

Minutes of Planning Board Meeting
Town of Whately
Town Offices Building, 4 Sandy Lane
July 25, 2017

Members Present: Don Sluter, Judy Markland, Nicholas Jones, Sara Cooper, Helena Farrell
Members Absent: None

Attending: Tony Wonseski and Kelley Fike, SVE Associates, 439 West River Road, Brattleboro, VT; Palmer Moore, Nexamp, 156 Park St., Newton, MA; David Carr, Nexamp, 150 North Beacon St., Brighton, MA; Mike and Gretchen Bechta, 139 Christian Lane; John LaSalle, 21 LaSalle Dr.

Call to Order, 7:04 p.m.
The meeting was not recorded.

I. PUBLIC HEARING – Site Plan Review

1. Whately Renewables Solar Array, 134 Christian Lane

The secretary read the legal notice and the applicant agreed that it was accurate. Tony Wonseski, of the engineering firm SVE Associates, described the site using plans mounted on an easel, noting that:

- Although Zones AR-1 and AR-2 are involved, no AR-1 land is involved in the project area. Soil is loamy sand, divided by a ridge into two watersheds.
- The property owners plan to farm a corner of the AR-1 portion, although there is not enough space for extensive farming in that corner, and there can be no farming in the solar enclosure. Nexamp will seed the front corner with a cover crop until then.
- Farmers of long ago installed a culvert, and SVE checked for ponding.
- There is a 20' wide access road to back of installation, mostly for safety.
- The three types security fencing will include wooden stockade in front, vinyl-covered chain link, and standard galvanized chain link
- Screen plantings will include arborvitae, silky dogwood, and mixed grasses.
- No security lighting will be needed.
- The Fire Chief requires a 24-hr contact information sign, lock box access to the interior, and instructions on safely shutting down the plant.
- Regarding what will happen to the road at decommissioning: plans are to leave everything in place, so that the land can go back to its former state.

Regarding any future sale of the solar array, Planning Board Chair Don Sluter proposed this condition: “If the installation is ever sold, part of the Purchase and Sale Agreement must provide for a liason from the purchasing company, to ensure continued compliance of the annual report.”

Tony Wonseski said that wetland areas previously disturbed by agriculture will be restored with appropriate “New England Restoration Mix” plantings, 6’– 8’ tall, along the perimeter fence, to include arborvitae, bayberry, alternate-leaved dogwood, pink azalea, and silky dogwood. He noted that taller plants would cast too much shade. When Helena suggested adding Ilex verticillata and spicebush for biological diversity, he said that the plans could be amended to comply if the board were to make it a condition . Regarding ground disturbance from methods of installation, depths required, etc., Mr. Wonseski stated that a geotechnical report associated with the building permit addresses such matters. Panels must be mounted 8’ deep to handle the wind load, he said. Since this is a private project, anything in the ground belongs to the property owner, he said, adding that if any items of possible archaeological significance are found, work will stop and the company will notify the town (usually, the police department).

The board expressed concern that archaeological artifacts might be damaged while being uncovered, noting that even the Historical Commission isn’t sure what might be underground in the area. They asked about investigating in advance, and discussed zoning regulations section 171-17 A. (4)

(b) [2]. Judy read aloud paragraph [2], which lists features to be shown on site plans. Tony Wonseski said that SVE had checked in advance and found no evidence of possible problems in the area, and she noted that it would have been better for the application materials to have addressed the matter of advance investigation and its results. Helena explained that it would be useful to have an addendum describing how decisions are made concerning things like how far into the ground the panel mounts need to go, so the board can have a way to assess the level of ground disturbance.

Regarding pole placement, Tony Wonseski said that 30 feet between poles is standard, adding that final decisions about such matters are often decided later, in the field. When Don asked whether a letter from the Planning Board might help the case for including esthetically pleasing views in the placement plans, a representative from Nexamp said the company would certainly use such a letter to advance the argument.

Other items discussed included:

- Lease agreement redactions
- The town’s available remedies for abandonment
- How surety will be handled (\$9,750 in this case)
- Items required by the bylaws that don’t appear in the Operations Plan, like the Annual Report, and keeping the town updated on personnel and contact information changes.
- Clarifications needed regarding the term

3.

- Making sure there are no covenants in the lease that restrict operation
- The “definition of property” (redacted)
- The boundaries of the lease area

Don noted that, as far as the board is concerned, the project is bound by the site plan and not by the lease. He said that if an item is not mentioned in the lease details that the board can read, it doesn’t matter – as long as that item is on the site plan. Tony Wonseski said the lease boundaries are identified in the plans as No. 10 on sheet number C102B.

Abutter Mike Bechta then asked the board to visit the site in order to address concerns that he and Gretchen Bechta have about the screening of the project from their house at 135 and 139 Christian Lane.

His greatest concern is pole positioning, and the screening of the whole project from several views from his house, from both downstairs and upstairs areas. He would like maples planted along Christian Lane. A Nexamp representative reminded the board that the landowners do want to farm the AR-1 piece at the front, and that tall trees planted nearby would limit what they can do. Also, tall trees must not be allowed to create a fall zone that includes the array area, he said. The board agreed to visit the site to address the screening concerns.

The board and Mr. Bechta then discussed the following concerns:

- Will Rte. 91 noise that bounces off the solar panels amplify the sound level? Tony Wonseski said he had asked the engineer this question and was told it would have no effect. Kelley Fike read that part of the engineer’s report aloud.
- How does maximum lot coverage that Whately bylaws allow apply to this project? Judy explained that the poles go into the ground and the ground between the poles is permeable. If there is no intersection with the ground, conditions are considered permeable.
- Is the height of all the structures on the plan? Kelley Fike located the sheet with those markings.

The board discussed the date for the site visit; Kelley Fike said the property owners are on vacation, but should be back next week. Don continued the hearing to Wednesday, August 2, 2017, at 5:00 pm, and will submit a notice for posting.

II. NEW BUSINESS

1. The board held an informal discussion with John LaSalle about his planned ANR.

III. OLD BUSINESS

1. Discussion of potential zoning changes was postponed.

IV. Approval of the Minutes of June 27, 2017 was postponed.

V. Planning Board Mail

The board reviewed the mail. Don read from Keith Bardwell's emailed letter of July 21 regarding his lack of concern relating to the Kocot/Whately Renewables project, and the current status of the Pine Plains Estates development.

VI. Next Meeting Date

August 2, 2017 (the visit to the site of the Whately Renewables Solar Array)

VII. Adjourn

Don adjourned the meeting at 9: pm.

Documents reviewed (kept in the Planning Board files)

1. A set of large-format sheets labeled:

Special Permit and Site Plan Review for:
Whately Renewables Array
134 Christian Lane
Whately, MA

Prepared by: SVE Associates for:
Applicant: Whately Renewables, LLC
Solar Developer: Nexamp, Inc.

and dated:

12-JUN-17 in the lower right corner, and to the left of that date, marked with a triangle enclosing the letter "B" and the words,
"REVISED PER CON COMM MTG COMMENTS"

2. An email from Highway Superintendent Keith Bardwell to Don Sluter, dated Fri 7/21, 1:27 PM and headed, "Solar Project and Pine Plains Estates

Mary McCarthy,
Secretary
Planning Board
Town of Whately