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Plympton Planning Board – Minutes – 10/28/2019

Meeting opened at 6:03 p.m. Members Present: John Schmid; Paul D'Angelo; Jay Cohen

6:10 p.m. Ann Sobolewski joins meeting

6:11 Borrego Solar - 0 Brook Street – Site Plan Review Application – Continued Hearing – Discussion about Form of Surety for Decommissioning – Last Open Item on Application/Review

Dean Smith appears on behalf of the Applicant.

Mr. Smith provides a form Letter of Credit and states that the Applicant would prefer to go the Letter of Credit route as opposed to a bond. He also notes that the third party estimate has been revised and updated. As a result, it is slightly higher: \$188,641.00.

Ms. Sobolewski notes that she completed the action item identified in the last meeting – to speak with the Treasurer and inquire as to whether anyone had used a Letter of Credit in the past. She reports that the treasurer said no one had used a Letter of Credit in the past and that the Treasurer was not in favor of using Letters of Credit. The Treasurer stated that she would hold a bond in her safe and that had been done in the past.

Mr. D'Angelo questions the length of the bond.

Mr. Smith indicates that the bond will be re-issued by the purchaser of the solar array once it is fully developed.

There is general discussion affirming a requirement to condition the approval so that there is a requirement for a new owner to obtain a new/obtain a reissued bond.

There is general discussion about the merits of a Letter of Credit over a bond given the fact that the Treasurer indicated a Letter of Credit was disfavored by her.

Ms. Sobolewski moves that the decommissioning surety be in the form of a bond set at the amount of the Third Party Estimate: \$188,641.00, which includes a 25% contingency fee. Mr. D'Angelo seconds. Motion passes unanimously.

6:20 Continued Public Hearing – Harju Solar Array 0 and 37 Lake Street (September 3, 2019) – Site Plan Review for Large Scale Photovoltaic Project

Mr. Schmid recuses himself and moves to the audience as he is an abutter to this project.

Sarah Stearns of Beals & Thomas appears on behalf of the Applicant with Eric Glass, P.E., project engineer, Greg Sampson, project attorney, Larry Harju, property owner and Pat Jackson of Sunraise Investments (solar developer)

Ms. Stearns gives an overview of the project generally, noting the location of the property and the areas on the site that are to be developed with the solar array and related components. She describes the neighborhood meeting and submission of additional vegetative screening plan. The Equipment pad has been relocated away from the neighborhood. The Conservation Commission review is ongoing. The project has changed since the original presentation with the

elimination of the floating solar array.

Ms. Sobolewski notes the comments provided by the Board's consulting engineer in his response letter. There are a number of instances where he pointed out issues/raised comments/noted deficiencies in his original comment letter that have not been addressed. She notes his request for a larger scale to depict the stormwater basin areas; greater detail on the electrical design plans; documentation to establish access to the site – since the solar array is to be part of a leased area there needs to be an understanding of what rights the tenant will have to access the site; the requirement that there be a third-party decommissioning estimate; and the design certificate required by the Site Plan Review Regulations.

Mr. Kenneth Thompson, an abutter, asks a question from the audience. Specifically, he inquires about the location of the property line adjacent to the pond as it does not appear to be in the correct location on the marked aerial photograph that is being displayed.

Ms. Stearns points out the boundary location on the survey plan and indicates that the marked aerial photograph was not surveyed but is intended for illustration purposes only. On the survey plan the property boundary in question runs in the location that Mr. Thompson indicated.

Mr. D'Angelo asks Ms. Chessia for his comments. Mr. Chessia notes that he provided a written review which details the remaining issues/instances where the applicant has not provided sufficient information or has not met the requirements in the Zoning Bylaw and Site Plan Review Regulations. He also calls out the fact that the planting requirements in the Zoning Bylaw mandate 8' tall trees and the applicant is proposing to plant shorter trees and shrubs. In response, Ms. Stearns states that they have selected plants which are initially shorter in order to fit more of them in without disturbing excessively the trees that are to remain in the buffer zone. Ms. Sobolewski inquires of Ms. Beckwith, an abutter who reviewed the planting plans as to her opinion of the choice of shorter shrubs for initial planting. Ms. Beckwith indicates that she does not have a problem with the choice of initially smaller shrubs. Ms. Stearns commits to meeting with the abutters during the planting process to ensure that the locations are acceptable and notes that the locations of the shrubs shown on the plan are not absolute because during the course of those meetings, the applicant, with the abutters may shift the shrubs around in order to provide the most screening.

Ms. Sobolewski asks Ms. Stearns to describe the manner in which the selective clearing will occur. Ms. Stearns states that the area to be fully cleared will be marked and cleared first with the fence as the limit of work for the clear cut area. That will then provide a staging area that can be used for the selective clearing. She is not yet certain how the selective clearing will occur, it could be by crane, hand or otherwise. They will bring in a tree specialist after they have cleared the area for the array and would use the existing trail system to get to the trees that are to be selectively cleared. Mr. Schmid asks that the method of clearing be described on the plan itself so that there are no questions in the future about what will be done and the Board can sign off on the methodology. He also asks for an additional meeting with the abutters to occur during the clearing process.

The property owner, Mr. Harju, states that the land could have been developed for other uses but was not.

Ms. Stearns indicates a willingness to discuss the land clearing and buffer plantings further with the neighbors.

Mr. Chessia notes that the plan depicts a gravel road located within the buffer zone on the Kingston side of the property. This road is located 75 feet, rather than 100 feet from the residential area. Ms. Stearns explains that in order to max out the array they are asking for a waiver to eliminate that 25' of the buffer zone. Ms. Sobolewski states that all waiver requests should be made in writing.

Ms. Sobolewski inquires as to whether or not signage is proposed so as to be visible from the street. Any signage that is visible from the street is part of the site plan review process and details of that signage should be included in the materials.

Ms. Sobolewski inquires as to whether there have been changes to the area off Lake Street that is to be used for parking. Ms. Stearns states that a gate has been added to the parking area.

Mr. Glass, the applicant's engineer, states that "they" design these projects to "design standards" all over the country and demands to know <sup>how</sup> many solar arrays Mr. Chessia has designed as opposed to the number of arrays that he has reviewed for municipalities as part of the consulting review process. He disagrees with the stormwater review contained in Mr. Chessia's peer review. Mr. Chessia states that he has designed one system and reviewed many.

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Ms. Sobolewski notes that Mr. Chessia has been the Board's peer review consultant for the many large scale solar arrays that have been constructed in Plympton. All of his analyses have been based on the same set of standards and the other applicants have complied with his recommendations. This application is not being held to any different set of standards.

Ms. Stearns and Mr. Chessia discuss the specific plans that should be revised to a different scale.

Discussion of whether to continue the hearing. Mr. Jackson, on behalf of the applicant, asks to take the temperature of the Board if a vote were to occur tonight. Ms. Sobolewski notes that, as set forth in the peer review letter, the application has not provided all of the required materials, as such, is incomplete, and that she would not vote to grant approval based on an incomplete application.

Mr. Jackson states that the applicant will agree to a continuation of the hearing.

Ms. Sobolewski moves to continue the public hearing on this application to Monday November 25, 2019 at 7:00 p.m. Mr. D'Angelo seconds. Motion passes unanimously.

7:09 p.m. Public Hearing Harju Bros. Cranberries (owner) Plympton Main Street Solar, LLC (Applicant)  
Solar Array 0 Main Street and Mayflower Road – Site Plan Review for Large Scale Photovoltaic Project

Mr. Schmid rejoins the Board

Evan Watson, Prime Engineering, makes the presentation for the applicant. With him are: Greg Sampson, project attorney; Larry Harju, property owner; and Patrick Jackson of Sunraise Investments – the applicant

Mr. Watson presents the project generally. He states that an Abbreviated Notice of Resource Areas Delineation was filed with the Conservation Commission followed by a Notice of Intent. That application is pending.

There are two arrays proposed as part of this project: one located on an existing bog that has been designated as an upland bog and one that will be located in a wooded area that will be clear cut to site the array. The Bog is off Main Street and the wooded area is off Mayflower Road.

With respect to the bog array, he states that it will be 480' from Main Street to the fence that will surround the array and 70' through an existing wooded area to the Pleasant Street property line. The dimensions on the submitted plans are to the right of way line. There will be 77' of undisturbed woods to the abutting property to the East. He notes that where the array is more than 600 feet from an abutting property a stockade fence can be used for screening but that additional vegetation would be included. He wanted to get a sense of what vegetation would be desirable before showing it on the plans.

The site access will be by the existing roads – they intend to utilize the existing bog roads to provide access to the array which will be surrounded by a security fence (as will the other proposed bog).

~~The bogs are ready to be built upon once an underground trench is dug.~~ Mr. Watson notes that they plan to add a seed mix to the bog after construction.

Mr. Schmid asks whether the bog is to be abandoned.

Mr. Watson indicates that this bog will be abandoned.

Mr. Watson then describes the array proposed for the wooded area located on the northern side of the property. This site will be cleared. There will be a silt fence to prevent runoff from the cleared area into the adjacent waterbody.

Mr. Schmid inquires as to the change in topography in the area to be cleared and between the area to be cleared and the adjacent wetland.

Mr. Watson states that no grading is proposed and the area is relatively flat with a 4' change from the area to be cleared and the wetland.

Mr. Schmid inquires about the proposed fences. Mr. Watson states that the stockade fences will be 7' tall with 6" of open space between the bottom of the fence and the ground.

Mr. Schmid's concern is the proposed screening and requests that the applicant provide plans that show cut sections from the Main Street, Pleasant Street and Mayflower Road road surfaces. This will enable the Board to see how effective the screening will be and what it will actually look like.

Ms. Sobolewski mentions that the Lake Street project included suggested landscape plantings as screening which were native and designed to offer year round vegetative cover as well as beneficial habitat. She suggests that Mr. Watson contact Ms. Stearns for the list of plants and

asks how much room was there between the fence and the road to install plants. Mr. Watson indicates that there is 10'.

Discussion between the Board, generally, and Mr. Watson about scheduling a site visit. Agreement is reached to schedule a site visit on 11/16 (a Saturday) at 10:00 a.m. with the meeting point being located on the property adjacent to Competition Auto Body (at Main and Pleasant Streets).

Mr. Harju states that the waterbody in the north of the property was created by his family as a reservoir and that it has a dike and a canal which would enable it to be drained. He wanted to drain the waterbody and locate the solar array there but the Conservation Commission has determined that it is a wetland which cannot be eliminated. That is why they are going to cut down the forest to site the array instead. He would have preferred not to do that but the Conservation Commission won't let him drain the wetland. He states that it would cost 30,000 to replant the bog with varieties of cranberries that sell better so he is using that bog for the solar array. The other bogs have more desirable berries/were recently replanted at expense, so they are not willing to locate arrays on those bogs.

Mr. Watson mentions that the applicant has received the letter from Mr. Chessia and will be responding to it.

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~~Ms. Sobolewski opens the meeting up to public comments/questions:~~

Mr. Kevin Panas of 45 Mayflower Road notes that a 100' buffer is required for projects that are greater than five acres and asks what specifically is included in the buffer zone off Mayflower Road. He requests that the buffer lines be shown on the plan.

Mr. Watson states that there is 71' from the property line to the area that is to be cleared.

Mr. Pandas notes that the fence is to located 86' from the road and would like more information on what will be done in the buffer zone.

Ms. Coleen Dolan of 39 Mayflower Road asks how will it be determined whether the screening is adequate once the cutting occurs.

Mr. Watson notes that there will be a surety posted to insure the adequacy of the screening and that the screening will be installed before the panels are installed.

Ms. Dolan requests flexibility in terms of the type of fence that is installed. A non-stockade fence may look better than a stockade fence and could provide better screening.

Mr. Schmid points out the language of the zoning bylaw stating that the fencing for a solar array is not to be located within the required buffer zone.

Mr. Watson states that all of the panels are more than 100' from the road.

Mr. Schmid states that where a waiver is sought, the Applicant needs to specifically identify the waiver and should provide a list of all waivers that are sought. Mr. Watson agrees to provide a list of waivers.

Mr. Schmid notes that he is not inclined to grant waivers from the required buffer zone.

Mr. Pandas questions how the arrays will be shielded from the upper level views of the abutters. Ms. Dolan joins in this question. Mr. Schmid notes that the cut sheets he mentioned previously should be provided to show that the array will be screened, as required, from all floors of the residential properties as is required by the Bylaw.

Ms. Robin Falcoine who is an abutter on Main Street is concerned about potential water displacement from the project onto her property. She indicates that there is already water displacement and she does not want the project to make it worse.

Mr. Watson notes that drainage calculations are provided in the Conservation Commission filing. Ms. Sobolewski notes that where an abutter has specifically raised drainage as an issue and concern, the applicant should provide the pertinent documentation to demonstrate that there will be no adverse drainage impacts. Mr. Watson states that they will do a runoff evaluation in woods, meadow, the concrete pads and crushed stone. Mr. Schmid and Mr. Chessia request that the applicant use "grass" not "meadow" for the calculations. There is discussion of the Mass DEP standards and a communication from Mass DEP's Boston office to Mr. Chessia regarding the appropriate methodology to use. Mr. Chessia agrees to provide this communication to the applicant.

Mr. Norbert Palenstijn of 55 Mayflower Road asks the engineer to explain how the panels will be tied into the main power line and to describe the fencing and grating.

Mr. Watson states that the solar facility required 3 phase power. There will be a pole at the street that will look just like the utility poles on the street. Then additional poles will run further back into the property. A vehicle gate may be added on Mayflower Road; each pad will have a fence and each solar array will have a fence.

Mr. N. Palenstijn asks whether it will still be possible to drive from Mayflower to Main Street? Mr. Watson indicates that it will still be possible to drive.

Ms. Dolan asks whether the poles are to be parallel or perpendicular to Mayflower Road. Mr. Watson indicates that they will be perpendicular.

Mr. Ruud Palenstijn of 53 Mayflower Road asks why are the trees being removed when there are open bogs elsewhere on the site that could be used for the solar array. Mr. Watson states that the other bogs are productive so the owner does not want to use those for the array.

Ms. Julie Moskinis states, on behalf of the owner, that they ideally did not want to use these areas.

Mr. Schmid asks Mr. Watson whether the project is feasible without deforesting the northern section. Mr. Harju states that it is his land and they could have cut all the trees down anytime they wanted to.

Mr. Schmid states that it is important for the Board to understand what the options are.

Discussion about continuing the hearing and an appropriate date to do so that will afford the applicant sufficient time to respond to Mr. Chessia and resolve issues.

Ms. Sobolewski moves to continue the public hearing on this application to Monday November 25, 2019 at 7:30 p.m. Mr. D'Angelo seconds. Motion passes unanimously.

Stephen Saurtleff brings incomplete site plan application to the Board. He is instructed to obtain all of the required materials and come back to the Board's next meeting to file his application.

8:05 p.m. Public Hearing Robert Johnson Property Solar Array 0 Prospect Street – Site Plan Review for Large Scale Photovoltaic Project

Mr. Rich Tabaczynski appears on behalf of the applicant and describes the project. This is a solar array sited on 41.2 acres of land. Arrays to be located on cranberry bogs that will remain in use as opposed to being abandoned. This is a dual use project. The solar array will occupy 11.85 acres, which includes the equipment pad. The project has a maximum of 2 megawatts and connects at the northwest corner with the electric grid through poles at the street and then underground conduit back to the field.

The concrete pad will be 3,750 s.f.. All of the components are located outside the 100 foot buffer. The arrays will be unfenced because they are an active cranberry bog use. The setback from Prospect Road is 350 feet, there is a 100' minimum setback from all property lines; the closest residence is 190' away. The screening requirements are difficult to meet because there is currently no vegetation separating the site from the abutting properties. They are looking for a waiver from that requirement. A detailed landscape and screening plan will be provided after the site visit.

Ms. Schmid requests that the applicant show the grading and screening by cutting section plans.

Mr. Tabaczynski states that he will do that but the abutting properties are above the bog elevation. He also notes that the bog drainage system is a perennial stream.

Ms. Sobolewski asks what the width of the access road is through the bogs. Mr. Tabaczynski states that it is 12' wide.

Mr. Cohen asks how the cranberries are harvested when the panels are present. Mr. Tabaczynski states that there is 8' from the bog surface to the bottom of the panels to allow for harvesting and there are gaps between the rows of panels as well.

Mr. Schmid asks the applicant to show the panels mounted and at full tilt in their screening cut sections.

Mr. Tabaczynski states that the project is designed to allow for a maximum of 50% shading of the bog by the panels. They are a 4' wide panel with 3 1/3' gaps between the rows. With this project the bogs have to remain operational and in active use for the life of the project.

Discussion is opened to the public:

Mr. Sean Durgin of 5 Tobey Lane asks how the dust and debris from construction vehicles will be managed.

Mr. Tabaczynski agrees to provide information on construction site management.

Mr. Durbin notes that the bogs are not currently in production and have not been for several years. Other abutters present concur with this statement, indicating that the bogs have not been harvested for approximately 5 years.

Mr. Tabaczynski states that the Department of Environmental Protection is requiring the property owner to reinstall the bogs in connection with this use.

Ms. Angela Lawson of 109 Prospect states that she now has a clear view of the bogs because the property owner clearcut all of the forest between her property and the bogs. Then he began removing sand and other materials from that area. There is general concurrence among the abutters that earth materials are being removed from the property.

There is general discussion of a site visit which is scheduled for November 9 at 10:00 a.m. with the meeting point on the property corner closest to Tobey Lane.

Ms. Sobolewski moves to continue the public hearing on this application to Tuesday November 12, 2019 at 7:30 p.m. Mr. D'Angelo seconds. Motion passes unanimously.

#### Minutes:

The board reviewed the minutes of October 15, 2019. Ms. Sobolewski moved to accept the Minutes of September 23, 2019 as written Mr. Schmid seconded the motion, unanimous vote in favor.

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