

*Approved by ZBA on 4/20/17.*

## **TOWN OF PLAINFIELD**

### **Zoning Board of Appeals**

**Thursday, March 16, 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 meeting commenced at 7:03 p.m.

Reviewed and Approved Minutes: Laurie Israel made a motion to approve the minutes of the March 2, 2017 meeting as submitted, seconded by Ann Irvine. The vote in favor was unanimous.

Public Hearing. Public Hearing commenced at 7:06 pm\_Public Hearing was opened 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.xc e

Chair Peg Keller provided background information regarding that fact that M.G.L. chapter 44, section 53G allows local cities and towns to hire expert consultants. We availed ourselves of this law by hiring a consultant, Larry Smith from Pioneer Valley Planning Commission, and a consulting engineer, Fuss & O'Neill to be our experts in addressing this application. Aimee Bell is an engineer with Fuss & O'Neill who analyzed the plans submitted by the Applicant, Plainfield Solar, LLC. She was present at the public hearing, as was Larry Smith who will advise us on the statutory permitting process.

Chris Clark, Plainfield Solar, LLC was present at the hearing. He is also connected with Nextamp, Inc., the Solar Developer. Kelly Fike Associate Engineer, and Anthony Wonseski, Jr., senior engineer were present from SVE Associates. SVE Associates, the Applicant's engineering experts. Justin Kasunik, project manager for Nextamp, Inc., the Solar Developer, was also present.

Kelly Fike from SVE Associates made a presentation : She pointed out features of the site, including grading, drainage, vegetative drainage swales, diversion ditches, on the site directed towards drainage basins. They will leave as many stone walls as they can. There will be an area of tree removal, but the stumps and root structure will remain on the clear space on the perimeters of the solar fields. There will be trees cut down. The plan remediates the wetlands disturbances and are the subject of an application with the Conservation Commission. She had view sheds prepared from the immediate abutters' lands.

Chris Clark spoke about benefits of the project for Plainfield. The Applicant is offering a Payment in Lieu of Taxes to the Town which is being negotiated between the Applicant and the Select Board of Plainfield. There will also be a sharing of electricity generated. 50% will be sold commercially to companies, but the remaining 50% will be sold at a discounted rate to local residents and business owners.

Aimee Bell, engineer with Fuss & O'Neill, the ZBA's expert who worked on the peer review of the project spoke next. She noted some changes that were suggested to the Applicant. The Applicant has adjusted their plans to accommodate the suggested revisions. She expressed the criticisms that were articulated in the Fuss & O'Neill letter to Peg Keller as Chair of the ZBA dated March 15, 2017. Kelly Fike and Anthony Wonseski responded to some of these points. Chair Peg Keller asked for Kelly to explain what a "weir" is.

There will be a Stormwater Pollution Prevention Plan (SWPPP). The ZBA may want this to be reviewed by our consulting engineer when generated.

Larry Smith, Pioneer Valley Planning Commission (PVCP) spoke next. He set up a technical review meeting which occurred on March 6, 2017, where he met with the Town fire department representatives, the building inspector, the highway supervisor, Ed Morann, Fuss & O'Neill, and the applicant. The biggest issue is drainage and stormwater management on the site. The rule is that it should not be worse than what it was before the project.

One of the topics discussed at the technical review meeting was the impact of construction and construction activities. There will be many trucks and workers on site. The applicant has generated plans and staging areas for this. Larry put some suggested conditions for the ZBA permit relating to this, including times for deliveries, and the times of construction operations. There will be a toll taken on town roads that may not be constructed for heavy traffic. Larry asked for a "before" status of how the roads are, and "after", so the applicant can fix the damage afterwards.

Larry noted that the panels are generating electricity which is a concern for fire departments. Issue of plowing snow so fire department can get in, and who is responsible for plowing. And what if someone climbs in and gets hurt – emergency services will need access to the site.

Another question that came up is the noise of construction and whether the stanchions will be power driven in or screwed in.

The technical group discussed screening and aesthetics of the site. Kelly Fike spoke about this and showed the wooded areas and what of the array might be seen from an abutter's property. The panels are 9 feet high on a 20-25 degree grade.

Larry Smith spoke again: issues of the screening. Most facilities provide screening on the applicant's site. In this Project, some of the screening will be trees on the abutters' property. What if an abutter wants to develop his or her property and wants to cut the screens? The applicant could buy a screening easement for the project which happens sometimes.

Larry Smith spoke about the last issue that was brought up at the technical meeting, which is the decommissioning plan and a decommissioning bond. Life of these facilities are 20 – 25 years. After that time period, the solar panels start to become ineffective and are at the end of their useful life. Larry recommends that there be a bond at the commencement of the project for the full cost of the decommissioning. The Applicant had suggested 60% up front, then building up the amount of the bond in the first several years. This will be negotiated and discussed further at a later date.

Laurie Israel, ZBA member, asked about the acreage of the site, the KW generation from the site, the obligations and liability of the fire department, and what form the decommissioning bond would be in.

Joan Wattman, ZBA member, asked about the seed mix/maintenance under the panels and replication of the wetlands in the restoration plan.

Peg Keller, ZBA Chair asked questions regarding the extent of tree removal and clearing, how much will be ground on the site as opposed to removal from the site. She asked about the height of the remaining stumps ( how visible). The response from Justin was about 8 inches from the ground. She asked about stone wall removal and asked if that was permitted under state law. Anthony from SVE Associates indicated that he thought it was permitted because its all internal to the property line. Peg asked about the inverter poles, where they would be placed and how tall they were. Answer, 6 feet tall; locations were identified by Kelly. Inverters might be replaced one time during its useful life. Chris Clark explained that they cannot turn their system

Aimee Bell asked about what they would do so trees wouldn't grow back. Kelly Fike said they were thinking about this.

Ann Irvine, ZBA alternate member, asked what would be on site during construction, the routes for delivery. She asked if the owner of the property might be selling off the land and house. What followed was a discussion as to whether an adjustment/amendment to the special permit would be required at that point. Larry Smith stated that the owner would have to come in for an

amendment to the permit if the owner sold a portion of the property shown as leased in the permit, thus changing the area subject to the special permit. The Developer said it thought the owner would not be required to do this.

Peg Keller noted that the second hearing of the Conservation Commission will take place on Wednesday, March 29.

Questions were taken from the floor.

Sylvane Stockwell expressed a concern about the surrounding wells and if they could commit to not use herbicides or insecticides. There was discussion about a non GMO seed product and if it could be conditioned in the permit. Kelly said they generally don't use these on solar sites. Ed Stockman said that they would give some feedback on what to use Peg Keller suggested that if a non GMO based seed mix can be defined, it could be made part of the permit approval conditions .

David Kramer, an abutter, asked if there would spraying of herbicides or insecticides during construction or maintenance. David expressed concerned for the abutters very nearby who might be affected by the construction . David suggested that the ZBA be aware and protect the house which will have the most substantial construction impact. David asked about the construction time limits. Peg told him that will be in the conditions.

Lina Bernstein, an abutter, asked about the fence around the solar panels. It will be a chain link fence. Lina believes that they will see the project from their property in the winter. Is the applicant willing to install evergreens, or will the ZBA require evergreen screening. This will be further discussed at the continued meeting, per Chair Peg Keller. Lina also asked if there will be lights (no) and sounds (like a refrigerator at 500 feet, won't be heard).

Tim Walter asked about the revenue to be generated and the payment in lieu of taxes. Chair Keller noted that these topics are not within the purview of the ZBA. He asked about whether there would be a hearing about PILOT at the Select Board. He asked if Nexamp was publicly traded (no). Tim asked how many projects Nexamp had constructed. Answer was 6,000 acres of solar farms.

Ed Stockman is member of the Agriculture Committee, and asked if any portion of the Project is in prime agricultural land. Kelly said no and that they wouldn't be removing soil in the meadow (agricultural) area. She looked for a map which she could not find, but said she would provide a more definitive answer for the next meeting.

The public hearing was continued to April 20, 2017 at 7 p.m.

Continuation of the public hearing will allow for review of the decommissioning plan, the bond and SVE' s revised plans and relevant narrative to address the 21 issues articulated in the Fuss and O'Neill Peer Review letter dated March 15, 2017. The Board asked for information on the following (in addition to the Peer Review analysis):

- plan for creating and installing screening on applicant owned property as opposed to abutter owned property
- recommendation on a non- GMO seed mix for planting
- information on if this project impacts prime agricultural soil
- clarification on the State law regarding removal of stone walls on private property

SVE representatives agreed to provide additional information by Thursday, April 6 in order to allow for review by Fuss and O'Neill, Larry Smith, PVPC Consultant as well as the Board members.

Future Meetings: Our next scheduled meetings will be held at 7 pm on the following dates: Continued Public Hearing and ZBA meeting on Thursday, April 20; ZBA Meetings on Thursday, May 18, Thursday, June 15, and Thursday, July 20, Thursday, August 17. Alternate Anne 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 8:52 p.m.

Respectfully submitted,

Laurie Israel, Clerk