

**PLANNING BOARD
MARCH 20, 2014
MINUTES**

Chairman Giger called the meeting to order at 7:30 PM

Members present: Giger, Barringer Burke, Parent, Perkins, and Wilson

Member absent: Svarczkopf

PUBLIC HEARING – GROTON ELECTRIC LIGHT DEPARTMENT SOLAR FIELDS

The Board held the continuation of the public hearing to consider the application submitted by the Groton Electric Light Department (GELD) for a Special Permit to construct a ground-mounted solar photovoltaic facilities on Nate Nutting Road and Sandy Pond Road.

Chairman Giger read the letter dated March 13, 2014 from Attorney Collins to the Fire Chief, the memorandum dated March 13, 2014 from the Fire Chief to the Planning Board, and the letter dated March 19, 2014 from Attorney Collins to the Planning Board.

The Board was satisfied that access to the site would be adequate for emergency vehicles. Member Barringer stated that the Board always inquires about adequate access during the public hearing process. He said he was satisfied that access to the site will be safe, now and in the future, with the improvements recommended by the Fire Chief.

The Board voted unanimously to close the public hearing.

Special Permit Decision – The motion was made by Barringer, seconded by Wilson, **to GRANT** for a Special Permit to construct ground-mounted solar photovoltaic facilities as shown on the plans entitled, “Site Plan, Nate Nutting Road, Groton, Massachusetts,” and “Site Plan, Sandy Pond Road, Groton, Massachusetts” prepared by Ducharme & Dillis Civil Design Group, dated January 20, 2014, with the following findings and conditions:

Findings:

The Planning Board made the following findings based upon the criteria set forth in Chapter 218 Zoning of the Code of the Town of Groton, §218-32.1:

1. **Social, economic and community needs:** The proposed photovoltaic solar facilities will enhance the “green” energy-generating capacity for the benefit of the Groton Electric Light Department rate payers and community at large.
2. **Traffic flow and safety:** There will be no traffic flow or safety issues associated with the use of existing access road. The Board, after consultation with the Fire Chief, determined that Nate Nutting Road will provide adequate access for emergency vehicles with the improvements recommended by the Fire Chief.
3. **Adequacy of utilities:** The Groton Electric Light Department indicated utilities are adequate to serve the proposed facility.
4. **Neighborhood character:** The proposed facilities will have minimal impact on the neighborhood character because the locations are surrounded by protected open space and the existing power lines owned by National Grid.

5. **Impacts on the environment:** The impact on the environment will be minimal as documented in the Stormwater Management calculations submitted with the application as well as the extensive review by the Natural Heritage and Endangered Species Program.
6. **Fiscal impact on the Town:** There is financial benefit to the community and ratepayers by the generation and sale of solar energy from the proposed facilities.

Conditions

1. The construction and operation of all large-scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.
2. The applicant shall improve Nate Nutting as recommended in the memorandum dated March 13, 2014 from the Fire Chief, which states:

“The access road will be maintained for year round access for fire department apparatus including the ambulance. If any locks for chains or gates are used it will be a “town lock” which the fire department has keys to operate.”
3. Access for the Boy Scouts to the abutting land owned by the Sargent Youth Foundation shall be rough cut and maintained by the applicant as offered at the public hearing on March 6, 2014. The applicant will create a new cart road along the westerly property line to connect with the existing cart road.
4. There shall be a minimum of one parking space be used in connection with the maintenance of each facility. The parking spaces are shown as “Service Vehicle Parking” on the Nate Nutting Road and Sandy Pond Road site plans.
5. The applicant must obtain final sign-off from the Building Commissioner and a Certificate of Use and Occupancy, pursuant to 780 CMR of the Massachusetts State Building Code, prior to energizing the facility and any associated equipment.

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6. The applicant shall comply with Section 218-25.3B1.13 Abandonment or Decommissioning which states:
 - 1.13 Abandonment or decommissioning.
 - 1.13.1 Removal requirements. Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Subsection 1.13.2 of this section shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

(b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(c) Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

1.13.2 Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

7. This special permit shall not be in effect until a certified copy of the special permit decision is recorded at the Middlesex South Registry of Deeds as required in MGL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is submitted to the Planning Board and Building Commissioner by the applicant.
8. Special Permit 2014-01 shall lapse in 24 months from the date the 20-day appeal period expires, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause.
9. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

MINUTES

The Board voted unanimously to approve the minutes of March 6, 2014 as amended.

PUBLIC HEARING – CHAMBERLAINS MILL DEFINITIVE PLAN

The Board held the continuation of the public hearing to consider the Chamberlains Mill definitive plan. The Board voted unanimously to continue the public hearing on April 3, 2014 at 7:30 PM as requested by the applicant.

ACADEMY HILL AFFORDABLE HOUSING

The Planning Board met with developer Bruce Wheeler and Housing Coordinator Fran Stanley to discuss the build out of the remaining four affordable units in the Academy Hill subdivision. Mr. Wheeler requested that the Board exclude the single-family units on the exclusive use areas (EUA) on Lot A as shown on the definitive plan. The build out of one affordable unit for every four market rates unit would then be based upon the remaining 15 single family houses on fee simple lots.

Mr. Wheeler said it has been challenging marketing the townhouses on Lot B. The market rate units on Lot B must be constructed along with the affordable units. Mr. Wheeler said there are five remaining units to be built on Magnolia Lane (Lot A). He asked the Board to consider signing off on building permits for those units because the Board will still have security with the 15 remaining fee-simple single family houses.

Member Burke asked about the differential between the affordable units and market rate units on Lot B. Mr. Wheeler said about \$100,000.

Member Perkins asked if all the units on Lot A are single-family detached. Mr. Wheeler said, "yes." Eight units have been conveyed and five are left to be built.

Member Barringer asked if there are three existing buildings on Lot B and B-1. Mr. Wheeler said, "yes," they have been trying to presell the townhouses without success.

Member Burke asked if all the existing townhouses have been sold. Mr. Wheeler said, "yes." Member Barringer asked if Mr. Wheeler would build the triplex on Lot B simultaneously with the 5th single-family unit on Lot A. Mr. Wheeler said, "yes."

Chairman Giger said the construction of the affordable units and market-rate units must be co-mingled for the remainder of the development. He noted that the Board has been very flexible.

The Board asked Mr. Wheeler to return with a written agreement and phasing plan. Mr. Wheeler agreed to do so.

The motion was made by Burke, seconded by Wilson, to sign off on building permits for two single-family EUA units on Lot A, that the developer shall submit plans for the remaining townhouses on Lot B before the Board will sign off on permits for the additional EUA units, and that the 7th affordable unit shall be provided before the 5th remaining building permit is issued for EAU unit. The motion passed unanimously.

SITE PLAN REVIEW – NESSP TEMPLE

The Board voted unanimously to continue the site plan review of the NESSP Temple on April 3, 2014 at 8:30 PM. The Board voted unanimously to extend the deadline to act on the site plan to April 17, 2014 as requested by the applicant.

Meeting adjourned at 8:30 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner