

**Minutes
Lee Planning Board
Town Hall 32 Main Street Land Use Room
Monday July 22, 2019**

Members of the Board Present: Matt Carlino, Chairman; Peter Bluhm, Vice Chairman; Buck Donovan; Peg Biron, Thomas Wickham

Members of the Public Present: Evan Triantafylidis, Berkshire Record; Rian Dowd; Travis Cabral; Pat McColgan, Taconic Land Consultants; Tom Touponce; Ethan Winter, Nicolas Galletout, Cypress Creek/Revere Solar; Sean Reardon, Tetra Tech

Approval of minutes of July 8, 2019. Motion by Mr. Wickham with a second by Mr. Donovan to approve the minutes of July 8, 2019 with corrections. Unanimous approval

Site Plan Submittal 165 Water Street—Travis Cabral, Rian Dowd A plan was submitted. This property is in the CBC Zoning District. Mr. Cabral wants to open a mechanical repair shop in the barn on the back of the property. He will install downcast motion lights, convert the open space in the back to a parking lot, use the shed for storage, and create screening by use of shrubbery or a fence on the side yard adjoining the trailer park. The house at the front of the property is a separate building. The Board reviewed what is needed for a special permit and asked for more information in the site plan including a revised plan showing dimensions for the parking area, a landscaping plan (with consideration of visibility to the neighbors a lighting plan, a storage plan for oil recyclables, tires, etc., and fencing for any waste disposal container. Bylaw 199-§13.3 can be used as a guide. Mr. Cabral agreed to submit this additional information before the board rules on any special permit application. Motion by Mr. Donovan with a second by Mr. Wickham to accept the site plan submittal for review. Unanimous approval

The applicant can begin the special permit process at any time, but must include the additional information.

Form A - 320 Stockbridge Road Wilson Wright, Jr. Mr. McColgan presented the plan showing Lot 1 having a house on it and Lot 2 having the business garage. All structures predate the subdivision control law. The two lots meet the 3 legal requirements for Form A endorsement: access, size and frontage. Motion by Mr. Wickham with a second by Mr. Bluhm to endorse the Form A. Unanimous approval.

Minutes of Past Meetings:

- February 25, 2019 minutes---Motion by Mr. Wickham with a second by Mr. Donovan to approve the February 25, 2019 minutes as amended. Vote is 4-0-1 with Mr. Bluhm abstaining. Motion passes.
- March 11, 2019 minutes---Corrections made. Motion by Mr. Bluhm with a second by Ms. Biron to approve the March 11, 2019 minutes as amended. Unanimous approval. Motion passes.
- March 25, 2019 minutes---There was a discussion on the vote about the acceptance of the Solar Revere site plan. Ms. Biron also questioned the third paragraph, second page as to her motion. She recalled that those were her personal concerns, not necessarily the Board's concerns. Motion by Mr. Wickman with a second by Mr. Carlino to approve the March 25, 2019 minutes as

amended. 4-1-0 with Ms. Biron voting “no”; Mr. Donovan, Mr. Carlino, Mr. Wickham and Mr. Bluhm voting “yes”. Motion passes

Bylaw Discussion: Discussion of §13.3 A-C continue the discussion at the next meeting

Site Plan Review: Revere Solar/Cypress Creek—Mr. Donovan has filed a non-conflict disclosure with the town clerk and discussed the Planning Board applications of Revere Solar/Cypress Creek with the State Ethics Commission.

Mr. Galletout began the presentation, and Mr. Reardon joined in at 8:10 pm. The peer review done by Foresight Land Services for the Conservation Commission was received today. Mr. Galletout has not had a chance to look at it. He received the copy of the April 17, 2019 peer review that Hill Engineering prepared for the Planning Board. On July 8, 2019 the Planning Board accepted the Site Plan application submitted by Cypress Creek/Revere Solar. Mr. Galletout noted that all that is covered in this site review tonight is also covered by the Conservation Commission process except for zoning issues. The energy that is produced by the solar array will be purchased by WMECO (Eversource); this is covered under the Massachusetts SMART (Solar Mass. Renewable Target) program. The projected land use of this project is about 21% of the total land purchased; 65 acres will be left untouched. The land used for the project is now 50% cleared; stumps still remain. The project requires no water, sewer, parking or onsite workers other than those involved in construction and maintenance. The access will be off Chanter Road. There is a need to add 3 utility poles. Road improvements will be made with a grade change to 11.5% where needed and stabilization done. Two equipment pads will be installed in the central part of the project area. The maximum height of the solar panels is 12'. The panels cover about 18 acres and will be on the most level part of the property. There are slopes, the steepest around the perimeter of the site. Within the panels area the site will be graded a maximum of 7% for the majority of the panels. The soil from this will be used to help level other areas; none will be taken off site. The stormwater plan was designed to adhere to the DEP Guidance for a grass surface. It is designed to treat water quality, to store water so that there is no increase in peak runoff and to keep the peak runoff the same as it is now. This stormwater plan is subject to the approval of the Conservation Commission.

The board discussed the visibility of the solar array from different points of view. Mr. Reardon stated the site will not be seen from any public way and that the panels will be no more visible than is the base of the current cell tower near the proposed site. He then clarified that the panels will be visible from Moose Drive and some areas of Chanterwood Road. The site will be fenced in; a 6' fence with barbed wire on top, or an 8' fence. There will be a small gap under the fence for small animal movement.

Mr. Bluhm mentioned that he talked to Town Counsel and this project is not covered under the new town solar bylaw because the Form A statute requires use of the older bylaw. Therefore, no special permit can be required and the board can proceed with only a site plan review. He therefore agreed with the board's prior vote to conduct a site plan review.

There was discussion of Chanter Road—it will be extended 250' by the applicant with a dense graded gravel. As of now, the town maintains the road up to the Bridagan house.

A discussion of a bond issue for decommissioning was done and it was determined that Town Counsel needed to be consulted.

Mr. Reardon went over the concerns that had been expressed in the Hill Engineering peer review of April 17, 2019.

- Page 2 50% of the site has been logged.
- Page 3 Zoning: Solar is an allowed-by-right use in CR zone because of a state law protecting solar installations.
- Page 4 Requirements for site review—changes to language have been made.
- Page 9 Visual corridors—Viewshed analyses have been done.
- Accessibility for emergency vehicles; plans now include changes to the access.
- Page 11 Erosion control; plans for erosion control and stormwater are now included in the submittal; the access to detention basins is addressed.
- Page 13 Comments have been addressed in the site plan.

Motion by Mr. Donovan with a second by Mr. Carlino to waive the strict site plan requirements. Vote was 3-2-0 with Ms. Biron and Mr. Wickham voting “no”; Mr. Carlino, Mr. Donovan and Mr. Bluhm voting “yes”. Motion passes. Board members comments:

- Ms. Biron: would like a site visit and to see what the Conservation Commission peer review states.
- Mr. Carlino: each Board should act on their own permits separately from other boards.
- Mr. Bluhm: had felt more consideration was needed after reading the Hill report, but the site plan review tonight was thorough and he is ready to vote.

Motion by Mr. Donovan with a second by Mr. Bluhm to approve the site plan with the following conditions:

1. Written confirmation that the Access Road (Chanter Road) for the solar project will be returned to its existing condition or improved after the construction period. The road is to be paved from Route 20 to the last house on Chanter Road now owned by John Brigadan.
2. Future approval is required by the Planning Board of a site decommissioning contract. Post-construction inspection by the board and applicant’s compliance with any punch list.
3. Cut trees and unearthed stumps inside the fence line will be properly disposed of off the property

Vote of 3-2-0 with Ms. Biron and Mr. Wickham voting “no”; Mr. Carlino, Mr. Donovan and Mr. Bluhm voting “yes”. Motion passes

Mr. Samson --65 Chestnut Street RA-40 A campground is not allowed in that district.

Form A--Revere Solar- Plan was signed by Board members. Meeting adjourned: 9:25 pm.

Documents: Form A Application Wilson Wright, Jr. 320 Stockbridge Road; Site Plan Submittal 165 Water Street, Travis Cabral; Site Plan Revere Solar/Cypress Creek; Hill Engineering Peer Review, Cypress Creek, April 17, 2019; Minutes 7/8/2019, 3/11/2019, 2/25/2019, 3/25/2019