

PLANNING BOARD

DATE: March 9, 2017
TIME: 7:00 P.M.
FOR: Regular Meeting/Continued Public Hearing
PLACE: Large Meeting Room
PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jack Musgrove;
Jeremy Higa
Pedro Pachano, Associate Member
Chris Rembold, Town Planner

Ms. Nelson called the meeting to order at 7:00 Mr. Higa had not yet arrived.

FORM A'S:

Michael Parsons was present from Kelly, Granger, Parsons with a Form A application on behalf of Eileen Carroll and Frances Kollman for two parcels located on the south side of Blue Hill Road. Parcel 1 contains 0.468 acres of land and Parcel 2 contains 0.470 acres of land. Neither parcel is to be considered a separate building lot.

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

MINUTES: FEBRUARY 23, 2017

The approval of the minutes was passed over.

CONTINUED PUBLIC HEARING:

Ms. Nelson said the public hearing was being recorded.

Mr. Hankin made a motion to re-open the public hearing, Mr. Musgrove seconded, all in favor. The public hearing was re-opened at 7:03 P.M.

Ms. Nelson said this is the second continuation of the public hearing on the proposed solar bylaw. She said the Board went through the bylaw making substantial revisions based on the comments from the last two hearings. She said she hoped the discussion could be concluded at this meeting.

Ms. Nelson asked anyone wishing to speak to go to the podium and state their name.

Bob Redpath from 190 Castle Hill Avenue asked if there will be a height limit for ground mounted arrays.

Ms. Nelson said the underlying zone still applies.

Mr. Hankin said in a residential zone an accessory use would have a height limit of 25 feet. He said the panels in his array are 10 feet high.

Mr. Higa arrived at 7:08 P.M.

Mr. Redpath asked about land in Chapter 61A. He asked if the Selectboard is notified when the land is removed from Chapter 61A.

Mr. Hankin explained that the Selectboard is notified as they have right of first refusal.

Mr. Rembold said Chapter 61A is governed by Chapter 61.

Holly Hammer from 99 Seekonk Cross Road asked for 9.12.1 to be deleted. She said the State bylaw for solar systems discourages the loss of agricultural land. She said she the bylaw doesn't take into account the impact on residential areas. Solar systems have the potential to change the character of neighborhoods.

Ms. Nelson said the Board tried to strike a balance in 9.12.1. Changes were made.

Mr. Fick said it is not the intent to take farmland for solar. He said the Agricultural Commission was consulted about the use of farmland for solar.

Joe Carini from Hollenbeck Avenue thanked the Board for incorporating the comments from the previous meetings. He said he still has an issue with power being sold from residential systems.

Mr. Fick said a residential system is intended for the use of that residence. If at the end of the year more energy is generated than used the power company will not buy it back. Credits can be accumulated month by month but at the end of the year whatever is left over is lost.

Mr. Carini said he doesn't see how allowing a 750 square foot array on a 6,000 square foot parcel wouldn't impact a neighborhood.

Mr. Hankin said if you went to the Building Inspector today a permit would be issued.

Mr. Carini said it doesn't make sense to encourage something that no one would put in.

Mr. Fick said a by-right accessory use larger than what an individual can use would be a waste of time.

Nan Wile spoke in favor of renewable resources. She said in the future huge panels will still be size of postage stamps. She suggested a moratorium be put in place until there is more information on how to dispose of the panels.

Mr. Hankin said a moratorium would be in direct violation of the State law. We can not unreasonably regulate.

Ms. Wile said she wanted to make sure the Board heard her concerns.

Mr. Musgrove said the Board has heard them.

Mr. Rembold read an e-mail from Vivian Orlowski from the Agricultural Commission dated March 9, 2017.

Mr. Rembold read a letter from Patricia Ryan dated March 7, 2017 expressing grave concerns.

Ms. Nelson asked if there were any other comments. There were none.

Mr. Hankin made a motion to close the public hearing, Mr. Musgrove seconded, all in favor. The public hearing was closed at 7:27 P.M.

Mr. Pachano suggested considering additional setbacks. He said solar panels on the back of a small lot could be very visible.

Mr. Rembold said the design standards will address the concern. He said the design standards will not allow panels in the front yard. He said specifically addressing height regulations might address concerns.

Mr. Fick said at this point we need to come up with something specific to limit panels in the front yard and to limit in some zones.

Mr. Pachano said it is difficult to come up with specifics for all of the different conditions.

Mr. Rembold said there are still screening and setback requirements.

Mr. Fick said if the proposal is for an array more than 750 square feet the applicant would have to come to us for a special permit.

Mr. Pachano said he would be concerned about 20 years from now that our intentions would be interpreted in a different way.

Ms. Nelson said all documents are subject to change over time. She said we have spent a lot of time deliberating on how to be more respectful. She said we can't satisfy everything we are trying to strike a balance.

Mr. Pachano said other towns have a more uniform idea.

Mr. Rembold asked if there are any specific dimensions to be added.

Ms. Nelson said no. Language can be added to say that the height shall not exceed 75% of the height of the underlying zone for an accessory structure.

Mr. Hankin said he disagreed with the last premise. He said there are many accessory uses in this Town. Singling out solar is fundamentally more objectionable than a A-frame in the front yard.

Ms. Nelson said there is concern from the community over height and scale.

There was a little more discussion about arrays in the front yard.

Mr. Hankin said we have heard the concerns from people. He said it is not a good idea to outlaw. There are many houses that you can't see from the road. Arrays in the front yard at those homes would not be seen. Front yard arrays should be subject to site plan review.

Mr. Rembold asked what the site plan review would do that the design standards would not.

Mr. Hankin said screening.

Mr. Rembold said the design standards address screening.

Mr. Hankin said site plan review is a stronger mechanism. The applicant would have to come before the Board.

Ms. Nelson said this would be for arrays proposed in the front yard.

Mr. Hankin said yes.

Mr. Musgrove asked about side yards.

Mr. Fick said there are setbacks.

Mr. Hankin said language could be added for all residential zones that energy systems between the primary structure and front lot lines would be subject to site plan review.

Ms. Nelson said she would have an issue including side yards.

Mr. Fick said he thought Mr. Hankin's proposal is good.

Mr. Higa said he would like to include the side yard.

Ms. Nelson agreed.

Ms. Nelson said the bylaw should be specific about the height of solar arrays being more restrictive than other accessory structures. She suggested capping arrays at 75% of the accessory height.

Mr. Hankin said he does not want to put that limit on in the industrial zones.

Ms. Nelson said it can be specified for the residential zones.

Mr. Hankin said just pick a number like 15 feet to the high point.

Ms. Nelson said that is fine.

There was discussion about hardship cases.

Mr. Musgrove said it should only be considered if requested by the Agricultural Commission. A hardship could then be considered up to a percentage.

Ms. Nelson other options might then be considered. A hard cap should be in place for a hardship case.

Mr. Pachano said if a hardship case is to exceed 15 acres would they go to the Selectboard or the Planning Board.

Mr. Rembold said as of right now there is nothing to address a hardship but the Planning Board will be Special Permit Granting Authority for this bylaw.

Ms. Nelson said the current cap would be 15 acres should additional acres be considered.

Mr. Musgrove said the Planning Board could consider up to double that amount for a hardship.

Mr. Fick asked if that would still be with 20%.

Mr. Musgrove said yes.

Mr. Hankin said he thought the bylaw should be left as it is. If the bylaw passes it could be amended.

Ms. Nelson agreed to leave it as it is.

Mr. Hankin said it is getting confusing.

Mr. Pachano said he brought a list of suggested plantings from an expert planter. He said it is hard to include the list in the bylaw but could it be made available in the office.

Ms. Nelson said it can be made available.

Mr. Pachano said he would like to be clear on the 750 square foot limit.

Ms. Nelson said it is defined.

Mr. Pachano said he would like to better understand what 20 panels would cover.

Mr. Hankin said he a 7 kilowatts array to meet the needs of a 2,200 square foot house with electric heat. The project area is 450 square feet. He said larger houses with higher energy needs would need more panels.

Mr. Musgrove suggested adding "project area" to the language.

Ms. Nelson asked for a motion and recommendation to the Annual Town Meeting.

Mr. Fick made a motion to accept the amended bylaw and to make a positive recommendation to the ATM, Mr. Musgrove seconded, all in favor.

SITE PLAN REVIEW: BENCHMARK DEVELOPMENT

Mr. Higa recused himself from the discussion.

Michael Charles from Benchmark Development was present to discuss the Site Plan Review application for 34-42 Bridge Street. He said Larry Bourdeau from Chazen architects and Kyle Ahearn are present to answer questions. He said most of the SPR issues have been addressed.

Mr. Boudreau said the phasing plan has been updated. The park access road had been made wider by 20 feet. The handicap access has been addressed to make it clear that we are in compliance with ADA.

Ms. Nelson said we want to focus on what we didn't discuss last time.

Mr. Musgrove asked when the access to the Wheeler & Taylor parking would be closed off.

Mr. Boudreau said during phase 2.

Mr. Musgrove asked if Wheeler & Taylor had given permission to close off the easement.

Mr. Charles said we agree there is a process to go through.

Applicant Bryan Cohan said it is a legal issue that will need to be resolved.

There was discussion of the plan with access and travel patterns highlighted in pink.

Mr. Boudreau went through the applicant's response to questions from a previous meeting. The document was dated March 1, 2017.

Ms. Nelson asked if the work on the access road was being coordinated with the DPW Superintendent.

Mr. Rembold said they will need a curb cut. There are discussions with the Town.

Ms. Nelson asked if there is a conceptual approval.

Mr. Rembold said yes.

The Board reviewed the plans for the limited use limited access (lula) elevator.

Mr. Musgrove said he is concerned about the lula entrance not being glass.

Mr. Boudreau asked how this is different from other accesses in Town.

Ms. Nelson said this is new construction. You have the opportunity to make it more visible.

Mr. Boudreau said the area surrounding the elevator entrance is glass.

Mr. Musgrove said it still seems a little impractical but it is better than it was. He said it is much more visible and the work is appreciated.

Ms. Nelson agreed it is significantly improved.

Mr. Hankin asked about lighting.

Mr. Charles said the upper canopy has lights that will be on all the time.

Mr. Hankin asked if the upper and lower will be on all the time.

Mr. Charles said yes.

There was discussion about building two. There were black and white and color renderings presented.

Ms. Nelson said we previously skimmed through the SPR to get more information. We have reviewed everything. Mr. Rembold said we can do the SPR for the entire development.

Mr. Musgrove said his only concern is the easement. He said there should be a condition that no building permit will be issued until the easement issue has been resolved.

Selectmen Ed Abrahams said the Selectboard was advised that the easement is a civil issue between two parties. We can not put a condition on the approval for a civil issue.

Mr. Cohan said we can not get our permit until the issue is resolved. He said these two parties are subject to the Land Court. If you put a condition on the SPR then that party is put in a position of being the granting authority. We have been fully engaged and believe it will be resolved.

Mr. Musgrove said he hadn't thought about it in terms of the other side. We do not want to take sides.

Ms. Nelson asked for a power down control on the lighting in the parking lot. She suggested having the lights power down to 50% with motion detectors to have the lights power back up when a car enters. The lights would power down at 10 P.M.

The Board agreed to Ms. Nelson's suggestion as a condition.

Mr. Musgrove made a motion to approve SPR with the lighting condition as stated by Ms. Nelson, Mr. Hankin seconded, all in favor.

Mr. Higa rejoined the meeting.

FRAMEWORK PROPERTIES: 49 RAILROAD STREET

Michael Valenti and Ian Roush were present to discuss 49 Railroad Street. Mr. Valenti said 49 Railroad Street was purchased so the original project will be extended to include this space. The architectural feature will extend to this part of the building. The dumpster will be moved to the north side of 49 Railroad Street. The windows will match the other building as will the cornices.

Mr. Hankin asked where the trash would go for a potential restaurant.

Mr. Roush said there is room for a second dumpster if necessary.

Mr. Musgrove made a motion to approve SPR.

There was additional discussion of the plans dated February 2017.

Mr. Higa asked about drainage around the building.

Mr. Roush said he had met with the DPW Superintendent about a storm water catch basin. He said the foundation wall is wet. Perforated pipe will be put in along the foundation on the west side. The Town will be doing work on Railroad Street. During the redevelopment of Railroad Street the drainage issue from the swale that is not located on this property.

Mr. Fick seconded the motion to approve SPR, all in favor.

TOWN PLANNER'S REPORT:

Mr. Rembold said there will be two Site Plan Review applications. One application is for a new building on Maple Avenue.

The Board scheduled a site visit for 6:30 on Maple Avenue.

Mr. Rembold said the second SPR is potentially for the airport.

Mr. Musgrove asked if the balloons were flown.

Mr. Rembold said no. He said the applicant still has to receive their special permit from the Selectboard.

Mr. Rembold said he sent the bylaw to Mass DOT Aeronautics regarding the regulations for aviation use. He said the bylaw is vague as currently worded. Town Counsel will be addressing questions.

Ms. Nelson said she would like input from Town Counsel. She said 7.2 needs to be addressed for next years zoning amendments.

BOARD & COMMITTEE UPDATES:

Mr. Fick said the 5th Thursday meeting at BRPC sounds interesting.

CITIZEN'S SPEAK TIME:

No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 9:12 P.M.

Respectfully submitted,


Kimberly L. Shaw
Planning Board Secretary

