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## NORTON PLANNING BOARD MEETING MINUTES OF AUGUST 6, 2019

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The Planning Board Meeting of August 6, 2019 was called to order in the Norton Media Center, at 7:16 p.m. by Mr. Steven Hornsby, Chair. Members present were Ms. Julie Oakley, Mr. Oren Sigal, Mr. Timothy Griffin, Mr. Scott Bichan, and Mr. Joe Fernandes. Mr. Kevin O'Neil absent. Also in attendance were Amy Kwesell, Town Counsel, Paul DiGiuseppe, Planning Director, Deputy Chief Shawn Simmons and Chris Carmichael, Building Commissioner.

Mr. Fernandes submits a signed Mullen Rule form for the July 23, 2019 meeting.

### **Approval of Minutes**

**Motion to approve the July 23, 2019 minutes with amendments made by Ms. Oakley, Second by Mr. Griffin. All in favor. Motion passes.**

### **ANR Endorsement (2019-10)- 4 Fernandes Circle**

Mr. Fernandes recuses himself.

Craig Cygawnoski with RIM Engineering reviews the application.

**Motion to approve made by Ms. Oakley, Second by Mr. Bichan. All in favor. Motion Passes.**

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

Mr. Bichan recuses himself. Mr. Fernandes returns.

The applicant was represented by Adam Schumaker, NextSun Energy and Charles Le Ray, Dain Torpy. The applicant describes the revised landscaping plan including screening for 205 and 207 Bay Road as well as the revised Decommissioning Plan which includes estimates with and without salvage value. Battery storage information was also covered as well as discussed why the proposed inverter location is most appropriate. The applicant heard from two abutters.

### **Board Questions, Comments and Concerns:**

- Questions about fire issues
  - Applicant will work with Fire Department to address issues during Building Permit review. Deputy Chief Simmons read the letter he provided to the Board.
  - Deputy Chief Simmons confirmed requirement for fire suppression system as well as a monitoring system.
  - The site must either have a hydrant or irrigation pond for adequate fire suppression and must have an approved water source.
- Would like to see lease information
  - Applicant won't sign lease until project is approved.
- Concerned that sound study is at the house and not the property line as well as proximity of inverters to the nursery. Should move inverter back to previous location or use secondary barrier.

- The material provided shows overall distances and not just to the houses. Previous location of inverters doesn't work now due to voltage loss. Applicant agrees to install a sound buffer around the inverter and battery storage.
- 31 decibels at 300 meters causes concerns especially as the nursery is proximate.
- Is the \$250,000 bond previously offered still being offered?
  - No as the abutters not being near the revised plan and the new plan is smaller.
- Incorporate the Conservation Commission's Order of Conditions into the Planning Board decision.
  - The applicant filed the appeal of the Order of Conditions as they believe the Conservation Commission overstepped their authority.
- Concern about the height of the screening. Could berms be used to raise the height?
  - Applicant will use berms where possible and will need flexibility with plant species.
- Any new information on impacts to property values?
  - No.
- What is timeline for construction should SMART credits become available?
  - Project can be built within six months. Approved SMART projects could start falling out by November 2019.
- Will applicant support water quality testing for residents?
  - Applicant will test on the bogs and disputes Conservation Commissions testing conditions.
- Truck traffic causing damage to neighbors.
  - Town Counsel states applicant would need permission of property owners. Applicant states they are willing to work with property owners.
- Can Board require that NextSun retain a controlling interest of project in terms of capital and maintenance?
  - Town Counsel states the Board cannot as part of the site plan.
  - Applicant states site plan runs with project. A building permit can be revoked if owner doesn't comply.
- The original, larger project was remanded and is still at play. DEP is reviewing the smaller project but the applicant could come back with larger project. Court will decide if Board's conditions, if project is approved, were capricious.

#### Public Comments, Questions and Concerns:

Matthew Gaines, attorney for the some of the abutters:

- Board is under no requirement to close public hearing tonight.
- A floodplain special permit is required per 13.4.1 as all development in floodplain requires a special permit. At the December 18, 2018 hearing, Director DiGiuseppe stated a special permit would be required.
- Site plan can be denied if there are no reasonable solutions.
- Proposed development is not in harmony with the neighborhood and causes impacts.
- Recommends denial
  - Applicant states the standard for denying a site plan is whether problems are unsolvable. These challenges are solvable. For example, applicant has agreed to add barriers for sound protection.

Abutters spoke and had the following concerns and questions:

- Battery concerns. How many batteries per container? Could expand to 40 MW hours. Batteries are not an accessory use.
  - Between 15 to 18 racks per container.
  - Article XXII states accessory structures includes storage.
- Inverters will operate 24 hours/day, 7 days/week. Concern about location of inverters. Can currently hear inverters located at the Fairlee Lane solar facility. How can inverters be relocated after the Conservation Commission approval? Noise study provided depends on the type of inverter.
  - Noise map is based on the inverter proposed to be used.
  - Proposed inverters are quieter than the ones on Fairlee Lane.
  - 24 hours isn't correct. Storage may operate up to six hours and the inverters could run between 9:00 and 10:00 pm.
- Fire concerns. Many examples where panels catch fire. Width of trucks is a concern and the access road gets muddy. Lack of fire hydrants in the area. Could hydrants be used for Fuller Drive?
- Concerns about impacts to water. Piers being pounded into ground can affect water flow.
- Project is too big and out of scale.
- Screening concerns. Not abutters responsibility to maintain trees on the bog. Can't screen in the winter. Sand isn't good soil for planting.
- Concerns about construction activity including noise.
- Concerns raised about NextSun.
- Electromagnetic field information is written by the solar industry. There is brain cancer risk associated with EMF. Need to better understand the risks.
  - Three reports were submitted on EMF. The site will produce less EMF than overhead powerlines.

Applicant states they are comfortable closing the public hearing.

**Motion to close public hearing with discussion made by Mr. Griffin and second by Mr. Fernandes**  
Mr. Sigal wants more information about the ability to move the inverters and concerned about floodplain impacts without a peer review. Discussion ensued including the applicant having responded to Board's requests for information from the previous meeting. **Vote 4-1. Motion passes. Public hearing is closed.**

	YES	NO	ABSTAIN	NOT PRESENT
Steven Hornsby, Chairman	X			
Timothy Griffin, Vice Chairman	X			
Julie Oakley, Clerk	X			
Joe Fernandes	X			
Kevin O'Neil				X
Oren Sigal		X		
Scott Bichan			X	

**Motion to table the vote to the next meeting made by Mr. Griffin and second by Ms. Oakley. All in favor. Motion Passes.**

**Public Hearing SP 489-431 South Worcester Street**

Mr. Bichan returns. Mr. Fernandes recuses himself.

The applicant, Mr. Lanyama Williams, states he would like to rent rooms and will live in the house. He also states that he would like to rent rooms for up to a year. Director DiGiuseppe states this information contradicts his application as well as email communication which state he would not be living there and the maximum stay would be seven days. Mr. Williams requests to withdraw his application without prejudice.

**Motion to accept the withdrawal without prejudice made by Mr. Sigal, Second by Ms. Oakley. All in favor. Motion passes.**

Mr. Fernandes returns.

Board sets next meetings for September 10 and 17, 2019.

**Motion was made by Mr. Bichan to adjourn. Second by Ms. Oakley. All in favor. Meeting adjourns at 9:53 pm.**

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

Minutes Approved on: AUGUST 20, 2019

Signature Paul DiGiuseppe