

**Charlemont Planning Board
October 4, 2018 Meeting Minutes**

Members Present: Robert Malone, Co-Chair, Bill Harker, Co-Chair, Gisela Walker, Carlene Hayden, Bob Nelson.

Others Present: Pat Smith; FRCOG, Mike Kumph, abutters and members of the public (see attached hearing attendance sheet)

Call to Order

Planning Board Co-Chair Robert Malone called the meeting to order at 6:25 p.m.

Approval of Minutes

The Board reviewed the minutes from their meetings of 8/9/2018, 8/23/2018, & 9/17/2018. On a motion by Harker and seconded by Malone, the minutes were approved as written.

#1: 6:25 pm: Appointment with Mike Kumph, for an ANR Signature

Kumph explained that he was requesting an Approval Not Required (ANR) signature to divide and sell some of his property. The Board reviewed and signed the plan but noted that the split off lot did not qualify as a building lot as the only access currently is through Kumph's property.

#2: 6:35 pm: Appointment with Pat Smith; Franklin Regional Council of Governments

The Board met with Smith to continue their discussion on adult use marijuana bylaws. Smith stated that she looked at several other Town's bylaws as well as the Charlemont Board of Health's marijuana bylaws and made some proposed revisions to their bylaws. She handed out copies with the changes marked up. The existing Medical Marijuana Overlay District will be stricken and Section 46 amended to be the Medical Marijuana Treatment Center (MMTC) bylaw and the term Registered Marijuana Dispensary has been replaced with Medical Marijuana Treatment Center (MMTC). Smith added definitions and use regulations for the various types of facilities and the districts they will be allowed in to the bylaw. Various facilities were added to the use table as well. Special Permits for marijuana establishments shall be for a term of 5 years and shall be renewable for successive 5 year periods thereafter. Hayden brought up marijuana cafés as she had been approached by someone interested in opening one. The Board will need to decide where they would want one of these (in the Village?) and the size of the facility. It would also need to be added to the uses in their use table. Smith submitted maps showing 200', 300' 400' and 500' buffers from Hawlemont Regional School and the Academy at Charlemont. After some discussion, the Board agreed to keep the 500' distance from schools that the Board of Health adopted. After finishing the initial review of Smith's revisions, the Board agreed they needed to discuss this further amongst themselves and make some decisions. The Board will decide on a time for this review and let Smith know when they would like to have her come back. The Board thanked Smith for her time.

#3: 7:34 pm: Continuation of Special Permit Hearing for Large Scale Solar on Tea Street/Legate Hill Road

At 7:34 p.m., Co-Chair Malone opened the Special Permit hearing and read several letters received from the public, which were primarily in opposition to the project and focused on concern for the impact on the scenic character of the Rte. 2 corridor; a nationally recognized scenic highway. One letter conveyed support for the project and an abutter who was unable to attend had verbally expressed no issue with the proposal.

Joe Shanahan, Director of Real Estate and Permitting for Clean Energy Collective (CEC) began by stating that they do have a decommissioning plan in place and spoke to the letters in opposition to the project. He pointed out that every statement in Doug White's letter expressed personal opinions and were not backed up by actual facts. He further noted that nothing in their project obstructs the view of the scenic byway and in fact, they have made every effort to site the proposal as far from view from road as possible. The array will be 700' from the public way and will be sloped downward. He further contended that the project is more than 2 miles from the vista mentioned in the letter and won't be seen from it. He passed out color renderings of the project from various viewsheds, including the vista from Berkshire East. He went on to state that there is no research to back up the claim that the proposed array will reduce property values, and provided a publication dismissing the claim and stating the opposite.

Bob Fournier, SK Design Group noted that they had made 3 revisions to the plans; added a screening plan calling for trees and fencing along the entire westerly border of the array and changed the fencing from chain link to black vinyl coated to be less visible, shifted the proposed access driveway 75' to the east, utilizing the existing curb cut, per the State and added a dimension to the solar array detail; 9' minimum, 11' maximum height of the panels.

Harker provided pictures taken of the field where the proposed array will be sited, which had been flooded with the recent rains. Fournier explained that minor flooding will not affect the project nor preclude the use of solar; their equipment is elevated and added they are not installing anything that will affect a wetland. Shanahan added that the Town's bylaws say the project should minimize visual impact to the extent possible, not eliminate it, and stated they are doing that. He noted that by comparison, the wind turbine (at Berkshire East) can be seen from both directions whereas the solar facility will be a flash as one is driving by on Route 2.

Jay Myrto, CEC referred to renderings of the array and noted that the fence will be 7' tall and 6" off the ground for critters to be able to go under. Shanahan then read through the Special Permit criteria, citing where he felt their plan addressed each. He noted that per (Massachusetts) General Laws Chapter 40A, Section 3, a bylaw cannot prohibit solar energy installations except to protect the public health or safety (G.L. Ch. 40A, S. 3, Pg. 3-3; Solar Access).

Walker pointed out that the scenic viewshed is very import and she is not sure this was entirely addressed. Shanahan again pointed out that the Town has a bylaw and they have complied by minimizing impact. Malone then expressed concern that he's seen a lot of solar projects in his career and has seen instances where they have secured permitting and have been ready to go but the upgrade to the substation was too expensive to make the project viable. Shanahan stated that applications have been submitted, a study is underway and they have a thorough internal review process; have never been permitted for a project they haven't built and have spent thousands in studies and engineering to ensure this project will be viable. They don't have numbers from National Grid yet, but CEC anticipates they will need to pay to upgrade the substation, which benefits NGrid. He added they need to get into the first block to make this viable as there is a reduction in the SMART program for each successive block (Traunch). A question was raised as to whether fixed panels were the best technology and whether trackers would be a better use, to which the applicants responded that the drawbacks to solar trackers were they needed to be taller than ground-mounted and don't get as many panels due to shading. Shanahan added that they negotiate a PILOT (Payment in Lieu of Taxes) program with the Town; typically \$6,000-\$8,000 per megawatt. Hayden asked Shanahan for a copy of a current PILOT they have in place, with payment amounts. He agreed to email this. Another question was raised as to whether this proposal could potentially prevent future projects from coming in; i.e.: in the Town's Solar Overlay District. Shanahan countered that while he couldn't answer that definitively, the Board can't deny a use based on a potential future project.

Next the applicants explained that anyone, residential or municipal can subscribe to their community solar program and get a discount based on their production; usually 10-15% of their bill and the rate is fixed for 20 years.

Walker asked about moving the solar field to the other side of the brook and further into the mountains; the applicants replied that this would require removing trees and make the panels higher and more visible.

Hearing Continuation

After discussion, at 9:32 p.m., on a motion by Walker and seconded by Harker, the Board voted unanimously to continue the hearing to Thursday, October 18 at 7:00 p.m.

Adjournment

On a motion by Harker and seconded by Walker, the meeting was adjourned at 9:06 P.M.

Respectfully submitted,
Carlene Hayden

Documents viewed in the Planning Board meeting of 10/4/2018*

1. Agenda for meeting of 10/4/2018
2. Minutes from meetings of 8/9/2018, 8/23/2018, & 9/17/2018.
3. Minutes from the meetings of 7/12/2018
4. Form A Application For Endorsement of Plan Believed Not To Require Approval; 9/27/2018
5. Plan of Land Prepared for Michael Kumph Located in Charlemont, MA; 9/24/2018
6. Draft of proposed adult use marijuana zoning bylaw; 10/4/2018
7. Map showing 200', 300' 400' and 500' buffers from Hawlemont Regional School
8. Map showing 200', 300' 400' and 500' buffers from Academy at Charlemont
9. Special Permit Hearing Attendance Sheet; 10/4/2018
10. Charlemont MA 1, LLC Special Permit file
11. Public correspondence regarding proposed large scale solar installation on Tea Street:
 - a. Email from Marguerite Willis, abutter, SB member; 9/4/2018
 - b. Letter from Doug White, abutter; 9/9/2018
 - c. Letter from Camille White, resident; 9/15/2018
 - d. Letter from John Atwater, resident; 9/25/2018
 - e. Letter from Franklin Land Trust; 10/2/2018
 - f. Letter from Jon Schaefer, Berkshire East; 10/4/2018
12. Memo from Robert Fournier, SK Design Group explaining revised project plans; 10/4/2018
13. Revised site plans for large scale solar installation; 9/10/2018
14. Photograph renderings of proposed project from various viewsheds
15. Solar Myths and Facts-Center for Energy Education publication (<https://center4ee.org/debunking-solar-myths/>).
16. Photographs taken by B. Harker of proposed site for solar installation showing flooding of the field
17. Removal Cost Estimate and decommissioning plan for proposed 3.53 MW solar facility; 9/19/2018
18. Copy of solar installation decommissioning plan surety bond with Cairo, NY; 7/31/2018

*Documents are stored in their respective files