

Norton Planning Board Minutes of Meeting
For
February 3, 2015

Call to Order

The February 3, 2015, meeting of the Norton Planning Board, held in the first floor Selectmen's Conference Room, was called to order at 7:15 P.M., by Mrs. Haracz, Chairman. Members Present: Mrs. Joanne Haracz, Chairman; Mr. Edward T. Beatty, Jr.; Mr. George Burgess; Mr. Patrick Daly; Mr. David Miller, Vice-Chair; and Mr. Scott Nichols. Mr. Fernandes arrived at 8:30 P.M. Also present was Mr. Charles Gabriel, Town Planner.

Report of the Planning Board

Approval of Minutes

January 20, 2015:

These Minutes of Meeting will be reviewed at the next scheduled Planning Board meeting.

Report of Town Planner

Mr. Gabriel referenced last page of Decision, which notes some reasons for Decision. If any Board member would like an entire copy please let him know.

Planning Board Business and Policies

Mr. Daly indicated he would not be attending the next Planning Board meeting on February 17, 2015, but he will plan to watch video of meeting.

Planning Board Bills and Warrants

MOTION was made by Mr. Miller to approve Planning Board Bills and Warrants in the amount of \$8,170.28. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

7:30 P.M. Public Hearing: Norton Landfill Solar, LLC for construction of a 2.0 megawatt photovoltaic array on the former Norton Landfill located off Hill Street. The proposed project is located in the Residential 80 zoning district and requires a Special Permit pursuant to the Norton Zoning Bylaw, Article XXII-Large Scale, Ground Mounted, Solar Photovoltaic Facilities. The project also requires Site Plan Approval from the Planning Board

Citizens Energy Corp., Emma Koziak, explained Citizens Energy was selected as the best project for the Town. This company was founded in 1979 by Joe Kennedy with a non-profit mission and also have for-profit missions. They have a fully executed a lease agreement. The Town to benefit in various ways, including, but not limited to: 1) to provide Town with an annual payment for solar project; and 2) tax revenue for Town and electricity for Town with discounted rate. A \$250,000 value to Town. Electricity for Town will be for municipal and school buildings.

Brian Angus of Tighe & Bond noted the site off Hill Street is an R-80 district. Plan displayed: "Tighe & Bond – Norton Landfill Solar, LLC – Norton Landfill Solar Project".

They are seeking a Notice of Intent from Conservation Commission (ConCom) for critical environmental concern and this was further explained. They have an operation and maintenance plan, financial surety, setbacks and screening, and is surrounded by vegetation and not planning to remove vegetation.

No lighting is proposed; signage exempt or in compliance with Towns bylaws; draft of emergency response plan, and they are certain Fire Department will have involvement. It is an ideal site for a solar project. Discussion ensued.

Brian Huntley of Tighe & Bond, explained stormwater. It is already considered an impervious surface. Construction was also described and during design they noticed cap was raised and issue was brought to attention of the Town and it is being worked on by Town. Town is working with DEP. Access road was referenced. They will be starting this project hopefully in late summer/early fall for construction.

Mr. Yunits, Town Manager, stated the Town met with DEP on slope failure and they indicated they will not hold up process and all engineers are looking at plan to remedy that. It was noted goal was to be in operation by December 31, 2015.

It was noted Citizens Energy said they would fix an issue if caused by this solar project.

Mr. Yunits said side slope failure was due to cap sliding off and was a drainage issue and appeared to have happened in 2004.

Mr. Yunits explained the Town will purchase 100% of energy from site but only 60% of Town's total use of electricity, including Town buildings and schools. Another source will be used for the remaining 40%. This will provide Town with \$6.3M over 20 years.

Mr. Beatty had concern that weight of this solar farm would cause more sliding.

Brian Huntley referenced the actual loading equals equivalent less than 7 psi. It is within industry standard for DEP submittal.

A bond was discussed.

Citizens Energy said they have "financial assurance" and any impacts solely of Citizens Energy. It was noted total would be \$53,845 for decommissioning.

They said DEP is far more concerned about loading, etc., and less concerned about solar project.

Emma said they have projects in the communities of Babylon, Westfield, and two in Chicopee.

Mr. Huntley said there are a dozen projects on landfills and there was no issue with erosion or slope issues. Also, there were no post-construction issues and had similar topography.

Construction will not happen until slope is repaired. It was noted there are monitoring wells also.

Mr. Gabriel spoke of the impact to neighbors and noted apartment building (four buildings with six units in each)are nearby and questioned if project was visible.

Citizens Energy said they did not conduct a visual analysis/monitoring property line setbacks and believed there was no need for additional landscaping like arborvitaes. They did not feel it would be that significant to abutters and is as sufficient a buffer as can be.

Mr. Yunits referenced an aerial shot where it is heavily wooded and cannot see apartments.

Citizens Energy said it is their opinion it won't be a significant impact.

An abutter and resident of 31 Hill Street said this entire side is exposed to him and his neighbors. They did not want to see vegetation if anything want to see added vegetation. If rocks are tipped over they have seen spotted salamanders.

It was noted Citizens Energy have not yet met with abutters.

Mr. Huntley stated the Fire Department received a copy of application and Fire Department attended the pre-application meeting; they are aware of this proposed project.

Mrs. Haracz noted the Fire Department had a perimeter of an access road requirement for another project.

Mr. Huntley said from a firefighting point of view, they provide access to pad/copy of emergency response plan, etc.

Mr. Yunits indicated there was a pre-application meeting and had been given plan. They wanted a fence and access to access road up to where equipment would be.

Mrs. Haracz asked for clarification regarding shading in corner. She asked them to show how layout would be affected if trees were left in place.

Citizens Energy responded that this deals with the way panels are wired; not just eliminating production of this array. A couple of tall pine trees would affect it. Discussion ensued.

Buffering was discussed.

Mr. Huntley stated they are sensitive to abutters and visual impacts, etc. 25' of existing vegetation will remain.

Resident of 3 Danforth Lane referenced people who live in area and said it is their home and a major investment for them and should be protected.

Mrs. Haracz said it appears the issue is "buffering". She noted the special permit for residential areas. It is hard to see on a flat plan.

Mr. Gabriel agreed there was a concern with buffering. Special Permit is related to impacts to neighbors/abutters.

Mr. Miller asked Mr. Yunits how will cost savings relay back to taxpayers?

Mr. Yunits responded the Town struggles every year with its budget.

Mr. Fernandes arrived to meeting at 8:30 P.M.

MOTION was made by Mr. Miller to continue this to February 17, 2015 at 7:30 P.M. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

8:30 P.M. Public Hearing: Varsity Wireless to construct a wireless telecommunication facility (125 foot high monopole) at 380 Old Colony Road. The proposed facility requires a Special Permit pursuant to the Norton Zoning Bylaw, Article XVII-Wireless Communication Facilities

Attorney Parisi, with an office in Providence, Rhode Island, was present on behalf of Varsity Wireless. Also present with him were Mr. Fuente and Mr. Kelleher, regarding special permit.

Attorney Paris explained who Varsity Wireless was. This location is at 380 Old Colony Road location and is commercially zoned site and densely vegetated. It is an ideal lot meeting all setback requirements. Site is JR Autobody.

Attorney Parisi said they met all setback requirements. They are not in wetlands and road designed to skirt wetlands. Facility itself set back more than 50 feet. All utilities are underground and there is a small amount of impervious surface. A 125 foot tower was proposed and Fire Department was advised of this.

Powerpoint presentation included information on: "Site Plan"; "Tower Height and Design"; "Photo of similar site"; "Affidavit of Radio Frequency Affidavit"; "Town Height and Design"; "Terrain Map"; "RF Coverage Plots"; "Criteria for Special Permit – Article XVII"; "Dimensional and Design Requirement"; "Summary".

Attorney Parisi said they were commissioned by Verizon to find a facility in the Town of Norton.

Mr. Gabriel said if the Town hires an RF consultant would they have any issue with that?

Attorney Parisi responded there is a need for this but the town can look into it. A lot of due diligence is put into this.

Mr. Gabriel noted a 125 foot tower was substantial.

Attorney Parisi indicated the length of agreement was five years with five year renewal options (Verizon option).

Mr. Fernandes asked about a capital investment cost?

Response was it was \$250,000 in hard costs, and soft costs being a bit more.

Mr. Beatty asked Firefighter Robert Wood from Norton Fire Department, who was in audience, about this.

Firefighter Wood said this would help the Fire Department immensely. Fire trucks and ambulances have issues with calling hospitals, etc., and they could then use Verizon. He said cost to them would be minimal; about \$9,000.

Attorney Parisi said this would be free of charge (rent) for Fire Department.

Mr. Daly asked about having a tree instead of a tower.

Attorney Parisi said they did not believe a tree would benefit them at this location.

Attorney Parisi said they are here before Planning Board first and then will appear before Conservation Commission (ConCom).

It was noted 109 feet is ground elevation of tower; bringing it up to 112' (three feet above). It was noted some material would be brought in and depends where they are in relation to the wetlands.

Attorney Parisi said they are in compliance and have a 14' wide access road. There is a 12' wide gravel driveway. Fencing was discussed; it was noted there is a 8 foot stockade fence.

Mr. Fernandes asked if a propagation (visual) analysis will be done?

Attorney Parisi responded it is not a specific requirement of the Town's bylaw. He said towers are usually along highway; no road will be looking straight at tower.

Mr. Fernandes asked what will residents/abutters actually (visually) see?

Attorney Parisi responded all abutters were notified and he believed people are recognizing the need for this.

Mr. Fernandes said he would like to see a visual representation from Crow Farm Lane from direction of Attleboro, etc.

Varsity Wireless said they can provide that *(a view-shed analysis).

Attorney Parisi said they can put an eight foot wide balloon up in air (weather balloon) and take a simulation. A photo of a similar balloon displayed in Raynham was distributed to Board.

Attorney Parisi said they will plan to put balloon up on Saturday, February 14, but need to ensure engineers are available and will confirm with Planning Board/Town Planner.

Attorney Parisi added if there were specific photos the Board wanted, please let him know or call the Town Planner's office (Phyllis, secretary). He said they will take a random selection.

MOTION was made by Mr. Beatty to continue this to February 17, 2015 at 8:15 P.M. Second by Mr. Fernandes. Vote: Unanimous. MOTION CARRIES.

Adjournment

MOTION was made by Mr. Beatty to Adjourn at 9:40 P.M. Second by Mr. Burgess. Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet A. Sweeney
Planning Board – Recording Secretary

Minutes Approved by Committee on: _____
(Date)

Signature: _____

Chairman: _____

Documents Reviewed/Distributed at Planning Board Meeting of February 3, 2015

. Draft Planning Board Minutes of Meeting, dated January 20, 2015

. Plan: "Tighe & Bond – Norton Landfill Solar, LLC – Norton Landfill Solar Project"

. Powerpoint presentation: "Site Plan"; "Tower Height and Design"; "Photo of similar site"; "Affidavit of Radio Frequency Affidavit"; "Town Height and Design"; "Terrain Map"; "RF Coverage Plots"; "Criteria for Special Permit – Article XVII"; "Dimensional and Design Requirement"; "Summary"