**APPROVED**

**ADAMS PLANNING BOARD**

**MEETING MINUTES**

**JANUARY 22, 2019**

**MEMBERS PRESENT**: Chairman David Rhinemiller, Vice-Chairman David Krzeminski and Members Barbara Ziemba, Lisa Gazaille and Sandra Moderski

**OTHERS PRESENT**: Interim Town Administrator, Donna Cesan; Joseph Nowak, Adams Selectboard; Pat Jackson, Sun Raise Development LLC; Dan Lovett, Hill Engineers; John D. Duquette, Jr.; Maureen Curran; Jack Guerino, iBerkshires and Recording Secretary, Pam Gerry

**CALL TO ORDER**: Chairman Rhinemiller called the meeting to order at 7:00 P.M.

**Continuance of Application of Sun Raise Development LLC for property located at 101 Grove Street, requesting a Special Permit under Adams Zoning Bylaw §125-20 to convert portion of an existing gravel pit to a Commercial Scale Ground-Mounted Solar Energy System in an R-2 Zoning District.**

**Continuance of Application of Sun Raise Development LLC for “Site Plan Approval” under §125-19 of the Adams Zoning Bylaw for property located at 101 Grove Street. The request is to convert a portion of an existing gravel pit to a Commercial Scale Ground-Mounted Solar Energy System in an R-2 Zoning District.**

Dan Lovett from Hill Engineers representing Sun Raise Development LLC addressed the board members with the proposed plans for a solar field at 101 Grove Street. He stated to them that the applicant was requesting to turn 22 acres of an existing gravel pit into a solar field. Mr. Lovett displayed the plans for the members’ review. He began by stating to the members that they planned to maintain a 100’ buffer around the property. Mr. Lovett told them that the property would be graded from the west to the easterly direction while ponds for stormwater management would be located at the lower elevations. He explained to them that the gravel, loam and seed would provide a vegetative cover and eventually become stabilized on site.

Mr. Jackson, applicant for Sun Raise Development LLC addressed the board members to let them know that they planned to stabilize the site in the fall and continued to note that in the spring of 2020 the construction phase would commence. Vice-Chairman Krzeminski was curious to know how deep the ponds were going to be on the property. Mr. Lovett stated that the ponds would be approximately 5’ deep. Vice-Chairman Krzeminski asked what type of maintenance would be in place for the solar panels. Mr. Lovett stated to him that every six months they would address any stormwater maintenance issues. Mr. Lovett emphasized that there would be stone, grass swails and silt fencing to control any stormwater concerns. Mr. Lovett reviewed the Special Permit criteria for the zoning bylaw.

Chairman Rhinemiller explained to Mr. Lovett that the Planning Board would require a 20’ wide turnaround for emergency vehicles to access the property. In response to him, he stated that the turnaround would provide a 100’ wide access roadway. Member Ziemba stated to the applicant that the board received a letter from Adams Fire Chief Pansecchi with his request for the site’s requirements. Member Ziemba was curious to know how residents benefitted from this solar project. Mr. Jackson addressed her by stating that the solar project would provide a “high quality of service to the abutting properties.” He explained to them that the customers would be enrolled in “Community Solar” which would provide National Grid customers, including local residents and businesses with a percentage of the “solar output.” Mr. Jackson continued by stating that they would be applying for the chance to become part of the program, adding that there was limited space for enrollment.

Member Ziemba asked how many panels would be installed in the solar field. Mr. Jackson stated that there would be 15,000 panels of 5.5 MW power. Member Moderski stated that she had reviewed the plans, noting that 5 MW was the maximum power allowed for the applicant to be a participant of the Smart Program. Mr. Jackson stated to her that it would be formulated on an AC basis of power which would amount to 4MW in the end.

Chairman Rhinemiller wanted to know if the electricity to the panels would be located underground and how the solar panels would be positioned on site. Mr. Jackson stated to him that within the perimeter of the fence, the electricity would be located underground and continued to note that the panels were on screw pods with underground electricity approximately located 3’ to the bottom of the panel at a 22 degree angle up to 8’ high.

Member Ziemba asked how often they would maintain the grass upkeep. Mr. Jackson stated that they would mow the grass at least twice a year with local contractors providing the service.

Member Gazaille wanted to know how the applicant would address emergency situations at the solar field. Mr. Jackson stated to her that they would be notified by security alerts and at that time, electricians would be dispatched immediately. He stated that the fence should provide a deterrent for any trespassing issues. Chairman Rhinemiller wanted to know who would possess the keys to the property. Mr. Jackson stated that they would be in the possession of the Adams Fire Department. Member Moderski asked for some details into qualifying as a member of community solar. Mr. Jackson stated that their company would provide flyers during the start of the construction phase notifying local businesses and residents that they should prepare to sign up to become a member. He further noted that no funding would be needed upfront from the members; however the company would provide credits on their electric bill amounting to a 10 percent decrease in their existing electric bill, providing an incentive to customers from the state of MA.

Member Moderski wanted to know the estimated span of time that would take place before the panels would be replaced. Mr. Jackson stated that rarely would they change out panels, adding that this process would not be cost efficient. Member Ziemba addressed Mr. Jackson to ask him where the panels would be relocated to after their lifespan had ended. He told her that the panels are recycled silicon and glass and in 20-30 years there would be a “panel recycling industry,” noting that there had not been a need to recycle the modules at this time.

Donna Cesan, Interim Town Administrator presented a standard list of proposed conditions to the members for their review and consideration for the proposed project.

James Nowak, Adams Selectboard, seated in the audience addressed the applicant to ask if him if the stream coming from the banks on the site was an intermittent or perennial stream. Mr. Lovett answered him by stating it was an intermittent stream. Mr. Nowak told him that it would not provide 200’ for the waterfront area. Mr. Lovett told him that the property had a 100’ buffer zone on each side of that resource area. He wanted to know if the intermittent stream had that “type of protection.” Mr. Lovett told him that it was “jurisdictional intermittent stream,” further noting that they received approval from the Adams Conservation Commission, as well as having a delineation performed by Stockman & Associates. Mr. Nowak asked the applicant, “When will National Grid realize they have reached their saturation point and their profit margin was not what they wanted because of alternative energy?” In closing, Mr. Nowak stated to the board members that he could not approve “a better location for a solar field then a gravel pit.” He stated to the applicant that he had installed solar panels on his property and had not paid an electric bill since that installation.

Maureen Curran, seated in the audience wanted to know where the applicant intended to locate the poles at the entrance of the road to the solar field. Mr. Lovett stated to her that they would be on the left side of the property accessing the driveway toward the top of the site. He reviewed the detailed plans with Ms. Curran.

A motion made by Member Ziemba, seconded by Vice-Chairman Krzeminski to grant the Application of Sun Raise Development LLC for property located at 101 Grove Street, requesting a Special Permit under Adams Zoning Bylaw §125-20 to convert a portion of an existing gravel pit to a Commercial Scale Ground-Mounted Solar Energy System in an R-2 Zoning District, as proposed in the plans, passed unanimously.

A motion made by Member Ziemba, seconded by Vice-Chairman Krzeminski to grant the Application of Sun Raise Development LLC for “Site Plan Approval” under §125-19 of the Adams Zoning Bylaw for property located at 101 Grove Street. The request is to convert a portion of an existing gravel pit to a Commercial Scale Ground-Mounted Solar Energy System in an R-2 Zoning District, as proposed in the plans including the recommendations by the Adams Fire Department and subject to the following 10 conditions, passed unanimously.

***1. Appropriate erosion control measures shall be in place prior to the beginning of any phases of construction, and shall be maintained throughout the construction period. Immediately after installation of erosion controls, the Community Development Department shall be contacted in order to conduct an inspection to ensure erosion controls have been properly located and installed.***

***2. Erosion and sediment control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to erosion barriers shall be removed.***

***3. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, hay bales, stone riprap filter dikes, or any other devices planned for use during construction.***

***4. A security fence of chain link a minimum seven (7) feet shall be installed at least fifty feet (50’) from any abutting property around the perimeter of the proposed solar farm.***

***5. The Applicant shall provide suitable financial surety, in a form and amount acceptable to the Planning Board, adequate to ensure the site is stabilized and landscaped in the event construction is not completed satisfactorily or upon abandonment or discontinuation of use. As improvements are completed, the Planning Board may allow a reduction in the amount of surety.***

***6. A vegetative “greenbelt” consisting of staggered rows of evergreen plantings shall be installed along a portion of the southeastern eastern edge of the project adequate to screen the project from abutting properties along Grove Street (Route 8). The Applicant shall provide a planting plan for the greenbelt to be approved by the Planning Board prior to approval of a building permit.***

***7. The Applicant or his/her assigns shall adequately maintain in perpetuity all stormwater management/BMP facilities for the property. This includes all pipes, swales and channels built to convey stormwater to the facilities, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is defined as good working condition so that these facilities are performing their design functions.***

***8. The Applicant or his/her assigns shall inspect the stormwater management/BMP facilities on a regular basis and submit an inspection report annually to the Town, until the Town determines that such report is no longer needed.***

***9. Authorized representatives of the Town may conduct on-site inspections to confirm the information in the reports filed under Condition #8.***

***10. The Landowner and the Applicant shall enter into a binding Maintenance Agreement with the Town of Adams that specifies the responsibilities for maintenance and inspections, easements, and the financing of maintenance and emergency repairs. The Agreement shall run with the land and shall bind the Landowner and the Applicant, their successors or assigns. The Agreement shall be recorded at the Northern Berkshire Registry of Deeds prior to approval of the Building Permit for the project.***

**The Planning Board members will hold a workshop to discuss zoning bylaw changes.**

Donna Cesan addressed the board members to begin their discussion on zoning bylaw changes in the town. She stated to them that there were three locations in the town that she wanted to focus on regarding these bylaw changes. She mentioned to them that the Board of Selectmen would like the Planning board to address the commercial corridors along Rt. 8. Ms. Cesan stated to them that that the zoning issues along this corridor made it difficult for Cumberland Farms, Inc. to pursue their proposed project on Commercial Street. She told them that she wanted to address re-zoning various districts in town by reviewing the B-1 and B-2 Zoning Districts.

Ms. Cesan distributed material on the “Smart Growth Program” initiated by the State of Massachusetts for the board members to review. She let them know that the state was encouraging “intense residential developments,” primarily in the town centers by providing various incentives. Ms. Cesan stated that Mr. Cohen, owner of 5-7 Hoosac Street was interested in re-developing this property into new rental apartments. Ms. Cesan wanted members to know that in order for the town to acquire funding from the state for housing development, they were required to be located in a 40R Zoning District. She stated to them that Mr. Cohen expressed to her that he would like to access funding to complete his proposed project. Ms. Cesan explained to the members that to qualify for the funding for the new multi-family apartments, the developer was required to have 20 units per acre in the 40R Zoning District. She stated to the members that if Mr. Cohen were interested in the proposed housing development, he would not be able to move forward on his project due to the fact that his property was located in the Industrial Zoning District. She emphasized to members that Mr. Cohen would have to apply for a Use Variance before he could re-develop the building into rental apartments. Ms. Cesan stated to them that if the dwelling could be re-developed, it would be “transformative for the Town of Adams.” Ms. Cesan expressed to the members that this development had the potential to “attract a younger population and new rental housing.” She told the members that funding from the state required 20%; affordable housing, and the remaining 80% could be a flexible cost in rent to each unit. She stated to members that the building could benefit from an outdoor restaurant off of the Ashwilticook Rail Trail, adding that the traffic from the bike path and patrons riding the train could benefit from this development, while enhancing tourism in the town. She told them that she would like to see future applicants having a by-right use in the overlay district. Ms. Cesan emphasized that the developer would benefit by having the opportunity to utilize the property as an Industrial District also. Ms. Cesan noted that “it doesn’t take away, it adds to.” Ms. Cesan stated to the members that if the town could show in the 40R that there was the potential for 500 or more units, the state of MA would issue a check for $500,000.00 to be used for “revolving funds for downtown business or capital projects.” In addition, she stated that if Mr. Cohen moved forward on the development of these new apartments, the town would also receive $3,000.00 per unit from his building. Ms. Cesan told them that the state was providing these incentives “so we would focus development in our town centers.” Ms. Cesan distributed various maps for the board’s review.

Ms. Cesan began to address the town’s Rt. 8 corridor with the board members displaying photos for their review. She stated to them that there was a potential for a portion of the area to become a B-2 Zoning District. She stated that many of the businesses on the corridor consisted of various zoning districts. Chairman Rhinemiller stated to her that if the board was to consider a commercial zone for the Rt. 8 corridor, they should “encompass the whole thing.” He asked Ms. Cesan if Berkshire Regional Planning Commission would be assisting them in making changes to the town’s bylaws. Ms. Cesan addressed the board by stating that Mark Maloy and Melissa Provencher from the BRPC have been assisting various towns with zoning bylaw changes and that they would be willing to assist Adams, as well.

In addition, Ms. Cesan stated to the board members that they needed to consider addressing a future stormwater bylaw as a requirement for the MS4 Management Program the town was participating in.

In conclusion of the town’s bylaw discussion, Ms. Cesan told the members that they could have the 40R and stormwater bylaw completed later in the spring and then it could be presented to Town Meeting in the fall. She emphasized the importance of addressing the re-zoning of the Rt. 8 corridor to the board members.

A motion made by Member Moderski, seconded by Vice-Chairman Krzeminski to move forward on changes to the town’s bylaws, passed unanimously.

Ms. Cesan asked the board members if they could consider meeting to discuss future bylaws every other month depending on how this worked with their schedules. Chairman Rhinemiller stated that they would like to move forward to accommodate future projects. Ms. Cesan told the board members that she would be communicating with them to set a future date for their next bylaw workshop meeting.

**OTHER BUSINESS:**

**REVIEW MAIL:**

**APPROVAL OF MINUTES:** The board members need to approve the minutes of January 14, 2019.

A motion made by Member Gazaille, seconded by Member Ziemba to approve the minutes of January 14, 2019, as written. Chairman Rhinemiller and Members Ziemba and Gazaille voted (3) three in favor. Vice-Chairman David Krzeminski abstained from voting.

**ADJOURN:** A motion made by Vice-Chairman Krzeminski, seconded by Member Ziemba to adjourn the meeting at 8:50 P.M., passed unanimously.

Respectfully Submitted,

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Recording Secretary Date