



Zoning Board of Appeals

Minutes of meeting of Zoning Board of Appeals at 6:45 PM
Minutes of Monday, December 17, 2018 – 7:00 PM

The Board of Appeals (CD, GM, PK) met with Jason Harder who bought a property at 5 North Kellogg Road. It is a 1.5-acre lot which is zoned village mixed. On the property is a two-family house and a large barn. Mr. Harder would like to put a residential or commercial use in the barn. The barn is 600 square feet. The Board advised Mr. Harder to speak with the Building Inspector, Louis Hasbrouck about his plans. The board could not find any possible exception to the zoning bylaws to allow the proposed use.

Joint Public Hearing-Zoning Board of Appeals with Planning Board-95 Main Street

Board of Appeals members present: Charles Dudek, Gerry Mann & Paul Kennedy

Planning Board members present: Robert Barker, Stephen Smith, Stephen Snow, Amy Bisbee, Jean O'Neil, Eric Schmitt and Chris Flory

Applicants present: Adam Christie-ZPT Energy Solutions, Chris Ryan-Meridian Associates, Larry West-owner of 95 Main Street

Public Present: Lisa Dietz, Robin Karlin, Bud Allen, Barbara Bricker, and Susan Stebbins

This joint public hearing was called after an application for a Special Permit from the Zoning Board of Appeals and a Site Plan Review from the Planning Board was received By ZPT Energy Solutions II, LLC, Worcester, MA and Meridian Associates to construct a large scale ground-mounted solar photovoltaic (pv) facility comprised of two arrays with a total area of 35.8 acres of which 13.8 acres is the solar photovoltaic facility in the Rural District (RU) on property owned by Larry and Linda West, 95 Main Street, property identified as Assessors Map G, Lots 75 & 76. The Site Plan Review is required by Section 5.6 and The Special Permit is required by Section 9.3, paragraph 2 of the Zoning Bylaws of Williamsburg.

The Zoning Board of Appeals Chair (CD) opened the joint public hearing and read the public notice. He noted that the Planning Board has been meeting with the applicants to ensure a complete application and had sent some concerns to the applicants for them to address.

Adam Christie introduced himself to the Boards. He is with Pro-Tech Energy Solutions which is in a joint venture with ZPT Energy Solutions which is based in New Jersey. His company does the engineering and the long-term maintenance and ZPT does the electrical and some of the engineering as well.

ZPT has done over 60 projects in MA. This project is a 25-year lease with options in 5 years. The company plans to stay with the lease and not sell it. They will maintain the area. It is a 3.0 MW array with approximately 10,900 panels. There was a site walk several weeks prior. There were some comments from the Planning Board which the applicants want to address. Revised plans were submitted. Renderings from several angles were submitted to prove the project will not be visible to any abutters.

Chris Ryan from Meridian Associates spoke next. He showed the plans which comprises of an area of 35.7 acres at 95 Main Street. Existing conditions show it is a mainly wooded parcel which has been selectively logged recently. There is a brook which has an associated 200' river area with a river resource area. An RDA was filed with the

Conservation Commission. The plan is to stay away from the buffer area. There will be racking systems which will be restricted to the slope area of the property. There have been soil tests done. There will be an 18-foot gravel access road with a 24 foot turn around for emergency vehicles. There will be some grading to maintain the 30% grade of the slope for the racking systems. There will be reinforced turf on the graded slopes. Other areas will be maintained at the current grade. There are plans for two proposed infiltration basins.

(JO) asked what is reinforced turf slope? It is a plastic webbing which has an attached turf which gives a green area but ensures no wash out of the slope. It is seeded to ensure attachment to the ground.

(CF) asked what happens to the plastic over time? It stays for decades and does not deteriorate if installed properly.

The array will be surrounded by a six-foot fence with a 6-inch gap at the bottom to minimize the effect on small wildlife like rabbits, squirrels, mice, etc. which may crisscross the area. The natural grade will be reseeded to a conservation meadow mix. The area will be mowed two times a year at most. The panels are three feet from the ground and needs to be mowed so the grass does not encroach on the panels. There will be a 200 foot, no cut buffer from the brook. There will also be a five foot no cut area along the swale. Selective tree trimming will occur.

There is an easement in the works on Kellogg Road being executed with the Lashway family. Due to environmental issues access to the property will be off Kellogg Road. There is already an access road to a cell tower in the area. An environmental specialist looked at the area and designed an access road with minimal impact to the wetlands. A bridge will need to be done. The initial plans access road encroached on some wetlands. Temporary access will be off Depot Road on the Lashway property until the bridge is done for logging. The temporary and permanent access will be done as the first step in the project.

(RB) wants the access road identified on the final plan.

Chris Ryan went over the comments from the site visit. The first was photo visualization. A package was submitted showing 7-8 sites showing what will be visible from the main road. The visualizations were looked at. It was noted that the visualization photos were taken from 50' -150' in the air. (The comments with responses and photos will be a part of the file.) There was discussion regarding the stormwater system and the infiltration systems and how the size of the retention basins is determined.

It was asked if there would be hazardous materials on the site. There is silica inside the panels. There is envirotemp oil that will be used on site as a coolant in the cooling system and is made with vegetable oils. This type of oil is standard for this type of installations. (RB) asked about the response if there was a spill of this oil. There would be a retention space for any spill of this oil.

PILOT (Payment in Lieu of Taxes) the process has started with the Board of Assessors. Decommissioning plan will be issued by an A.M. Best Rated Insurance Co. The initial estimate was calculated to a total of \$64,392. Upon final negotiation with the Town, ZPT Energy will post a surety bond. Nycerta has standards for decommissioning costs that is being utilized in estimates of the decommissioning costs.

Construction sequence is: Phase One will include the access road and drainage measures. Bales and drainage barriers will be installed every 100 feet. These measures will remain in place until the erosion control is fully grown in and stabilized. The silt fence and stakes will be removed after stabilization. This phase will take approximately 8 weeks. Logging will begin and construction of the basins will commence. Phase Two will include installing posts and panels (5-6 months). This will include heavy machinery on the site. The active construction period will be in a three-month period. The last phase will include connection to the grid. The total installation period will be approximately 10 months. A lot of the construction is dependent on weather and there will be overlap of the three phases.

(SSmith) asked if a letter of intent has been finalized with the landowner? Attorneys are involved with the memorandum of lease of the property and there is a letter of intent. There is a 200-foot no tree cutting plan around the barrier of wetlands and houses along Route 9. (SSmith) would like the no cut zone spelled out in the lease. A Memorandum of Lease once executed will be provided to the Town.

There was discussion of a Final set of plans. Three sets of the final plan are required. One set for the Planning Board, one for the Zoning Board of Appeals and one set for the Town Clerk's files. Meridian will submit a final, dated set before the Site Plan Review is given to the Zoning Board of Appeals.

(JO) asked about the three companies involved in the project. Meridian is working with ZPT Energy Solutions and are the site engineers and surveyor of record. Meridian is on the project team and are working for ZPT Energy Solutions. Meridian is not on the development team. LEC is working with Meridian on the environmental aspects of the project. ZPT Energy is the developer of the project and are the company leasing the property and who is seeking the Special Permit.

(SSmith) asked if the wiring will be underground? It will. The underground conduit channels will need to be changed on the plans as the access road is being changed. All changes need to be noted on the final plans for the final sign off.

(PK) asked about the electrical schematics? It is included in the package submitted with the application.

Robin Karlin and Bud Allen who own 99 Main Street had concerns about the drainage from the property. This lot abuts their property, drains onto their property and they have had many issues with water on the back of their property. Their land is flooded often. Most of the rain water comes off the neighboring property and they are concerned this will add to the water runoff.

Adam Christie stated that the wetlands have been delineated. Environmental experts have determined the size of the infiltration basins that will be installed. The design was drawn from a more conservative estimate with excess runoff so the basins will stop some of the runoff that runs down the hill.

Susan Stebbins from 91 Main Street spoke next. She also is concerned about the water runoff. She is in direct path of the water that runs off another solar project off North Kellogg Road. She stated the water percolates out the hill. She has a lot of standing water on her property.

Chris Ryan spoke in response to Ms. Stebbins concerns. The ponds will intercept the runoff and the retention ponds will allow managed absorption. The existing topography and soil tests help determine the infiltration rates which helps in the design. One retention pond will drain down to the other retention pond. The size of the ponds is determined on the tests that were done on the property.

(SSmith) asked about the possibility of an overflow of the retention ponds. The overflow would go across the grassy area and flow where it would normally go but the retention ponds will slow the flow that is present now. There is a V swale that is 3 feet deep in the plans.

Lisa Dietz, 103 Main Street spoke to the Boards. She noted the river across the street is usually high during big rain storms. Any water that cannot flow to the river will back up onto the properties that will be affected by this project.

The ponds are 80' above the river level. The retention ponds are 275' x 60' and 120' x 40'. The overflow areas will consist of stone and will allow for a slower runoff. Only 70-75% of the current flow will possibly make it down to the properties with the retention basins in place. It was noted there is a high-water table in the area. The retention ponds will take at a minimum of 72 hours to infiltrate into the ground which is a dramatic decrease in the runoff that is present now. The runoff problems will not be exacerbated by this project. To overflow either of the two

retention basins it would have to be in excess of a 100-year storm. The threshold used in designing the basins are based on worst case scenario.

Discussion included the tree cutting that has been ongoing. There has been some logging and selective cutting being done. Some abutters claimed some trees had been cut already in the 200' buffer zone that was proposed in the plans.

There was discussion of screening of the project. An abutter asked how far the fence would be from the line where a rock wall is located. The answer was 57'. She asked if pine trees could be planted to screen. Siberian spruce or White Pine trees were suggested as they are full and screen better. The Boards agreed that vegetative screening could be a condition of a Special Permit.

Motion made (CD) and seconded (GM) to close the ZBA public hearing. Motion so voted. Motion made (JO) and seconded (SSmith) to close the Site Plan Review Public Hearing. Motion so voted.

The applicant will meet with the Planning Board on 1/7/19 to present the final plans which were presented at the public hearing. Site Plan Review from the Planning Board will be presented to the Zoning Board of Appeals on 1/21/19.

Respectfully submitted,

Brenda Lessard, Secretary