

<p><u>MEETING OF THE</u> <u>SOUTHBOROUGH PLANNING BOARD</u> <u>MONDAY APRIL 25, 2016</u> <u>McAuliffe Hearing Room, Southborough Town House</u> <u>17 Common Street</u> <u>7:00 PM</u></p>	<p>RECEIVED TOWN CLERK'S OFFICE 2016 APR 20 P 2: 22 SOUTHBOROUGH, MA</p>
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AGENDA

- 7:00 PM *Continued Public Hearing – Site Plan Review – 6 to 8 Turnpike Road/Auto Repair & Retail 9,000 Sq.Ft. Building*
- 7:05 PM *Continued Public Hearing – Special Permit for Lower Impact Development 6 to 8 Turnpike Road/Auto Repair & Retail 9,000 Sq.Ft. Building*
- 7:45 PM *Continued Public Hearing – St. Mark's School Solar Energy Array*

Other Business Properly Before the Board

- *Planner's Report*
- *Approval of Minutes*
- *Discussion – Independent Counsel*



Deadlines:	Major Site Plan Review – St Mark's School/Solar Array	April 29, 2016
	Major Site Plan Review – 6 to 8 Turnpike Road	April 28, 2016
	Spec Permit for LID – 6 to 8 Turnpike Road	April 28, 2016

Donald C. Morris

(Electronic Signature)

Donald C. Morris
Chairman

**THE SOUTHBOROUGH PLANNING BOARD
MEETING MINUTES
APRIL 25, 2016**

The Southborough Planning Board held a meeting on Monday April 25, 2016 at 7:00PM in the Hearing Room of the Town House. Members present were Donald Morris, Jesse Stein, Philip Jenks, Andrew Mills and Kathy Bartolini. Also present, Destiny Ashworth, Recording Secretary.

The meeting was called to order at 7:07 PM

Mr. Mills made a motion thanking Mrs. Bartolini for her hard work and dedication to the Planning Board, well wishes for future plans, seconded by Mr. Stein, all in favor. 5-0.

Mr. Stein appreciated the time spent working with Mrs. Bartolini on the Board. Mr. Morris feels the Planning Board has never had such a talented, educated and informative member serve.

Mr. Mills thanked Mr. Stein and Mr. Morris for their Solar Bylaw presentation and hard work at the recent Town Meeting, seconded by Mr. Jenks, all in favor. 3-0-0.

7:00 PM – Continued Public Hearing – Site Plan Review – 6 to 8 Turnpike Road/Auto Repair & Retail 9,000 Sq. Ft. Building

7:05 PM – Continued Public Hearing – Special Permit for Lower Impact Development – 6 to 8 Turnpike Road/Auto Repair & Retail 9,000 Sq. Ft. Building

Mr. Paul Galvani, Attorney representing the Applicant stated they were appearing before the board with the requested revised lighting plan. Mr. Mike Buckingham discussed the revised plan which now detailed the 9 free standing 15' light poles, 2 wall mounted signs proposed for the businesses and one free standing sign on the front edge of the property, he discussed lighting contours, fixtures and recessed lighting.

Mr. Mike Sullivan stated he feels the applicant will be in compliance after quickly reviewing the comments received by Fuss & O'Neill today, April 25, 2016. Mr. Sullivan briefly reviewed the stormwater report for members.

Mr. Cliff Shore, resident stated there was major soil disturbance on this property when the State made ramp and 9/90 improvements. Located on the back of property is a failed septic and drainage trench and lastly a modern septic on lot #8. Mr. Shore is thrilled something is happening with this lot. A few concerns is the damaged wall, drainage on the southeast corner and access to the Boston Edison parcel. Boston Edison currently has an agreement with Mr. Shore to access their parcel via his driveway, he was under the belief there is an easement that may exist and should be clarified before the construction of this building. Mr. Shore currently holds a car dealer permit for Lot#10 since he is in the corporate liquidation repossession business. This was a Town requirement and he inquired if this will be the case with the proposed building.

Mr. Sullivan stated a title search was done, and no easements were found, although he agrees the easement is clearly shown on Assessor's maps. Mr. Sullivan researched this further with the Town Clerk & Assessor's and found no information of an easement. A document was found stating there is an easement on Old Mill Road, this is believed to no longer be in place.

Materials reviewed:

- Fuss & O'Neill letter dated April 25, 2016
- Fuss & O'Neill letter dated March 31, 2016
- Fuss & O'Neill letter dated March 28, 2016
- Mirick O'Connell letter dated March 30, 2016
- Nitsch Engineering letter dated April 7, 2016
- MAPC letter dated April 8, 2016

Mrs. Bartolini made a motion to close the public hearing for Site Plan Review – 6 to 8 Turnpike Road/Auto Repair & Retail 9,000 Sq. Ft. Building and Special Permit for Lower Impact Development – 6 to 8 Turnpike Road/Auto Repair & Retail 9,000 Sq. Ft. Building, seconded by Mr. Mills, all in favor. 5-0.

Mrs. Bartolini made a motion to approve the Site Plan Review – 6 to 8 Turnpike Road/Auto Repair & Retail 9,000 Sq. Ft. Building with the following conditions, seconded by Mr. Jenks, all in favor. 5-0.

- Proponent to replace southern perimeter stone wall
- Build a wall on the east side near the drainage area
- A one year adjustment period will exist at the completion of the project to allow for the town/owner to adjust lighting conditions after operations begins

Mrs. Bartolini made a motion to approve the Special Permit for Lower Impact Development – 6 to 8 Turnpike Road/Auto Repair & Retail 9,000 Sq. Ft. Building with the following conditions, seconded by Mr. Stein, all in favor. 5-0.

- Owner shall work with abutter to the west on the southeast corner drainage
- Permit to be recorded prior to construction
- As-built plans are required
- Signed O&M prior to construction

7:45 PM – Continued Public Hearing – St. Mark's School Solar Energy Array

Mr. Bob Myer, St. Marks School and Mr. Brian Falk, Attorney, updated the Board on the status of the project. Ms. Sandy Brock, Nitsch Engineering has met with Fuss & O'Neill to discuss the project and provided feedback for the comments received. The Applicant has received the Conservation Commission comments in a letter dated today, April 25, 2016. A site walk did occur and approximately 25 board members, Southborough Staff and residents attended and were able to view the balloons that were placed in the location of the proposed solar array. Mr. Mills stated when standing on the 2nd rung from the top of an 8' ladder only rooftops were visible. Dylan Venell, Project Manager for Solar City discussed the details of the approximate number of trips by delivery and construction vehicles over the course of about 7-8 weeks. All equipment off-loading will occur on the access road and not on Sears Road. The paved access road will then be ground into stone and left in a natural state when the project is completed. The gate may be closed at designated times for safety reasons during the construction phase.

Mr. Myers, St. Mark's stated the solar array will produce about 25% or 3.2 megawatt hours which is what they typically use in a year. St. Mark's is under agreement with the utility company for one project per parcel, therefore, no future additions can occur on this parcel.

Mr. Tom Moschos, resident, asked if every truck will enter via Sears Road or can they use Rte. 85? How long will construction take? The power shut off connection on Sears Road what does that entail; will it be a massive transformer?

Mr. Venell stated there will be one new pole installed with a 2" conduit running up the pole, with a lever shut off mechanism. The expected truck traffic will be approximately 6 to 7 weeks which will begin this summer.

Karen DeFazio, resident, asked what is an example of an emergency in which the power would be shut off and how residents' should prepare themselves. Ms. DeFazio has lived in Southborough for 21 years and walks/runs the trails almost daily, she feels St. Mark's has not been inviting resident feedback or providing project details in any communications or School website. She also expressed concerns of monthly maintenance trucks, size and noise. In her opinion, this project does not belong in the middle of a residential neighborhood, why not rooftop panels instead. Replacing acres of trees with a metal project and the damage to the land and loss of animal habitats is not her ideal situation. Will there be high Voltage signs posted and why?

Mr. Venell stated the main power shut off is simply to allow workers to perform routine maintenance, fix damaged panels or equipment. As with any electrical apparatus, even in your home, fire is always a risk. The solar array is remotely monitored by Solar City and Solar City will be immediately notified if there is a malfunction and then reach out to Southborough Police & Fire if necessary. High Voltage signs will be posted every 100' to warn people not to climb, this is a state required posting.

Mr. John Bartolini, resident asked if all trucks would enter the project via the old path and will they make the turning radius to avoid the wetlands. Mr. Bartolini also wanted confirmation that this is approximately a 5 acre parcel of which 2.5-3 acres would be cleared to contain the solar array and would there be any future request to expand? Mr. Bartolini also wanted clarification on the type of plantings and fence construction? Mr. Venell confirmed the size of the parcel was accurate and stated a low growing seed mix for erosion control would be planted, no other shrubs. The fence will be placed approximately 10' off the panel array and will be black enamel which matches the fencing St. Mark's uses on other parcels.

Dean Hickey, resident has concerns of the view and exposure to the array from the West. He understands the land slope drops off but he feels you can see his house from this area when trees are clear of leaves. Will they select cut trees or clear cut? Ms. Brock stated selective cutting may occur around the existing access road, however, the solar array area will be a clear cut. Mr. Hickey asked if any sort of consideration on behalf of St. Mark's that can be addressed for any future issues neighbors may have after installation is complete and seasons have past. Mr. Myers stated that the Planning Board will place conditions on the approval, St. Mark's may be able to work with neighbors down the road if issues arise from the visibility of the project. Mr. Hickey

suggested St. Mark's be considerate and cut an access road on their own property as to not jeopardize Sears Road residents who walk the road daily, especially given summer time construction. Mr. Venell and Mr. Myers stated this was already considered and determined to be physically impossible for the trucks to travel due to sharp turns. Mr. Hickey would like Board to do the right thing for the Town not just St. Mark's. Mr. Hickey would like clarification on what was just approved for Solar Fields and what St. Mark's is trying to do and how is it different. Mr. Stein explain the recently passed bylaw at Town Meeting was an overlay district for as of right solar array projects which circumvents the need for a special permit for a small part of the industrial park.

Mrs. Bartolini stated for clarification to the residents that St. Mark's appearing before the Planning Board is one step in the review process. St. Mark's has reached out to appropriate Boards as part of the process, since the solar array was approved by the ZBA under the Dover Amendment for educational learning's at the School, the project can't be denied. The Planning Board is being asked to look at site plan review, to review safety concerns, fencing, stonewalls and layout etc. The Planning Board can't deny the project.

Mr. Morris stated in this day St. Mark's allows and welcomes the public to walk their property and enjoy the fields, and he is pleased to hear how St. Mark's opens its property for residents to enjoy. In earlier days, growing up in Southborough, residents were quickly escorted off the property.

Mr. Venell stated work may or may not occur on weekends, based on the Planning Board's conditions. A general weekday start time would be 7:00 AM. Mr. Venell also stated that Solar City agrees to pay for any damage that may occur from trucks or heavy equipment to personal or town property.

Mr. Falk is again requesting the Surety Bond be waived. He feels St. Mark's has entered into an agreement with the utility company and will move forward with the project and not decommission or abandon the use of the equipment/panels.

Materials reviewed:

- Fuss & O'Neill email dated April 25, 2016
- Conservation Notice of Condition dated April 21, 2016
- Order of Conditions

Mrs. Bartolini made a motion to close the public hearing for St. Mark's School Solar Energy Array, seconded by Mr. Mills, all in favor. 5-0.

Mrs. Bartolini made a motion to approve the St. Mark's School Solar Energy Array with the following conditions, seconded by Mr. Mills, all in favor. 5-0.

- Adjust position of the entry gate to accommodate and salvage some of the historic stone wall
- Informational site walk to occur with Police & Fire Departments for awareness and operation of equipment in case of an emergency
- Knox Lox or similar equipment and universal keys be supplied to First Responders
- Facility being built to existing use, no future plans to expand on this parcel

PLANNING BOARD

◀ **Minutes of Meeting** ▶ April 25, 2016

Accepted May 16, 2016

- After one year a review meeting with the Planning Board & St. Mark's to see if the array is functioning appropriately and as stated with neighbors input
- Agreement to coordinate with DPW so that Solar City may complete necessary repairs to any residential property/town property to include roads
- Stone wall be returned to the existing state if disturbed
- Off loading will not occur on Sears Road only on the access road
- Hours of work operation will be weekdays 7-6 and Saturdays 9-5

Mr. Mills made a motion to waive the Surety Bond for St. Mark's School Solar Energy Array, seconded by Mr. Jenks, 3-2. Mr. Morris, Mr. Mills & Mr. Jenks for, Mrs. Bartolini & Mr. Stein opposed.

Other Business

Planner's Report

Upcoming Planning Board Meetings:

May 16, 2016

June 6, 2016

June 20, 2016

Mr. Mills made a motion to adjourn, seconded by Mr. Jenks at 11:30 PM, all in favor. 4-0.

Respectfully Submitted,

Destiny Ashworth, Recording Secretary