

FINAL

**STERLING PLANNING BOARD  
MEETING MINUTES**

April 25, 2012 – Rm. 202 Butterick Bldg.

**Present:** Robert Protano – Chairman  
Ronald Pichierri – ANR Agent  
Kenneth Williams – Clerk  
Charles Hajdu  
Melissa French – Administrative Assistant

**Absent:** Michael Radzicki – Vice Chairman, MRPC Rep.

Chairman Protano calls the meeting to order at 7:00 PM.

**ANR's.**

There are no ANR's

**MINUTES APPROVED**

**Pichierri moves to approve the minutes of April 11, 2012, as corrected. The motion is seconded by Williams, there is no discussion and all are in favor, approved by the Board, 4-0.**

**DISCUSSIONS/REPORTS/FYI**

**Vote to elect Chairman**

**Pichierri moves to table this discussion until after the town election and determination of a fifth member. Seconded by Williams, no discussion, all are in favor, approved by the Board, 4-0.**

**Discussion of Site Plan Distribution procedure**

After a brief discussion regarding whether the applicant or the Planning Board's Administrative Assistant should distribute site plans to the various departments/boards, **Pichierri moves to table this discussion and make the determination at a later date, seconded by Hajdu, no discussion, all are in favor, approved by the Board, 4-0.**

**Open Enrollment memo**

Chairman Protano reads into the minutes a memo stating that during the month of May, the town will have Open Enrollment for health and dental insurance. This is the time for employees and retirees to make any additions or changes to the plan.

**Senior Center Design and Building Committee**

At the last Planning Board meeting, on April 11, 2012, the Board read and discussed a letter from the Senior Center Design Committee regarding the site that has been chosen for a new Senior Center. The letter asked for support and input from all Boards and Committees. As a result, the Planning Board sent a letter letting the Committee know that they are not in favor of the site, and listed the reasons why.

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Maureen Cranson, co-chairman of the Senior Center Design and Building Committee member, is present this evening to discuss with the Planning Board this letter and her committee's views. At this time, Chairman Protano reads into the minutes the letter sent by the Planning Board. The last paragraph of the letter states that the Planning Board would be willing to provide a list of suggested alternate uses for the Senior Center Building to allow greater use by the town, generate revenue, etc. Williams makes it known that this portion of the letter was not unanimously agreed upon, but that it was at the suggestion of Pichierri. Chairman Protano also states that he did not make the suggestion.

Cranson states that some of the members feel that they have been "blind-sided" by the Planning Board's letter. Cranson feels it is a response to her letter asking for input and states that the Planning Board is the only group that responded. Cranson questions why the Planning Board did not speak up earlier in the process. The Board responds that the Senior Center Committee's letter is the first they were made aware that a decision, for a site, had been made.

Cranson explains to the Board the process that has taken place to arrive at the choice of a site at the corner of Muddy Pond and Boutelle Roads, outlining why other possible choices have not proved to be viable. Cranson outlines the research that has gone into the choice and the steps taken to assure that there should be no issues with the Conservation Commission or the DCR. Cranson states that the school has been contacted and that there is no concern (from the school) regarding the mix of seniors and school children, stating that the school principal likes the idea of integrating the two.

As far as traffic flow, Cranson feels that there is nowhere in town that this would not be a concern. Cranson states that at the time that the project is approved and ready to move forward, the necessary experts would be employed to determine the safest entrance/exits, traffic flow, etc. She also stated that the Senior Center hours of operation would not be at peak traffic flow time.

Cranson raises the issue of alternate uses for a Senior Center building, stating that this has been considered, with the possibility of using the building as a voting site and/or emergency shelter for the town.

Cranson states that the first step in the process is to go before the town at the Annual Town meeting and seek approval for the site. Once approval is given, then the other steps will follow to determine if the project is viable.

Chairman Protano speaks to the traffic concerns, stating that it is not just the high speed traffic on Muddy Pond that is a concern, but the intersections that lead to the site. These intersections involve the joining of numerous roads and site angles that may prove to be difficult. Chairman Protano also reiterates the Board's concern for the safety of school children with the added traffic and senior drivers.

Cranson asks about the Board's suggestions for alternate uses for the building. Pichierri states that he was the advocate for this and feels that since the Senior Center is closed

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nights and weekends, it could be used for social functions to generate revenue for the center. Cranson states that this is part of the intent.

Cranson summarizes that the committee is looking for approval of the site at the Town Meeting to then move forward and determine what can or cannot be built and what uses the center can accommodate. Cranson states that this is the only site being considered at this time, acknowledging that while it may not be perfect, it has been deemed to be the best choice at this time, based on initial research.

Cranson asks that the Planning Board give their support to the Senior Center Design and Building Committee at the upcoming Annual Town Meeting.

### **Days Way Update**

Chairman Protano reads into the minutes an email, dated 4-24-12, from Corinne Mongiat to M. French. In this email Mongiat explains that Donna Day has listed the 3.3 acre parcel of land, adjacent to the Day family home on Days Way, for sale as recreational land. This land was ordered, at the time of the Trebor Lane Subdivision, to be merged with the lot and existing improvements of the Day family. This 3.3 acre parcel was not to be considered a building lot. The merger never took place and there has been a legal fight between Mongiat and Ms. Day for several years. Mongiat states that her lawyer is working on the issue, and asks if there is anything the Planning Board can do to place a temporary order against the sale of the land. Williams suggests that Mongiat be advised to contact DCR, stating that they may be able to help since they have interest in protection of the water.

Chairman Protano also reads into the minutes a chain of emails between Mongiat and Mark Brodeur, Building Inspector. Mongiat is asking Brodeur for his help as well and set up a time to meet and discuss the issue.

(Note added after the meeting: The Planning Board has no knowledge of the results of the meeting between Mongiat and Brodeur. French sent an email to Mongiat suggesting that she contact DCR.)

### **Final ATM, STM Town Warrants**

The Board members are informed that the Town Warrants for the Annual Town Meeting and the Special Town Meeting have been printed and are available for review.

## **SITE PLAN REVIEW SOLAR PANEL ARRAY, DAVIS FARM**

Present this evening, for a site plan review of a proposed Solar Panel Array to be located on Davis Farm land off Wiles Road, are: Jamie Rheault, Whitman & Bingham Associates, Andrew Leonard, A.T. Leonard & Associates, Ryan Irwin, Community Energy, David Krupp, Community Energy, Tom Tuffey, Community Energy, Attorney Mark Bobrowski, Counsel for Community Energy, Sean Hamilton, Manager of the Sterling Municipal Light Department (SMLD), John & Doug Davis, land owners, and numerous abutters of the project.

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Chairman Protano explains that the Town of Sterling does not have rules and regulations specific to a solar farm, however other applicants for solar projects have come before the Planning Board for a Site Plan Review, and Community Energy is now doing the same. The applicants have also invited the public, as a courtesy; to allow the abutters to become educated as to what this proposed project will involve and look like.

Chairman Protano states that the submission of the Site Plan is not yet complete. Tonight's meeting will be informative only, not a full review by the Board.

Chairman Protano reads into the minutes an email, dated 4-23-12, from Scott Miller, Haley & Ward, in which he states that he may have a conflict with the project. Miller is working elsewhere with Community Solar. Miller suggests that the Board could vote to decide that there is no conflict, or he could offer alternative engineers to work with the Board. The Board decides that Haley & Ward's services will not be needed for this project.

Attorney Bobrowski takes the floor and begins by clarifying that all plan copies and necessary filings have been submitted this evening, making the submission complete. The Board concurs. Bobrowski introduces the project stating that the project is a 25 year lease of a 17 acre fenced in area, with approx. 10 acres under array, producing about 2 megawatts. There is a power purchase agreement that has been negotiated with the SMLD. The access to the project will be from Wiles Road. Bobrowski introduces Tom Tuffey, a principal of Community Energy.

Bobrowski provides the Board with a copy of the letter, dated 4-19-12, that was sent to the abutters. Chairman Protano reads into the minutes this letter which provides notice of tonight's meeting with the Planning Board. Tuffey adds that prior to this letter, Community Energy sent a letter to the nearest nine abutters inviting them to call and speak to Community Energy about the proposed project. Tuffey states that many did.

Tuffey takes the floor, stating that he will introduce the project and will then ask Jamie Rheault, project engineer, to present the Site Plan and layouts, followed by David Krupp, project developer, who will talk about the process of meeting with neighbors to understand and deal with their issues. After Krupp, Tuffey will introduce Andrew Leonard who is a professional landscape architect, hired to address the need for landscape boundaries between the abutters and the project.

Tuffey gives an overview of Community Energy and their history in the alternative energy field, stating that over the past three years their focus has been on solar. Tuffey explains, briefly, that the building of the project is fairly simple and that the project is rather benign. There will be two inverters which generate about the same noise as a refrigerator. The inverters will be placed at least 300 feet from the nearest abutters and noise should not be an issue. The panels will be on a post system and Tuffey illustrates with his hand that they will run from about knee height to just above his head. Tuffey states that the Board should not expect the project to look like the one on Jewett Road, which is better suited for an industrial setting. This project will be of a look that works for this setting. Tuffey explains that the site will be secured by fencing. There will be a

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special grass seed planted under the project that will allow for slow grass growth and minimal mowing. Community Energy has an agreement with the Davis family to decommission the project at the end of its useful life. Chairman Protano asks for clarification that if the project reaches the end of its useful life, Community Energy will take it down and restore the site to its natural state. Tuffey states that yes, this is the agreement. A bond is typically posted with the town, as well.

Jamie Rheault addresses the Board, presenting them with 2 copies of aerial photos of the site, with the solar project superimposed. The first is a close-up of the area on which the project will be located; the second is a locust map showing a more widespread view of the area surrounding the field. Rheault familiarizes the Board and audience with the location and its surrounding boundaries. Rheault states that the Davis Farm consists of about 100 acres and the field that the solar array will be located is 25.8 acres. The project is not proposed to use the entire field. The field is comprised of parts of several parcels. Rheault states that the buildable area, to be enclosed by fencing, is 17.5 acres. The area under the solar panels is approximately 4.8 acres. The terrain of the land and the ground cover of grass will remain the same pre and post construction.

Rheault states that a botanist has walked the site and defined the limits of bordering vegetative wetlands. Rheault points out, on the aerial map, the areas of wetlands that have been found, stating that they have been analyzed. The Conservation Commission will be involved in the review process.

Rheault states that Mr. Davis alerted them to the fact that there is a water gate located in the center of the field. This gate has been located and identified as belonging to the town of Clinton Water Works. The gate leads to an inactive water main that was laid in the 1800's. Rheault believes there is an easement in place and has taken this water main into account in the design of the solar array. The exact water line has been mapped out and is shown on the site plan. There will be no solar panels on top of the line.

The site will be accessed from Wiles Road, with a paved apron at Wiles Road and then concrete pavers for 100' to stabilize the grade leading into the field. The grade is 8%. Beyond the 100' of pavers will be grass. There will be minimal traffic to the field, limited to mowing and maintenance, estimated to take place a couple times a year. Pichierri asks about construction at the road and the need for a contractor's bond to protect the town owned road. Tuffey states that this is normal practice for them.

Ann Joseph, 195 Clinton Road, asks if the gates to the field, on either side of their property, will be used or shut off. Rheault responds that he does not know the answer until he receives feedback from police and fire.

The fenced area will begin at approximately 240 – 250 feet into the field, from the entrance at Wiles Road. There will be 30' and 40' minimum distance requirements between the fence and the residential abutters, allowing the landscape architect to create a landscape design to buffer the project from the neighbors. A natural 25' "no touch" buffer will be maintained between the wetland areas and the fence. There will be no wetland alteration.

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The solar panels will be built well within the zoning requirements for setbacks. There will be two inverters on site; they will be placed on the southern most portion of the field, hundreds of feet from the nearest neighbors.

The field will be “slice seeded” with a specific mixture of grass which will overtake the field and need mowing twice a year. Rheault speaks to the importance of maintaining and mowing the field for numerous reasons, one being storm water management.

Arthur Joseph, 195 Clinton Road, asks about drainage, to which Rheault responds that there are two subdrains that exist in the field, stating that they do not want to risk breaking them when they install the anchors for the panels. As a result, the subdrains will be bypassed and new ones installed. These subdrains will allow for the maintenance of existing emissions that are currently present. The intent is to maintain existing conditions.

Rheault speaks to the issue of storm water management, stating that contrary to most people’s opinions, solar panels are not impervious. This type of solar project allows for the solar panels to be fitted to the existing rolling field, with no change to the topography or ground cover. The paved apron will not be significant enough to add into impervious calculations and the concrete pavers will allow grass to grow through them. Rheault states that it is his professional opinion that there is zero percent impact to the abutters and the wetlands with respect to storm water management. Drainage calculations, with the storm water management report and checklists, will be submitted to the Conservation Commission. Pichierri asks if the type of grass, that is proposed, will be included in the drainage calculations. Rheault responds that it will not be because it is related to ground cover.

Pichierri asks about the attachment of the panels and how they are grounded. Tuffey responds that yes, they are grounded, but he does not want to speak to the electrical system, not being an electrical engineer. Tuffey offers to bring the electrical engineers in; Chairman Protano asks that the electrical information be provided in writing.

Rheault speaks to the access of the buildable area, inside the fenced area. He illustrates on the plan, the minimum spacing to be allowed for maintenance and emergency access. Rheault states that emergency access will be discussed with safety professionals.

Tuffey introduces David Krupp, the project developer. Krupp explains that it is of great importance, to Community Energy, to be a good neighbor and speaks to the steps that have been taken to reach out to the neighbors. Community Energy has met with the abutters, listened and responded to their concerns, and has hired a landscape architect. Chairman Protano asks how tall the proposed fence will be. Krupp responds that it will be 8 feet. Pichierri asks about town regulations for fence height. Bobrowski responds that a 6 foot limit applies to “spite” fencing, and he believes that an 8 foot high fence is considered a structure and will require a building permit.

Andrew Leonard introduces himself as the landscape architect. Leonard explains the process he has taken to determine the best landscape plan for all abutting areas, with regard to distance, fencing and view. Plant species have been researched to determine the

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best combination of trees and shrubs to provide an adequate cover and natural looking border. Pichierri asks if there will be any exotic or invasive species. Leonard answers no, all plantings will be natural to the area and non-invasive. There will be full compliance with the MA State regulations.

Chairman Protano asks if anyone in the audience has questions. An unidentified audience member asks why the arrays can't be moved further south in the field to an area a greater distance away from homes. Rheault responds that the location of the arrays has to take into account the distance from tree lines and that, in the proposed location, Leonard has confidence that there is enough distance to provide an adequate landscape buffer.

Sean Hamilton, SMLD, takes the floor and speaks to the Light Department's role in such a project. Hamilton states that in looking to the future, this solar project is a benefit to the town, by assuring that energy rates will remain at low levels. Hamilton states that if Community Energy "leaves town" or goes bankrupt before the contract end, the light department has the funds in place to protect the town. A Purchase Power Agreement has been negotiated with Community Energy and, after a year of negotiation, Hamilton feels it is a good project and good for the town. Pichierri asks Hamilton if there are any safety concerns with the transmission of this energy. Hamilton responds that there are no safety concerns.

Bobrowski presents to the Board Members a copy of an excerpt from M.G.L. Ch. 40A which defines a "Solar Energy System" as stated in the State Statute. Bobrowski states that the statute provides that no zoning ordinance or by-law shall prohibit or unreasonably regulate such a project, except to protect public health, safety or welfare.

Chairman Protano asks what the expected length of time is on site to erect the solar array. Tuffey answers that it should take roughly four to five months, weather dependent. Krupp states that they hope to be operational by the spring of 2013.

Arthur Joseph, 195 Clinton Road, states that he has concern for the effect on his property value because of this project. Bobrowski states that there is no data to measure the impact from a solar project on property value, but that if it was significantly detrimental the Planning Board should not allow the project. Bobrowski also states that the applicants will continue to work with the Josephs to assure there is as minimal impact as possible. Williams suggests that the Josephs talk to the town's professional assessor, Harald Scheid.

Keith Murray, 10 Wiles Road, states that he is appreciative of the efforts being made by the applicants to provide a project that is suitable to the neighborhood and asks what happens if things do not go as planned; who would the abutters contact for answers and how would that play out. Bobrowski responds that in terms of landscaping, for example, the building inspector would be the enforcing agent. The Boards that provide the approvals would be the same to uphold the approvals. If the company sells the facility, the SMLD has the first right of refusal.

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Bobrowski summarizes that the Board wants an explanation of the electrical grounding, review comments from Police and Fire, more information on EMF and the drainage calculations. It is determined that Scott Miller's services will not be needed. The drainage calculations will be reviewed by the Conservation Commission. Chairman Protano reminds Bobrowski that a Contractor's Bond will be required. Pichierri asks about a bond for the landscaping, which Bobrowski is amenable to. The cost of landscaping has not yet been determined.

The Site Plan Review will continue on May 9, 2012 at 7:30 PM.

**ZBA**

There is no ZBA business to report.

**CHAIRMAN'S REPORT**

Chairman Protano has nothing to report.

**ADMINISTRATIVE ASSISTANT REPORT**

French recaps the Department Head meeting on April 24, 2012. French informs the Board that she needs a sick day on Monday, May 20, 2012 for medical testing. French also informs the Board that Terri Ackerman has invited all the administrative assistants to lunch on Thursday, April 26, 2012 and the Planning Board office will be closing at 12:30 PM.

**MAIL**

Miscellaneous mail was reviewed.

**NOTICES FROM OTHER TOWNS**

Notices from other Towns were made available for review and were passed on to the Zoning Board of Appeals.

**INVOICES**

The board members sign invoices and payroll.

**MOTION TO ADJOURN**

**Williams makes a motion to adjourn the Planning Board Meeting at 10:27 PM.  
Seconded by Pichierri, no discussion, all in favor, motion approved 4-0.**

**The next regularly scheduled Planning Board Meeting is May 9, 2012 at 7:00 PM.  
APPROVED BY:**

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