

Approved by ZBA on May 15, 2017

TOWN OF PLAINFIELD

Zoning Board of Appeals

Meeting Minutes

Thursday April 20, 2017 at 7:00 p.m. at the Plainfield Town Hall

Members Present: Members Peg Keller, Chair, Laurie Israel, Joan Wattman and Alternate Ann Irvine. Alternate Sandra Morann was not present at the meeting, and has recused herself from the current ZBA application .

Call to Order: The ZBA meeting commenced at 7:08 p.m.

Continued Public Hearing. Public Hearing commenced at 7:08 p.m._ Continuation of the Public Hearing held on March 16, 2017 to consider the application of Plainfield Solar, LLC, Chris Clark, 4 Liberty Square, 3rd Floor, Boston, MA for a Special Permit as required under Section 8.3 of the Plainfield Zoning Bylaws, and a Site Plan Review as required in the Town of Plainfield Zoning Board of Appeals Rules and Regulations.

Kelley Fike, associated engineer for SVE Associates was present. Present also were Justin Kasunick, project manager for Nexamp, Inc., and Julie Beauchemin, assistant project manager, for Nexamp, Inc.

Aimee Bell, engineer with ZBA's consulting engineer, Fuss & O'Neill not present, but provided a letter dated 4/20/17 with comments on the Applicant's revised proposal after the first round of feedback and comments by the ZBA's consulting engineer. Larry Smith, of the Pioneer Valley Planning Commission (PVPC), consultant for ZBA, was present.

In addition, Gerry Garner, the Town's building inspector, was present during most of the meeting.

Peg Keller: Began with a review of what the meeting would cover, including discussions of the possible order of conditions, and the decommissioning plan and bond.

Kelley Fike showed us the changes in the plans from the prior plans as a Power Point presentation. View sheds from the Kramer/Berstein land were shown and discussed, and also from the North Street abutters' property.

The planned arborvitae tree screening was shown and discussed, including how high they would eventually grow, and where they would be placed along the green colored fence. David Kramer raised the issue of trying to get a tree more natural or indigenous to our area and also if it will be deer resistant, which arborvitae is not. Kelley said she'd look into alternate tree type to plant and will get this information to us. Discussed were some natural screening and location of the wetlands on the plan.

Kelley Fike said that Conservation Commission has issued an Order of Conditions for this project.

There was much discussion about the erosion control provisions. Kelley Fike described the water runoff patterns geared towards not increasing the runoffs that will not increase the runoff amounts. She indicated that this plan would provide more protection from runoffs than is currently the condition the land. The sediment basin will be monitored, and there is an operations and maintenance plan that is part of the project during construction and afterwards. Justin indicates that SVE expects to remain the contractor for this ongoing service.

There was some concern expressed about the sediment trap basins that are outside of the fenced area, especially the one near the top of the hill, near the property in case any of the abutters have children. Kelley Fike indicated that it was highly unlikely for a child to drown in one, as it is very shallow. Gerry Garner recommended having the bottom of it laid with 6 inch coarse stone to discourage children going into it. Kelley will look into it, and the ZBA discussed the possibility making this one of the conditions of the Special Permit.

Kelley indicated that the lease has been amended to lease what they need for the project which is 16.83 acres. The original lease encompassed the whole property. There are no other differences in the lease other than this. Ann Irvine inquired about whether the leased property also should have 300 feet of frontage. It was noted that the proposed subdivision might not have the necessary frontage to conform to the town zoning requirements, but that this is not relevant to the permit process until the subdivision is formally presented to the Planning Board.

Kelley had handed out information on the non-GMO seed mixture, which will be used on the land after installation of the solar panels and equipment.

The process of responding to the Fuss & O'Neill 4/20/17 letter was discussed. Kelley will talk with Aimee Bell, and try to resolve all issues. To the extent unresolved, they might become conditions of the Special Permit. To the extent resolved, the plans will be amended.

Kelley noted that the most extreme elevation in the project was an 8 percent slope. Gerry Garner stated his "rule of thumb" maximum as no more than 10 percent. Larry asked if the Applicant can bring the 8 percent down. Kelley said that is not possible on the land of this project.

The construction phase will have a Stormwater Pollution Prevention Plan (SWPPP) document, which is filed online with the EPA, and can be reviewed by the Town and its people. We will have access to it as it will be posted at the site.

David Kramer, an abutter, asked a question about the sound generated by the project equipment. Justin Kasunick indicated that it would be like the sound of a household refrigerator, and would not be heard from the abutters' property, which is over 400 feet away.

We then discussed the decommissioning plan. Alternate Ann Irvine raised the issue of where the materials and equipment would be disposed. She asked that the Applicant make sure that none of the project at decommission be taken to our Town's transfer station. This will likely be put in as a condition to the Special Permit.

We discussed the cash decommissioning bond. Julie Beauchemin of Nexamp agreed that the cash amount (\$27,027) would be paid up front, with 2.5 % interest a year applied to the amount due, and interest compounded each year. The decommission plan and the bond will be attached by reference to the Special Permit. It was noted that there is a mechanism in the decommission plan to be able to collect money in excess of the bond if costs go up due to unexpected inflation or other reasons.

The ZBA asked if the solar panels would be driven by pile driving or screwed in. Kelley indicated that the plan was to screw them in, unless there was a reason not to, such as an environmental constraint, i.e., ledge.

We discussed the need for a further inspections bond, and after input from Kelley and Justin, the Board determined it was not needed. The Applicant's engineers will be inspecting it periodically as part of the maintenance of property during construction and afterwards. Larry asked Kelley to circulate notes or a memorandum of how and under what schedule they plan to monitor the land. Justin indicated that there will be a very detailed Operation and Maintenance plan created.

Then we reviewed SVE's and Nexamp's redline version of the first draft of the Special Conditions provided by the ZBA. The ZBA asked Justin and Kelley to describe what a "material" change is that would trigger requirement of a new Special Permit or a revision to the Special Permit. The example given is that substituting different modules would not be material, for instance, if the type of module in the plan goes out of stock. Changing the array's position on the land would be considered a material change.

Access all year round was a discussion and is a problem for SVE and Nexamp due to snow removal issues. (Special Permit Condition 13.) Kelley and Justin will reach out to DPW and Fire Department to see if it can be resolved.

There was a discussion about the "if it believes" language in Special Permit Condition 9. This condition addresses retaining jurisdiction and right to modify, amend, rescind, or revoke its

approval if “it [the ZBA]believes” there is noncompliance with the Special Permit. The ZBA agreed that the Town would be adequately protected if the “if it believes” language were removed excised, as requested by Nexamp and SVE.

In Special Permit Condition 28 dealt with what approvals would be needed to commence the construction. The language “submit for the town’s approval” will be deleted, as the ZBA deemed it unnecessary as the Town’s Building Inspector and other Town agents will be handling the approval of the construction.

Peg Keller asked about the hours of construction. Kelley and Justin said it would take about 2 months to complete the solar panels and physical equipment portion of the project. In light of that, we thought the hours requested (7 a.m. to 7 p.m.) not excessive.

As for Special Permit Condition 48, we agreed that 150 feet would be adequate for warning signing. For Special Permit Condition 48, we will articulate it as a Certificate of “approval” and for Special Permit Condition 53 that mylars will not be necessary.

Public hearing was then continued to Monday, May 15 at 7 pm.

Reviewed and Approved Minutes: Peg Keller made a motion to approve the minutes of the March 16, 2017 meeting, seconded by Laurie Israel. The vote in favor was unanimous

Future Meetings: Our next scheduled meetings will be held at 7 pm on the following dates: Continued Public Hearing and ZBA meeting on Monday, May 15, ZBA meeting and possible continued hearing Thursday, May 18, Thursday, June 15, and Thursday, July 20, Thursday, August 17. Alternate Ann Irvine will notify the Plainfield Post and town office personnel and post notices at Town Hall and Town Hall Offices within the prescribed time for the meeting notice. Member Laurie Israel will post approved minutes on the Town website.

Adjournment: There being no further business to discuss, the meeting was concluded at 10 p.m.

Respectfully submitted,

Laurie Israel, Clerk