

MILLBURY PLANNING BOARD

MINUTES

March 25, 2019

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The regularly scheduled meeting of the Millbury Planning Board was held on Monday, March 25, 2019 at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Rich Gosselin, Terry Burke Dotson, Paul Piktelis, Michael Georges, Mathew Ashmankas

Absent:

**7:15 p.m. Public Hearing – Site Plan Review & Stormwater Permit
7 Colton Road – Next Grid Colton LLC**

Daniel Serber, Next Grid Colton LLC, stated this project is medium size 2 megawatt project to be constructed on a 12 acre site which will offset 500 homes at 10 kilowatt usage. Next Grid is leasing property from the Gustafson family.

Ms. Dotson asked how long Next Grid will stay at the location.

Mr. Serber indicated that the contract with the property owners is 20 years with a potential 5 year extension. Next Grid is hoping for a 25 year contract.

Ms. Dotson asked how long equipment lasts.

Mr. Serber stated the panels last longer and invertors last about 10 years and would be replaced.

Ms. Dotson asked for confirmation on the panel lifetime.

Mr. Serber indicated that panels deteriorate extremely slowly.

Dave Johnson, Atlantic Design, stated that the site is currently undeveloped and a wooded site.

Chairman Gosselin asked if this project was presented to the Conservation Commission.

Mr. Johnson confirmed that he met with the Conservation Commission and received feedback. The grades are relatively flat. The abutters are single residential homes and over 400 feet from closet panel on site.

Mr. Ashmankas asked where the inverters will be placed on the site.

Mr. Serber indicated the inverters are 2.12 feet wide and placed at the end of each row.

Ms. Connors asked Next Grid to explain the difference in noise levels between string invertors versus centralized inverters.

Mr. Serber indicated they do not have that documentation at this time but can gather that information and provide it to the Board at a later date. They will provide Ms. Connors with this information.

Ms. Dotson asked how many string inverters will be onsite.

Mr. Serber stated that there are generally 27 inverters.

Ms. Dotson asked if a fence is necessary as at other solar farms in Millbury.

Mr. Serber indicated that typically centralized inverters have different set up. The string inverters are smaller and locked. The complete site will be secure and fenced.

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Ms. Connors asked how the inverters will be installed at this site.

Mr. Serber stated that they will be installed on a platform/rack into pipe on inverter.

Mr. Johnson, Atlantic Engineering indicated that the environment at the site location will also act as a buffer for any noise. He indicated that the condition of Colton Road is poor and the width of the roadway is significantly narrower closer to the site.

Ms. Connors stated that she received a letter from the Building Inspector/Zoning Enforcement Officer indicating that the land is unbuildable due to the lack of 100' frontage on a roadway that exists on the ground. Colton Road at the project site is a cart path that is not accessible by vehicle. The minimum standard for a road in our Subdivision Regulations is 18' wide and paved. She commented that the original decision creating a lot for one single family home required that the road must be improved prior to issuance of a building permit. The solar farm constitutes a change of use so a new definitive subdivision plan is required.

Mr. Serber stated Next Grid will follow town roadway designs standards to the site and is hoping for relief in paving the entire roadway.

Mr. Gustafson stated the road is currently passable and the town has helped with upkeep on roadway.

Ms. Connors indicated that the first section is relatively wide and further up the roadway narrows. She recommended that the Planning Board members conduct a site visit.

Mr. Ashmankas stated a plan showing access to the site is necessary due to the Fire Department requireme

Mr. Ashmankas asked if the site is on a private roadway.

Ms. Connors stated the complete roadway is private and town has been doing grading.

Mr. Serber indicated Next Grid wants to help improve the roadway for the project.

Laura Wachs, 5 Colton Road, is in favor of solar energy and her main concern would be the view of the solar farm from her property and the noise level. But hearing the owner addressing those concerns she is in agreement. She would like to see the roadway improvements.

Mr. Ashmankas asked what the timeframe is for receiving the changes to the plan.

Ms. Connors indicated all changes will need to be received within a week before next session of the public hearing.

Mr. Serber indicated that they are seeking a waiver from the minimum setback requirements at wetland crossings and for fencing/detention basins.

Chairman Gosselin asked if the basins are close to the abutting homes and for the distance to areas proposed for clear cut.

Mr. Johnson indicated it is 350' from homes to the clear cut.

Ms. Connors indicated that the fencing and grading for the detention facilities is within the minimum 75' setback. She highlighted those locations for the Planning Board to review.

Mr. Johnson indicated they have a question for Stantec regarding site lighting.

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Mr. Johnson indicated they have a question for Stantec regarding site lighting.

Ms. Connors indicated that the concern was the adequate lighting is provided in an event of fire, etc. and the town needs to service the facility.

Mr. Johnson stated that in the event of shutdown there will be emergency lights and motion sensors. He indicated that Stantec requested that they do test pits at the site in some locations to confirm ground water elevation and confirm soil/types. It will take some time to get equipment to the site and dig holes. The basins were created based on the rainwater being high. They are not cutting the slopes just building the ponds up.

Ms. Connors referred to previous stormwater issues with similar solar farms and in particular with basins that were designed to infiltrate stormwater but didn't work properly. Her opinion is that it is a requirement to do test pits and requested Stantec's presence to witness the test pits.

Mr. Johnson stated that they are not infiltrating water into the ground. He requested the test to be completed closer to building permit issuance.

Ms. Connors indicated that a Definitive Subdivision approval is for roadway construction or alternatively builders could seek relief from the Board of Appeals for zero frontage.

Mathew Ashmankas made a motion to continue the public hearing on Monday, April 22, 2019 at 7:15pm., seconded by Paul Piktelis, voted unanimously.

**7:20 p.m. Public Hearing Con't – Extension of the Construction Deadline
 Autumn Gate Estates
 Autumn Gate LLC**

Attorney Jennifer Kurzon representing Fox Gate LLC received the construction timeline and client request continuation. She submitted the Fox Gate timeline which has minor changes on schedule and was emailed to Laurie Connors today March 25th.

Ms. Connors is concerned that the town could be liable if sidewalks are not ADA compliant.

Chairman Gosselin stated Gallo Builders will need an engineer to sign off on ADA –compliance which will take the liability off of the town.

Steve Gallo, Gallo Builders indicated work on sidewalks started the middle of March. Some are fixed and the more difficult ones are to be fixed soon.

Ms. Dotson asked if the problem with the driveways and sidewalk due to different heights.

Mr. Gallo indicated that they tried to flatten end of driveways to match the sidewalks so as to not exceed the 8% grade. The concerns are asking the homeowners to change their driveways for the sidewalk completion. Currently reviewing on an individual basis and how far into their property it will take to make to sidewalks ADA compliant.

Ms. Dotson asked the greatest difference in height between the sidewalk and driveway.

Mr. Gallo indicated 6 inches.

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Mr. Ashmankis commented that the minimum is a 5 inch finished curb reveal on project but the town requirement is 6 inches.

Mr. Gallo indicated they are doing 1" overlay on large portion of the road only some sections will be 5" because of the additional asphalt.

Ms. Connors requested clarification on the schedule document and the removal of the section regarding completion and certification of sidewalks.

Chairman Gosselin stated that Gallo will need an engineer to certify that the sidewalk meets the intent of the Architectural Access Board.

Mr. Gallo stated that going forward they will be able to confirm grades for remaining sidewalks.

Ms. Connors asked if the Board will approve 5 inch reveal for granite curb.

Chairman Gosselin indicated the Board would approve.

Ms. Connors stated an issue with the full depth pathing.

Mr. Gallo stated it will be 2 inch binder and 2 inch top as of plan and reports received. He did not know where the request for 2-1/2 inch originated.

Ms. Connors indicated it was in response to the March 6th paving assessment.

Mr. Piktelis stated that both the Stantec and Lynch reports indicated 2 inch binder.

Ms. Connors asked if the Board is in agreement to eliminate the scrubs around the detention basin.

Chairman Gosselin approved that elimination. The timeline is June through July 31st for road completion.

Ms. Connors will update the schedule with the discussed modifications and distribute. She has written the draft decision with completion date for construction of infrastructure and services as September 30, 2019 and referenced the Gallo schedule document.

Bruce Lapine, 34 Autumn Gate Circle, referred to the bylaw 6.14 allowing abutters to connect before final paving. He expressed concerns over ability to tie in before paving. He believes the end points are on the edge of his property.

Mr. Gallo stated that they will work with Mr. Lapine to verify if T is present and if not they will discuss installation before final paving.

Mr. Bourdeau asked if Gallo Builders is continuing with the project.

Chairman Gosselin confirmed Gallo Builder is continuing and will complete the project.

Mr. Bourdeau asked if it is a federal law requiring sub divisions to include sidewalks.

Chairman Gosselin stated that the Town of Millbury requires builder to install sidewalks so that the town is not responsible for cost of installing sidewalks later.

Ms. Dotson asked if Gallo Builders will be installing the two tie-ins for the Bourdeau property.

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Attorney Kurzon stated that Gallo Builders is concerned about the construction bond for the project.

Chairman Gosselin stated that once work items are completed and approved by the town, they can grant the partial release of the performance guarantee for items completed.

Ms. Dotson had question regarding the bond check. She asked for confirmation that the bond check is deposited into the bank with names of builder and town of Millbury. She also asked if upon completion the check is issued through the town to the builder.

Ms. Connors confirmed that the check is returned in the manner of the way it is received.

Mr. Piktelis made a motion to close the public hearing, seconded by Mathew Ashmankas, voted unanimously.

**9:15 p.m. Performance Guarantee
Cobblestone Village – Building #1
Elite Home Builders, LLC**

Ms. Connor sent Stantec to the project to complete a cost estimate. The total project estimate is \$635,635.00 for the remaining site work. There are six building and the best way is to divide the total cost of the improvements by six buildings. It is rounded to \$106,000.00 for Building #1. All parties agreed that 18 months is the deadline to the entire project. She added the construction deadline in the performance guarantee as September 25, 2020.

Gordon Temple, Site Supervisor for Cobblestone Village, as of today Building # 1 is 99% complete. The plumbing and electrical final inspections are completed. The Fire department is coming to test fire alarms and sprinkler systems this week.

For Building #6 the cabinets, flooring and trim have been installed and he expects that the building will be ready for occupancy as of June 1st. Building #5 plumbing inspection has been completed and electrical inspection within a few days. HVAC has already been inspected. He expects to have the building ready for occupancy between June 15th and July 1st. Building #2 is completely framed and windows will be installed shortly. Building #4 the foundation is laid out and underground plumbing is beginning. Framing will start in 4 to 5 weeks. Building #3 the foundation has been excavated with the intent to starting footings within the next week. The project goal is to be completed December of 2019. They are setting curb at Building #1 as soon as possible and will be street sweeping the entire site as well. The entrance of the building will also be landscaped.

Ms. Connors indicated that two units in the development are affordable housing units and will be on the Subsidized Housing inventory.

Mr. Temple commented that four units are strictly ADA units with kitchen and bathroom constructed to code.

Ms. Connors stated that the builders are seeking the occupancy permits for Building #1 in exchange to vote to accept the performance agreement.

Ms. Dotson asked Ms. Connors what is the performance agreement.

Ms. Connors stated the agreement is a tripartite agreement.

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Mathew Ashmankas made a motion to accept the tripartite agreement in the amount of \$106,000.00, seconded by Michael Georges, voted unanimously.

7:30 p.m. **Release of Performance Guarantee
333A Southwest Cutoff
United Material Management**

Ms. Connors requested release of performance guarantee for United Material Management. Remaining landscaping work and check dam is complete. She asked for the Board to release the remaining funds to obtain occupancy permit.

Paul Piktelis made a motion to release the performance guarantee in the amount of \$10,006.28, seconded by Mathew Ashmankas.

Other Business -

Ms. Connors referred to letter for the Board regarding the Open Space and Recreation Plan Updated and requested that the Planning Board designate a member to serve on the Open Space Committee. Mathew Ashmankas volunteered to be that person.

Chairman Gosselin approved the request.

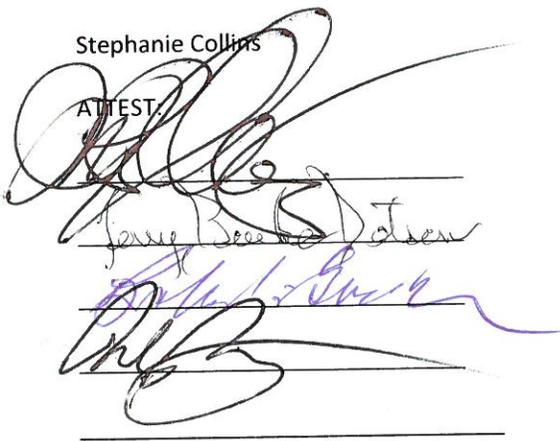
Adjournment

Paul Piktelis made a motion to adjourn, seconded by Mathew Ashmankas, voted unanimously. Meeting adjourned at 9:35 p.m.

Respectfully submitted,

Stephanie Collins

ATTEST



Handwritten signatures of Stephanie Collins and other board members over horizontal lines.