

PLANNING BOARD MEETING MINUTES
December 11, 2014

PRESENT: Christopher Farrell, Vincent Michienzi, John Howarth, Louis Gallo, Elmer Clegg, Daniel Chauvin
ABSENT: Daniel Doucette
STAFF: Coreen Moore, Town Planner, Tim Lydn, Engineering Tech
PUBLIC: Mike Rausch, Paul Gately, Robert Prophett, Don Bracken, Zac Basinski, Russell Kleekamp, Jim Mulvey, Ed Simpson, Nancy Angus, Phil Cavallo, Brian Madden

Ann Gratis, Recording Secretary

Chairman Farrell called the meeting to order at 7:00pm.

This meeting was televised and recorded. Michael Rausch of the Bourne Enterprise is recording the meeting also.

Minutes of 11/13/14: Mr. Howarth made a MOTION to approve. The MOTION was seconded by Mr. Clegg with all in favor.

81P: 216 & 217 Presidents Road. 2 lots.

Atty. Ford O'Connor represented the applicant. They are making adjustments to the lots.

Coreen: Preexisting and just exchanging land.

Mr. Howarth made a MOTION to approve. The MOTION was seconded by Mr. Michienzi with all in favor.

Release of Bond: Tern Way. Road is complete.

Atty. Jon Fitch represented the applicant. This was approved two years ago.

Chairman Farrell read the letter from George Sala of the DPW.

Jon: Sounds like some touchup and cleanup is needed. We would like to continue to the next meeting.

Mr. Howarth made a MOTION to continue to 1/8/15. The MOTION was seconded by Mr. Michienzi with all in favor.

Request for Release from Covenant: Cape Sagamore Highlands: Lots 1, 3, 17, 19, 20, 21

Nancy Angus. We have received our certificate of compliance from the Cape Cod Commission and there are still 11 lots under covenant.

Mr. Howarth made a MOTION to release the lots. The MOTION was seconded by Mr. Chauvin with all in favor.

Discussion: 802 MacArthur Blvd. Landscape clearing.

There is concern from the abutter. We will be putting a 6' stockade fence plus arborvitaes. We had to remove vegetation to install the wall.

Mr. Howarth asked if the lack of buffer was the only complaint?

Yes, it was a visual and noise buffer. The fence will cover almost the whole building.

Mr. Clegg: What was the form of objection?

It was called in for noise and visual. The plan showed all trees to remain and he was surprised when they were gone.

Chairman Farrell: unfortunately that happens in construction, and sometimes they have to take more than planned. Once restored with arborvitaes and fencing I think it will be better.

Discussion: 802 MacArthur Blvd. Cont'd

Mr. Clegg: was the retaining wall on the approved plan? - yes.

Mr. Agrillo: is the wall in the same place as on the plan? – yes.

Mr. Howarth made a MOTION to continue to the spring to see how it works out. The MOTION was seconded by Mr. Gallo with all in favor. This will be on for March 26, 2015.

Public Hearing for Site Plan Review #486: 53 MacArthur Blvd. Fiddlers Green Ltd. Partnership. For a solar farm in the Photovoltaic overlay district.

Don Bracken, Zac Basinski, Ed Simpson.

Ed: We purchased the property 15 years ago. There is great open space with the DiCicco plan. Solar is a great use here. We have spent well over \$100,000 so far for a 2 mW field. Hope this is our final hearing. We seek the Board's approval. I want to thank the team from Bracken Engineering, and Beaumont Solar and the Gallo rink for their support.

Don: We have received CCC approval. Access was the tough issue. We couldn't do it from the Base so we had to use MacArthur Blvd. MA Dot granted the access. It's a low usage solar project and will have a locked gate. Paved will be 50' down to 2', then a 10' wide gravel drive to the panel site. There are two isolated wetland areas that have been approved by ConCom for placement of the drive. This lot is difficult terrain but levels off I the back. We have a conservation management plan approved by the State. 17 acres of open space that we've asked BCT to hold. Drainage meets MA stormwater Mgmt. Act. The grass will be cut 1-2 times a year. There will be drainage swales on both sides of the driveway. Very low impact.

Phil Cavallo, owner of Beaumont Solar: We have applied to MA Dot for overhead wires across the highway. Has not been approved yet. The system will last 20-25 years. We will post a decommissioning bond of \$16,000-\$20,000. This system will have to be taken away, it's all in the agreement. It will be maintained by Beaumont.

Don: The requirement for utilities is underground but due to the location most of the wires will go through open space and will not be visible from the public view. Overhead is less intrusive, saves time and money. There is no need for lighting. We are hoping for approval with conditions. We are confident we can do all prior to receiving a building permit.

Mr. Clegg: I reviewed this plan and they have answered many of my concerns but I don't believe this can be put to a vote tonight. Too many outstanding things.

Mr. Gallo: Stop & Shop owns the land abutting. If the road comes to fruition, would you participate to have that road go on your land?

Mr. Clegg: That road is significantly north of this property.

Mr. Agrillo: Are there any other hurdles after us?

Don: Final DOT and the building permit.

Public Hearing for Site Plan Review #486: 53 MacArthur Blvd Cont'd.

Mr. Clegg: Listed the conditions of the CCC. Before they start work, they need a preliminary certification. We may want to involve other departments. Their certification is good for seven years.

- Municipal permits/approval must be gotten prior to the preliminary CoC
- Applicant must submit final project plans prior to preliminary CoC
- No building permit is to be issued until the preliminary CoC is received
- No occupancy permit issued until final CoC
- Applicant must provide PPA prior to the preliminary CoC
- Stormwater inspection report – 1 year after completion
- Draft conservation restriction before preliminary CoC
- Final conservation restriction before final CoC
- Wildlife Management Plan

Don: We are well aware of the conditions.

Mr. Agrillo: What is typically done for security and safety?

Phil: There will be a security guard while under construction. Then a 6' fence, possible cameras. That's up to the owner.

Chairman Farrell: How long to construct?

Phil: 120 days weather permitting. Seeding will be done in the spring/summer. We hope to be complete by July 1st. We are leasing the land from the Simpsons. The transfer of ownership happens on day 1.

Brian Madden of LEC Environmental. Prior to a building permit the CCC needs proof of documentation that all other things are received. They have the plans and the PPA.

Phil: Other projects we've done in town: Onset Computer, Kingman Marine, Kam, and Hydroid.

Chairman Farrell: All those except Hydroid are roof mounted systems. This is different.

Mr. Clegg: There is no template to fit this type of project. Coreen had to do a custom template and just finished on the 11th. There are a number of things that need to be clarified. They received the memo last Thursday and we've had no response yet. I feel we can't vote. There are some technical things: ConCom restriction in draft form, statues of PPA need to see that, agreement with IGS and Fiddlers Green, need the life cycle plan, O&M plan. The surety bond needs to be submitted ot us and approved, MA Dot approval is needed.

Phil: I have many of the items with me tonight.

Mr. Clegg: The site layout – surveyors map Sec. 6 northern boundary abuts the S&S development area. 3-4 years possible develop. To the south – BCT has 30-35 acres. Great pond by MacArthur Blvd. The western 2/3 of the property have 2 wetland areas. Trails wind all through there, there is nothing to prevent incursion from wetland area. Need a fence to block the northern boundary to keep dirt bikes out. I suggest you gift the 17+/- acres tot eh west to BCT as they hold the restriction to the south.

Don: BCT has no interest in holding the restriction. Met with him in 2013.

Mr. Clegg: I spoke to Steve Ballentine and he has no recollection of talking to you.

Chairman Farrell: if the land is held in private ownership wouldn't they still pay taxes?

Public Hearing for Site Plan Review #486: 53 MacArthur Blvd Cont'd.

Ed: tax on buildable land and road, the rest of the land is not taxable.

Coreen: There are lots of outstanding documents. The surety and decommissioning has to be reviewed by town counsel. I'm not sure the documents satisfy as I haven't seen them. We don't enforce the CCC conditions. Roger Laporte needs to be aware of the compliance issues. Not part of the Planning Board approval process. We couldn't review until after the appeal period with the CCC was done, which is unusual.

Don: We didn't have time to get everything done in time. We're comfortable adding the conditions to the plan. Time is more critical to us than anything. We seek approval with all materials submitted.

Mr. Clegg made a MOTION to continue until the submittals are made.

Coreen: I'm not an expert.

Chairman Farrell: usually all submittals are made prior. We don't have that tonight. It's not fair for Coreen to stick her neck out. We have heard Mr. Clegg's concerns.

Mr. Howarth: We pass projects with conditions more due to the size of the project. Conditional on all being met by applicant.

Chairman Farrell: If all is not submitted, no building permit will be issued.

Mr. Howarth: I have no qualms those conditions will be met. MOTION to approve with the conditions. The MOTION was seconded by Mr. Agrillo.

Mr. Clegg: We've turned away others that didn't meet the 72 hour rule. I think this is undermining Coreen's position.

Coreen: I am staff. I make recommendations to the Board. If there is a lawsuit, it's your names on it, not mine.

Don: Mr. Clegg said there is no format for this type of project. We never had the template. Many of the issues are for the building permit. Beaumont has worked hard getting the information together.

Mr. Clegg: would you agree that the Board members be furnished of the conditions.

Jim Mulvey: You have not had a project of this size before. Bonding, wetlands, it's complicated. There are questions. The motion bothers me that this project can't be delayed 30 days? I can't understand the haste even with these conditions. It seems like a worthy project. There are too many unanswered questions out there.

Barry Johnson: Bourne Rec. Authority. I'm the general manager. We have executed the PPA with IGS. It's extensive and thorough. It made sense for the rink to purchase the power. We can provide any information you need from us.

Mr. Howarth: In the last two years I've worked with the Cape coordinator for renewable energy. There is another solar project on MacArthur Blvd that didn't go through as he didn't want to do the work.

Chairman Farrell: We admire Coreen and Dody's work. We don't take light to her recommendations. We are not trying to belittle her work at all. We appreciate it greatly. We agree to disagree on certain things. Thank you for your comments.

Mr. Clegg: The application package is fraught with inconsistencies. The plan says 2mW. Tonight they said 1.6mW. Phase 1 is 650kw, tonight they said 800kw. It doesn't match with what they submitted.

Chairman Farrell: the site plan is pretty much the same. It doesn't matter 200-400mw difference.

Public Hearing for Site Plan Review #486: 53 MacArthur Blvd Cont'd.

Mr. Clegg: There is more to it: hazardous waste. Coolant in transformers, what if the panels get damaged?

Mr. Chauvin: I think we are fortunate that we don't have to do these. Many are building permit issues.

Mr. Clegg: It goes against the nature of the Board. Setting precedent.

Vote: 5 in favor, 2 opposed.

Mr. Howarth recinded his MOTION . Mr. Agrillo recinded his 2nd.

Mr. Howarth made a MOTION to approve with all the conditions and to grant the waiver for overhead wires. The MOTION was seconded by Mr. Agrillo. 5 in favor, 2 opposed.

Mr. Chauvin made a MOTION to adjourn. The MOTION was seconded by Mr. Campos with all in favor.

With no further business before the Board, the meeting was adjourned at 8:37pm.

Respectfully submitted,
Ann Gratis