

Plympton Planning Board – Minutes – 11/12/2019

Meeting opened at 6:39 p.m. Members Present: John Schmid; Paul D'Angelo; Jay Cohen, Ann Sobolewski (6:55 Jennifer MacDonald joins meeting)

New Business:

6:39

1. Dean Smith of Borrego Solar submits site plan review application for large scale photovoltaic/solar array on property located at 399 Main Street. The property is owned by Kathryn G. Figueroa, Trustee of the Gardener Family Revocable Living Trust and is M/B/L 24/3/ lots 1 and 3.

Mr. Smith briefly describes the project with reference to an aerial photograph which has the array superimposed on it. The array is located in the rear of the property. There will be 2.3 acres of clearing for a 2,287 kw ground mounted array.

The Board discusses scheduling the public hearing on this application in December.

6:41

2. Stuart Shurtleff of NECC appears on behalf of the owner of property across from Sunrise Garden Center. He was present at the last meeting with an incomplete Site Plan Review application and was coming back this evening to submit a complete application. He stated that the application was still not completed and that he will return at our next meeting to submit.

6:45

3. The board review the draft minutes for the October 28, 2019 meeting. Mr. Schmid notes a typographical error: "who" not "how". Mr. Schmid moves to accept the Minutes as corrected, Mr. D'Angelo seconds, vote is unanimous in favor.

6:55 Ms. Macdonald arrives at the meeting

7:00 Public Hearing - Proposed Zoning Bylaw Amendment – Changes to Section 6.10 of the Plympton Zoning Bylaws

Public Hearing opened at 7:00

Mr. Schmid provided an overview of the process used in the development of the solar zoning bylaw amendment under consideration.

Linda Leddy describes the proposed Bylaw as an attempt to balance the Town's expressed desires to preserve both natural land and agricultural uses. The existing bylaw was based on the Commonwealth's model legislation. The proposed bylaw was created after reviewing the bylaws adopted in surrounding communities as well as other towns. In attempting to devise a new bylaw, the fact that most of the town is in a single zoning district presented problems. Other municipalities were able to control the siting of solar systems because they had multiple districts within which such facilities could be located or they were able to create overlay districts to allow the siting of solar facilities in those locations.

Amy Cronin describes the goals of the proposed bylaw which are set forth in Section 6.10.1.2. These include promoting health, safety and the general welfare by reducing air pollution and greenhouse gasses, protecting environmental resources and fostering sustainable economic development; protecting the character of the town while supporting the needs of property owners; and providing comprehensive standards for the solar facilities.

Ms. Cronin also explained that the proposed bylaw seeks to address new solar technologies that are not covered in the current bylaw such as pole mounted, floating concentrated; floating photovoltaic and dual use. Ms. Leddy and Ms. Cronin explained the rationale behind the proposed bylaw's choice to ban both floating concentrated and floating photovoltaic systems. The floating concentrated systems are used in certain desert locations in the western United States and present hazards to birds and other wildlife as they are mirrors. The floating photovoltaic systems have been proposed in Massachusetts, including a system that was proposed in Plympton and was reviewed by the Conservation Commission (of which both Ms. Leddy and Ms. Cronin are members). The Massachusetts Department of Environmental Protection is not currently in favor of the floating photovoltaic systems (based on discussions with Mass DEP representatives) and there is not yet sufficient information about this new technology to ensure that it is appropriate.

Ms. Leddy described the specific requirements proposed in Section 6.10.2.4 of the proposed bylaw. There will be size limitations based on the particular type of system. Roof mounted systems can be of any size. Large ground mounted systems are allowed at 1 to 20 acres in the Industrial District and limited to 10-20 acres in all other zones. Medium sized systems are allowed at sites of 8 to 20 acres and small systems are allowed at up to 60,000 square feet in any zone. Dual use systems will be allowed on property in agricultural use.

She also described the siting requirements for ground mounted systems that are proposed in Section 6.10.5. These systems are to be located on land that requires no substantial clearing with a five year look back from the date of the disturbance. Trees from no more than 10% of the property can be cut for incidental purposes and there are requirements to insure that there is only a negligible visual impact from a project.

Ms. Leddy related the setbacks proposed in Section 6.10.5.6. These setbacks are different based on the type and size of the system. She noted that the Bylaw retains the ability to waive setbacks.

Ms. Cronin mentions a communication with Town Counsel wherein Town Counsel suggested a correction to Section 6.10.2.4. The substance of the language change was discussed. This is a clarification of the existing language and will ensure that there is no confusion.

The public was offered the opportunity to comment. Ms. Joanne Beckwith inquired as to whether the proposed bylaw would effect projects that are already under consideration. Ms. Sobolewski notes that it would not effect projects that already have submitted applications.

Ms. Leddy discusses a comment received from the Treasurer which requested the addition of language to allow the Planning Board to deny site plan approval for a project where there were unpaid taxes. Town Counsel was asked and stated that the Planning Board already had the

ability to do that based on an existing Municipal Bylaw. The Board discussed whether there was or should be a mechanism to facilitate obtaining information about a property or applicant's tax compliance. Mr. Mike Lemieux described a process that he went through in another municipality where before filing an application he had to obtain a certificate that the property was in tax compliance. The Board discussed adding a requirement to the Site Plan Review application that would require an applicant to get assign off from the Treasurer as proof that the taxes were paid. The unanimous consensus was that the application should be revised to include such a requirement.

Ms. Sobolewski reads one written public comment that was submitted by Brian Wick into the record.

Ms. Leddy responds to comments raised in Mr. Wick's letter, noting that based on discussions with the Mass DEP in connection with the floating photovoltaic project proposed on Lake Street, the Mass DEP did not favor the use of these systems and that if the use of these systems takes off then the issue could be reconsidered in the future. Mr. Schmid concurs that this issue could be revisited in the future. Ms. Leddy notes with respect to his comment about pollinators, that pollinator friendly landscapes are a positive choice but the consulting engineer used by the Conservation Commission recommends grass beneath the systems rather than meadow because the grass retains water better. Ms. Cronin suggests following up with Mr. Wick and encouraging him to propose an amendment for the spring town meeting if he can develop some language to encourage the use of politer friendly planting. Mr. Schmid suggests that prohibiting herbicides generally would still allow for a waiver if one was sought to encourage pollinators.

Ms. Sobolewski asks whether there are any additional public comments. Mr. Lemieux inquires as to whether the 600 foot setback allows the creation of solar facilities or whether It is a de facto prohibition. Ms. Leddy explains that it is not a de facto prohibition. Town maps and plans were consulted to ensure that there were properties which would meet those setback requirements.

Ms. Sobolewski moves to close the public hearing, Mr. Schmid seconds. Unanimous vote in favor.

Ms. Sobolewski moves that the Planning Board recommend that Town Meeting vote to strike the existing language of Section 6.10 and to adopt the proposed Section 6.10 subject to an amendment to proposed Section 6.10.2.4.5 such that Section 6.10.2.4.5 shall read: "Dual Use Solar Energy Systems are allowed as of right on any Project Site which is in agricultural use pursuant to M.G.L. c. 40A, §3 and in accordance with the requirements of Section 6.10.2.4."

Mr. Schmid Seconds. Vote: 4 in favor (Ms. Sobolewski, Mr. Schmid, Ms. Macdonald and Mr. Cohen) 0 against, 1 abstaining (Mr. D'Angelo).

Further New Business

1. Mr. Thompson of the Zoning Board of Appeals notes that the 0 Prospect Street solar application has a hearing pending with the Zoning Board of Appeals on 12/10 and inquires as to the status of the application before the Planning Board as it was originally on the agenda to be heard after

the Zoning amendment hearing. Ms. Sobolewski advises him that the applicant requested a continuance.

2. Ms. Leddy, appearing on behalf of the Open Space Committee, asks the Board about the procedures to obtain an ANR approval for an additional lot to be created out of the Town Owned property on Prospect Street. The Board explains the procedure and application requirements to her and the location of the new lot is discussed generally.

3. Ms. Sobolewski notes that the ANR application form currently being used by the Board does not include the ANR plan content checklist which was adopted in 2004 and is posted on the Planning Board Website as a separate form. It does not appear that people have been submitting that checklist with their applications. Ms. Sobolewski revised the ANR application so that it is a complete packet with a cover page listing everything that is required as well as including the ANR plan content checklist in the substance of the application. The board reviewed the revised application and discussed its merits positively.

Ms. Sobolewski moved that the Board vote to replace the existing separate ANR application and ANR Plan Content Checklist with the combined ANR Application packet. Mr. D'Angelo seconded. Unanimous vote in favor.

Ms. Sobolewski moved to adjourn at 7:25 p.m., Mr. Schmid seconded. Unanimous vote in favor.