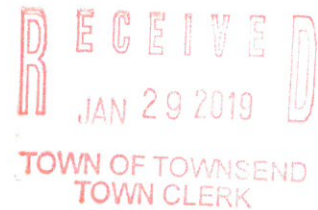




Office of
Townsend Planning Board
272 Main Street
Townsend, Massachusetts 01469
978-597-1722



Planning Board Meeting Draft minutes

Monday, December 17, 2018, at 6:30PM

Townsend Memorial Hall - Selectmen's Chambers

1.0 PRELIMINARIES:

1.1 Call the meeting to order - Veronica Kell opened the meeting at 6:30pm.

1.2 Roll call - Jerrilyn Bozicas (JB), Charles Sexton-Diranian (CSD), and Clerk Veronica Kell (VK) Vice Chair, Laura Shifrin (LS) participating remotely at 7:00pm. Chair Lance McNally was absent.

Others present: Elizabeth Faxon (EF), Planning board administrator.

1.3 Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting - ANR 187 North End Road - correspondence from Stan Dillis granting an extension of endorsement of the 187 North End Road ANR.

1.4 Approval of Minutes 11/26/18 - JB motioned to defer approval and release of minutes of 11/26/18 until other Board members were present. CSD seconded. All in favor.

2. APPOINTMENTS:

1. 6:45 P.M. – ANR 69 & 75 Brookline Road

Present: Stan Dillis, Ducharme & Dillis Civil Design Group, Inc.

Mr. Dillis explains there are 3 existing pieces of land which have been reconfigured to create a new lot. He further states that Lot 1, Lot 2 and Lot 3 meet the frontage and acreage requirements. Lot 3 contains 2.65± Ac. Wetland and 3.14± Upland. VK asked about the obstacle of crossing the wetlands from Brookline Road frontage via the configured 36' corridor present on Lot 3 to the buildable portion of the Lot. She further expressed concern over emergency vehicle access through this strip of land. Mr. Dillis responded that the intent is to access the upland buildable portion of Lot 3 via the 50' frontage on Meadow Road without a wetland crossing. VK asked about the location of guard rails located on Brookline Road along the frontage of Lot 3 stating these are obstructing access through the frontage on Brookline Road. Mr. Dillis acknowledged the concern of the Board member and stated the applicant would grant an extension of endorsement until the January 14th, 2019 Planning Board meeting.

CSD motioned to accept any revisions of application and site plan after consultation with the building inspector on the proposal JB seconded. All in favor.

2. 7:00 P.M. – 22 West Meadow Road - Site Plan Review and NPDES Stormwater Permit – public hearing

Applicant: Locke Brook Solar, LLC

Location: 22 West Meadow Road

Project: Locke Brook Solar Array – Application for site plan review.

Proposal is for construction of a 1-M AC solar voltaic array on the approximately 37 acre property.

Present: Palmer Moore, Locke Brook Solar, LLC

Eric Las, Beal's & Thomas, Inc.

Vice Chair Laura Shifrin (LS) participated remotely joined the meeting via phone at 7:00 pm.

VK opened the public hearing at 7:10 pm, legal notice was read.

Mr. Moore opened the presentation stating that Beals and Thomas has designed this project in compliance with Townsend bylaw §145-86 and described qualifications and previous experience on various other solar energy projects in conjunction with Unitil and Nexamp. The proposed Lock Brook solar array will provide enough power for 200 households.

Mr. Las presented an aerial overview of the site. West Meadow road is on the Northeast border of the 37 acre site of which 9.5 acres is proposed for the solar array installation. The Property is located within the Residential A-3 and Residential B-2 zoning districts and the Aquifer Protection Overlay District. The Property contains an existing single family home and agricultural fields. Willard Brook flows to the South of the site and Locke Brook flows on the Northern portion of the Property. The solar array is proposed within the open field located in the southeastern portion of the Property. Three public hearings have been held with the Townsend Conservation Commission (TCC). There will be no tree clearing occurring during the construction of the project. The natural floodway line is maintained while positioning the key elements of the solar array including the Stormwater management system, solar panels, inverter pad, and interconnection point tie-in to the Unitil grid on Meadow road. The Stormwater management system was designed to maintain the same naturally occurring drainage pattern and will require minimal earth work for installation. The Stormwater Management report was reviewed by both Department of Environmental Protection (MA. DEP) and Townsend Conservation Commission. Existing conditions of grassed field will be maintained under the array and a proposed access road will be constructed off of the existing private drive. 7' tall security fencing with a minimum clearance of 6" from ground level will enclose the array. The minimum height of the fencing will provide an unobstructed wildlife corridor for small wildlife. Mr. Las continued that the array installation will occur outside of the 100 year flood, however the Stormwater management system is over designed to mitigate a much higher catastrophic flooding event. The installation will add 80 cubic feet of additional Stormwater runoff to existing drainage conditions. Compensatory storage is provided by a

detention basin. The post construction operation and maintenance plan includes quarterly maintenance of mowing has been amended to address concerns of the TCC and MA DEP.

CSD questioned the connectivity plan to Utilil infrastructure. Mr. Las responded existing poles will be used plus installation of 3 new poles along the private drive. Wires will be both underground in conduit designed for wet and submerged wires, and some will be overhead to the poles.

Mr. Las further noted that the requirement for Stormwater management design is no change in runoff post construction. The system is designed to increase compensatory flood storage on the site using the natural grade and as such is over designed. The continued maintenance of the Stormwater runoff system is the responsibility of Locke Brook Solar, LLC and is outlined in the Stormwater report document. Dismantling of the project was noted and the applicant has provided a detail cost estimate in the application.

VK questioned the impact to visual character from State Route 119 and West Meadow Road. A wide section of mature forest extending along the border of the proposed project and route 119 exists. The applicant stated no intention of cutting trees or reducing this vegetative buffer. There is limited existing vegetation along West Meadow road between the proposed project and the road. The applicant provides photographs of the area to the Board to illustrate existing conditions and further looks to developing the vegetative screening design in this section with input from the Board. A site walk, open to the public, was scheduled for Saturday January 12, 2019 at 12:00pm.

CSD motioned to hire an engineering consultant to conduct a peer review of the hydrology and Stormwater management plan. LS seconded. Roll call vote: YES- VK, CSD, JB, LS. The motion carries.

Mandatory referrals were read into the record. A letter received from Mr. and Mrs. Boundy, concerned abutters, was read into the record. Points of note include the concern over noise generated by the project, exterior lighting, vegetation along the security fence, and use of deicing or pesticides.

An abutter residing at 519 Main Street expressed concerns regarding location of the project and the 100 year flood plain. She added the area has had extensive flooding this past spring and Willard Brook is near her property boundary. The shed view from her yard will be impacted by the installation and, she asked for maintenance of a "country view". Mr. Moore concurs that the view will be impacted and may propose plantings on the outside of the security fence to help screen the view from this property. The applicant responded that the panels will be 11' tall and the screening vegetation plan is under development and will take into consideration comments from the public hearings. The question of electrical interference was raised and the applicant responded there will be no impact after the installation. Mr. Moore referred to an acoustical study conducted by another firm of a similar installation in a similar setting. He noted that the source point of the only noise related to the proposed project is the inverter which will be in an isolated location over 650 feet away from the Boundy's property. Mr. Moore contends that the noise will not be detectable from abutting properties. The decibel level emitted from the inverter is <79dBA at 1m well within conformance with MA DEP noise regulations. The question was raised about potential effect of the installation on bees and response was the EMF emitted from equipment used on a solar array site are similar that of a cell phone and of minimal significance.

CSD motioned to continue the public hearing of Locke Brook Solar array until January 14, 2019 at 7:00 pm. JB second. Roll call vote: YES - L. Shifrin, J. Bozicas, V. Kell, C. Sexton-Diranian.

3. WORKSESSION:

3.1 Accessory Apartment Bylaw discussion - CSD gave update that he and VK will meet after the holidays to continue work on the bylaw changes incorporating feedback from the public hearing. He attended a regular meeting of the Zoning Board of Appeals on December 12, 2019 for an open discussion regarding affordable housing, permitting process of accessory apartments, and, the ongoing work of the accessory apartment bylaw amendment. ZBA members agreed to contribute input and expertise, working with The Planning board and Townsend Housing Authority in the planning and implementation process of accessory apartment permitting. VK added request for an automated online process to be formulated to monitor and issue accessory apartment special permits in Townsend. Clarification is requested as to which town department has what section to complete in the accessory apartment permitting process, and later in the enforcement segment.

3.2 Adult Use Recreational Marijuana proposed bylaw discussion and moratorium review

145-90 Recreational Marijuana establishments zoning proposal edits recorded: Definitions added "cannabis control commission" and put "CCC" in parenthesis. Host community agreement was added to the definitions section. Under section special permit approval criteria the letter (f) was changed to a (g). Number 10 "no outside storage" was added. Number 11 "no delivery of marijuana products for personal purposes is allowed."

JB motioned to make the amendments to the recreational Marijuana establishments zoning proposal document as noted, subject to town counsel review. CSD seconded. All in favor.

The approved amendments will be reviewed by town counsel. After the review is complete, the final amended zoning bylaw document will be provided to Mr. Sexton-Diranian. Mr. Sexton-Diranian, the newest Planning board member, will present both article 29 extension of the temporary moratorium and article 30 Recreational Marijuana establishments zoning proposal on behalf of the Planning Board at Special Town Meeting (STM) floor on December 20, 2019. Printed copies of the amended 145-90 recreational marijuana establishment zoning proposal discussed tonight will be available to voters with the STM program booklet at the registration tables. Board members agreed it would be best if both recreational marijuana articles 29 & 30 could be moved forward and taken together out of order on the warrant at STM. The Planning board asked for C. Smart to include the statement and report regarding articles 29 & 30 in the program that accompanies the STM warrant. VK read aloud the statement/report to accompany the presentation of articles 29 & 30 at STM. Noted. The Planning Board will petition the board of selectmen to put a general bylaw/question on the spring ballot. LS adds that it is important to convey to voters that approving articles 29 & 30 will benefit the town and furthermore passing the zoning bylaw is of utmost importance

so that the Town has a regulatory process in place, a starting point. If the temporary moratorium does not pass, or is rejected by the Attorney General, and the zoning bylaw does pass, then the ballot question can be used to bring forth the option of prohibition of retail and other restrictions. If the temporary moratorium is extended only, then the Town will be granted more planning time to work on the zoning bylaw. If the zoning bylaw passes only, the ballot question will be petitioned for with the board of selectmen and the bylaw can be amended at the Annual Town meeting 2019.

CSD motioned to approve the Planning Board statement/report as read and changed and publically read the statement at Special Town Meeting. JB seconded. Roll call vote: YES- JB, CSD, LS, VK

Discussion continued to support of the Planning Board petitioning the Board of Selectmen to put a general bylaw/question on the annual election ballot and if it passes, to proceed to the annual town meeting 2019. Town of Groton was referenced as an example of how the local recreational marijuana (RMJ) regulatory process might work similarly for the Town. Groton passed a recreational marijuana establishment zoning bylaw and later amended it to prohibit retail establishments. A similar regulatory process is underway in the Town of Lunenburg. Board members concurred that letting the Townsend voters decided by vote on Articles 29 & 30 at STM, annual election ballot, and, annual town meeting will provide best practice and due diligence in the planning process. Also noted was our new town counsel, Costa & Mead is working with the Lunenburg Planning board throughout the RMJ local regulatory process. Noted, Attorney Adam Costa, town counsel's attendance at the Planning Board public hearing on December 12, 2019 on the RMJ zoning establishment bylaw proposal was very beneficial. Attorney Costa has agreed to write a letter of support for the extension of the temporary moratorium if the article passes at STM.

LS motioned to petition the Board of Selectmen for a ballot question on the annual town election ballot that would restrict and or ban recreational marijuana establishments. VK seconded. Roll call vote: YES - CSD, JB, LS, VK. The motion carried.

3.3 Application filing fees progress update. - no update

3.4 Master Plan Committee Update - MPC has not been meeting due to difficulty gathering a quorum. The Committee is working on moving text into Google docs to take advantage of editing and collaborative tools. The next MPC meeting is scheduled for January 10, 2019. All Board members are welcome to attend.

3.5 FY 20 Budget review - L. Butler, conservation administrator is preparing the budget for all Land Use departments.

3.6 Townsend Planning Board 2019 Meeting schedule calendar - holiday schedule noted, will put on January meeting agenda.

JB motioned to adjourn at 8:12 pm, CSD seconded. Roll call vote: YES – LS, VK, CSD, JB

Respectfully submitted,

Elizabeth Faxon, Planning Board Administrator

Documents on file:

1. 22 West Meadow Road Locke Brook Solar Array Application for site plan review and site plans.
2. 22 West Meadow Road Locke Brook solar array Application for Stormwater Management Permit.
3. 22 West Meadow Road Locke Brook solar array Stormwater management report.
4. Letter from Mr. and Mrs. Boundy re: 22 West Meadow Road Locke Brook solar array public hearing.
5. Photographs of views of 22 West Meadow Road existing conditions.
6. Public sign-in sheet 12-17-18 Planning board meeting.
7. ANR 69, 75 Brookline Road application and plan of Land.
8. Article 30 §145-90 Recreational Marijuana Establishment Zoning proposal (STM 12-20-18 warrant)
9. Planning Board statement and report subject to articles 29 & 30 Recreational Marijuana warrant articles STM 12-20-18.
10. Article 29 §145-89 Temporary Moratorium on recreational marijuana establishments. STM 12-20-18.

Approved on: January 28, 2019