

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
March 20, 2018

Pursuant to a meeting notice posted by the Town Clerk that was delivered to all Board members, a meeting of the West Newbury Planning Board was held on March 20, 2018 at 7:00pm in the 2nd floor Hearing Room at the West Newbury Town Offices, 381 Main Street. Board Members Ann Bardeen, John Sarkis, Richard Bridges, Raymond Cook, and Brian Murphey were in attendance. Town Planner Leah Zambbernardi and Associate Member Cindy Sauter were not in attendance.

Subdivision Approval Not Required Plans (SANR's)

- a. 365 Main Street, Main Street, 26 & 34 Meetinghouse Hill Road (aka Drakes Landing) – Cottage Advisors, J. & B. Murphy and M. & L. Spielvogel Bob Blanchett presented the lot plans of the Spielvogel property with the Cottage hill advisors.*

Bob Blanchett, Cammett Engineering presented the plans of the land swap between the Spielvogel property and Cottage Advisors. Note: It was determined after publication of the agenda that the land conveyance involving the Murphy property at 34 Meetinghouse Hill Road previously occurred upon filing the Definitive Subdivision Plan at the Registry of Deeds.

Sarkis made a motion to endorse the plan entitled, Approval Not Required Plan Drakes Landing 365 Main Street West Newbury, MA as one not requiring approval under the Subdivision Control Law. Seconded by Cook, and it carried 3-0-0.

Documentation Reviewed: Plans

Site Plan for Drakes Landing Open Space Preservation Development (approved January 9, 2018) - Cottage Advisors - Discussion of Plan Changes, Covenant not to Convey, Declaration of Restriction, Trail Easement and Board Member signatures for plan recording purposes

Melissa Robbins discussed the typographical error regarding the trail easement. She proposed that the trail easement be recorded prior to the release of the 28th unit from the Covenant Not to Convey. Robbins stated that Mike McCarron, Town Counsel, previously reviewed and agreed to the changes.

Sarkis made a motion to find that the part of Condition 10e of the Site Plan Certificate of Vote, which requires that the trail easement be recorded at the same time as the site plan, is a typographical oversight as described in the letter dated 3-20-18 from Melissa Robbins to the Planning Board and constitutes a minor change. Recording of the trail easement shall occur prior to the release of the Covenant not to Convey of the 28th unit. Seconded by Cook, and it carried 3-0-0.

Robbins requested the Board's signature of the Covenant Not to Convey, which reflects conditions of approval. She stated that Mike McCarron has reviewed and is in agreement with the document.

Robbins stated that there have been no changes to the Declaration of Restriction submitted to the Board several weeks ago and it will go on record with the plans. Robbins stated that Judy Mizner, Conservation Commission and Town Counsel reviewed and agreed with the language of the Declaration of Restriction. West Newbury Planning Board, Minutes, March 20, 2018. Approved April 17, 2018.

The Board does not have to review or sign the document. The Board's requirement is that the Declaration of Restriction be filed upon filing the approved plan. Chip Hall will sign the restrictions. It is not necessary for the Board to sign them.

Sarkis made a motion to accept the Declaration of Restriction as submitted. Seconded by Cook, and it carried 3-0-0.

The Board reviewed minor plan changes described in a letter dated 3/20/18 from Cammett Engineering. Robbins stated that the revisions are a result of correcting scrivener's errors and the Conservation Commission review, which is allowed per condition 3.iii.2 of the Certificate of Vote. Blanchette reviewed the revisions with Leah Zambenardi, Town Planner, which are shown on the mylars. Zambenardi indicated in an email to the Board dated 3-20-18 that she is in agreement with the request.

Sarkis made a motion that all plan changes put in front of the Board as highlighted on the submitted plans are minor. Seconded by Cook, and it carried 3-0-0.

Sarkis made a motion that the Board endorse the mylars. Seconded by Cook, and it carried 3-0-0.

Sarkis made a motion that the Board sign the Covenant Not to Convey. Seconded by Cook, and it carried 3-0-0.

Documentation Reviewed: Drakes Landing minor edits submitted by Cammett Engineering 3/20/18, plans, request for modification 3/20/18

Request to Modify Town's Solar Overlay District to Include 20 Acres of Land off of Coffin Street – Michael Cary submitting on behalf of John Beaucher

Michael Cary of SWEB Development and the following SWEB Development team members presented the proposed Solar Overlay District on Coffin St.

Michael Carey – Project Coordinator
Sarah Rosenblat - Project Coordinator
Thomas Elssenwenger – Director of Solar
Beate Zochmeister – Head of Communication
Rory Cantwell – Director of Development
John Klaven – Lawyer with Klaven Law

Within the 72 acres of land 20.6 acres will be the solar array field, which will have a fence around it. In that 20.6 acres, 14.2 acres will be utilized for the solar arrays, including the spacing between the panels. 12 acres of tree clearing will be done. The remaining land would be under conservation restriction with the Essex County Greenbelt association as a beneficiary or donated to the Town for conservation purposes. He presented a parcel map that portrayed which parcels will have the solar panels. Retention basins and drainage swales would be constructed throughout the development to mitigate the storm water runoff. Cary presented the proposed buffering view shed, and the placement of screening around the site. He has shared renderings with the abutters and he will submit them to the Board. The screening to the properties on the east already have natural screening with the existing woods. If the Zoning change is approved, SWEB will then work further to provide more concrete design plans. He will also submit an aerial view from the Page School, per Murphey's request on 12/19/17.

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Cary stated the project benefits the Town as it does not require any services from the Town as opposed to a subdivision being developed at that site. The trail system would also be a benefit to the Town. With the Community Solar option, residents could purchase solar energy at about 10% lower than the market rate. He stated that the project will have enough energy to power 440 homes, based on a 9KW home. This wouldn't be continuously since it is dependent on the sun. The efficiency of the site is very comparable to other suitable sites. Thomas Elssenwenger, SWEB engineer, stated that they are using high efficiency panels, and that the slopes on the site won't be an issue.

The Town would also receive compensation through a PILOT program of roughly \$10,000 to \$16,000 per megawatt per year, which is based on the value of the equipment. An estimated gross value of the electricity would be \$700,000. Minimal maintenance would be required in the summer to mow, and there would be no maintenance in the winter. The service road will be an 18-20ft wide gravel road.

Sarah Rosenblatt stated that if the Town chooses not to continue with the program after 20yrs, the land could be put into conservation, or could be a donation to the Town once the panels are removed. If the Town chooses to extend the program the array technology would be updated at that time.

Paula Cutter, 44 Coffin St., disagrees that the project offers community supportive solar since it is already available. Cary clarified that it would be SWEB's project, and they could decide that West Newbury gets priority on the community solar. Cary stated that the Community Solar Program would be rolled out once the project gets started, and it can be a condition of approval.

Rosemary McCobb, 65 Coffin St., stated that the Mass Dept. of Energy resources recommends commercial resources for solar. McCobb verified that Seabrook does not want their kilowatt lines to be touched. Rosenblatt confirmed that SWEB cannot touch the Seabrook lines, and showed where they will connect to on Coffin St. She questioned where SWEB has completed a project in Massachusetts. Cary stated that they have done none in Massachusetts.

James McCobb, 65 Coffin St., does not agree with the location of the project. He shared the Massachusetts Regulations where it states that ground solar should be compatible with land uses in the area. He also read from the DOER which stated that they strongly discourage significantly tree cutting due to run off issues. It also states that they encourage that solar fields be on vacant and disturbed land. McCobb feels that those fundamentals are not being addressed with the proposal and are not consistent with the state law. He also stated that there has been miscommunication about the clearing. He stated his concern of the run off, since his home is at the lowest part where all the water comes. He also stated that the Town is in the driver's seat regarding the PILOT program. He feels that revenue will decrease with the decrease of neighboring home values, if this project were to be built. Cary stated the acreage numbers have changed due to a different site layout, and numerous resident conservations caused the adjustments.

Steve Cutter, 44 Coffin St. stated that he has a lot of investment in his property. He stated that the conservation land is only favorable to one side of the project. The project is ten times the solar field on

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Pipestave and no one lives near there. He fears that due to all the swales being installed, more tree cutting will be necessary on his property line and he will have a water problem that he currently does not have.

Frank Vetere, 54 Coffin St. stated that the facility is the size of ten footballs fields. He feels that it will destroy the rural character of the Town. While the PILOT program is a benefit, he feels that the project will impact the property values which offsets the PILOT program. He states that there is no benefit to the town where they own and control the electricity. Vetere feels that the conservation land that is being discussed is not favorable to the Town since it's useless land. He feels that the south side of the parcel should be conservation land. He also shared that the Finance Committee voted this down due to the PILOT program not being a financial benefit to the Town.

Don Doak, 14 Cortland Ln., provided the Board views of the land from his home. He stated that screening will not diminish the view to the homes in the area. He also stated that all of Austria has less mega wattage in 16 power plants than what is being proposed for this land. He recommended that residents walk the Salisbury power plant which is 6 megawatts, located on Rabbit Rd. Doak briefly discussed other ways of utilizing solar, such as them being installed on roofs of homes.

Gene Lambert, 215 River Rd., stated that SWEB is not managing the runoff since cutting all the trees will create more. She stated that this company has no solar experience in North America. She doesn't agree that the SWEB website indicates that they will be creating a project in West Newbury, as it is not a done deal.

Matt Carretero, 10 Cortland Ln., agrees with solar, but disagrees with the location.

Rick Parker, 151 Crane Neck St., discussed the PILOT program and stated that if you don't have a PILOT program, then every year you must re-evaluate the property. He also stated that he watched the DOER webinar on Solar, and it stated that the amount of land cleared is not a major consideration.

Patricia Reeser, 84 Crane Neck St., states that everyone benefits from passive solar energy being generated. She likes the possibility that 52% of the land could remain in conservation. She did a site walk and can see that some of the homes on Courland Ln. would have a major view shed issue with the project. She feels that if the projects goes through, that the Planning Board would advocate that those homes have proper screening. She questioned how the Town legally votes for a rezoning and assures that all the conditions and promises are met.

Kathy Fury, 540 Main St., questioned why the frontage property on Coffin St. is on the map. She thought that it was sold to the family who had bought the Beaucher's home. Cary stated that the map was pulled before that property was bought. She also questioned the storm water management, and how SWEB can legally maintain the conservation land. Cary stated that their insurance policy covers all the equipment, and they can have an easement.

Mike McCobb, 65 Coffin St., does not agree with the project being in a neighborhood.

Resident, questioned the clearing of trees for the retention basin. Rosenblatt stated that it's very minimal, roughly 20' x 30'. Cary stated that they have insurance.

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Chad Morris, 50 Coffin St., is concerned with storm water runoff, and would like to see the placement of the retention basins. She is also concerned with her property value. Cary stated that he can submit her drawings of the storm water system.

Sarkis made a motion to close the public hearing seconded by Murphey, and it carried 5-0-0.

The Board advised the Public of the procedures for Zoning Amendments. The Board intends to discuss the project at the following meeting and provide their recommendations on the proposed Zoning Amendment.

Documentation Reviewed: Plans

Request to Amend Section 5.G.5. of the West Newbury Zoning Bylaw "Large-Scale Ground Mounted Solar Photovoltaic Installations" - Rose Vetere

Resident Rose Vetere, 54 Coffin St., is proposing the following articles to the Zoning Bylaw, with a goal to protect the residential districts of the Town. Article 1 is to amend section 5.G.4.d of the Zoning Bylaw to require that more detailed information be submitted to the Selectmen or Planning Board of the solar installation, overlay district and abutting properties before Town Meeting Vote. Article 2 is to provide stricter guidelines for setbacks for large-scale ground mounted solar photovoltaic installations within the residence A, B, or C districts. This would ensure that large-scale solar photovoltaic installations are constructed farther away from abutting residential properties than is currently allowed. Article 3 is to put a cap on the size of the solar installations to 500 KW that are being installed in residential zones. Vetere based her research from other Towns, such as Carver, MA.

Sarkis sees the benefits of her proposals, but is not sure how quickly it can be vetoed. He feels that the Board should consider it. Bardeen stated that the preferred method to amend the bylaw is from the Planning Board. She also stated her concern that Article 3 would not pass with the Attorney General since the percentages are not reasonable. Bridges stated that it can take an extensive time to revise bylaws, and while Vetere has a great start to her proposal, it needs more work.

Terry Hartford, 14 River Meadow Dr., works in the community solar business. He stated that the SMART program encourages that 1600 megawatts developed throughout the Commonwealth. He stated that these conversations are happening in a lot of towns. He further clarified that the cap for developers is 5 megawatts, therefore SWEB's proposal is not uncommon. Solar bylaws shouldn't be too prescriptive, because other issues can arise in the future. While he commended Vetere's efforts, he stated that her numbers don't economically work.

Frank Vetere, 54 Coffin St., stated that the size of 4000 is too large for the Town of West Newbury, and that the size should be determined. He questioned what size is too big.

Dennis Unger, 12 Maple St., stated that solar industry developers are designing the size they need. He stated that you can't just pick a number. He stated it's a demanded size.

Liz Callahan, Meetinghouse Hill is a member of the Energy Advisory Committee. She stated that the Town must meet 5 areas to be a Green Community. She is concerned that the edits to the bylaw may go against the Town's Green Community status. Vetere discussed the as of right requirements to be a Green Community. She stated that the other requirements don't mandate that additional solar installations be West Newbury Planning Board, Minutes, March 20, 2018. Approved April 17, 2018.

installed in the Town, nor do they mandate the size. Vetere also stated that the way the model bylaw refers to the Planning Board is exercising their right over special permit issues, and not going to the Town for a vote. Since the Town must vote on the installation, the Town needs as much information to vote as the Planning Board would require if giving a permit.

Rick Parker, 153 Crane Neck St., stated that solar and other means of energy is going to be pushed statewide.

John Klaven, attorney for SWEB, stated that they have serious reservations of the proposed articles as they are unreasonable. He stated that there is a specific process for a zoning change and is not based off particular projects. He also stated that the 500kw dc limit would prohibit all ground mounted solar projects. He also stated that a lot of the community impact concerns can be addressed with the bylaws that are already in place such as the site plan standards, solar overlay district standards, and more.

Sarkis made a motion to close the public hearing. Seconded by Murphey, and it carried 3-0-0. The Board stated that they will discuss the proposed articles at the next meeting.

Documentation Reviewed: Citizen Petition Zoning Amendments received 2/12/18

General Business –

Updates –

There were no updates discussed.

Minutes – March 6, 2018.

The Board agreed to review the minutes at the following meeting.

Vouchers –

Timesheets

Correspondence –

There was no correspondence discussed.

Administrative Details –

There were no administrative details discussed.

Adjournment -

The meeting was adjourned at 10:12 PM.

Submitted by,

Lori Dawidowicz
Recording Secretary

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