

# Montague Planning Board

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**October 23, 2018 7:00 PM**

Town Hall – **Second Floor** Meeting Room

One Avenue A

Turners Falls, MA 01376

## **MEETING MINUTES**

**Members Present,** Ron Sicard, Fred Bowman, Bob Obear, George Cooke, Elizabeth Irving and Matt Lord – Associate Member

**Members Absent:**

**Staff Present:** Walter Ramsey-Town Planner

**Meeting was opened by Ron Sicard at 7:02 PM**

### **Approval of Minutes:**

**Motion** by Fred Bowman to approve the September 25, 2018 minutes. **Seconded by Bob Obear. All approved.**

**Public Hearing Special Permit/Site Plan Review #2018-03** on an application by Al Lichoulas for a Special Permit and Site Plan Approval under Montague Zoning Bylaws Section 5.2.6 and 7.9 to allow the construction of a solar energy facility exceeding 3 acres of land in the Industrial District. The property is located on Millers Falls Road, across from Industrial Boulevard and is identified as Assessors Map 23 Lot 67. The proposed facility encompasses approximately 3.9 acres.

**Guests:** Tom Bergeron – Town of Montague Highway Superintendent, Al Lichoulas – Applicant, David Jensen – Retired Town of Montague Inspector of Buildings, Jeremy McDiarmid – Sunbug Solar, Meredith Savage and Lori Johnson – SWCA Environmental Consultants.

The project is located on a 15.9 acre parcel owned by Al and Catherine Lichoulas and the proposed solar array will be constructed on approximately 3.9 acres of the property. Access to the array will be from Millers Falls Road and will involve creating a new driveway. The proposed work does not alter or fill any wetland resource areas and the project will take place outside of the 100 foot buffer zone to Bordering Vegetated Wetlands. All clearing and grubbing at the site will occur at least 150 feet from jurisdictional wetlands. Al and Catherine Lichoulas are seeking a negative determination of applicability for the proposed solar array.

- Al and Catherine Lichoulas own a 1 mega watt array in Orange, MA
- Installation – The 3.9 acre solar array will be installed within a portion of mixed forested lands and accessed from Millers Falls Road. The system will have an output of 1002.7kW DC and all the inverters, meters and equipment pad will be located on the north end of the system. There is to be fencing around the entire perimeter and located 20 feet from the array and 200 feet from wetland. In addition to the solar array area, the total clearing and grubbed area will be 4.4 Acres with a 10 foot maintenance corridor around the 8 foot high fence.
- Access Road – The access will be a gravel road that intersects with Millers Falls road and is 20 feet wide and 120 feet long.

- Erosion Control – Erosion control barriers of staked straw wattles and silt fences will be installed throughout the project area, around the perimeter of the array and down the access road. These control barriers will be in place before any work is started and stay until the surfaces are all stabled and vegetated.
- Stormwater Control - SWCA has prepared a Stormwater Management Report as required by the Montague Planning Board. The site is currently wooded and will be transitioned to a native meadow and ground cover beneath the solar panels.
- Maintenance – The solar equipment will get periodic maintenance, vegetation mowing at least once a year within the fenced in areas. There will be shade maintenance within 5 acres and any cutting for shade will be at least 100 feet away from wetland resource areas. The access road will be maintained and there will be vegetation maintenance and invasive species plans as required by NHESP.
- NHESP a conditional no-take has been given as long as the following measures are in place and complied with:
  - Raising the fence 8 inches from the ground
  - Have a time of year mowing restriction
  - Conduct vegetation management in the shade buffer to encourage growth of shrubs
  - Invasive species monitoring within the shade buffer area
  - Rare species protection plan for construction and maintenance activities
 All the following have been added to the plans since the original submittal.
- Decommissioning Plan after the life of the array – there has been a decommissioning plan submitted. The hope is that the panels will be replaced as technology advances.

**After Discussion among the Board members and audience the Board finds:**

- In order to fully meet the Board’s Stormwater System Policy, the board finds that additional mitigation is needed in order to ensure that the proposed development will preserve hydrologic conditions that closely resemble pre-development conditions and to prevent flooding and erosion by managing the peak discharge and volume of runoff to the downstream wetlands.
- 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.
- Notwithstanding finding #1, the site plan meets the evaluation guidelines set forth in section 8.5 of the Montague Zoning Bylaws.
- 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.

**The Planning Board will approve the Special Permit/Site Plan Review with the following conditions:**

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 (c) of the Montague Zoning Bylaws.
  3. Surety: Owners and successors in title shall provide to the Town of Montague a bond in the amount of \$34,500 to cover the cost of removal of the facility and restoration of the landscape in accordance with the Decommissioning Estimate dated 10/2/2018 prepared by Kevin McCaffrey, PE. The bond shall be effective within one year of the issuance of a building permit and shall be in effect until the facility is decommissioned in accordance with section 7.9.4(c).
  4. Stormwater Management and Erosion Control: The development shall preserve hydrologic conditions that closely resemble pre-development conditions and shall prevent flooding and erosion by managing the peak discharge and volume of runoff to the downstream wetlands. In order to ensure this the following conditions are required:
    - A) Prior to the issuance of a building permit, the applicant shall submit a revised stormwater management plan to the Planning Board for review and approval by the Board. The revised plan shall include erosion control and storm water retention details that will mitigate any potential for slope erosion or degradation of the down gradient wetlands. Approval shall not be unreasonably withheld.
    - B) The Board will require submission of two annual inspection reports prepared by a professional engineer in the two consecutive anniversaries that follow the completion of construction.
  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.

**Motion** by Ron Sicard to closed the Public Hearing at 8:24 PM. Seconded by Bob Obear. **Motion passes.**

**Motion** by Bob Obear to grant a special permit and issue site plan approval to Al Lichoulas for the construction of a 3.9 acre solar photovoltaic energy facility off Millers Falls Road in the Industrial Zoning District under Montague Zoning Bylaws Section 5.2.6(c) and 8.2(f) with the above conditions. Seconded by George Cooke. **Motion passes.** Ron Sicard Abstains from the vote.

**Discussion: Downtown Winter Overnight Parking:** Discussion of Planner's research and recommended PILOT project for implementation this winter.

**Guest:** Tom Bergeron – Montague DPW Superintendent

Tom Bergeron added to the discussion that the Montague DPW will not make special plans to plow out the areas or cater to the folks that have permits. The DPW department will not tolerate folks throwing all the snow back in the roadways.

Bob Obear states that he feels there is a legitimate parking issue during the winter season. He asked Tom Bergeron what his ideal area would be to provide 20-40 parking spaces for town residents. He feels that the downtown lots are available and fill a need (Discovery Center, Canal Street, and 3rd and 4th Street lots). Tom recognizes a need for other parking venues. He feels the proposed areas are good areas to try a pilot program. He is weary of any issues arising if there are damages.

He also states that there is signage in all the lots and they are just not read, this year he will add to the posted signs that the lots are not maintained Fridays-Sundays as they do not do clearing of the parking lots on overtime. An ideal would be that there are blue lights throughout the town to alert folks. This would be a solution to alert folks that they could park whenever unless it is under the snow emergency. Bob Obear also noted that a cell phone alert would maybe be another way to go.

There will be on street winter parking by permit this winter 2018-2019 in marked areas. The permit locations will be South side of L Street between 5th Street and Prospect Street and on the north side of Prospect Street between L Street and Chestnut Street. There will be 20 permits available by a lottery to be applied for by Tuesday November 27, 2018.

**Motion** by Bob Obear to support the pilot winter permit parking plan as presented. *Seconded by Elizabeth Irving. **Motion passes.***

**Discussion: Zoning Bylaws Update Project updates, public hearing preparations, town counsel review, additional outreach.**

**Guest:** David Jensen – Retired Montague Inspector of Buildings

Walter has submitted the bylaws to town counsel and it is currently under their review. The comments will be back on November 27, 2018 for the public hearing. Walter will be doing some outreach including ads in the Montague Reporter, Greenfield Recorder. The information will be posted at Town Hall and on line and information given to abutting towns, agencies and stakeholders.

After speaking with other Town Planners it was suggested to add in some language regarding accessory structures not exceed the height of the principal structure 5.5.2 (d). The Building Department suggested that there be an Air BNB policy – short term vacation rentals allowed as an accessory. Walter feels we are protected under lodging house policies.

David Jensen feels there are large "holes" in zoning and building codes. If you get designated as lodging houses the rules and regulations change drastically. There will be future discussions going forward but there is not a need to get involved at this time.

David Jensen has some comments regarding the purposed zoning bylaw changes and it was suggested that he should put it in writing by November 27, 2018 and come to the hearing if he would like.

**Planner Report:**

a) Topics not anticipated within the 48 hours of posting: The Planning Board will meet at 6:30PM during winter months.

**Motion** by Fred Bowman to adjourn the meeting at 9:02 pm. *Seconded by Bob Obear. **All approved.***

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