

SITE PLAN REVIEW: 15 CONE AVENUE

Applicants Michael and Maria Spratt were present to discuss their application for an additional single family home on their property at 15 Cone Avenue. The Planning Board conducted a site visit prior to the meeting.

Mr. Hankin said he doesn't think the new driveway access will work as drawn on the plan. He doesn't think it is 12 feet from the fence. He suggested getting a right of way from the neighbor so there will be enough width.

Mr. Spratt said he spoke to the neighbor who is willing to work with him if more land is required.

Mr. Musgrove suggested a common driveway where the existing one is would work the best.

Mr. Spratt said the area is too tight unless the garage is moved.

Mr. Rembold asked how the modular unit would get to the back of the property.

Mr. Spratt said he can trade land with the neighbor if it is necessary.

Mr. Rembold said it would too hard to get the unit through the common driveway.

Mr. Musgrove asked if the garage could be moved so the common driveway could be used.

Mr. Spratt said the neighbor would get all of the traffic. It would be better for the neighbor for us to use the other driveway.

Mr. Hankin asked how that spot was chosen for the house.

Mr. Spratt said there is a beautiful view. He said it is far enough back that the house won't be seen.

Mr. Fick asked if the Board has enough information to complete Site Plan Review.

Mr. Rembold asked Mr. Spratt what his time line is for building.

Mr. Spratt said he plans to build next year.

Mr. Rembold said the applicant is trying to find out if the plan will work. It appears that it could. We should have more information including elevations and a land survey.

Mr. Fick said he would like to know the exact location for the house and how many trees will be removed.

Mr. Spratt said he thinks three large oaks will be removed. Six oaks will remain.

Mr. Rembold said the Board has 60 days to act on the Site Plan Review application. Their process may take longer but they can request an extension of another 60 days or even 120 days so all the information can be gathered and presented.

Mr. Hankin asked how zoning applies. There is a single family on the property with an ADU with the request to add a second single family.

Mr. Rembold said there is plenty of land to allow a second single family on the property.

Mr. Musgrove said the use is by-right with Site Plan Review. He asked if there will be additional drainage.

Mr. Spratt said the property is all gravel.

Mr. Fick said there needs to be conformity with the neighborhood but the house will be back in the trees and will not be seen.

Mr. Musgrove said he likes the idea of what will be there. He said he wants to see the legal requirements for building the driveway.

In order for Mr. Spratt to have enough time to finalize the acquisition of a right of way or creating a land swap with his neighbor, Mr. Rembold asked Mr. Spratt to send him an e-mail or letter requesting an extension on the decision. He said the current deadline is October 10. He suggested requesting the extension to December 10, 2016.

TOWN PLANNER'S REPORT:

Mr. Rembold said he is trying to schedule a joint meeting with the Ag Commission to continue discussion of solar as an accessory use to agriculture in a residential zone.

BOARD & COMMITTEE UPDATES:

Mr. Pachano said we have dealt with two applications for non-conforming multi-family residences. He asked if we should be concerned about what is inside.

Mr. Hankin said the zoning was amended to allow the Building Inspector to issue building permits to these residences.

Mr. Pachano said they will be made conforming from a zoning point of view, but it is possible that there will be life threatening issues that are not addressed.

Mr. Rembold said the Building Inspector and the Fire Chief have inspected and signed off on the one we discussed tonight. He said the burden for the safety of the structures falls to the inspectional departments.

CITIZEN'S SPEAK TIME:

There were no comments.

Having concluded their business, Mr. Fick adjourned the meeting at 8:43 P.M. without objection.

Respectfully submitted,


Kimberly L. Shaw
Planning Board Secretary

Material submitted or discussed at the meeting:

- Memo from Chris Rembold dated August 23, 2016
- E-mail from Brandee Nelson dated August 25, 2016
- Revised Site Plan Review 770 South Main Street dated August 16. 2016
- Special Permit 858-16
- Site Plan Review 3 Nolan Drive
- Site Plan Review 15 Cone Avenue