

NORTHBRIDGE PLANNING BOARD

MEETING MINUTES

Tuesday, December 19, 2017

Recognizing the presence of a quorum Chairman Brian Massey called the Planning Board meeting to order at 7:00 PM with Harry Berkowitz, James Berkowitz, and Abdul Kafal in attendance. R. Gary Bechtholdt II, Town Planner was also present, with Mark Key absent. Planning Board Associate member (vacant)

The following members of the public were in attendance: Bob Alix; Tracy van Schouwen; Jason van Schouwen; Donna Lange; Donald Lange; Kurt Lange; Kim McNeil; Carter McCann; Earl Ebbeling; Rayo Bhumgara; Stephen O’Connell; and Vernon Perron

I. CITIZENS FORUM

None

II. FORM A –REVIEW/DECISION

None

III. ZONING AMENDMENT - PUBLIC HEARING

Chapter 173 -Zoning, Article XX -Community Shared Solar Overlay District

MGL CH 40A SEC 5 [Adoption or change of zoning bylaws]

Chairman Massey looked to the Planning Board to open the public hearing for zoning amendment; Mr. Bechtholdt confirmed that the legal advertisement and notification requirements had been satisfied. Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz) the Planning Board voted 4-0 to open the hearing, waiving the reading of the public hearing notice.

In accordance with MGL CH 40A SEC 5 [Adoption or change of zoning ordinances or bylaws; procedures] the Northbridge Planning Board shall hold a public hearing Tuesday, December 19, 2017 (7:05 PM) in the Selectmen’s Room, Northbridge Memorial Town Hall, 7 Main Street, Whitinsville, MA 01588 to AMEND Article XX -Large Scale Solar Photovoltaic Installations of the Northbridge Zoning Bylaw by adding a new section entitled “Community Shared Solar Overlay District”. A copy of the proposed amendment is on file with the Town Clerk (7 Main Street –Town Hall) and Community Planning & Development (14 Hill Street – Town Hall Annex) and may be reviewed during normal office hours. The purpose of this hearing is to provide an opportunity for public comment; anyone wishing to be heard should attend said hearing at the time and place designated.

R. Gary Bechtholdt II, Town Planner informed the Planning Board that the Board of Selectmen voted to sponsor the Community Shared Solar Overlay District zoning bylaw amendment for the Special Town Meeting scheduled for February 06, 2018.

Stephen O’Connell (Andrews Survey & Engineering) provided an overview of the solar project proposed in conjunction with the zoning amendment article to be considered at the Special Town Meeting. Mr.

O’Connell explained that the project team held an informal neighborhood/abutter informational meeting last week which was very well-attended and provided a good opportunity for the abutters to review the project proposal, ask questions and identify any concerns.

Mr. O’Connell reviewed with the Planning Board the subsections of the zoning amendment article entitled “Community Shared Solar Overlay District”. Mr. Bechtholdt indicated that Town Counsel has provided an initial review of the proposed provisions, noting the handouts provided to the Planning Board and residents in attendance include the comments received by Counsel. A map illustrating the proposed overlay district (location) was also distributed.

Brian Massey inquired which lots were included in the proposed district and asked if any lots were not included that could be later developed as residential. Mr. O’Connell explained that a portion of map-parcel 27-29, frontage along Puddon Street is included in the overlay however will not be part of the sale for solar development; this land area will be preserved as open, undeveloped space, a buffer to existing lots on Puddon Street.

Mr. O’Connell spoke to the requirements of the Community Shared Solar Overlay District: setbacks; buffer area; frontage (Quaker Street); access (via Puddon Street); etc. Mr. O’Connell explained during the informational meeting they heard about run-off and stormwater issues, as well as other existing conditions within the locus area that could be addressed if the project is allowed to move forwards. Mr. O’Connell anticipates, as part of a special permit review that the Planning Board will have them provide stormwater reports and traffic studies; suggesting improvements to Puddon Street will likely need to be made as the current width is very narrow for a car and say a garbage truck to pass.

Harry Berkowitz noted those types of concerns would be reviewed and considered as part of the Planning Boards’ special permit and site plan reviews; Mr. O’Connell agreed, noting he mentioned same at the neighborhood meeting. The Planning Board as part of a solar project application would look stormwater, traffic, construction access, etc.

Mr. O’Connell stated his client is willing to perform improvements to Puddon Street as part of the permitting of a solar project, including widening of the travel way, upgrading drainage (non-existent), improving sightlines, etc. Before opening discussion to the public, Chairman Massey asked Planning Board members for initial thoughts and concerns.

Harry Berkowitz voiced his support of the zoning amendment, suggesting if the properties were to be development for residential housing the town would be looking at an additional 90 new homes (approximate), where demand on town services would increase. Mr. Berkowitz explained that permitting community solar by special permit of the Planning Board allows the town more control on the building layout and provides the Board with more authority to require things such as potential offsite improvements.

Abdul Kafal asked if the panels would move/rotate. Mr. O’Connell explained that the panels would be fixed, facing south at an angle of about 22 to 25-degrees, noting there is really no cost benefit in this part of the country to have rotating or oscillating panels.

James Berkowitz inquired about the Setbacks and screenings subsection, asking if abutters expressed concerns with the proposed 50-foot visual screening. Mr. O’Connell reviewed with the Board proposed site layout, noting majority of tree clearing and disturbance would be north/south of property; a combination of distance, fencing and landscaping would provide screening.

Chairman Massey expressed initial concern with a 50-foot buffer and question why not 100-feet. Mr. Berkowitz suggested the 50-foot could be increased as part of a special permit review. Mr. O’Connell agreed that the 50-foot buffer (minimum) could be looked at and increased based upon concerns. Mr. Berkowitz reiterated that a special permit provides the town with more leverage and opportunity to require things as part of its review and approval. Chairman Massey agreed; the Board understood that they could increase the minimum 50-foot buffer on a case by case scenario.

Mr. Kafal inquired about the height and size of the solar panels; Mr. O’Connell indicated that the panels will be approximately 3 to 3 ½-feet off the ground and 8 to 12-feet high. Having no additional comment from the Planning Board, Chairman Massey opened discussion to the public.

Vernon Perron (Puddon Street resident) asked if the project could be shifted away from the abutters, increasing the buffer area for existing property owners. Mr. Perron also expressed concerns with stormwater, noting the runoff first started when the airport was cut in several years ago, damaging a lot of people’s property. Mr. Perron suggested if the project is to move forward the people on Puddon Street should not be impacted by drainage.

Mr. O’Connell explained due to the state regulations regarding adjacent parcels, existing lots, common ownership, etc. they are limited as to where the solar arrays may be permitted. Mr. O’Connell noted that the proposed layout may change, however did not believe the project could be shifted significantly. In regard to stormwater controls, Mr. O’Connell informed that he and his client are aware of the existing concerns and will address as part of the permitting of a project.

Kim McNeil (Quaker Street resident) questioned the financial impact to the town; how would the project affect the town’s tax rate. Carter McCann (project owner) suggested a minimum of \$100,000.00/year to the town in tax revenue every year, in addition about \$400,000 in electricity savings. Mr. McCann explained, although the town cannot purchase any more in net metering credits Northbridge residents can through the community solar program; residents will have the option to sign-up and save on utility bills.

Ms. McNeil questioned if losing 65-plus acres of woodland would be beneficial to the town. Mr. Massey suggested if the land was developed as residential, which it is zoned for could result in 80 to 90 new housing units, would negatively impact the town’s school, fire, police, etc. as well as infrastructure cost in maintaining additional roadways; Harry Berkowitz agreed. Mr. Massey believed putting a solar farm on 65-plus acres of land vs. 65 houses would be a savings on the town-side. Mr. Massey indicated that he did not

have the numbers to support this claim but believed this to be true. Ms. McNeil asked how the tax revenue figures would be justified for a solar project; Steve O’Connell and Carter McCann spoke briefly about property tax (land, equipment, etc.) and the potential for entering into a PILOT (payment in lieu of taxes) with the town (Town Meeting action required). Mr. Massey suggested the Town’s Assessors and others could provide input moving forward. Ms. McNeil shared concerns of water runoff.

Mr. Massey explained that the Planning Board would consider drainage as part of a permit review; reminding the public the Board’s review for this public hearing is primarily focused on the proposed zoning amendment and the merits of the zoning article. Mr. Massey explained if the zoning passes at Town Meeting, the Planning Board will hold a public hearing specific to the proposed solar project, where runoff concerns and other potential impacts will be reviewed and considered.

Chairman Massey noted receipt of communication from the Building Inspector and letter dated December 19, 2017 from Brann & Isaacson on behalf of Bleeker Associates, Inc. (for Map 27 Parcel 35); Mr. Massey read both correspondences aloud for the record. Steve O’Connell pointed out for the Board the location of Map 27 Parcel 35; Mr. O’Connell noted that they also notified them of the neighborhood informational meeting.

In summary, the public in attendance expressed concerns of existing runoff and the potential for increased runoff as a result of removing trees and vegetation, concerns of the existing condition of Puddon Street; narrow and no formal drainage. Whereupon, Steve O’Connell stated improvements may be made as part of a development review of the Planning Board. Planning Board had agreed; Mr. Berkowitz stated with the requirement of a special permit the Board will have more leverage and authority to require improvements as part of a solar development review.

Having no additional comment or questions the Planning Board closed its public hearing. *Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz) the Planning Board voted 4-0 to recommend zoning amendment to add new subsections to Article XX -Large Scale Solar Photovoltaic Installations for “Community Shared Solar Overlay District” subject to Town Counsel review/input.*

AMEND Chapter 173 -Zoning, Article XX -Large Scale Solar Photovoltaic Installations by adding the following new subsections to provide for a “Community Shared Solar Overlay District” as follows:

§ 173-136.1 Community Shared Solar Overlay District (CSSOD)

The Community Shared Solar Overlay District (CSSOD) is hereby established as an overlay district within the Town of Northbridge. All requirements pertaining to the underlying district(s) shall continue to be in full force and effect, except where the provisions of the CSSOD supersede such underlying requirements or provide for an alternative to such requirement(s).

§ 173-136.2 Purpose

The purpose of the Community Shared Solar Overlay District (CSSOD) is to allow for the siting, construction and operation of Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPV).

§ 173-136.3 Location

The boundaries of the Community Shared Solar Overlay District (CSSOD) are shown on map entitled "Northbridge, Massachusetts Zoning Overlay District Map" prepared by CMRPC -Central Massachusetts Regional Planning Commission dated December 19, 2017. The CSSOD is comprised of land identified on the 2017 Northbridge Assessors' Map 27 as Parcels 15, 16, 17, 18, 20, 21, 22, 23, 29, and 89.

§ 173-136.4 Permitted Use

The provisions of the CSSOD apply to the construction of solar photovoltaic systems as defined herein and in accordance with Article XX, Large-Scale Ground-Mounted Solar Photovoltaic Installations, of the Northbridge Zoning Bylaw.

§ 173-136.5 Definitions

- A. Appurtenant Structures --all structures, the use of which is appurtenant (secondary to) a solar photovoltaic system, including but not limited to equipment shelters, storage facilities, transformers and substations.
- B. Community Shared Solar --a Community Shared Solar (CSS) project is a solar photovoltaic system that provides benefits such as electricity, net metering credits, and return on investment to multiple participants. A CSS project is a project hosted by an entity and supported by multiple participants, who invest in the project or purchase the electricity or net metering credits generated.
- C. Hazardous Materials --hazardous materials stored, used or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste (VSQG) as defined by the Massachusetts Department of Environmental Protection (DEP) pursuant to regulations at 310 CMR 30.000, and shall meet all requirements of the DEP, including storage of hazardous materials. If hazardous materials are utilized within the solar electric equipment, impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater shall be required.
- D. Large-Scale Ground Mounted Solar Photovoltaic Installation --a solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, has a minimum nameplate capacity of 250 kW DC, and generates power utilized at least in part off-site.

- 208 E. *Rated Nameplate Capacity --the maximum rated output of electric power production of the*
209 *photovoltaic system in direct current (DC).*
210
- 211 F. *Solar Array --solar panels arranged in a group to capture sunlight to be converted into usable*
212 *electricity.*
213
- 214 G. *Solar Photovoltaic (PV) System --a power system designed to supply usable solar power by means of*
215 *photovoltaics, consisting of an arrangement of several components, including solar panels to absorb*
216 *and convert sunlight into electricity, a solar inverter to change the electrical current from DC to AC,*
217 *and other related electrical accessories.*
218
- 219 H. *Special Permit Granting Authority --the Planning Board shall be the Special Permit Granting*
220 *Authority (SPGA) for solar photovoltaic systems within the Community Shared Solar Overlay District*
221 *(CSSOD).*
222

223 § 173-136.6 *Special Permit*
224

225 *In accordance with §173-74 [Special permits], the Planning Board may issue a special permit for solar*
226 *photovoltaic systems pursuant to the requirements and standards noted herein upon site plan review and*
227 *approval of same in accordance with §173-49.1 [Site plan review by the Planning Board].*
228

229 § 173-136.7 *General Requirements*
230

231 *In addition to the general requirements provided for in §173-136 for Large-Scale Solar Photovoltaic*
232 *Installations, the following requirements shall apply to Community Shared Solar systems.*
233

- 234 A. *Compliance with laws and regulations. The construction and operation of Large-Scale Ground-*
235 *Mounted Solar Photovoltaic Installations (LGSPI) shall be consistent with all applicable local, state*
236 *and federal requirements, including but not limited to all applicable safety, construction, electrical,*
237 *and communications requirements. All buildings and fixtures forming part of a solar photovoltaic*
238 *installation shall be constructed in accordance with the State Building Code.*
239
- 240 B. *Building permits. No LGSPI shall be constructed, installed or modified except in accordance with a*
241 *duly issued building permit.*
242
- 243 C. *Site plan review. No LGSPI shall be constructed, installed or modified except in conformity with a site*
244 *plan approval by the Planning Board. The Planning Board shall consider and apply the requirements*
245 *set forth herein and as provided for in §173-136 [General requirements].*
246
- 247 D. *Setbacks and screening. Minimum setbacks for a LGSPI shall be as follows: a minimum front lot*
248 *depth of 100-feet; minimum side lot depth of 50-feet and minimum rear lot depth of 50-feet. Every*
249 *abutting property shall be visually screened from the LGSPI through any one or combination of the*
following: location, distance, plantings, existing vegetation and fencing. No setbacks shall be

required for interior parcel lot lines of adjoining parcels held in common ownership within the CSSOD.

E. *Building lot. A LGSPI shall be permitted on contiguous parcels of land of one hundred acres or more within the CSSOD and having a minimum lot width of 50-feet on a public way within the Town of Northbridge. Adjoining interior parcels without frontage that are held in common ownership shall be considered toward the 100-acre requirement for a LGSPI application and shall be eligible for a building permit for the LGSPI. A LGSPI shall be permitted on multiple adjoining parcels through the issuance of a single building permit.*

F. *Lot access. Access to a LGSPI may be provided via the qualifying frontage or from adjoining parcels held in common ownership as may be approved by the Planning Board as part of site plan review.*

The Planning Board shall offer its report and recommendation at the Special Town Meeting scheduled for Tuesday, February 06, 2018. Mr. Bechtholdt noted the Board of Selectmen will offer its recommendation on January 22, 2018 in advance of Town Meeting.

Planning Board members informed the public on the overall process, encouraging them to attend Town Meeting. The Board explained if the zoning article is approved at Town Meeting then an application will be submitted to the Planning Board for a solar proposal at which time abutters will be notified and provided an opportunity to review and provide comment as part of the Planning Board's consideration of the solar project proposal.

III. HEMLOCK ESTATES -REVIEW/DECISION

Request of building permit (Lot 21)

Brian Massey, Chairman explained to Board members that the Developer (J&F Marinella Dev) would like to construct a house on Lot 21 (Fir Hill Lane), the same lot the Board allowed for and authorized the issuance of a "foundation only" back in September 2017.

Mr. Bechtholdt indicated that he asked the Developer (Joseph Marinella) to speak with the Water Company and Inspector of Buildings first to see if they would have issues or concerns with such a request before any Planning Board consideration. The Planning Board acknowledged receipt of letter dated December 11, 2017 from the Whitinsville Water Company and letter dated December 12, 2017 from the Inspector of Buildings.

Mr. Massey recognized that both the water company and Inspector of Buildings consented to the issuance of building permit, with the understanding that occupancy would be restricted until such time the lot was formally released by the Planning Board. Mr. Massey explained that the looping of the water line remains incomplete, noting the Developer has installed the waterline, however is not allowed to open the roadway on Adams Circle at this time, so the looping is not done. Mr. Massey suggested that he was willing to support the Developers request, until he learned that the house construction on Lot 21 has already

commenced, presumably without a valid building permit. Mr. Massey and the other Planning Board members all noted their disappointment and frustration with the Developer (J&F Marinella Dev).

Harry Berkowitz stated, J&F Marinella Dev does this all the time. Abdul Kafal expressed concerns, noting he would not support the request for building permit at this time.

Mr. Bechtholdt asked the Planning Board if they tabled this request, what they would like to see done before the next scheduled meeting (January 09, 2018). Board members indicated they would like the Building Department to look into the matter regarding construction without a permit. Mr. Bechtholdt explained to the Board that the Building Department will be doing that, suggesting the Board could authorize the issuance of a building permit for Lot 21 subject to the Developer satisfying certain requirements and milestones. Mr. Bechtholdt noted if the Board was to grant request, the Developer should be required to address the fire hydrant concern (install riser per NFD) and provide the Board with the requested status report and updated construction schedule before signing-off on the building permit application. Board members indicated that they would like for J&F Marinella Dev to provide status reports and construction schedules for both the subdivisions, Hemlock Estates and Camelot. Mr. Bechtholdt suggested if the Board was to delay action, they likely would be in the same position for the January meeting; Mr. Massey tended to agree, noting it's a lot of work for the Planning office to continuously chase things from the Developer. James Berkowitz indicated that he would be willing to support request, provided the Developer corrects the hydrant issues and provides the updates. Mr. Kafal remained opposed, noting the Developer knows what's required, however consistently does not follow the rules.

Mr. Massey commented, the Planning Board is once again discussing a last-minute request of J&F Marinella Dev, where this could have been avoided had the Developer done the work, noting the Developer is not even here to answer questions or concerns. Mr. Bechtholdt suggested in the future if the Planning Board wants to withhold action on requests when the Developer or representative is not present he will let J&F Marinella Dev know; the Board agreed.

Chairman Massey sought a vote of the Planning Board for Lot 21. Mr. Massey suggested the other lot; Lot 22 is not under consideration at this time.

Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz) the Planning Board voted 3-1 (A. Kafal opposed) to authorize and allow for the issuance of a building permit for Lot 21, Fir Hill Lane subject to restricting the issuance of occupancy until such time Lot 21 is formally released from the Covenant by the Planning Board.

In taking such action, the Planning Board directed the Town Planner to sign-off on a building permit application for Lot 21 once the Developer satisfies the following: fire hydrant at cul-de-sac is raised as instructed by the Northbridge Fire Department; debris and stockpiled materials are removed from right-of-way; and detailed status reports and updated construction schedules are received for both Hemlock Estates and Camelot subdivision developments. Further the Planning Board shall seek to have the

Inspector of Buildings review the status of Lot 21 and issue an immediate Cease and Desist order, levying fines per day until a valid building permit is issued.

Mr. Massey indicated that he will talk with the Inspector of Buildings regarding construction work (Lot 21) which appears to have been done without a permit and will look to see if the Town (Building Department) has followed through on issuing and receiving payment of fines for other known offenses in the past.

OLD / NEW BUSINESS

Approval of Meeting Minutes

Planning Board tabled action on meeting minutes for December 12, 2017.

Special Town Meeting -Tuesday, February 06, 2018 (7:00PM)

Point of information -no discussion.

Special Town Meeting -Warrant Closes December 22, 2017 (12:00PM)

Point of information -no discussion.

Special Town Meeting -Vote to Sponsor Article(s)

Mr. Bechtholdt asked the Planning Board if they had any zoning amendment articles they want to consider for the Special or upcoming Spring Annual Town Meeting.

(Whitinsville) Local Historic District Study Committee –Update

Mr. Bechtholdt informed the Planning Board that there was nothing to update, waiting for committee members to be (re)appointed.

Open Space & Recreation Plan –Update

Mr. Bechtholdt noted that he and the Conservation Agent hope to review the draft Open Space & Recreation Plan over the next several months in preparation for initial submission to the State for review and comment.

Local Housing Production Plan -Update

No discussion.

Subdivision/Site Developments

Mr. Bechtholdt reminded the Planning Board that the Planning office has contacted all developers of active subdivisions to provide the Board with a status report and updated construction schedule. Planning Board acknowledged receipt of status report from Joseph Leonardo dated December 17, 2017 for Leonardo Estates. Mr. Bechtholdt informed the Board the Mr. Leonardo has requested a new performance bond be established for the purpose of remaining lot release. JH Engineering Group, the Planning Board's consultant will conduct a site inspection and provide the Board with an updated punchlist with construction estimates for its meeting in January 2018. Mr. Bechtholdt informed the Board that David

Brossi (Presidential Farms) offered a brief email response; all other developers (Hemlock Estates, Camelot & Carpenter Estates) have not been in contact with Planning nor provided a response.

Planning Board Concerns –Discussion

None noted at this time.

Mail –Review

In addition to the mail listed (attached) the Planning Board noted receipt of the following communications: Planning Board Agenda for December 19, 2017 meeting; Draft Agenda for the January 9, 2018 meeting; Public Hearing Notice to AMWND Article XX –Large Scale Solar Photovoltaic Installations of the Zoning Bylaw by adding a new section entitled “Community Shared Solar Overlay District;” Memo dated November 30, 2017 to Board of Selectmen and Town Manager from Town Planner regarding Community Shared Solar Overlay District; DRAFT bylaw wording for Community Shared Solar Overlay District; Map of Proposed Community Shared Solar Overlay District; Map of Northbridge Zoning Overlay Districts; Map of Proposed Solar Arrays; Email dated December 18, 2017 to J&F Marinella Development from Town Planner concerning Hemlock Estates; Letter dated September 27, 2017 to Building Inspector from Town Planner concerning Hemlock Estates Lot 21 Issuance of Foundation Only Permit; Letter dated December 11, 2017 to Town Planner from Whitinsville Water Company regarding Water Main Loop of Fir Hill Lane to Adams Circle; Letter dated December 17, 2017 to Planning Board from Terreno Realty, LLC concerning Leonardo Estates Subdivision Status Report; Spring Annual Town Meeting & FY19 Budget Staff Calendar dated Tuesday, May 1, 2018; Memo dated December 5, 2017 to All Town Departments, Committees, Boards & Commissions regarding the Special Town Meeting February 6, 2018; Flow Chart of Recreational Marijuana Establishments; 2018 Planning Board Meeting Schedule.

Other

Mr. Bechtholdt informed the Planning Board that the Board of Selectmen have voted to place on the Ballot (May 2018) local opt-out option considerations for Recreational Marijuana Establishments.

Adjournment

Having no additional business, the Planning Board adjourned its meeting of Tuesday, December 19, 2017 at or about 8:15 PM.

Respectfully submitted,

Approved by the Planning Board –

R. Gary Bechtholdt II
Northbridge Town Planner

Cc: Town Clerk