



TOWN OF PLYMPTON, MASSACHUSETTS
PLANNING BOARD

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Plympton Planning Board – Minutes – June 10, 2020

Meeting opened at 6:05 p.m. members present A. Sobolewski, J. Cohen; J. Schmid, J. Macdonald

1. 6:00 Public Hearing -- Zoning Bylaw Amendment – Floodplain.

Ms. Sobolewski informed the Board that the FEMA Maps which form the basis of this zoning amendment have been challenged. As such, Town Meeting is going to pass over this warrant article.

2. 6:15 Public Hearing – Zoning Bylaw Amendment – Recodification

Ms. Sobolewski explained that this is a recodification which was part of the General Code Contract.

Alan Wheelock, Chairman of the Bylaw Review Committee, states that the Board spent many hours reviewing the draft. General Code has a very good reputation and once you are their customer, they will provide assistance in the future to make sure that the bylaw stays up to date.

Mr. Schmid asks whether there is a long term contract. Mr. Wheelock notes that the town would enter into such a contract and that the cost is minimal.

The Board discussed the recodification.

Ms. Sobolewski moves that the Board support the recodification as prepared by General Code. Mr. D'Angelo seconds. Vote is 4-0-0.

3. 6:30 Request for Minor Modification of Site Plan Review Decision – 0 and 37 Lake Street

Mr. Sampson, on behalf of the Applicant explains that they would like to replace the language in the PILOT program condition with the language that the Board used in the 0 Main and Mayflower Decision because of the difficulty in negotiating and obtaining approval at Town Meeting for a PILOT program this year, given the timing of the Decision, COVID-19 and the timing of Town Meeting. The applicant has continued to have discussions with the Town about the PILOT but they don't expect that they will be able to get approval by Town Meeting. They will continue to work with the Town on the PILOT.

The Board discussed the request.

Ms. Sobolewski moves that the Board grant the requested Minor Modification. Mr. D'Angelo seconds. Vote is unanimous.

4. 6:45 Public Hearing – BE RE, LLC for Site Plan Approval to construct a proposed solar facility under Zoning Bylaw Section 6.10- Solar Facilities – dual use with cranberry bogs on land identified as 131/137 Ring Road, owned by Roger A. Correia M/B/L 8/2/29.

David Kelley Meridian Associates appears for the Applicant together with Iain Ward. 6,300 panels; 5,200 in Plympton. It is a dual use project. The panels are 10-14 feet above ground. Allows for the bogs to continue to be harvested. Minimal disturbance to the bogs. It is simply a post set in the ground.

There are five battery pads proposed, three of which are in Plympton. Two are in Kingston.

One gate installed at the entrance just south of the Kingston Town Line. A heavily vegetated berm will be installed to provide screening.

There will be concrete pads located on site. The runoff is to infiltrate into the ground adjacent to the pads.

They removed the panels that were originally proposed closest to the road based on the pre-submission meeting with the board where members requested that the panels be pushed back from the road.

The project was submitted prior to the Zoning Bylaw amendment and an ANR plan was submitted. They provided an opinion of counsel to support the application of the zoning freeze to these projects.

The Town of Kingston has approved the project – the Planning Board and the Conservation Commission. The Plympton Conservation Commission is currently reviewing the project.

They are not proposing a perimeter fence because it would impact the migratory patterns of animals and the operation of the bogs.

Ms. Sobolewski asks about the location of the Battery Pads.

Ms. MacDonald asks whether the panels are floating and is informed that they are on 14 foot panels.

Ms. Sobolewski tells the applicant that if they are looking for waivers, they must submit a written application for waivers. The Applicant states that they are not looking for waivers.

Mr. Schmid notes that we ask for elevations for views from all abutting residential properties.

Mr. D'Angelo questions why there are no fences. The applicant states that the inverters and the batteries are enclosed by fences but that the panels because of their height are not fenced.

Mr. Ward, says the conventional arrays require a fence because of public safety and the electrical code these panels are part of a working farm and there will be people there. He says that there may not be enough room to install a fence and keep the access road. They are looking to minimize the impact to the agricultural operation.

Ms. Sobolewski asks whether the Fire Chief has been consulted. They have provided a letter and were looking to discuss access and public safety. Ms. Sobolewski asks them to get confirmation from the Fire Chief that he is fine with the project not having a fence around it.

Dawn Hastings Zaley 108 Ring Road. She can see the bogs from her house. If someone does a site visit now, the trees are obscuring her view. In the winter they will be visible. She asks what the batteries are made of and is informed that they are lithium batteries and she is concerned about the risk of fire because of the vegetation in that area. She wonders whether the generator area can be surrounded by a deer resistant evergreen that lets a low humming sound and that she does not want to hear that. She requests thick vegetation surrounding the battery area. She questions lighting, there are no lights proposed and she wonders what would happen if there was vandalism. There are some solar panels that emit toxic material when they crack, information about the type of panels would be appreciated. She wants to ensure that any dirt brought onto the site for the road work or bog is not contaminated. She is concerned that the water levels in the bog would be detrimentally affected by the operation of the panels. She is concerned about the amount of the bond to make sure that there will be sufficient funds in place.

The applicant responds that they are willing to look at installing trees around the inverters. The only lighting is an incandescent bulb that gets turned on if someone needs to repair the panels at night. He will investigate the contaminated soils issue, is not aware of it. The panels have no toxic substances in them.

Mr. Ward states that there will be less evaporation because the panels shade the ground.

Walter Dyer, 118 Ring Road in Kingston. He is an abutter. On April 27 the Kingston Planning Board voted to approve and the appeal process is pending. A complaint has been filed with the Attorney General against the Kingston Planning Board. Lithium batteries are seldom just lithium, they contain cobalt and that would cause a significant problem in firefighting. Winds come out of the south southwest and towards his house and in a fire the vapors would kill him. Requests that the applicant provide the specific on the batteries. Will lead leach out of the posts used to install the panels.

Candace McKenna-Inlach, Dukes Brook Road, questions whether there will be contamination to the waterfowl and the surface water.

The Applicant will provide some more information in response to the request.

Holly Dyer, Ring Road, the application is based on a dual use stating that they are going to continue the cranberry bog operation. But the applicants have told them that they

will not continue cranberry bogging and she questions whether they are going to continue farming. She also questions whether the shading will kill the plants.

Mr. Ward, states that to qualify for dual use, you have to meet minimum criteria to insure that the vines will survive and these panels meet that standard. These projects have been through the state and they meet the requirement so shading is not an issue.

Mr. D'Angelo asks whether there is a criteria for the agricultural use. Mr. Ward states that there is no yield requirement, just that the bogs remain commercially viable. Part of the long term plan is to have a farm succession plan in place so that someone else will take over the farm operation.

Mr. Schmid asks what happens if it is not commercially viable?

Mr. Ward, the incentives go away and then the bogs would violate the wetlands protection act and would need to be removed.

Mr. D'Angelo asks whether the landowner would continue to be paid if the incentive is removed. Mr. Ward, doesn't answer the question and just indicates that the studies indicate that this will work. Mr. D'Angelo asks if there is any specific data on this. Mr. Ward admits that this is new process.

Ms. Sobolewski asks for specific information on the Incentive program and explains that we need to understand the mechanics of that process so that we can properly condition the decision.

Mr. Dunphy states that the UMass testing on the viability of the plants is preliminary. He notes that the state program has proposed guidelines that require a percentage of the yield.

Mrs. Dunphy stated that she spoke with the tax collector and the agricultural rate will apply and not an industrial tax rate.

Mr. Ward states that the plan does allow for water harvesting and dry harvesting.

The applicant requests a continuance to Wednesday August 5th at 5:00. I move, Mr. Schmid seconds; unanimous.

5. 7:43 Public Hearing – BE RE, LLC for Site Plan Approval to construct a proposed solar facility under Zoning Bylaw Section 6.10- Solar Facilities – dual use with cranberry bogs on land identified as 126 Ring Road, owned by Wayne Dunham M/B/L 8/1/27 and 27A.

Ms. MacDonald recuses herself as she is an abutter.

David Kelley of Meridian Engineering appears for the Applicant together with Mr. Ward.

47 acres; 13.2 acres of which are in Plympton. 16 acres of bog in Plympton. 9,400 panels and 3,300 of them are in Plympton.

There are 8 concrete pads and 2 inverters all located in Plympton they are located where the access road is and are tucked back.

There will be 2 gates to access the site at the existing access roads. No stormwater impacts because the water will infiltrate into the sandy soils.

Ms. Sobolewski asks about the screening. The applicant responds that they are working with the abutter at 118 Ring Road to provide screening and they will provide elevations.

Ms. MacDonald notes that she owns 106 Ring Road, she was not notified and wants to know whether the screening would apply to residential properties that are undeveloped.

Mrs. Dyer stated that she is not aware that there would be landscaping installed.

Lorraine Pillsbury, 131 Ring Road, states that there was discussion of landscaping at a meeting of the Kingston Planning Board.

Roger Correia the applicant states that there was discussion about the screening with the Kingston Planning Board.

Candace McKenna-Inlach, Dukes Brook Road engages in a discussion about the ability to screen the views in different towns. What would be the jurisdiction and the ability to impose screening requirements on the project site in Kingston.

Dawn Hastings Zaley 108 Ring Road reiterates her concerns from the prior application. She asks who is buying the power.

Ian Ward notes that it is going through Eversource and the exact off-takers have not yet been identified. The power goes through the grid.

The applicant requests a continuance to Wednesday August 5th at 5:30. Ms. Sobolewski moves that the hearing be continued to August 5th at 5:30, Mr. Schmid seconds; vote is unanimous.

The Board schedules a site visit for both Ring Road solar projects starting at 131/137 Ring Road 10:00 on July 18th

6. 8:12 p.m. Continued Public Hearing 399 Main Street – Site Plan Review for Large Scale Photovoltaic Project. The Applicant has requested a continuance of this Hearing by letter dated 6/10. Ms. Sobolewski moves to continue the Public Hearing to the next Board meeting on 8/5. Mr. Schmid seconds, unanimous vote.

4. Old Business:

The board reviewed the draft minutes for the March 9, 2020 meeting. Ms. Sobolewski moves to accept the Minutes as written, Mr. D'Angelo seconds, vote is unanimous in favor.

Bills are reviewed and warrants issued for payment.

8:13 p.m. Motion to adjourn made by Ms. Sobolewski, Mr. Cohen seconds unanimous vote in favor.