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**Town of Norton Planning Board
Meeting Minutes
October 25, 2016**

7:15 P.M. Call to Order

The October 25, 2016, meeting of the Norton Planning Board was held in the first floor Selectmen's Conference Room, of the Norton Town Hall and was called to order at 7:15 P.M., by Joanne Haracz, Chairman. Member(s) Present: Joanne Haracz, Chairman; Mr. Christopher Barrows; Mr. Edward Beatty; Mr. Frank Durant; and Mr. Stephen Jurczyk. Absent: Mr. Christopher Barrows, Joseph Fernandes and Mr. Patrick Daly.

General Business

A. Approval of Minutes

There were no Minutes approved/reviewed this evening.

B. Bills and Warrants

MOTION was made by Mr. Beatty to approve Bills & Warrants in the amount of \$9,034.31. Second by Mr. Durant. Vote: Unanimous. MOTION CARRIES.

C. Planning Board Business and Policies

It was noted the last day of employment for the Director of Planning & Economic Development, Ms. Wierling, was Friday, October 21, 2016.
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Next week, November 1, 2016, the Board has a meeting scheduled but no agenda items at this time, so it appears the next meeting will be held November 15 as November 1 will be cancelled.

D. Report of the Planning Board

Mrs. Haracz said the position has been advertised for the Town of Norton Director of Planning & Economic Development, and they will need a selection committee. The last time they had such a committee, the Town Manager served on it as well as herself; it was a three member committee.

Mr. Beatty volunteered to serve on this committee.

Mrs. Haracz noted Phyllis Bernard, the Planning Board secretary, is also retiring and that open position is on the Town website.

7:20 P.M. PUBLIC HEARING - Continued (continuance requested until November 15, 2016)

46 Commerce Way - NOAA

Special Permit: Section 4.8 Use Regulation: To allow the construction of an industrial building which equals or exceeds 10,000 s.f.

Site Plan: for a 12,000 s.f. Footprint office for the National Oceanic and Atmospheric Administration (NOAA) with lighting, landscaping, parking and infrastructure.

It was noted Condylne requested a continuance on this. Mrs. Haracz asked if there was any representative from Condylne in the audience? It appeared there was not.

MOTION was made by Mr. Beatty to continue this Public Hearing (46 Commerce Way - NOAA) to November 15, 2016. Second by Mr. Jurczyk. Vote: Unanimous. MOTION CARRIES.

7:20 P.M. PUBLIC MEETING

In accordance with the Certificate of Vote for the Clapp Street Solar Project dated February 9, 2016 (Special Permit #448) the Norton Planning Board will hold a public meeting on October 25, 2016 at 7:20 P.M. in the Norton Town Hall, Selectmen's Meeting Room, 70 East Main Street, Norton, MA to discuss conditions of approval for the Clapp Street Solar Project, pertaining to additional visual buffering and the 30% reduction in electricity rate.

Documents Provided to Planning Board:

1. *Letter dated October 12, 2016, addressed to Town Planner/Planning Board, from Janice Lavery-Heayden (14 Clapp Street, Norton, MA), Re: Solar Arrays*
2. *Letter dated October 13, 2016, addressed to Town Planner/Planning Board, from Dean A. and Patricia Zwicker (9 Clapp Street, Norton, MA), Re: Solar Arrays*
3. *Letter dated October 13, 2016, addressed to Town Planner/Planning Board, from Dean A. Zwicker Re: 15 Dean Street and Solar Arrays*
4. *Letter dated October 13, 2016, addressed to Chair-Norton Planning Board, Town Planner/Planning Board (37 Clapp Street, Norton, MA) Re: Solar Arrays*
5. *VHB Memorandum, dated October 13, addressed to Beth Wierling, Director of Planning & Economic Development, from Evan Miller, VHB, Re: Norton Solar Planting Buffer Screening-Project #12544.00, with accompanying photographs*
6. *Letter dated October 5, 2016, addressed to Planning Board, from Henry Weitzner, Manager, Norton Solar I, LLC, 6 Ledge Rock Way, Unit 8, Acton, MA 01760, Re: Norton Solar Potentially Visually Impacted Properties and Written Notice that the Landscaping and Arrays are in Place*
7. *Norton Planning Board Public Meeting Notice In accordance with the Certificate of Vote for the Clapp Street Solar Project dated February 9, 2016 (Special Permit #448) - date of Planning Board Public Meeting: October 25, 2016, accompanied by Certified Abutters' List*
8. *Document: "Findings and Decision" - Applicant: Norton Solar I, LLC, Special Permit #448 and Site Plan Approval, Wheaton College/Clapp Street, Norton, MA, Assessor's Map: #23, Lots: #52, 53, 70 (Stamp-received by Town Clerk on February 10, 2016)*
9. *Photographs provided by Ms. Heayden of solar arrays' visibility from her residence*

Mrs. Haracz asked for a brief overview of the status of this.

Mr. Henry Weitzner, Manager, of Norton Solar I, LLC, thanked the Board for the opportunity to address the Planning Board. He said the construction is going well and he wanted to pause and apologize for construction on Saturday a number of weeks ago and said it will not happen again. He said all landscaping is complete, and Ms. Wierling, the former Director of Planning & Economic Development, as well as VHB, visited site and generated a report. In addition to plantings and landscaping that is done, the major trenching is done. Flat black sheets, when laid down over racking, will look more attractive, and noted right now for them time is of the essence. As the Board is aware, Wheaton College is taking advantage of a program and this particular program will complete at the end of the year, so they need to be mechanically complete by end of year because then they and Wheaton College would stand to lose access to a significant amount of incentives of this program. To proceed with the final financial part of project, they are looking for acknowledgement that they satisfied the requirements of plantings, etc., for banks, etc. He has composed a short letter (draft) of something they would like (a statement of what they need in order to proceed with financing). It is not zero visibility of the project but there is very limited visibility; the visual buffering is adequate, etc. They feel they met the requirements of Planning Board. They screened neighborhood from industrial area and he read letter aloud. He said it would be beneficial to let plantings grow and spread out and come back in August 2017 to address any possible concerns at that time. There is still \$25,000 in surety with Planning Board.

Mrs. Haracz noted the reason they were primarily here this evening related mainly to Condition #2, and letters were received from a few of the abutters. A concern being that the landscaping is not adequate and letters were received from residents of 14 Clapp Street, 9 Clapp Street, and 37 Clapp Street. The Planning Board did look at landscaping and they did plant a substantial amount, but some areas need more. Some of the concerns were from people who are above it in elevation and she was not sure if there was an alternate way to address the landscaping issue.

Mr. Weitzner said they were happy to discuss that, but time is of the essence, so they want to arrive at a solution, implement it, and move forward.

Mr. Jurczyk asked what their exact schedule is?

Mr. Weitzner replied they are expecting to be complete by December 15, 2016 which is a very tight window and need certification from town engineer that they are mechanically complete. They don't want to come back to Planning Board continually. He said the

plantings they can address; however, he suggested to allow them to grow and meet again in August 2017. Also there is \$25,000 in landscaping fund, and if needed, they could increase by \$3,000-\$4,000 and it could be earmarked for plantings in August. Or, they think the better solution is to delay and push to August 2017 to see how things grow, etc., and can then add more additional money.

Mrs. Haracz stated it would be helpful to discuss each individual property.

Janice and Kevin Heyden of 14 Clapp Street were present. Mr. Heyden said there were a lot of areas where there were no plantings and noted he was 26 feet above solar farm, and they installed a seven foot fence and planted six foot trees.

Ms. Heyden said they do not see the trees and fence from their property. They had photographs taken Sunday, October 23, 2016, and distributed them to the Board.

Mrs. Haracz asked if they would possibly allow some plantings on their property at 14 Clapp Street?

Ms. Heyden responded she would want to see the plan first. She said the landscaper they used was very knowledgeable, but was very hesitant to agree to do anything and wanted to wait until August 2017. Ms. Heyden did not believe the trees would grow two feet per year.

Mr. Heyden said he wanted it done correctly and said he did not have a lot of faith in the company.

Ms. Heyden said they can see both solar arrays from her house especially with some of the leaves falling during this time of year.

Mr. Weitzner suggested something they could provide would be \$1,000-\$2,000 to Mr. and Mrs. Heyden and they can plant their own trees.

Mr. Heyden responded he did not believe that was their responsibility to plant trees, etc. This project will generate a lot of money for developers, Wheaton, etc., and need to solve this problem.

Ms. Heyden stated she indicated to Mr. Brett Chapman via email she could see the solar array. An email was also received by the company/developer as to why they should be able to work some Saturdays; so she said it appeared they say one thing, but do another, and then everyone will ultimately end up in litigation. She suggested to build some berms and

plant some trees. Even the landscape architect she had spoken to indicated he could fix this but he had to do it according to plan. Their compromise is that there are two industrial solar farms on their street. The Town made a decision and they need to uphold this agreement.

Mr. Jurczyk said clearly there were some visibility issues that he thought they would want to have addressed sooner than later, and some large gaps in areas which should be covered in some way. He did not know what that solution was and how quickly it could happen; he was respectful of agreement and associated finances with it.

Mr. Heayden said Ms. Wierling did not inspect from site lines so VHB did site lines from everyone's property and submitted them. He noted he did ask Ms. Wierling if she would do a visual inspection and she said if he had requested it, therefore, he said he was officially requesting it. He would request inspection be done from the site lines which VHB provided to Planning Board.

Ms. Heayden said an engineer (Connor) from VHB told her she would not see anything from her first floor, but she can see it.

Ms. Heayden referenced the certified letter they received regarding them receiving a 30% discount on electric rates and presented it to Mrs. Haracz for her information.

Mrs. Haracz said they are looking to try to solve this problem. If they can have the landscaper available to look at it for other options/other screening options it would be helpful.

Mr. Weitzner asked if Planning Board has looked at visibility from the Heayden's house? It seems very, very limited.

Ms. Heayden said someone needs to be on her property for this issue to be seen.

Mr. Weitzner commented those photos presented to the Planning Board did not seem like good photos.

Ms. Heayden said some Planning Board members came onto her property and the issue can be seen. Discussion ensued.

Ms. Heayden said there is a better area where they can plant; they would have to cut down brush, build a berm, etc., however, it is on Wheaton College property.

Mr. Jurczyk referenced 36 Clapp, 15 Clapp, 14 Clapp, and possibly 37 Clapp Street, which clearly showed areas where visibility was apparent. If there was an agreement there would be no visibility, there is visibility.

Ms. Heyden said some of plantings are nice/attractive and a lot of the trees planted are good trees.

Mrs. Haracz suggested to wait until August 2017 to see how the screenings/plantings were at that point and, if necessary, have their landscaper come with spot treatment for screening.

Ms. Pat Zwicker of 9 and 15 Clapp Street (#15 Clapp is their rental property) said they can see it from their property and from an angle they can see both arrays from their front yard. Their rental property (#15) is directly across from where the Bowser property was formerly located; they can see through the trees. She agreed with Ms. Heyden; she did not think any of them on the street want to wait on this until August 2017. It needs to be resolved and ended to satisfaction to those who live there. They realize they fought long and hard against this and agree with decision of Planning Board and Planning Board agreed it should not be seen from the first floor.

Mrs. Haracz suggested possibly another row in between so it is staggered and a bit forward; there may be workable solutions here.

Mr. Bruce Cummings of 37 Clapp Street stated he faced solar array A and B and addressed the newest members of the Board indicating they have discussed this issues for a couple of years. He said the plantings are one issue. How does Planning Board want to see all other conditions in entire proposal? He believed the project manager was not there when decisions really needed to be made. Garth was subcontractor and he did work with Garth.

Mr. Cummings referenced the new plantings and height of these plantings. He welcomed Mr. Durant and Mr. Jurczyk to visit his home and see Array A and B from his front steps; they do not even need to go inside his house. He was not sure if Conservation Commission (ConCom) will be involved as Garth indicated to him that he could not build up in an area due to ConCom. He asked if the Town loses money if Wheaton does not get their credits?

Mr. Weitzner responded Wheaton College takes the brunt. The Town would be affected by pilot program; \$15,000/year.

Mr. Cummings suggested it should be put in writing they would owe Town money each year.

Mrs. Haracz recommended to bring landscaper out to make some changes to some areas. Possibly a higher location, another row, or moving some plantings positioned in the incorrect place may help.

Mr. Weitzner said he would contact Garth and try to set up a meeting for Garth to discuss this and come up with ideas for a solution, and then come back to him. He said he has the abutters' contact information.

Mrs. Haracz said as long as ground is not frozen, they could still potentially plant.

Mr. Jurczyk said it would be beneficial if they could develop a solution and see if the residents were comfortable with recommendations. He did not want to wait three weeks and had a concern waiting until November 15, and believed they needed to come to an agreement for planting issues. If they need to meet earlier, such as November 1st, possibly they could do that and this would become an agenda item for that meeting.

Mr. Beatty asked where the open field was located?

Ms. Heayden responded the field she believed he was referring to was in between two properties; behind sandbox in-between stone wall with scrubby growth, and field beyond it had solar arrays.

Mr. Beatty said once they get beyond stone wall, there is a significant wall, so need to build up that drop or come closer to the house.

Mrs. Haracz stated possibly the Board could then meet on November 1st.

Mr. Weitzner confirmed the neighbors/abutters' names and addresses.

It was also noted the resident residing at 19 Clapp Street should also be included on list.

Mrs. Haracz stated the next question they have is regarding the 30% discount on rates. The condition was read aloud pertaining to this (page 9, number 8) discussing the 30% reduction in electric rate to owners of ten impacted properties.

Mr. Weitzner responded this condition is a little confusing and it appeared a miscommunication happened between the Planning Board and themselves. He said he would explain why their solution is the best solution. The principle behind the 30% discount was to give abutters same discount that Wheaton College was receiving and to

give abutters an effective ownership in the facility and the only way to do this was with a Schedule Z put out by National Grid for credits to various electric bills. Wheaton College is getting a worse deal than the abutters. Wheaton College needs to pay them 70 cents on the dollar and they get their credits, so that is their 30% discount. It is the same to abutters, but need to ensure they do not have to pay anyone, so paying a percentage of solar facility to abutters and will base it on last 12 months of consumption. The abutters would provide them their bill, calculate 12 months of consumption; be assigned a percentage to get to the 30% discount. Once the abutters provide them with their bill, they will receive the 30% discount. Solar is a renewable resource and an intermittent resource and certainly has variability. The discount is larger in summer and smaller in winter. Some years it may be greater than 30% and some years less than 30%. It gives effective ownership of solar facility to abutters but no credit exposure, contractual liability to them, and they are only dealing with National Grid. The other significant benefit is automatic, as electricity rates increase, that dollar value of discount will increase as well.

Mrs. Haracz referenced the 12 months of consumption from abutters, figuring out what 30% was, and then that was a fixed amount, and that is what confusion was about.

Mr. Weitzner said it is not a fixed amount. Twelve months of billing is very important and he explained further. If electricity rates increase, the dollar value of discount will go up. Discussion ensued.

Mr. Jurczyk used an example of \$1000 per year as a bill.

Mr. Weitzner responded they would get a discount every month; basically a \$300 discount on \$1,000. If a utility bill is \$1500, a \$20 credit for December, and in July, a \$50 credit on their bill.

Mr. Weitzner noted the elegance of this solution is that there is clearly some lack of trust between the parties and this is a way they are both out of the picture and the abutters just see a monthly credit on their bill. It will just say "net metering credit" on bill.

Mrs. Haracz clarified then the condition was they would use Schedule Z as the mechanism. It sounded like an established procedure and an administrative process with National Grid to set it up.

Mr. Jurczyk asked if each resident could be made aware of what their expected credit will be?

Mr. Weitzner responded, yes, he could do that.

Ms. Heyden agreed and thought that process sounded easier. She had a few questions regarding this, in the last 15 years she built a garage; as well as an addition. She referenced their consumption possibly increasing due to the apartment usage (renting of an apartment to a tenant); how do they formulate that with the apartment they rent out where sometimes one or two people reside there?

Mr. Weitzner responded their intention is to provide this 30% discount and it won't keep growing for additions, etc. He said he had a lot of experience with Schedule Z and changing them is a big problem.

Ms. Heyden said there are two meters for her residence and they do not have the same name on meters.

Mr. Weitzner responded it would be configured for the last 12 months consumption of two meters.

Mr. Weitzner suggested they may want to put bill in their name.

Mrs. Haracz said she thought it was fair based on usage of year and value of electricity; a baseline needed to be established.

Ms. Heyden asked what if owner(s) of a small house wanted to build an addition? She said she felt they are told one thing by developers of this project and then it does not come to fruition.

Mrs. Haracz said they have discussed a Schedule Z all along during these meetings.

Resident of 32 Clapp Street, asked about the Schedule Z.

Mr. Weitzner provided an explanation and advised her to just send him the bill as he was 99% certain they are the host. She does not have to sign the Schedule Z. He also clarified to the other residents that they should send their bills to him and he will follow up on each of the bills, and will follow up with each of the 10 abutters. They will fill out a Schedule Z for them.

Mrs. Haracz noted Mr. Weitzner's email address is on paperwork also.

Mrs. Haracz noted the next meeting will be held next week on November 1st and, as of now, they will be the only item on the agenda at 7:20 P.M.

Mr. Beatty noted some language that Town Counsel recommended based on language Article 15; they had changed some verbiage in proposed bylaw at second public hearing, but they still felt it would put Article in jeopardy with Attorney General.

Mrs. Haracz responded they would have to start all over again and referenced a new bylaw/amendment, hold a public hearing, and possibly have it ready for Spring Town Meeting.

Mr. Beatty said the other issue related to solar panels/stormwater management passed with no issues.

Adjournment

MOTION was made by Mr. Jurczyk to Adjourn at 8:37 P.M. Second by Mr. Durant.
Vote: Unanimous. MOTION CARRIES.

Respectfully Submitted by:

Janet Sweeney
Planning Board - Recording Secretary

Minutes Approved by Committee

on: 11/10/17
(Date)

Signature: Joanne Haracz Chairman: JOANNE HARACZ