

PLANNING BOARD MEETING MINUTES

June 25, 2020

PRESENT: Steven Strojny, Elmer Clegg, Daniel Doucette, David O'Connor, Sandra Goldstein, Elizabeth Brown, John Carroll, Jeanne Azarovitz

ABSENT: Lou Gallo

STAFF: Coreen Moore, Jennifer Copeland

PUBLIC: Sam Lorusso, Todd MacDonald, David Ingersoll, David Peterson, Allison Lorusso, Brian Yergatian, Dan Serber

Ann Gutterson, Recording Secretary

Meeting conducted via Zoom remote access.

Chairman Strojny called the meeting to order at 7:04pm.

Minutes: 2/27/20, 5/28/20

Ms. Goldstein: on the 5/28 minutes, the 15' buffer, do you need to get permission to do that?

Coreen: May be confusing, commercial with residential review. Landscaping review for commercial don't have bylaw for residential. Comes under the condition of the special permit.

Mr. Doucette: Sec. 2490 back lot 2493b – read the section. Retain and supported.

Ms. Brown made a MOTION to approve both sets of minutes. The MOTION was seconded by Ms. Goldstein. Roll call vote as follows:

Mr. Carroll – abstain	Mr. Clegg – yes	Mr. Doucette – yes
Ms. Azarovitz – yes	Ms. Brown – yes	Mr. O'Connor – yes
Ms. Goldstein – yes	Mr. Gallo – absent	Mr. Strojny - yes

Ms. Brown made a MOTION to take #3 out of order. The MOTION was seconded by Mr. Doucette. Roll call vote as follows:

Mr. Carroll – yes	Mr. Clegg – yes	Mr. Doucette – yes
Ms. Azarovitz – yes	Ms. Brown – yes	Mr. O'Connor – yes
Ms. Goldstein – yes	Mr. Gallo – absent	Mr. Strojny - yes

Design Review Committee Appointments:

Coreen: Section 2815, DRC appointments with the Planning Board as the appointing authority. They review projects first then make recommendation to the Board. There are 5 members with one alternate. Currently – Jeanne Azarovitz, David O'Connor, Doug Shearer, MO and Pam Matheson. Appointments are up on 6/30. Put out community wide to see if anyone else is interested. Two Planning Board members would be nice to have others. July 2nd is the deadline and vote/appoint on July 9th. They meet the first Tuesday of the month at 9am for about an hour. They also review sign plan for Downtown Buzzards Bay. Must get positive recommendation for signs. The terms are for three (3) years.

Mr. Clegg: I see two expire in 2022, leaves three openings and an alternate.

Coreen: We never had an alternate.

Public Hearing for Site Plan Review #507: 0 Scenic Hwy, Bournedale. Next Grid Inc. Redevelopment of site for a photovoltaic ground mounted system with associated drives, stormwater.

Chm. Strojny: Hear the presentation, number of cross jurisdictional issues. Prudent to take under advisement until we can loop in the Appeals Board and Board of Selectmen before making any decisions.

David S: Applicant. Renewable Energy developer operates primarily in MA. 5 Megawatt AC 15 Megawatt DC on the location of the current sand pit. It's 33.6 acres with a fenced in area. 46 acres total disturbed area. Was a heavy industrial business. At the height there was 80 trips per day. This is a passive use, fixed solar. Will be a handful of trips a year for grass trimming/maintenance. Clean water/natural habitat. No staff or moving vehicles. Beach grass under panels. Passive use creates jobs, income and revenue to the town.

Brian Y: Curb cut from the 1920's, right turn in/out. No wetland resources except in the north east corner of the property. ACEC subject to ZBA action very far away from the proposal. There will be 32,000 individual panels and equipment. Requires utility poles and underground wiring. Access road is the same, 15' gravel road around perimeter. A 7' high fence is proposed outside of that with a knock box for the fire dept. Site as now is a giant bowl with 80' tall side slopes. Currently being reclaimed as per the agreement. Will be a 2:1 grade with a water quality swale in the center. Treat and recharge well over a 100 year storm.

Far away from the proposed project. That's not part of the proposal before you. Significantly regraded for this. Floor of the pit will be regraded as well. All equipment will be removed. 2% slope. Swale for runoff, large infiltration basin. Also, access permit from MA DOT, MEPA review more than 25 acres altered.

Daniel: Site is bisected by utility poles. Bowl with 80' high side slopes so water can't escape. Considerable regrading for this project. The 2:1 slope is per the agreement with the ZBA.

Daniel: In line with post closure of pit from ZBA.

Brian: Disturbed area seeded with wildflower mixture or New England conservation mix. Only mow 2-3 times a season. Solar racks up 12-18" off the ground.

Ms. Goldstein: Initial discussing. R80 undeveloped land adjacent, now woodlands, where is that?

Brian: West and north, largely undeveloped. Heather Hill Rd to the south. North and east is Bournedale Road. Founding Pond in northeast corner, will remain undeveloped. West and north different owners, R80 and SDD zoning districts.

Ms. Goldstein: Looks like a lot of R80.

Daniel: Just small corner of our property, couple shrub trees, not disturbing any trees because there aren't any.

Ms. Goldstein: Project of that size, how it affects the neighboring properties. Is there buzzing from them?

Daniel: No sound. Inverter pads, over 500' from any property line, will make completely inaudible.

Ms. Goldstein: Where are the inverter pads?

Brian: They are with the battery storage near the access road. Over 1,000 feet away. About 400' from the closest property line, any potential home development would be offset from transmission line by at least 100'.

Mr. Clegg: Lorusso family owns it. Solar array is 35 acres, disturb 46 acres, is the sloping around the 11 acres?

0 Scenic Hwy, Bournedale Cont'd:

Daniel: Yes.

Mr. Clegg: 20 year life, expect to maintain?

Daniel: Contract with Eversource with a potential extension of 5 years. Bonding the decommissioning of this plant.

Mr. Clegg: What's the best use of this property for the long term As ISWM may be 20-25 years from now, good for solid waste then. Think this a good thing given the nature of the property. How many transformers on site? Heather Hill Rd, now access?

Coreen: Heather Hill is accessed off Ernest Valeri Rd. Big improvement.

Mr. Clegg: In your report, paragraph 7 findings; not change of use by the CCC (Cape Cod Commission), how is mining to solar not a change of use?

Coreen: By CCC to applicant said not change of use for triggers/impact. No trigger their thresholds.

Mr. Clegg: Not DRI?

Coreen: Correct.

David: There will be 5 1,000 volt transformers on site. All in the same location with the batteries.

Mr. Clegg: Special precautions, lighting, etc?

Daniel: On concrete pads, precautions taken to keep oil in. Have never had a leak problem. Viscal oil on a site like this, catch would know instantly with remote. Odds are low it would happen.

Mr. O'Connor: Possession of property. Responsible for mitigation area of the Northeast corner? Will that happen? Coordinate larger work?

Daniel: That will be completed prior to us taking possession.

Brian: Most areas have been restored.

Mr. O'Conner: Not a lot of cover. Concerned about schedule.

Brian: Lorusso, us, ZBA taking it seriously. Planting grass.

Coreen: I'm in the process of reviewing the ZBA and Board of Health files with restrictive covenants. Make sure all other agreements have been adhered to. Sign offs from ZBA and BOH needed.

Daniel: Scoping our responsibility. Lorusso taking care of most of that for us.

Ms. Brown: Construction taking how long?

Daniel: About 4-5 months. Install racking (6-7 weeks) that is the bulk, then panel install and we're running. Ongoing due diligence, testing, etc. about two months.

Ms. Goldstein: The bottom of the panel is 18" off the ground? Portrait panels 4' – 6.8'.

Daniel: They are fixed tilt with remote monitoring, shadows, weather, and equipment. We know when something is wrong or off.

Ms. Goldstein: Mow when grass gets too high and casts a shadow?

Daniel: yes. Can tell if grass shadows. Cut as little as possible. Keep at 6" slopes will be traditional grass. Beach grass under the panels.

Ms. Goldstein: Are birds, insects affected by the heat of the panels?

Daniel: No. Rabbits, mice, birds like it, they thrive.

Ms. Goldstein: Any residential to see now or with future homes?

Daniel: No. Tower on north of property, not inhabited. North property could develop. Batteries mounted on concrete. Keep so greases can't get near the invertors, not visible to people.

Mr. Doucette: Issues: official street address, access for loop, bituminous to power lines, make some access to the gate. Financial surety, should Town Counsel look at it? Accessory structures, more detail in the pit and site. Name and numbers of the responsible parties on the sign. Coming together real good. Make sure don't interfere with any court rulings, ZBA or BOH.

0 Scenic Hwy, Bournedale Cont'd:

Chm. Strojny: Stormwater management need peer reviewer or do you feel comfortable?

Daniel: No overflow to any other properties.

Coreen: I'm not an engineer, didn't calculate. Could get a quick review. Can send to CCC for technical review or peer review would take longer. The CCC did a review on the MacArthur Blvd. solar project.

Ms. Goldstein: Concerned about transport and when that will happen. Ask to submit a transport plan timing wise.

Daniel: Usually they arrive 2-3am.

Ms. Goldstein: The Police and Fire are usually notified with transport.

Coreen: Sent memos to ZBA and BOH two days ago, asking them to weigh in. Tomorrow will send technical assist form to the CCC. Maybe revisit August 13th?

Mr. Doucette: Would like the first or second meeting in July, can always continue. July 23rd is ample time to get this done. Can always continue to another meeting.

Mr. Clegg: Make sure ZBA and BOH have had adequate plans and submit in writing all conditions have been met before we proceed.

Brian: Not opposed to a conditional decision.

Chm. Strojny: That isn't going to happen.

Dave Petersen, CCA point person with the ZBA: We have been in contact with them and given regular updates with restoration agreement. We did stop part of the restoration, primarily the pit because Nextgrid was going to make modifications. ZBA didn't have an issue with that. We are committed to get this buttoned up. The BOS signed the settlement agreement which defined this restoration agreement. Clear with court so no issues moving forward.

Mr. Doucette made a MOTION to continue to 7/23/20. The MOTION was seconded by Mr. Clegg. Roll call vote as follows:

Mr. Carroll – yes	Mr. Clegg – yes	Mr. Doucette – yes
Ms. Azarovitz – yes	Ms. Brown – yes	Mr. O'Connor – yes
Ms. Goldstein – yes	Mr. Gallo – absent	Mr. Strojny - yes

Mr. Doucette made a MOTION to adjourn, seconded by Ms. Azarovitz. Roll call vote as follows:

Mr. Carroll – yes	Mr. Clegg – yes	Mr. Doucette – yes
Ms. Azarovitz – yes	Ms. Brown – yes	Mr. O'Connor – yes
Ms. Goldstein – yes	Mr. Gallo – absent	Mr. Strojny - yes

With no further business before the Board, the meeting was adjourned at 9:45pm.

Respectfully submitted,
Ann Gutterson