

TOWN OF BRIDGEWATER

Notice of Posted Meeting to all
Town Departments, Boards and Committees and the General Public:
(as required by Chapter 39, M.G.L.)

PLANNING BOARD MEETING

DATE: November 15, 2017

TIME: 6:30 pm

PLACE: Council Chamber Room
Academy Building
66 Central Square

**6:30- Imhoff Solar Farm public hearing continuation
Oldfield Estates, II-public hearing continuation**

**7:00- Joint meeting with ECD Committee to discuss three ordinances-
Public hearing was closed on 11/1/17:**

Ordinance #D-FY18-003: Zoning Ordinance - Zoning Map Amendment – Easy Street which amends the Zoning Map to rezone lots on Easy Street from Industrial A to Residential A/B.

Ordinance D-FY18-002: Zoning Ordinance – Temporary Moratorium on the Retail Sale and Distribution of Recreational Marijuana: which seeks to adopt a temporary moratorium on the use of land or structures for Recreational Marijuana Retailers through December 31, 2018.

Ordinance D-FY18-005: Zoning Ordinance – Prohibiting the Retail Sale of Recreational Marijuana: which seeks to prohibit the operation of any retail recreational marijuana establishment as defined in G.L.c94G, § 1.

Board Business:

**Lot 15-Fireworks Circle-as-built discussion
Vote on proposed Subdivision Rules and Regulations
Form A-Dyer-Rolling Pines
McElwain proposal**

Leslie Dorr, Office Administrator
CED/Planning

DRAFT

REGULAR MEETING

BRIDGEWATER PLANNING BOARD

NOVEMBER 15, 2017

Members present: Mr. Driscoll, Mr. Ajemian, Ms. Guarino and Mr. Hall

IMHOFF SOLAR FARM PUBLIC HEARING CONTINUATION

Mr. Driscoll opened the Planning Board meeting and the continued Imhoff Solar Farm Public Hearing at 630 pm

The members present were Mr. Ajemian, Mr. Hall, Ms. Guarino, and Mr. Driscoll.

Mr. Driscoll explained how the meeting would be run, and that it would be necessary to recess at 7pm due to a Joint Meeting with the Community and Economic Development Committee.

Mr. Driscoll Discussed the new Correspondence received.

- An updated glare report
- Drainage Analysis
- A letter dated 9/12/2017 and date stamped 9/14/2017 from the Ten Citizen Group
- An updated Site plan was also received.

Attorney McCluskey, representing the Applicant began his presentation.

- An update on the status of Conservation was given
- An update of the new size – its now a 35 acre parcel, 18 acres of which will be solar containing 11,800 panels.
- Gave an update on the new submittals

Attorney McCluskey then went through the Solar Bylaw, in particular section 22.6 and how he feels the project complies.

Attorney McCluskey then discussed the new form A plan and the Plan to remove the Imhoff residence from the parcel.

Mr. Ajemian stated the requirements Attorney McCluskey are referring to will really be up to our peer review consultants to see if they do comply.

The issue of the 7 pole underground interconnection came up. Attorney McCluskey stated the issue is really up to National Grid, if they tell us they can go underground or have to be above.

Attorney McCluskey spoke about the proposed screening plan.

Attorney McCluskey continued to refer to items in section 22.6

Attorney McCluskey stated the applicant would like to ask for a waiver of the financial/bond requirement for decommissioning because the time is so far out.

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Attorney McCluskey stated he reached out to the neighbors to discuss the project. They declined.

Mr. Gallagher, engineer for the applicant, Spoke about the Conservation Commission and the appeal. He said he feels the line has been determined.

Mr. Gallagher spoke of the changes on the revised site plan. Due to conservation and the peer review report. Mr. Gallagher stated he believes this will be the final plan.

Mr. Driscoll asked for clarification on the form A plan. Mr. Gallaher discussed the plan.

Mr. Driscoll questioned if the driveway shown that services both the solar farm and the residence was a common driveway. Mr. Driscoll stated common driveways are not allowed in residential districts.

Mr. Driscoll asked if the driveway could go on the new form A lot. Mr. Dyer Trustee of the land said it could.

Mr. Driscoll expressed his concern for public safety for the home if the common driveway were to be utilized.

Mr. Driscoll asked about the 7 poles, can they be removed. Debate on the poles continued and the ordinance was referenced.

Attorney McCluskey said National Grid controls the connection. Mr. Driscoll asked if a determination about the poles has been received by National Grid.

Mr. Driscoll asked again about the screening plan, asked for assurance that it will be screened. Mr. Gallagher referenced the topography / elevation and the changes; he said you will see it.

Mr. Driscoll continued the debate on screening and locations of screening.

Mr. Ajemian continued to discuss screening. His concerns were:

- Mr. Ajemian asked about trees, how many, size etc.. How were they chosen?
- Was a study done to determine the screening they are proposing will work?
- Mr. McCluskey said a study was not done.

Attorney McCluskey said they can perform a study. It's a reasonable request

Mr. Ajemian then asked about size. Attorney McCluskey said it was now 11,400 panels down from the last version of the site plan that contained approx. 14,000.00

Mr. Ajemian asked questions about the peer review.

- He asked for clarification on tree removal

Mr. Dyer explained the tree removal was due to brush growth around the property since 2012

- The ditch that needs to be filled, Attorney McCluskey agreed, they can do that on the plan.

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Mr. Ajemian asked about the glare study, Mr. Gallagher said it was submitted.

Mr. Driscoll then referenced section 22.1 and referenced how it is the Board's responsibility to minimize the scenic and natural impacts on the area.

Mr. Driscoll asked if there is any thought to reducing the size? Want it to continue maintain residential feel.

Attorney McCluskey and Mr. Dyer spoke about the site. And remainder will be open space.

Mr. Driscoll discussed elevation changes and massing of this project. Attorney McCluskey said bylaw doesn't speak to size.

Mr. Driscoll referenced 22.7.b that the board can limit size. Attorney McCluskey interprets that to be for safety not aesthetics.

Public, health safety and welfare were debated. Mr. Driscoll can we reduce this size?

Mr. Dyer said it's really the size national grid needs to accept the project.

Mr. Driscoll asked for a motion to recess. **Mr. Ajemian made a motion to recess until 7:45pm, Mr. Hall seconded. The vote was unanimous.**

MEETING WITH THE ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE-ORDINANCES

The meeting convened at 7:06 pm. The public hearing was closed on November 1st and this meeting for the board and committee to make their recommendations.

- Ordinance #D-FY18-003: Zoning Ordinance - Zoning Map Amendment – Easy Street which amends the Zoning Map to rezone lots on Easy Street from Industrial A to Residential A/B.
- Ordinance D-FY18-002: Zoning Ordinance – Temporary Moratorium on the Retail Sale and Distribution of Recreational Marijuana: which seeks to adopt a temporary moratorium on the use of land or structures for Recreational Marijuana Retailers through December 31, 2018.
- Ordinance D-FY18-005: Zoning Ordinance – Prohibiting the Retail Sale of Recreational Marijuana: which seeks to prohibit the operation of any retail recreational marijuana establishment as defined in G.L.c94G, § 1.

All Planning Board members were present.

Mr. Colombotos, Ms. Losche and Mr. Perry present (arrived a bit later) from the Council committee.

Ms. Guarino made a motion, seconded by Mr. Ajemian to take the Ordinances 002 and 005 ahead of Ordinance 003.

Mr. Colombotos wanted it to be clear that they are not here to vote on the passage of these ordinances, but rather make a recommendation to the Town Council. There should be no public comments at this point, as they were all given at the public hearing. He asked if there were any amendments to be brought forward. Mr. Driscoll suggested discussion 002 first, which is the temporary moratorium Mr. Colombotos said that he feels his committee is ready to make their recommendations. . Mr. Driscoll noted that they had received a packet of comments received at the Town Managers office which they

have all read. Someone in the audience asked if the names would be read publicly? Mr. Driscoll noted that it is all public information and if anyone wanted to see copies, they should direct an inquiry to the Town Managers office. Mr. Driscoll asked the members of the Planning Board if they were ready to vote. Mr. Ajemian suggested voting on # 005 first because if that passes, then 002 becomes a moot point. The discussion then went to #005. Mr. Driscoll stated that he is in favor of the ban. Mr. Ajemian made a motion that the Board recommends #005 which would prohibit the retail sales of Recreational Marijuana here in Bridgewater. Mr. Hall seconded the motion. The vote was unanimous. Ms. Losche made a motion to make amendments to the ban. She said that Dr. Perry has done some research and felt that an amendment to edit "establishments" to "retailers" and after G.L c94G, 1 including thru retailers. Mr. Colombotos commented that the language is somewhat vague; he then read the whole ordinance in its entirety. He said that this extends beyond the retail sale of recreational marijuana and there has been concern expressed that we would be limiting the activities of the commercial medicinal growers in town. He said he asked Mr. Dutton what fiscal impact this would have ...projected in 2019 mitigations payments would go over \$220,000 both in property taxes and real property taxes on equipment. He commented that he thought Mr. Perry's intent was to safeguard these facilities; it would not allow them to sell retail; might allow them to cultivate for the retail market outside of town. Mr. Colombotos seconded the amendment motion. **MOTION PASSED.** Ms. Losche made a motion to recommend the ban on Marijuana as outlined in Ordinance D-FY-005 as amended. Mr. Colombotos seconded. **MOTION PASSED.**

Mr. Driscoll questioned the Planning Board members if they want to leave their vote as is or consider the amendment. Mr. Ajemian asked Mr. Colombotos to further explain. He said the amendment would allow other activities related to marijuana such as cultivation, testing facility, product manufacturer to continue to exist in Town. (They would be grandfathered for what they do now, but an expansion or a significant change in use, wouldn't be allowed).

Mr. Ajemian made a motion to reconsider their vote. Mr. Hall seconded the motion. Mr. Driscoll stated that he just wanted to make sure that what we are doing is banning retail sales of marijuana. Mr. Colombotos said yes, it is right there in black and white. **The vote was unanimous to reconsider.**

On a motion by Mr. Ajemian, seconded by Mr. Hall, it was unanimously voted to recommend the passage of Ordinance #005, with amendments, prohibiting the retail sales of marijuana.

Mr. Colombotos commented that Mr. Gallagher, one of the sponsors of the ordinance, was in full agreement with the amendment.

Ordinance DFY18-002-Ms. Losche made a motion not to recommend the Ordinance. Mr. Colombotos seconded. Unanimously voted.

Mr. Ajemian commented that he felt that they cannot make a negative motion; **he made a motion, in the hopes that it will fail, that we recommend the ordinance. Mr. Hall seconded the motion. UNANIMOUSLY OPPOSED.**

A 5 Minute recess held at this time.

Ordinance #D-FY18-003-Easy Street-rezoning-

Mr. Etoniru said he was asked to look into the situation brought up at the last meeting by Mr. Arthur Wyman where he owned a right of way into his land and part of it is zoned residential and part is zoned Industrial. Mr. Wyman would like it to remain all industrial (shown as Parcel 26/54). It goes to his remaining 13 acres of land that is zoned Industrial. (39/2) Mr. Ajemian expressed concern if that land is developed, then commercial trucks will be going up and down between two residential homes. Mr. Etoniru noted that it is actually wider than it appears on the plan, but is actually over 17,000 sq ft and about 80+ feet wide; traffic can be regulated and controlled through site plan review, he said. Mr. Driscoll commented that it makes sense to have a parcel all in one zone. He asked Mr. Etoniru if it made sense to rezone parcel 39/2 to residential. Mr. Etoniru said that Mr. Wyman wants to keep it Industrial. Mr. Ajemian commented that we may be fixing a problem made in the past, but may be creating other problems in the future. He feels that the lots on Easy Street should be residential, but the issue is that ROW. Mr. Colombotos agreed, but said he would reluctantly support it in hopes that the Planning Board should put safeguards in the future when and if the property is developed in the rear.

Mr. Ajemian made a motion to recommend the Ordinance with the amendment suggested by Mr. Etoniru. Seconded by Mr. Hall and unanimously voted.

At 7:54 pm, Mr. Ajemian made a motion to reopen the Imhoff Solar Farm public hearing, Mr. Hall Seconded. It was Unanimous.

Mr. Driscoll opened it up to public comment.

Mr. Fred Chase, 60 Old Farm Road-

- Discussed offer to meet made by Attorney McCluskey about common ground, neighbors considered. We received a copy of his correspondence on 9/14/17; they felt the offer was inappropriate outside of this meeting. No member of his group wanted to meet. (Mr. Driscoll confirmed receipt of letter)
- Discussed conservation issues, superseding order denial, refiling, etc..
- Spoke about new DEP – policy 17-1 – about locating solar fields near wetlands
- Spoke of new glare study – hoped it clarified specific manufacturer of panels, type, materials etc.
- Said noise study is flawed – based on 2 inverters – plan has 5 on it – noise study cannot identify impacts with 5 inverters - hopes new studies clarify type of panels etc.
- Spoke of hazardous materials in panels in general.
- Spoke about bond waiver request – spoke in favor of not allowing a waiver. Referred to BRT solar and issues with it.
- Referred to section 22.1 of the zoning ordinance – just the topics we discussed tonight. Asks that that provision be upheld by the Board.

Ms. Nicole Holmes of 80 Old Farm Road -

- Discussed overall massing of this project – provided a GIS image of Gillette Stadium, to give a sense of the overall scale, showing 16-17 acres of footprint.
- Spoke about size and topography and relation to auburn St. and wetland setbacks.
- Referred to town open space update. Town has discussed having scenic ways – Auburn St. is on that list. This eyesore will impact that street.
- Discussed glare report of Feb 2017. Mr. Driscoll discussed we received an update dated September.
- Discussed glare inputs. What orientations are, tilt, height, no cut sheets have been provided for panels. Stated the report said there was a potential for glare at 20 and 80 Old Farm Road. Study was taken at ground level. Spoke of impacts to her property.
- Discussed difficulty in screening due to elevation changes. Thinks screen based on elevations of homes and windows can't be screened.
- Bought home a year ago, concerned about loss of monetary value of property.

Mr. Dan Zani - 20 Old Farm Road-

- Discussed rottenness of plan.
- Discussed denial of project at Conservation. Mr. Driscoll asked for no personal attacks
- Had a question on the glare study. Their own report (the applicants) shows two points and glare at those points. 20 and 80 Old Farm Road.
- Discussed glare at Clapp residence, and angles of panels.
- Discussed orientation, asked about orientation. Mr. Gallagher answered south.
- Discussed the angle on the plan is off. Said if they are south the project won't fit in setbacks.
- Spoke of noise report, glare report and inverters. Said noise report with 2 inverters in the middle of the field was just below allowed level. Now they are 5
- Concerned about screening. His yard is up 50 feet. He can see all the way across, he will see all the panel.
- Said presentation is disingenuous.

Mr. Lynette Delano-Chase -60 Old Farm Road-

- Discussed screening, size of trees, and how she will be able to see the panels.
- Discussed financial impacts
- Said it's the Board's responsibility to look out for the residents not anyone else.

Mr. Michael Berolini of 129 Old Farm Road:

- Agreed with neighbors comments
- Discussed we have before us a special permit and it has to benefit community as a whole. He stated commercial facility between residential communities is not a good idea
- Developer wants to change landscape of neighborhood – its not a good plan.

- RT. 2 – panels on landfill – all for that – beautiful farm land he's not – will take away natural beauty.
- Many items in bylaws they can't abide by. i.e. scenic landscape
- Asked board to vote no.
- From a financial perspective they will lose money.
- Discussed fireworks circle solar projects and issues with it.
- Again asked board to vote no. Thinks they can't meet all of the requirements
- Not a good plan – please vote no, setting a bad precedent for a beautiful scenic area;

Mr. Ajemian asked if the same company did Fireworks circle as this one. Attorney McCluskey did not know. Mr. Driscoll thought it was under BRT now. Mr. Chase stated he thought Fireworks was TJA.

Mr. Driscoll asked where the Board wished to go from here?

Attorney McCluskey stated that they have been asked for some additional information and he will make every effort to get that. He stated as he understands it one of the initial questions was the screening of Auburn Street and they can address that. Mr. Driscoll said screening in general. Mr. Driscoll stated that according to our bylaw, the structures have to be non-visible from the view of persons not on the property. Attorney McCluskey stated that it has to be screened from something; he assumed it was talking about the neighborhood and he doesn't believe the other side is necessary. Mr. Driscoll said there was another neighborhood on the other side, but not sure how back it goes... Attorney McCluskey said they can address that. Mr. Gallagher stated that it is 200' from the property and there is substantial wooded property before it gets to the neighborhood property. Attorney McCluskey said that the board has asked for a study on the vegetation.... the length and growth of the trees; he will get more information on that; question raised on the fill around the bog and they will address that; as far as Mr. Chase commented concerning the Conservation Commission they were anxious to get on the October meeting and they were waiting for the agent to meet us on the property and it never got scheduled in such a way that could be accomplished until late October. Mr. Driscoll commented that Conservation is a separate issue. He said we have a plan before us and the board should decide to continue or close the hearing. He stated that personally this has been before the Board for close to 16 months and not much has changed. Attorney McCluskey objected to the closing of the hearing and if you do, that creates a problem and is probably not a wise thing to do. Mr. Ajemian question why? Attorney McCluskey stated "strategically". He said that he is here to present the petition tonight...present what they have and he is telling the Board that it might change due to Conservation Commission issues and if you choose to close the hearing prematurely then you do so at your own risk. Mr. Ajemian stated that he has a number of issues that still haven't been addressed. When it was first presented, it was not complete and things that were supposed to be done are still in the process, irrespective of Conservation and that is a problem for him. He asked Attorney McCluskey about the size...is there a possibility that will change? Attorney McCluskey stated that the size is the minimum size that National Grid wants in such a project and in relation to overall area of the land it is a minimal area. A significant portion of the land is going to be conveyed to the Wildlands Trust and that could be made a condition. He stated that the Board has asked them to reduce the size and asked what did you have in mind? Mr. Ajemian commented that it

should be something that is more conducive to the area...maybe half the size. Attorney McCluskey stated that if you reduce the size, you will still have the same arguments from the neighbors that you have today. Mr. Ajemian suggested that perhaps it shouldn't be there. Attorney McCluskey commented that the Town wrote the bylaw and it allows this in a residential area. Mr. Ajemian questioned the poles. Attorney McCluskey said there were six poles out there and commented that it wasn't a significant issue. Mr. Ajemian commented that if the board insists that the connections be underground and National Grid wants the poles above ground Attorney. McCluskey stated "its possible...if you insist and they say no, we have to find out pretty quickly because if you insist, the bylaw is written in such a way that it talks about insurmountable situations; he hasn't heard that the poles were an issue. Mr. Ajemian stated that it sounds like it will be a major issue hiding this solar farm from the neighbors. Attorney McCluskey said they can do a study. Mr. Ajemian asked if it can be buffered. Attorney McCluskey said he is not a botanist. Mr. Ajemian said is the bond an issue, they said they can work on that if we factor in present value, it's a significant amount of money, said he would be asking for a waiver, not demanding.

Mr. Driscoll asked if Attorney McCluskey had a request. Attorney McCluskey discussed Conservation. he said perhaps a date in the future for a status update as he assumes conservation will be appealed. Mr. Driscoll said what is before us is before us are our issues and were separate from conservation.

Mr. Driscoll asked the members what they wanted to do.

Mr. Ajemian made a motion to close the public hearing. Seconded by Mr. Hall Mr. Driscoll asked for discussion.

Discussion: Mr. Ajemian said he knew there were more reports to be coming in, but he didn't think it was going to change his view of this; he said size is the main issue; it doesn't fit here and the buffering is going to be almost impossible to do; poles may be secondary, but important. Mr. Ajemian commented on the bond and it would have to cover decommissioning and trees now and in the future. He commented that in his mind, the issues could not be overcome. Mr. Driscoll commented that the reason he would support closing the hearing is because we have talked about size and it doesn't seem like it can be reduced; we talked about poles and screening and all those issues are still there over a year later. The reason that this is a special permit is because it is site specific and we have to decide if this site is the right site for this project. Mr. Driscoll commented it's a special permit in Residential A/B because we have to look at the design, the construction and safeguard the public health, safety in the area. He commented that he didn't think any additional information can change the sighting of it or the esthetics of it and will change the character of the area. He felt they were at the point that they didn't need any additional information.

Unanimously voted.

Deliberation: Mr. Driscoll asked to Deliberate tonight. Mr. Driscoll cited Section 22 1- Placement, design, construction, public safety, minimize effects on scenic and historic resources-He felt the size and topography of the site and surrounding lands makes it very difficult to screen; the project size and placement may impact public safety and derogates from natural and scenic character of the

neighborhood. The lower elevation of this site and higher topography of surrounding lands and its massive size makes screening of all structures infeasible.

The location, size and commercial nature impact the health safety and welfare of the neighborhood.

The 7 pole connections have been discussed for months, we require underground connections.

He believes it's a special permit to make sure it fits. Mr. Driscoll believes this derogates from the neighborhood, and we need to protect that.

Mr. Ajemian again referenced section 22.65 buffering.

Mr. Ajemian made a motion that the special permit be denied. It was seconded by Mr. Hall

The vote was as follows:

Mr. Ajemian – Vice Chair – Affirmative

Mr. Hall, - Member – Affirmative

Ms. Guarino, Clerk – Affirmative

Mr. Driscoll – Chair – Affirmative

The special permit was denied.

Motion by Mr. Hall, seconded by Mr. Ajemian to close the site plan public hearing. Unanimously voted.

Mr. Ajemian made a motion to deny the site plan. Mr. Hall seconded; unanimously voted

OLDFIELD ESTATES PUBLIC HEARING CONTINUATION

The public hearing reconvened at 8:51 pm.

A letter requesting a continuation received from Mr. Silva from SEA. Date for Board action is 12-31-17.

On a motion by Mr. Ajemian, seconded by Mr. Hall, it was unanimously voted to continue the hearing to December 6th at 6:30 pm.

FORM A –ROLLING PINES

The plan was prepared by Reed Land Surveying, Inc –Lakeville, MA - the purpose of the plan is to create two new parcels by dividing drain parcel 1 as shown on plan recorded in plan book 59 at page 53 into new drain parcel 1-A and new parcel 1-B which is to be conveyed to Bruce Dyer creating a buffer for him to the drainage basin. Mr. Driscoll noted that a waiver had been granted to Mr. Brown on the 25' setback required for a detention basin. Mr. Dyer submitted a series of pictures to further explain.

Mr. Etoniru reviewed the plan and said it could be endorsed. **On a motion by Mr. Ajemian, seconded by Mr. Hall, and unanimously voted, the plan was endorsed.**

SUBDIVISION RULES AND REGULATIONS

Mr. Driscoll advised the members that Attorney Rawlings feels that the Board should act within 90 days of closing the hearing. He felt if the Board couldn't act on the 6th, they could always schedule a posted special meeting or if it warrants another public hearing, can do in January. Mr. Jay Gormley was the only one present for the discussion.

On a motion by Mr. Ajemian, seconded by Ms. Guarino, it was unanimously voted to continue the discussion to December 6th.

MCELWAIN SCHOOL PROPOSAL

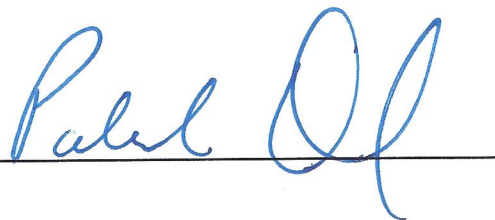
The discussions resumed at 9:05 pm.

The Board and the Economic and Community Development Committee then heard from MPZ Development and Capstone Communities Development LLC, for their proposal for the McElwain School. The Town Manager can't negotiate until he gets a recommendation from the council. Their proposal is to acquire 250 Main Street and construct an affordable housing development in the existing historic building and on the balance of the currently vacant 1.92 acre lot. It will consist of a total of 52 rental apartment homes.

Mrs. Dorr and Mrs. Guarino left the meeting at 9:45

The discussion continued for a short period of time.

MINUTES APPROVED:

 1/17/18

CORRESPONDENCE RECEIVED FOR 11/15/17 MEETING

Old Colony Planning Organization-Notice of meeting on 11/21/17- minutes of 10/17/17

Notices received from surrounding towns:

Town of East Bridgewater- findings and decision on Dana viverito-2 Johnson Farm Lane; Michael Boumitri-254 Thatcher Street.