

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: November 26, 2018

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 P.M.

II. ROLL CALL

Members present: George Barrett, Chairman
Mike Baptiste, Vice Chair
Emmanuel Daskalakis
Marc Bianco

Also present: Kenneth Buckland, Town Planner
Charles Rowley, Town Engineer

III. PRELIMINARY BUSINESS

A. Meeting Minutes – October 15, 2018

Mr. Daskalakis has a question on the meeting minutes on page 4. Mr. Barrett states he believes the language is accurate.

MOTION: Mr. Bianco moves to approve the meeting minutes from October 15, 2018.
Mr. Daskalakis seconds.

VOTE: (4-0-0)

B. ANR – J. Donegan – 2419 & 2427 Cranberry Highway

Present before the Board: Zach Richards, Bohler Engineering

Mr. Richards is before the Board with an update ANR plan based on comments from the previous Planning Board meeting. The plan shows the interior proposed lot lines, the buildings, site features, and refers to the lots as parcels as requested. The parking was calculated and there is sufficient parking for the uses and buildings.

Mr. Bianco asks when the access easement for lot two will be in place. Mr. Richards states those details are still being discussed. Mr. Bianco asks if they can approve the plan without the easement. Mr. Barrett states ANR plans are based on lot frontage and square footage.

Mr. Rowley states he feels it would be appropriate to tie this ANR to the Special Permit in order for this plan change to be referenced by means of modifying the Special Permit.

MOTION: Mr. Daskalakis moves to approve the plan as submitted. Mr. Bianco seconds.

VOTE: (4-0-0)

C. Minor Modification – Hebb Builders – Spring Avenue

Present before the Board: No one is present at this time.

Mr. Hebb had submitted a memo explaining the reasons for the requested modification. Mr. Bianco states he recalls the Board was concerned with the drainage with the elevation changes as well as the aesthetics of the buildings once they're raised. Discussion ensued.

MOTION: Mr. Daskalakis moves to approve the minor modification. Mr. Bianco seconds.

VOTE: (4-0-0)

D. Covenant Release – Great Neck Road

Present before the Board: No one is present at this time.

This covenant was from 1986 and has not yet been released. This was essentially used to build a rear lot, and the parcel has been developed. The parcel is lot 1012 B and they did comply with the requirements of the covenant.

MOTION: Mr. Daskalakis moves to release the Covenant held by Gerald Fihlman on lot 1012B on Map 41. Mr. Baptiste seconds.

VOTE: (4-0-0)

IV. PUBLIC HEARINGS

A. Special Permit/SPR – Borrego Solar – 77 Farm to Market Road

Present before the Board: Stacy Minahane, Beals and Thomas
Zach Barkus, Borrego Solar
Richard Serkey, Esquire

The A.D. Makepeace Company is the owner for all three projects. Each of these projects is a second phase of an already existing solar array. This site, 77 Farm to Market Road, is in the R-60 zoning district and was formerly known as Tihonet Technology Park. This is a 5.5 megawatt project. There will be future plans to combine the lots. The proposed array keeps in kind with the existing array on the site. Site access for construction will be from Farm to Market Road, there is an existing agricultural access road there. When the project is completed this will be closed off and routing maintenance will be from Landolakes Road to the south. There is no tree clearing necessary for this project. There is also storage proposed on the site. There is an existing tree line

along the perimeter. There are some landscape waivers requested. There is a berm in front of the existing array that comes down, the interconnections were routed not to interfere with the Board. The applicant has submitted applications to the Conservation Commission for an RDA for this site. For the other two sites they have submitted NOI applications.

Mr. Daskalakis asks what the status of the drawings is in regards to completion. Mr. Daskalakis asks if there is information that is missing from the plans.

Ms. Minahane states there is some information that could be added to the plans, such as loaming and seeding. There is no grading proposed for the 77 Farm to Market Road site.

Mr. Rowley states the issues he made note of were the loaming and seeding of the sites as well as the 50' buffer. Mr. Rowley states in each of these lots supplemental vegetation is not likely required, but the 50' needs to be respected. In a few cases either the access road or chain link is within the 50 foot buffer, which they should not be to allow for the vegetation to grow. One site does have a stormwater retention area because of the grading. Mr. Rowley does not feel they need to have drainage calculations for the sites. These are all disturbed areas with no vegetation proposed to be cleared.

Mr. Daskalakis states he could not imagine a more appropriate site for the solar arrays.

Ms. Minahane states that in regards to the 50' buffer they are intending to submit ANR plans, which may eliminate some of the encroachments into the 50' buffer. The proposed future lot lines could be shown on the plans.

Mr. Rowley agrees it would be helpful to show the proposed lot lines.

Mr. Barrett states that the existing berm on Farm to Market Road does not extend the length of the site.

Mr. Barkus states that storage on solar sites is becoming more and more popular which is part of the smart program of solar development. This allows help the shift peak productions. They have built about 8 projects in Massachusetts with the storage containers. They are essentially shipping containers with batteries with cooling and fire prevention measures installed. The storage containers have a separate backup in case something happens to the array. Mr. Barkus states that they will submit a better detailed decommissioning process for the storage containers.

Mr. Rowley requests that when the cost estimate is included with the decommissioning that it does not include salvage costs.

A 6" gap for wildlife at the bottom of the fence is not specified on the plans. The projects were already approved by NHESP.

MOTION: Mr. Daskalais moves to continue the public hearing until December 10, 2018. Mr. Bianco seconds.

VOTE: (4-0-0)

B. Special Permit/SPR – Borrego Solar – 71 Charlotte Furnace Road

Present before the Board: Stacy Minahane, Beals and Thomas
Zach Barkus, Borrego Solar
Richard Serkey, Esquire

Ms. Minahane states that this site had previously been permitted for solar. It is in R-60 and entirely cleared. The applicant has re-filed for the solar array for phase II of this site. This site is a 9.5 acre fenced area and has solar storage as well. The project is over 600 feet from the road and over 800 feet from the nearest abutter. There is an existing agricultural road goes perpendicularly over the electric easement and into the site. This is the same stormwater situation. The site will also be loamed and seeded.

Mr. Rowley states there are some concerns with the access road. The access road begins at 20' and is reduced to 14' and the perimeter access does not go around the entire site.

Ms. Minahane states that was not commented on by the Fire Department but will confirm that they do not have issue with it.

The new energy storage is only for the new solar arrays, not for the existing arrays.

MOTION: Mr. Daskalais moves to continue the public hearing until December 10, 2018.
Mr. Bianco seconds.

VOTE: (4-0-0)

C. Special Permit/SPR – Borrego Solar – 160 Tihonet Road

Present before the Board: Stacy Minahane, Beals and Thomas
Zach Barkus, Borrego Solar
Richard Serkey, Esquire

The entire footprint for this site was previously approved for solar and cleared. This is the second phase of the solar project. This site has access along an existing agriculture road.

Mr. Rowly states this is the one site that requires grade changes. On the east, south, and west of the site there are substantial grade changes on the site. The 50' buffer is modified substantially by the grading changes. Mr. Rowley feels that the grading should be outside the existing conditions so the 50' buffer can re-vegetate.

Mr. Barkus states they ANR plan should be able to alleviate some of the 50' buffer zones to avoiding any additional clearing on the sites.

MOTION: Mr. Daskalais moves to continue the public hearing until December 10, 2018.
Mr. Bianco seconds.

VOTE: (4-0-0)

V. CONTINUED PUBLIC HEARINGS

A. Site Plan Review – Wareham MA 2, LLC – 33 Blackmore Pond Road

Present before the Board: Bob Rogers, G.A.F. Engineering, Inc.
Joe Shanahan

Mr. Shanahan states revised plans for the project have been submitted to address the visual concerns on the site such as the berm and the screening.

Mr. Rogers states there were two substantial changes to the design of the project. One being the screening berm on Squirrel Island Road, which was proposed at 6 feet high and is now proposed at 10 feet high with giant arborvitaes along with two other species of trees. The second change was the electrical connection, they had an easement to the property previously but now there is a commitment to transfer the poles to Eversource, which they would connect to. The full extent of the changes are in their response letter. A site line profile has been done for the abutting houses as well.

Mr. Shanahan states that he feels they have gone above and beyond the reasonable requirements for site screening for this project. Mr. Shanahan also states a large portion of the concern with the abutters were the utility poles, which the developers have no control over. Mr. Shanahan states that they believed there was an agreement with the abutters and the developer that if the utility poles were reverted from private to public utility poles that the abutters would be in higher support of this project. The abutters have since expressed that this would not make the abutters content with the project anymore, so the applicant will not be going with this plan if the abutters are still opposed to it and will continue to use the easement rather than come to an agreement with Eversource.

Mr. Bianco states he believed one of the previous concerns was the emergency turnaround on the property and whether it was on private or public property.

Mr. Barrett states he believed the issue was that the fire department was having 20' access all the way around the site and there was a second issue which was the utility poles, not the fire access to the site being private or public turnaround or not.

Mr. Daskalakis states he is not convinced that the solar project would be invisible from the abutters.

Mr. Shanahan states that he believes making the solar project invisible would go beyond the scope of the standard of the by-laws.

Mr. Daskalakis states that the number of trees depicted on the plan are not accurate and wants to know why they were shown a plan that does not show an accurate number of trees at the site.

Mr. Rogers states it was based on a calculation.

Mr. Shanahan states he understands the concern of the Board, but the Board has had ample time to visit the site and everyone is aware of Squirrel Island Road and what is on the road. Mr. Shanahan also states the standard he is attempting to satisfy and the standard the Board is requesting of him are not the same standard.

Mr. Buckland asks if all the berms are 3:1 slope. Mr. Rogers states where there is room the berms are 3:1 but where it is not the berms are 2:1 slope, and it is noted on the plan where the slope is 2:1. There is a type of erosion control over the 2:1 slope to encourage vegetation. Mr. Buckland states in the landscape design requirements of the by-law the slopes are not allowed to be less than 3:1. If the 3:1 slope of the berms cannot be met it would require a Variance to grant relief from that requirement.

Present before the Board: Eric Lintala, 15 Squirrel Island Road

Mr. Lintala states that the residents on Squirrel Island Road are not opposed to solar energy, but they do not feel this is the ideal area for a solar farm. Mr. Lintala states they would be destroying acres of established forests instead of using more desirable sites. Mr. Lintala states that the residents had never agreed that if the electrical poles were established as public utility poles that they would agree to having another solar farm. Mr. Lintala states there is already a solar farm behind their house, they would never agree to have one installed in front of their homes as well. Mr. Lintala states he feels this is a commercial venture in a residential neighborhood.

Present before the Board: Joe Alberg

Mr. Alberg states he has a solar field in his entire backyard and his side yard is the access to the solar field. Mr. Alberg states he received a number of promises from the developer at the time that they would be a good neighbor. Almost a year ago trees fell across Mr. Alberg's yard from the access road, which he had to remove on his own. The gated fence that was closing of the access to the road was destroyed. Mr. Alberg has asked multiple times for this to be repaired and it remains open and in disrepair. Mr. Alberg states there is no upkeep or cleanup with the access road at all. Mr. Alberg also states that he believes all of the connections should be underground per the by-laws and they are not proposing to have their connections underground.

Present before the Board: Jerry Barros

Mr. Barros states he is at the bottom of the hill, where all of the water comes down the hill into his yard. Even at his house, the berm will not shield his view of the solar farms. Mr. Barros states he is concerned with the effect this would have on their property values.

Present before the Board: Kevin Mahalek

Mr. Mahalek states the water management of the existing solar field is one of his largest concerns. Mr. Mahalek states his basement floods constantly from the construction of the solar farm behind his property. Mr. Mahalek asks the Board to not allow another solar farm on their road. Mr. Mahalek states he feels this is an inappropriate site selection.

Present before the Board: Don Jepson

Mr. Jepson states he would just caution anyone who has an agreement with Eversource to ensure the work is completed before they move forward with anything.

Mr. Shanahan apologizes to the Board for the distractions of the utility poles and realizes that was out of the Board's control. Mr. Shanahan also states he understands the abutters concerns.

Mr. Mahalek presents the Board with a project support agreement that was sent out to the residents on Squirrel Island Road from Clean Energy Collective stating that the deal with Eversource would not be acted upon if the solar project were to be denied.

Mr. Lintala states that the abutters opinions will not be changed regarding the project and that the residents would love to see a vote on this project.

Mr. Mahalek states the abutters have spent a lot of time at these hearings, CEC has spent a lot of time and money on these hearings, and requests a vote to close the public hearing.

Mr. Bianco states he feels as though there needs to be a compelling reason to continue this public hearing.

Mr. Shanahan states the compelling reason to continue the public hearing is that the applicant has the right to request a full Board for a vote.

Mr. Mahalek states he requests for a vote this evening.

Mr. Shanahan states it is the applicants right to request a full voting Board.

MOTION: Mr. Barrett moves to continue the public hearing until December 10, 2018. Mr. Baptiste seconds.

VOTE: (2-2-0)

The motion did not pass

MOTION: Mr. Bianco moves to close the public hearing. Mr. Baptiste seconds.

Mr. Rowley points out that the Board must vote based on requirements of the By-Law.

Mr. Mahalek states Section 594.3 of the Zoning By-Law states that clear cutting of trees and natural vegetation shall be kept to a minimum necessary for construction and maintenance of solar voltaic projects and feels it may be grounds for denial since they are requesting to clear cut the lot.

Mr. Lintala also states the Zoning By-Law does point out to unreasonable circumstances in regards to solar projects and feels this project could be considered unreasonable.

MOTION: Motion is made to continue until December 10. Mr. Bianco seconds.

VOTE: (4-0-0)

VI. REFERRALS

VII. ANY OTHER BUSINESS/DISCUSSION

~~A. Discussion and vote of Zoning Articles for Fall Town Meeting~~ *gib*

a. Patricia MacLeod – Bay Pointe

Present before the Board: Patricia MacLeod

Ms. MacLeod states that she went before the Road Commissioners and was sent back before the Planning Board. Ms. MacLeod states she is the representative of Cahoon Road and that they are concerned with the construction vehicles from Bay Pointe using Cahoon Road. The Special Permit issued by the Planning Board does specifically state that the construction vehicles of Bay Pointe cannot use Cahoon Road. Ms. MacLeod states that she has sent 25 e-mails to Mr. Buckland, Alan Slavin, and to the acting police chief.

Present before the Board: Joy Gonsalves

Ms. Gonsalves states the construction vehicles take up the entire road and she is concerned that if there is an emergency vehicle that needs to get down the road they would not be able to fit due to the construction vehicles.

Ms. MacLeod states there are two "no truck" signs on Cahoon Road, and the trucks still use the road.

Present before the Board: Harry Hivack

Mr. Hivack asks if they could make their road a dead end so people stop using it to drive-thru.

Mr. Rowley states he cannot dead-end a public way.

Mr. Reynolds with Bay Pointe is aware of this issue.

Mr. Bianco asks if they can ask Mr. Fay from Bay Pointe to write a letter of how he will abate this issue.

The Board will issue a letter to Mr. Fay and have him come before the Board for a discussion.

VIII. NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

IX. CORRESPONDENCE

A. See correspondence in packets.

X. ADJOURNMENT

MOTION: Motion made to adjourn. Mr. Daskalakis seconds.

VOTE: (4-0-0)

X. DOCUMENTS

Date signed: 12/10/18 5-07

Attest: 
George Barrett, Chairman
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: _____

JAN 28 2019

