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NORTON PLANNING BOARD MEETING  
MINUTES OF JULY 23, 2019

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The Planning Board Meeting of July 23, 2019 was called to order in the Norton Media Center, at 7:15 p.m. by Mr. Steven Hornsby, Chair. Members present were Ms. Julie Oakley, Mr. Oren Sigal, Mr. Timothy Griffin, Mr. Scott Bichan, and Mr. Kevin O'Neil. Mr. Joseph Fernandes absent. Also in attendance were Amy Kwesell, Town Counsel, and Paul DiGiuseppe, Planning Director.

Mr. Hornsby reiterated the Planning Board's policy to receive new information from an applicant one week prior to the public hearing. He also mentioned that some members directly received information about a case which is inappropriate. The appropriate means to communicate about a case is to send the material to the Planning Department.

**Approval of Minutes**

**Motion to approve the July 16, 2019 minutes made by Mr. O'Neil, Second by Ms. Oakley. All in favor. Motion passes.**

**Public Hearing SP. 488- Remand order for 210 Bay Road and 21 Fairlee Lane**

Mr. Bichan recuses himself.

The applicant was represented by Adam Schumaker, NextSun Energy; Stacy Minahane, Beales & Thomas; and Charles Le Ray, Dain Torpy. The applicant describes the revised project.

**Board Questions, Comments and Concerns:**

- What is the distance of the nearest residence to the inverters and panels?
  - Over 900 feet to the nearest residence and about 400 feet to the nearest building located at Blueview Nursery.
- How many solar panels?
  - 10,540 panels which is about 45% of the original proposal.
- Where is the equipment area and how will it connect to the adjacent solar facility?
  - Applicant shows location of equipment area and the utility line connecting to the adjacent solar facility.
- Will the applicant be acquiring the land?
  - The applicant is looking to lease the land up to 35 years.
- Will security fencing be used for the equipment area?
  - Yes, along with screening.
- Town shouldn't have the burden of assuming cost for salvage removal as identified in the Decommissioning Plan
  - The applicant will re-examine salvage values and submit an updated Decommissioning Plan.
- Asked about the safety of lithium batteries.

- The applicant is following Massachusetts safety requirements.
- Has applicant spoken further with abutters?
  - The applicant continued to meet with some abutters.
- Have other dual-use solar projects been approved?
  - Carver has approved a dual-use project but it hasn't been built
- Has there been a change in the screening plans?
  - The applicant reviewed the new screening plans.
- What is the average number of years for the screening to reach maturity? The warranty should align with this time period.
  - The applicant will agree to a longer term for the landscaping warranty.
- Looks as though 205 and 207 Bay Road are not adequately screened.
  - The applicant is no longer pursuing the agreement with Polillio Sand and Gravel in order to screen the access road. There is an opportunity to place screening on an interior access road which could screen 205 and 207 Bay Road.
- How long after sundown will batteries run?
  - Up to 6 hours which could be 9 to 10pm.
- Can equipment be relocated?
  - No, there isn't sufficient room.
- Is solar a permitted use under Article 10 (Variances and Special Permits)?
  - Applicant does not believe Article 10 is applicable. Article 10 makes a specific reference to appealing a Building Inspector's decision and does not reference Article XXII.
  - Ms. Kwesell states Article 10 is not applicable as the use is allowed by right.
- Can the Board have a map showing the decibel levels from the inverters?
  - The applicant will provide the map that was provided as part of the first submittal.

#### Public Comments, Questions and Concerns:

Matthew Gaines, attorney for the some of the abutters:

- restated the findings from the previous decision;
- the project is not in harmony with the adjacent neighborhood and does not protect the neighborhood from adverse impacts;
- no new screening for Fuller and Fairlee Drive;
- inverter is now closer to residential;
- believes Article 10 (Special Permits) applies
- Battery storage is not allowed as it is not specifically mentioned in Article 22
- Noise and water testing should have been conducted.
  - Applicant disagrees regarding Article 10 as Section 10.10 does not reference Article 22
  - Applicants states site plan can only be denied if there is no solution. These issues are solvable.
  - Applicant states a battery is an accessory use.

Abutters spoke and had the following concerns and questions:

- Where will water testing occur? Water should be tested once a year.
- Screening will take a long time to mature.
- Abutters had an expectation that bogs were not buildable.
- Concerns about impacts to water, noise levels, radiation and electromagnetic fields.

- Applicant has filed an appeal to the Conservation Commission's Order of Conditions partly due to the Commission issuing the Order too late.
- How will trucks access the site?
- Noted a bylaw provision requiring more intensive screening of residences.
- Pipe shaft contains lead.
- Who ensures compliance with the SMART program?
- Concerns about health, safety and devaluing houses.
- Concerns about the power lines and batteries. Most solar projects do not use these many batteries. Batteries should not be allowed as they are not specified in the bylaw. Batteries catch fire and explode. How many batteries will be installed? What is the purpose of using the batteries? Batteries are not needed and circumvent regulations.
  - The applicant states the panels are mostly glass and the greatest risk of fire is on roofs.
  - There are 8 battery storage containers. The storage containers are made up of small cells. Batteries can store up to 4MW at 6MW hours or 24 MW hours.
  - Massachusetts electric code addresses battery safety.
- How many feet are panels from Fuller and Fairlee?
  - About 500 feet to 9 Fuller.
- How would the Fire Department access these panels, especially near Fuller?
- What screening is needed along Fuller and Fairlee?
- Is solar the appropriate use for the land? Solar should not impede agriculture. How is solar an approved use per OER? What happens if standards change? Can Building Commissioner enforce?
  - Applicant expects a yield between 50 to 85%.
- How are there checks and balances with the SMART Program?
  - OER and MDAR receive annual reports.
- Is expansion going to happen?
  - No expansion is planned.
- Will NextSun lease the land?
  - No plans to lease the land.
- What triggers a decommissioning?
  - Decommissioning is triggered if they stop operating for 2 years.
- What is the status of the SMART credits?
  - The National Grid allocation is at 0% and applicant is hoping for reallocation from projects that do not get built or a renewal of the SMART program.
- Improper noticing for the December Board meeting to discuss Bylaw changes.
- 3.9 MW exceeds SMART standards.
  - 2MW is limit of what can be delivered to the grid at one time. The batteries provide the storage and continue the delivery.
- How many piers will be driven into the ground?
  - Piers will be twisted not pounded to the greatest extent possible.
  - Steel doesn't pollute water.

The Board request the following information be provided at the next meeting:

- Decommissioning Plan update
- Secondary covering of structures

- Show potential other locations for inverters
- Sound measures from current location
- Screening at 11 Fuller and 205 and 207 Bay Road
- Applicant to give business cards to abutters
- Have Fire Department look at access and provide information how a potential fire would be extinguished.

**Motion to continue to August 6 made by Mr. Griffin, Second by Sigal. All in favor. Motion passes.**

**Public Hearing Site Plan 20-001- 308 East Main Street/NBC Universal**

Mr. Bichan returns. Mr. Sigal recuses himself.

Applicant team is represented by Jeff Aingley, Brandon Williams, Andrew Simmons and Jason A. Taormina. Applicants describe the project and that this is the only suitable site which was approved by the FCC. The applicant is on a tight schedule and needs to complete project in August.

Board Questions, Comments and Concerns:

- Question was asked about the 200-foot height limit.
  - The FCC has already approved proposal.
- What is the power of the transmitter?
  - 15 KW

**Motion to close public hearing made by Ms. Oakley, Second by Mr. Griffin. All in favor. Motion passes.**

**Motion to accept site plan for the collocation which will amend the 2000 site plan approval made by Mr. O'Neil, Second by Mr. Griffin. All in favor. Motion passes.**

Mr. Sigal returns

**Motion was made by Mr. Griffin to adjourn. Second by Ms. Oakley. All in favor. Meeting adjourns at 10:06 pm.**

Minutes prepared and submitted by Paul DiGiuseppe, Director of Department of Planning and Economic Development.

Minutes Approved on: AUGUST 6, 2019

Signature Paul DiGiuseppe