REGULAR MEETING BRIDGEWATER PLANNING BOARD SEPTEMBER 18, 2019

The meeting convened at 64:30 pm.

MEMBERS PRESENT: Mr. Driscoll, Mr. Ajemian, Ms. Guarino and Mr. MacDonald

ASSOCIATE MEMBER: Bill Akins

ALSO PRESENT: Mr. Romulus, Assistant Director

Chairman Driscoll explained the rules of procedure for a public hearing.

PUBLIC HEARING CONTINUATION 851 BEDFORD STREET-BENNING SOLAR LLC

The public hearing re-convened at 6:31 pm.

A September 16th letter read from Alex Schild from Cypress Creek:

"The Board last discussed Benning Solar, located at 851 Bedford Street, at the September 4th Planning Board public hearing. At that meeting, the discussion focused on three important issues: the required decommissioning bond, a tree replanting fund to offset trees cleared during construction, and the revised engineering plan set. As per below, we believe the first two issues have been resolved, with the final item – engineer review of the revised plan set – likely to be resolved at this coming meeting on September 18th. Our updated plan set reflects revised stormwater mitigation based on soils and groundwater testing completed with the Bridgewater Town Engineer, so once review is complete, we believe the remaining issue will be closed out.

Given the significant progress achieved in closing out the last remaining items, we respectfully request conditional approval that would allow us to enter Benning Solar into the state's SMART program. This would allow Benning Solar to secure its state incentives and thereby a path forward for the project.

Comment Responses to Final Items Discussed at 9/4 Meeting

1.*The Board requested that the applicant commit to funding decommissioning surety for the project that has been vetted and affirmed by the Town Engineer.*

Response: As per discussion at the 9/4 meeting, Benning Solar agrees to post a decommissioning bond in the amount of $185,000 prior to issuance of building permits.

2.*The Board also discussed the request for a tree replanting fund to mitigate for tree removal occurring as a result of the project. This would specifically involve a payment to City funds that would allow for tree planting elsewhere.*

Response: As per discussion at the 9/4 meeting, Benning Solar agrees to make a $76,000 cash payment to the Town of Bridgewater to replace the trees cleared during construction of the solar project. This payment will be made to the Town prior to tree clearing on the site.

3.*The final issue to resolve was confirming that the stormwater plans are based off geotechnical soil testing.*

Response: Based on the results of the tests, which were witnessed by the Town Engineer, Benning Solar has revised the stormwater plan and submitted a new set to the Town. The updated plan will effectively mitigate stormwater issues on the site and has been reviewed by the Town Engineer.

As detailed here, Benning Solar has committed to project elements and improvements such as the tree replanting fund that make it both innovative and community focused. We appreciate the Board's feedback and input that has contributed to this project. Now that the final project elements have been agreed upon, we believe all major concerns have been resolved and it is our hope that the Board will be prepared to conditionally approve the project. By doing so, Benning Solar can secure a path forward to develop the project and bring all the associated benefits to the Town.

An email from Mr. Etoniru received today read:

> "The latest revised plan(s) dated September 18, 2019 and transmitted this morning via email from GEI Consultants has addressed all of the comments that I raised in my prior review communications regarding the above subject matter. I advised the project engineer in my response email to bring printed hard copies of the revised plan to the hearing this evening. For clarity, I would recommend as part of the conditions of approval that the following be added or clarified: **1**, the certificate of no appeal issued by the Town Clerk with the approval document should be recorded at the Registry of Deeds within the property chain of title and the proof of recording shall be submitted to the Planning Board before a building permit may be issued and before any site work may be initiated; **2**, all conditions of approval shall be noted on the final site plan that is submitted for the Board's endorsement; **3**, the decommissioning bond shall be replaced with a cash payment to the town upon a sale of the project to a different party by Cypress Creek; **4**, inspection fee shall be deposited with the town prior to scheduling of a pre-construction meeting ; **5**, the removal of the billboard should have a specified time period attached to it; **6**, a complete site as-built plan showing topographic and planimetric features shall be prepared and certified by a Massachusetts Registered Professional Engineer and a Registered Professional Land Surveyor and submitted to the Planning Board for its review and approval before a building certificate of occupancy may be issued for the site."

Josh Hotvet from Cypress Creek had the printed copies of the revised plan.

Condition #27-Mr. Driscoll question if he had resolved the billboard issue? Mr. Hotvet said that unfortunately he hasn't gotten the actual documents yet, but they are agreeable to accept as a condition of approval that they remove them just as soon as they can. Mr. Driscoll suggested that they provide documentation of the lease agreement and a suitable time frame for removal before the issuance of a building permit. Mr. Driscoll suggested that if it is a cash bond, then all the other verbiage in the condition should be eliminated. Later in the evening he suggested that the applicant show that they have the ability to remove the billboards and give us a time frame; he suggested 3 years or at the end of the lease, whichever comes first.. Mr. Ajemian commented that if they have a lease for a certain number of years, how can that lease be broken? Mr. Hotvet said there would have to be negotiations. Mr. Romulus said he would put 3 years and at the end of the lease. Whichever comes first. There were discussions about the fact that the leases must be recorded somewhere.

Mr. Driscoll questioned whether condition #23 requires a cash bond now. Mr. Romulus suggested that the cash bond in the amount of $185,000 be submitted prior to the issuance of the building permit. Mr. Driscoll suggested that all the other verbiage in that condition should be eliminated. Mr. Hotvet said that it was his understanding at the last meeting, that the bond would be a fully insured bond, rather than upfront cash, and upon the sale of the project, the bond converts to cash. Mr. Ajemian stated that was his understanding also.

Mr. Driscoll read conditions #24 and #25 and the members agreed.

#26-Mr. Driscoll commented that the intent of the Landscape Plan was to provide screening from Bedford Street and to rehabilitate the berm with plantings mixed in, dead trees removed. He suggested that it be done by a Landscape Architect. Mr. Romulus said he would put that in the decision. Mr. Driscoll reiterated that they will provide plantings, provide rehabilitation of the berm, to provide screening, include pollinators-done by a Landscape Architect… Does not have to come back before the Board but can be approve with the CED office.

Mr. Akins questioned if this would affect the traffic with any glare? Mr. Romulus explained that there is a 20' drop from the berm to the actual site, so there shouldn't be a problem.

#29- Prior to the issuance of a building permit, the applicant shall submit a cash gift in the amount of $76,000 to be kept by the Town of Bridgewater exclusively for tree planting and maintenance of those trees, throughout the Town. He doesn't want this to go into the general fund and used for something else, as this is not the intent of the gift. Mr. Romulus said that it can be earmarked with that intent; ultimately it is under the direction of the council, to distribute it, he said. Mr. Ajemian said that it had been agreed that it be submitted prior to the cutting of any trees, not the issuance of a building permit. He also suggested that it be under the direction of the BIA and tree warden.

Mr. Driscoll brought up the piece of land that is contiguous and has frontage on Flagg Street. He suggested a condition that any subdivision of the land must come back before the Planning Board for a modification of the special permit. Mr. Romulus noted that the special permit is on the entire parcel, so they would have to come back for a modification. Mr. Driscoll also suggested that Mr. Etoniru's comments be memorialized in the decision. Mr. Romulus will make sure that is done.

Mrs. Guarino questioned the care of the pollinators and questioned if they would be doing anything for weed control? Mr. Hotvet noted that they do need some time to get established, so there is some maintenance work to ensure that the roots take hold and they grow. He has seen other projects that Cypress Creek has done is to work with the town Conservation Commission to make sure that the seed mix is right and that the maintenance plan works for the town. That can be part of the landscaping plan, as well, he said. Using approved weed control makes it easier for the pollinators to take root, but whatever the town requires, they will comply with. Mr. Romulus said the landscape plan should list all the herbicides or pesticides they are using.

On a motion by Mr. Ajemian, seconded by Mr. MacDonald, it was unanimously voted to close the public hearing.

On a motion by Mr. MacDonald, seconded by Mr. Ajemian, it was unanimously voted to approve the special permit with conditions provided by Mr. Romulus, Mr. Etoniru and as amended.

The decision will be sent to the Board members once prepared for their final review.

On a motion by Ms. Guarino, seconded by Mr. Macdonald, it was unanimously voted to close the site plan public hearing.

On a motion by Mr. Macdonald, seconded by Mr. Ajemian, it was unanimously voted to approve the site plan with conditions provided by Mr. Romulus, Mr. Etoniru and amendments made during the hearing.

SOUTH FARM ESTATES PUBLIC HEARING CONTINUATION

The public hearing reconvened at 7:01 pm.

A letter of continuance received from the engineer, Mike Koska

On a motion by Ms. Guarino, seconded by Mr. Ajemian, it was unanimously voted to continue this hearing to October 2, 2019 at 6:30 pm.

SAMUEL AVE PUBLIC HEARING CONTINUATION

The public hearing reconvened at 7:03 pm.

Mr. Romulus noted that the 120 days for the Board to act expires on October 4, 2019.

Email from Mr. Etoniru dated 9/18/19 read into the record:

> I believe the applicant will be requesting a continuation of the hearing in order for his engineer to revise the subdivision plan for the above subject matter. I observed two test pits excavated yesterday at the locations where they propose to install stormwater runoff infiltration systems for the roadway. Groundwater was observed at a depth of 44 inches below ground surface at test pit #1, and at a depth of 36 inches below ground surface at test pit #2. They propose to core observation holes along the existing driveway in order to assess the suitability of the driveway as a roadway for the proposed two-lot subdivision, and whether it conforms to the roadway detail prescribed by the Planning Board in its rules and regulations governing the subdivision of land in the Town of Bridgewater. I shall inspect the coring when it is performed."

On a motion made by Mr. Ajemian, seconded by Mr. MacDonald, it was unanimously voted to continue the hearing to October 2, 2019 at 6:30 pm.

Approval of 9/4/19 minutes postponed to the next meeting.

No director reports.

Ms. Guarino informed the board that the CPC focus group meeting was on 9/4/19-survey open until the end of the month.

On a motion by Ms. Guarino, seconded by Mr. MacDonald the meeting was adjourned at 7:10 pm.

MINUTES APPROVED: ______________________________