

# Montague Planning Board

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**April 25, 2017 7:00 PM**

Town Hall – Second Floor Meeting Room  
One Avenue A  
Turners Falls, MA 01376

## MEETING MINUTES

**Members Present:** Ron Sicard – Chair, Fred Bowman, Bob Obear, George Cooke and Bruce Young  
**Staff Present:** Walter Ramsey, AICP- Town Planner, David Jensen (joined meeting at around 7:20 PM)

Ron Sicard opened the meeting at 7:00 PM.

**Approval of Minutes:** January 24, 2017 and February 28, 2017

- *Bowman makes a motion to accept the January 24, 2017 minutes. Seconded by Cooke, approved unanimously. Sicard - Aye, Bowman - Aye, Obear - Aye, Cooke - Aye, Young - Aye*
- *Bowman makes a motion to accept the February 28, 2017 minutes. Seconded by Obear, approved. Sicard - Aye, Bowman - Aye, Obear - Aye, Young - Aye, Cooke - Abstain.*

**PUBLIC HEARING (CONTINUATION from 3/28/17)- Special Permit and Site Plan Review SP/SPR #2017-02 filed by Kearsarge Solar, LLC** for a special permit and site plan approval under Montague Zoning Bylaws Section 5.2.6(c) and 8.2 (f) to permit the construction of a solar energy facility exceeding 3 acres in the Industrial Zoning District. The property is located off Turnpike Road on Assessors parcels 13-0068, 20-0-27, 21-0-006, 21-0-007 and 21-0-024. The property is owned by the Town of Montague and the applicant will construct, own and operate the solar facility in accordance with a lease agreement with the Town. The applicant proposes a 5.997 MW system impacting 34 acres.

**Guests:** Briony Angus from Tighe & Bond ( Kearsarge Energy's engineer), Resident (39 Greenfield Road), Peter Golrick, and Laura Churchill (Resident, 98 Turnpike Road)

At the previous meeting the Planning Board in March requested of Kearsarge to provide more materials and a set of updated site drawings that have now been supplied to the Town. There are 3 main parcel locations to be constructed in phases that are under review: (1) the burn dump parcel, (2) the sanitary landfill, and (3) a non-landfill parcel to the west. A site visit was done on April 11, 2017 with Walter R, Steve E and those Planning Board members that were able to attend.

The following changes were made:

- The location of the interconnection was changed to the end of Sandy Lane after a meeting with Eversource.
- The modification of the access road to the western array will have vegetative screening added to the entire northern fence line to help mitigate impact to abutters along Turnpike Road this was determined after feedback was received by Judd Wire.
- Kearsarge Solar, LLC. has agreed and will provide an operations and maintenance report to the Town Planner while also inspecting the site annually and replacing any dead trees/vegetation. The vegetation is to be installed at the height of 6-8 feet.
- The property line set backs have been clearly stated on the drawings while the proposed fence is not closer then the setbacks. The fence detail (chain link) is 8 feet high as required by the town.

Discussion:

Young stated that he was under the impression that there would be a planting plan (multi-tiered and thick screening) to soften the visual effect for the abutters, and reported that spent extra time visiting other solar arrays in the area to see what has been done in regards to vegetation and the visual impact to residents on the northwestern edge. He also brought up the point of being consistent on what the Planning Board requires for setbacks. For example, The Millers Falls Rd (Eversource) array which was approved recently required a set back of 200 feet. He stated that he would like to see this project which is industrial use, to be moved at least 100 feet back for screening which would help to keep the integrity of the surrounding neighborhood especially when it is not a necessity for the town. Obear commented that a 35-foot setback with plantings would provide a substantial screening (native grasses, different species and heights), and would be doable and less expensive than a 100-foot setback.

Kearsarge Energy, LLC. will take the information back and work on a new approach to the property. The Board was amenable to making this part of the conditions for approval. There would need to be a section left for a trail

According to a Briony Angus , the economics of the project are very tight and reducing the size of the array would have an impact financially on the project. She then went on to say a 100-foot setback would be hard and suggested instead to move the fence back and bolster the plantings with vegetative screening.

Angus: The EPA has a CO2 calculator to help determine the environmental impact of the project. 1 acre of trees absorbs the equivalent of CO2 of 26,000 miles per year. For the 7 acres in the proposed area of clearing CO2 of 182,000.miles per year. The western array is set to produce 5.8 kwh per year = 9.8 million miles of CO2 driven. It is the equivalent of CO2 sequestered by thirty-nine hundred acres per year. The GHG emissions that is off set by the energy generated for this project thirty-nine hundred acres vs. 7 acres which it is currently offsetting. After the facility is decommissioned the forest will take 25-40 years to get to the current maturity level.

DPW had a question regarding operations and maintenance for the access roads and Kearsarge Energy, LLC takes responsibility of operation of maintenance, and any property within the lease agreement which does include access roads to be maintained.

Angus: The stormwater management plan satisfies the guidelines of the Board's Stormwater System Policy and the site will go through DPW permitting process as well.

The Resident from 39 Greenfield Road Resident had a question regarding in a glare analysis has been done regarding the airport.

Angus : We did do a glare analysis to determine whether we were required to file with the FAA. The response was that we are not required to file due to the height of the proposed system, proximity to the airport and where we are in terms of obstruction to airspace. The glare from solar panels are designed to absorb, not reflect the energy.

Obear: Is there is any technical information available about the solar array – specifically are they made in the USA or imported?

Angus: We have not even thought about what panels will be used specifically on this project. Once we are closer to construction we will know the specifics but most likely they are not made in the USA.

Bob stated that as a person in the industry it is important to him that items are sourced domestically and not by foreign import. There was general consensus that that this type of stipulation could not be made on a special permit, but could be stipulated in RFP for any future municipal solar projects.

Golrick: Have you worked with MA DOT aeronautics on this project?

A: *We did not do this but outreach could be a condition of this permit. The Board was satisfied by current level of due diligence regarding airspace analysis.*

Laura Churchill from 98 Turnpike Road thanked Young for bringing up the issues surrounding screening the project from abutters, stating that she has undeveloped land abutting the project but it doesn't mean that in the future she wouldn't do anything with it. If she was to clear the land it would impact her neighbors so she appreciated very much Bruce Young and the Planning Board for addressing such a situation.

*Bowman makes a motion to close Special Permit/Site Plan Review SP/SPR #2017-02 hearing filed by Kearsarge Solar, LLC. Seconded by Obear, unanimously approved. Sicard - Aye, Bowman - Aye, Obear - Aye, Cooke - Aye, Young - Aye*

### Discussions

Ramsey drafted up a decision and vote for Kearsarge Solar, LLC with 6 findings:

1. In order for the application to meet special permit criteria 7.9.4 (a) 6 and site plan review evaluation guidelines 8.5 (4) the board determined that a visual screening is required for the northern run of the west array to mitigate impacts to at least two residential abutters on Turnpike Road.
2. Notwithstanding finding #1, The special permit request meets the conditions of approval for a solar energy facility under section 7.9.4 (a) of the Montague Zoning Bylaws.
3. Notwithstanding finding #1 The site plan meets the evaluation guidelines set forth in section 8.5 of the Montague Zoning Bylaws.
4. The stormwater management plan satisfies the guidelines of the Board's Stormwater System Policy.
5. A waiver of the decommissioning surety, allowable through section 7.9.4 (a) (10) is appropriate for this application.
6. The proposed facility will not be of substantial harm to the neighborhood, or to the natural resources or infrastructure of the Town, will not create nuisance, hazards or congestion and will not derogate from the intent of the Zoning Bylaws of the Town of Montague.

Kearsarge requested a waiver for decommissioning assuerty which is allowed in our zoning because the Selectboard will require decommissioning through the lease.

Kearsarge is required to do annual screening inspections and replacement of plantings while reporting annually to the Planning Board

Prior to a building permit, the applicant is to provide a multi-tiered planting plan with a specific plan with a listing of sizes and species types for plants to be approved by the Planning Board for the entire Northern section of the West array.

*Cooke makes a motion to grant SP/SPR #2017-02 to Kearsarge Energy LLC subject to the following conditions Seconded by Fred Bowman. Sicard called for a role call vote. Motion unanimously approved. Obear – Aye, Young – Aye, Cooke – Aye, Bowman – Aye, and Sicard – Aye*

1. Ongoing Conditions: The applicant is responsible for the following ongoing conditions as required in section 7.9.4 (b) of the Montague Zoning Bylaws.
  - A) The most current site plan and project summary which shall include the electrical schematic with the current shut down procedures shall be submitted to the Turners Falls Fire Department by the owner;
  - B) Identification of the owner and a responsible person for inquiries throughout the life of the facility shall be provided to the Planning Board, Turners Falls Fire Chief ,Police Chief , and Highway Superintendent and provide for and post a 24-hour emergency contact phone number.
  - C) Herbicides may not be used to control vegetation at the solar electric installation;
  - D) There shall be no exterior storage of equipment or service vehicles on the site

2. **Decommissioning:** The applicant is responsible to comply with the decommissioning process for Solar Energy Facilities as required in section 7.9.4 (b) of the Montague Zoning Bylaws.
3. **Construction Phasing:** The Board will permit the segmentation of the project whereby each of the three sections of arrays or some combination thereof is constructed in phases.
4. **Vegetative Screening:** Prior to the issuance of a building permit, the applicant must submit to the Planning Board for their approval a revised landscaping plan for vegetative screening for the entire length of the northern fence line of the west array. The landscaping plan should include a diversity of species and multiple tiers with the tallest planting being at least 6 to 8 feet tall. The applicant will conduct annual inspection of vegetative screening and provide a report to the Planning Board and replace dead plantings as necessary in accordance with the approved Operation and Maintenance Plan.
5. **Amendments to Approved Plans:** Any proposed changes from approved final plans shall be submitted to the Board and approved if consistent with the application and the findings and conditions stated in this approval. Significant changes in the site plan shall be reviewed by the Board, which may allow the changes without further hearings if they are determined to be within the project scope and consistent with findings and conditions. The Board reserves the right to hold further public hearings on changes to the site plan that are determined to be outside of the project scope. Approval shall not be unreasonably withheld.

**PUBLIC HEARING petitioned amendment to the Montague Zoning Map ZC#2017-01 filed by Omni Navitas Holdings, LLC representing the Montague Lodge of Elks (landowner).** The proposal would redistrict an area of land identified as Assessors Map 25 Lot 14 (off Millers Falls Road) from Agriculture-Forestry-4 (AF-4) to Industrial District. The parcel is 10.3 acres.

**Guests:** Glenn Frank, General Counsel to Omni Navitas; Andre Joseph, Project Manager; Tom (39 Greenfield Rd), Ernie Brown (Elks Member), and Peter Golrick (Airport Commission)

The focus of the project is to get the parcel rezoned from an Agricultural to Industrial District so that a special permit process can be started for the solar project. Omni Navitas is willing to adhere to all the zoning rules and regulations of the permitting process. After meeting with Walter, there was contact made with the FAA regarding the glare study as well as to Natural Heritage and Endangered Species Program (the maps for NHESP will be updated soon and those map changes have been reviewed for this project). Omni Navitas will be adhering to the 30-foot setback off the right-of-way for this project.

The first step in this process is to petition the Selectboard, which then passes on the request to the Planning Board for a public hearing on the zone change with recommendations to Town Meeting. After the zone change they would have to come back to the Planning Board for a special permit. This parcel does not have sewer but does have water, and the proposal change would be for the 10.3 acre change to keep. Walter had conversations with the abutters including a single resident who was ok with the solar, but had concerns regarding other possible uses with the change. This property is in the flight path of the TF Airport and within a ½ mile of the runway, and it will require FAA approval. Virtually any other use beside solar would require either sewer or septic. This would be the 4<sup>th</sup> largest solar project if it was to be built. Walter did a review of the 2004 community development plan which called for this area to be used for rural commercial.

Current Zoning Uses

Allow by right in Agricultural-Forestry AF-4  
 Single family houses – 4 acres and 250 feet of frontage  
 Two family houses – by special permit  
 Earth removal  
 Recreational enterprises  
 Non-profit clubs or lodges  
 Public utility – by special permit  
 Farming and Forestry  
 No solar allowed

Proposed Zoning Uses

Industrial Zoning ID – 25 foot setbacks and 30 feet from the rear with no frontage requirements  
 Business offices

Professional offices  
Manufacturing  
Processing  
Bulk Storage  
Research  
Warehouse distribution  
Energy facilities under 3 acres  
Energy facilities over 3 acres – by special permit  
Hotels – by special permit  
Marijuana facilities- by special permit

Bowman: If this was Industrial Zoned how many could you businesses could fit into a lot?

Jensen: There are some major constraints which include drainage and parking and septic.

Ramsey: It would eb safe to say that thre could potentially be up to 2 separate uses on the 10.3 acre lot. The proposed solar would be just over 3 acres.

Young: What would be a visual impact and what the setbacks?

Ramsey: Zoning bylaws requires a 35 foot setback. Natural forested buffer from Millers Falls Road will be impossible given the depth of the lot and the need for southern exposure,

Sicard: It is anticipated there will be a need for a planting plan.

Sicard: Could waivers be granted for commercial solar use in Agricultural Forestry? I know as a general rule we don't like to do that.

Jensen and Ramsey responded that the Zoning Board does not typically grant use variances where the use is well defined to certain districts. There is a lot of AF-4 in Montague and once you do it for one person you open up large swaths of town to others.

Jensen: The board should look at other zoning possibilities including rural business and general business as no matter what the zone becomes it does set the tone and greatly impact that part of Millers Falls Road.

It was further stated that it is not the intention on of the Town to encourage or to have more businesses such as Hillside Plastics on a commuter road. A designation of Industrial would allow just that. Given the fact that this parcel is near both village centers and that a designation of General business would allow for a solar array by special permit, it would be in David's opinion a better choice for zoning than AF-4.

Brown: There is no sewer which is a huge drawback currently so that will be what drives what would be able to go there.

Golrick expressed concern about the house sited in the middle of an Industrial zone and to make sure there is enough visual protection and is in agreement with the General Business designation. He reminded the Board that no matter the designation, it will have to go through the FAA and MASS DOT Airspace.

Ramsey: If the Board wants to change the zoning to General Business the meeting will have to be reposted and re-looked at during a future meeting.

Glenn Frank requested from the Board to continue the public hearing to May 23, 2017.

*Cooke makes a motion to continue the hearing to May 23, 2017 at 6:30 PM. Motion unanimously approved. Obear – Aye, Young – Aye, Cooke – Aye, Bowman – Aye, and Sicard – Aye*

**Subdivision Approval Not Required Endorsement (ANR) #2017-02 filed by Montague Board of Selectmen.** Applicant seeks endorsement that the assembly of the following assessors parcels 13-0068, 20-0-27, 21-0-006, 21-0-007 and 21-0-024 (known as the Sandy Lane/Landfill Area) is not a subdivision because the plan does not show a division of land.

Ramsey presented the ANR and explained that this is a consolidation of the (6) six municipal parcels into (1) one which is why it is not considered a subdivision. There are a number of frontage points including: Turnpike Rd, Sandy Lane (not a Town accepted way) and Randall Rd with frontage of 164 acres. In the future Sandy Lane will be proposed to be a subdivision road and a way with frontage. Cooke asked what the width of the road is currently, and Ramsey responded 40 feet. Ramsey added that the Town will be subdividing the Judd Wire parcel and eventually selling it to them in the future. Ramsey then shared maps with the Board including the sewer lines and connection locations.

*Obear makes a motion to approve ANR #2017-02 filed by Montague Board of Selectmen. Seconded by Young, approved unanimously. Sicard - Aye, Bowman - Aye, Obear - Aye, Cooke - Aye, Young - Aye*

**Subdivision Approval Not Required Endorsement (ANR) #2017-03 filed by Marsha Smith and Denton Smith III – 49 Mormon Hollow Road.** Applicant seeks endorsement that a plan to change the shape of a house lot at 49 Mormon Hollow Road is not a subdivision because no lot affected is left without requisite frontage as required by Montague Zoning Bylaws.

Ramsey presented the ANR. He has been working with Jamie Pottern of the Mt. Grace Land Conservation Trust to put into conservation protection.

*Cooke makes a motion to approve ANR #2017-03 filed by Montague Board of Selectmen. Seconded by Young, approved unanimously. Sicard - Aye, Bowman - Aye, Obear - Aye, Cooke - Aye, Young - Aye*

*Bowman makes a motion at 8:55 PM to adjourn the meeting. Seconded by Bob Obear, unanimously approved. Sicard - Aye, Bowman - Aye, Obear - Aye, Cooke - Aye, Young - Aye*

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_