

Shutesbury Planning Board Meeting Minutes
November 5, 2018 Shutesbury Town Hall

Planning Board members present: Deacon Bonnar/Chair, Jeff Lacy, Steve Bressler, Linda Rotondi, Robert Raymond, Michael DeChiara, and Jim Aaron

Staff present: Linda Avis Scott/Land Use Clerk

Guests: Town Counsel Donna MacNicol; Jeff Macel and Kevin Sullivan/Lodestar

Bonnar calls the meeting to order at 7:40pm.

Case PB 18.001: Continue Public Hearing to Amend Special Permit/Wheelock Solar Site/LSDP12 – Lodestar:

Bonnar: the public hearing to amend the Wheelock solar site special permit is continued from 10.25.18 pending Tighe & Bond's peer review report; this report was received earlier 11.5.18. Lacy: the Tighe & Bond report is in response to the two J. R. Russo reports by Timothy Coon, P.E. (10.22.18 "Assessment of Drainage Impacts" and 10.25.18 "Revised Post Development Drainage Calculations"). Sullivan: the Tighe & Bond letter indicated that we do not need to meet the Stormwater Standards; we interpreted the letter to mean that we are "okay". Lacy: the 11.5.18 Tighe & Bond letter states the project is not subject to the Stormwater Standards however that does not address concerns the Board may have about non-point sources aggregating and getting into wetlands – we want to make sure this does not happen with the new panels. Lacy: in the letter, Jean Christy, P.E. refers to a paper titled "*Hydrologic Response of Solar Farms*" and writes "This approach assumes that the most hydrologically remote solar panels are considered impervious and the remaining areas within the solar array be considered the proposed finish ground cover beneath the panels"; she also refers to Table 1 "Peak Discharge Rates and Total Runoff Volumes". Because the Board is concerned with existing and proposed calculations and what Christy wrote conflicts with Coon, Lacy reviewed the matter with Christy and learned she was thinking that forest was being converted for the new panels; once it was explained that the area for the new panels has already been stumped, mulched with woodchips and is seeded meadow, Christy stated that Table 1 is incorrect and that there would not be much difference between the existing and proposed conditions for the new panels. Town Counsel MacNicol to Lacy: how did the conversation with Christy deal with last paragraph on page one, did her recommendations change when the assumptions changed, specifically, "the Board should consider the impacts of the change on discrete downstream areas from the proposed changes rather than the Project as a whole". Lacy: Subcatchment basin #5 is a discrete downstream area. Lacy: does the Board have sufficient information to close the hearing and begin deliberations? Bonnar: is it fair to say that Christy's remark that the changes were very slight negates the last paragraph? Lacy: Tighe & Bond did not know that the site is evolving meadow and not forest. MacNicol: Christy stated the changes on the chart would be very slight therefore the Board does not need to consider "the impacts of the

change on discreet downstream areas”. Lacy: mitigations will be in place for construction; if any sedimentation goes into the buffer zone, the project will stop and the Conservation Commission will be brought in - something that the applicant does not want. Sullivan: wattles adhere to the soil surface and are more adaptable to changes in slope; the hay bales will be used to bolster the silt fence. Sullivan to Raymond’s question: water flows through the bales which pick up particulates. Lacy explained to Christy that the new area is upland and he did not see the need for additional measures. Lacy moves and Raymond seconds a motion to close the public hearing. Lacy: once closed, the Board will enter deliberations and will be unable to ask for additional information from the applicant. Bressler to MacNicol: is Lacy’s conversation with Tighe & Bond, as part of the minutes, enough for the Board to go on? MacNicol: yes, Lacy’s conversation with Tighe & Bond, as the expert, is part of the minutes. MacNicol to DeChiara’s inquiry: because he is recused, he may not ask a “point of information” question. MacNicol: the Board can enter deliberations while the hearing is open; recommends the Board consider whether there will be any substantial change to the property from the proposed changes. Raymond states his satisfaction with the information provided. Bressler: what happens if there is more substantial runoff than what is anticipated, what is the Board’s recourse and the applicant’s responsibility? Lacy: Construction Condition #3 of the original special permit still applies, “If at any time during construction eroded sediment enters the 100 foot buffer zone to any wetlands under the jurisdiction of the Shutesbury Conservation Commission (SCC), said SCC shall be informed of the encroachment, and all site work unrelated to remedying the situation shall cease until such time as the SCC has certified that the encroachment has been fully remediated’. Sullivan: we have been self-enforcing the 120’ buffer mark for the project – this was the buffer for the project’s management schedule. MacNicol: the advantage of not closing is that the Board is able to discuss special permit conditions with the applicant. Lacy: all the previous conditions are incorporated into the amendment - #2 is specific to the current plan, #3 is the only new condition - “In accessing the 1.46 acres for construction of the new solar panels there shall be no excavation or filling to create new roadways or driveways”. MacNicol to Bonnar’s question: the Board can vote on the special permit decision once the members are prepared to do so. Raymond asks Macel and Sullivan if they have a response to the proposed conditions. Sullivan: they are manageable and fair. Lacy recommends the hearing be closed then the Board can review the draft permit. All members, except DeChiara who abstains, affirm the motion on the table; motion carries. Bonnar asks for a motion to approve the amended special permit decision; this motion is moved by Bressler and seconded by Raymond. Macel verifies the plans listed in the special permit decision. Lacy reviews the “General Findings” #2a. through f. noting that he concurs with Russo on #2 c. and that Tighe & Bond and Russo agree on #2e. The Board and applicants are satisfied with the findings and conditions. Except DeChiara who abstains, all members vote in favor of the motion. Lacy moves that Bonnar/Chair sign the Special Permit Decision on behalf of the Board; Raymond seconds the motion to which six members agree and DeChiara abstains. Bonnar will deliver the decision to the Town Clerk 11.6.18. MacNicol explains the twenty-day appeal period. Macel confirms that an amended

building permit is not needed; an amended electrical permit may be needed. Sullivan: we are getting very close to generating power. Lacy: subsequent site visits will be made. Sullivan appreciates the Board's time and effort and notes his availability for questions and site visits.

Public Comment: None offered.

DeChiara moves and Rotondi seconds a motion to approve the meeting notes for the 9.27.18 Marijuana Forum. Rotondi and Bressler abstain; Lacy, Raymond, Bonnar and DeChiara approve; motion carries. Aaron was not present for this vote. DeChiara moves and Lacy seconds a motion to approve the 10.15.18 meeting minutes. Lacy moves the motion be laid on the table to allow more time for review of the minutes; DeChiara seconds the motion that passes unanimously. DeChiara moves and Lacy seconds a motion to approve the 10.25.18 meeting minutes; the minutes are unanimously approved as amended.

EOEEA Planning Grant for Lot O32: Lacy: earlier this year, the Select Board voted not to approve acceptance of the EOEEA Planning Grant for Lot O32; in September 2018, the Select Board voted 3-0 in support of the project and acceptance of the Planning Grant. Lacy continues: it seems the Select Board will be overseeing the project with management by the Town Administrator and himself, as a planning consultant, though this has not been confirmed; the Select Board is still considering whether a specific committee will steer the project or if relevant committees will be consulted as indicated. DeChiara: During the 1.9.18 meeting, the Select Board approved the "Lot O32 Committee Charge" - "conducting a feasibility study and creating a concept plan for the possible uses of Lot O32..."; potential membership of this committee will have representation from the Planning Board, Library Trustee or Friend, Energy Committee, Building Committee, Council on Aging, Water Resources Committee, Conservation Commission, Finance Committee, Town Administrator/Ex-Officio and 2-3 Shutesbury residents; Lacy's role will be as the planning consultant. DeChiara: if the Lot O32 Exploratory Committee is formed, he is interested in serving as the Planning Board representative. Lacy: DeChiara was an opponent of the project therefore would not be an appropriate representative. DeChiara: part of his concern is that the project might open up another round of contention.

Cannabis/Hemp Regulations: DeChiara: the moratorium has a deadline therefore the Board needs to work on this topic. Raymond recommends reviewing the relevant materials in preparation for the next meeting.

Possible 2019 Zoning Bylaw Amendments: This agenda item is carried over to a future meeting.

Next meeting date: 12.10.18.

Bressler moves and Rotondi seconds a motion to adjourn the meeting at 8:50pm; motion passes unanimously,

Documents and Other Items Used at the Meeting:

1. Special Permit Application PB18.01 to Amend Special Permit PB-SP 6.5.15
2. Tighe & Bond 11.5.18 Peer Review for Ground-Mount Solar Array, Pratt Corner Road
3. Planning Board Draft Special Permit Decision for Case PB18.01

Respectfully submitted,
Linda Avis Scott
Land Use Clerk