

Conway Planning Board (PB)

February 21, 2019

Minutes - Meeting & Public Hearing

Members Present: Beth Girshman, Joseph Strzegowski, Mary McClintock, Andy Jaffe (arrived at 8:30)

Other attendees: Alexis Fedorjaczenko (Administrative Assistant), Dave Barten, Lee Whitcomb (Assessor's office), Ethan Giles (NexAmp), Michael Scott (WDA Design Group), Jean Christy (Tighe & Bond), Tom Newman (landowner), Gerry LeBlanc, Chris Bathurst, Jeff Golay, Jack Farrell

Location: Conway Town Hall

Meeting called to order at 6:00 pm

1. Minutes from the previous meeting, February 7, 2019, were reviewed. Motion by Joe to approve minutes as presented; second by Beth. Motion passes, 3-0-0.
2. Review Town Counsel's recommended procedures for adopting Site Plan Review & Special Permit & Fee Schedule regulations.
 - a. Motion by Joe to accept recommendations of Town Counsel; seconded by Beth. Motion passes, 3-0-0.
3. Cell tower application – Vertex Towers, LLC @ South Deerfield Road
 - a. Application not yet received though it was expected this week. A potential consultant has been identified; discussion of consultant, hearing date, and balloon test. Beth has a call into the State Ethics Office to determine if there may be a conflict of interest, since proposed cell tower may be visible from her home.
4. PB Associate Appointment – Dave Barten – on Select Board Agenda for 2/25
 - a. Motion by Mary to nominate Dave Barten as an associate member; Beth seconds. Motion passes, 3-0-0.
5. CPTC conference – March 16, 2019 -- Joe and Beth are signed up.
6. Citizens Caucus 3/4/19 8:00 PM
 - a. Beth will email Bill and Andy to remind them that they are on the Town Warrant for their PB positions.
7. PB appointment to MVP committee – Tom Hutcheson request
 - a. This comes up every couple of years, to focus on possible hazards facing the town. It makes the town eligible for grants. Mary indicates that PB members

have a pretty full plate right now with three+ big projects. Beth suggests recommending people who live downtown.

8. Multi-Permit Application Scheduling issues

- a. Discussion about continuing tonight's hearing to March 21. This would give the PB a meeting in-between to review the events of this hearing, and also time for the Con Com to meet. The PB will wait for Vertex application to be in before choosing date for the cell tower hearing.

9. Short term rental - new state law

- a. Brief discussion about the new law. Mary's feeling is that unless it's urgent, this can wait. The Board of Health is already aware of the locations of these types of rentals.

10. Motion by Joe to adjourn until the public hearing at 7 pm; seconded by Beth. Motion passes, 3-0-0.

11. Public Hearing, NexAmp

- a. Mary called the meeting to order. Introductions were made, with an indication that Andy was on his way, traffic permitting.
- b. Ethan Giles, NexAmp (representing the Applicant, Conway Solar, LLC) introduced the project and indicated that because there is only a small amount of 3-phase power lines in Conway, Main Poland Road is a good location for the proposal. Mike Scott, civil engineer at WDA Design Group (consulting with NexAmp) provided an overview of the project via the drawings. Tom Newman, the project's landowner, introduced himself.
- c. The town contracted with Tighe & Bond to review the proposal, and Project Engineer Jean Christy presented an overview of their findings (which are available on the town website). Jean also asked for, and received, approval from the PB to speak directly with the applicants regarding questions in the analysis about decommissioning.
- d. A portion of the conversation included comments and questions related to storm water. Jean indicated that ensuring adequate construction-period storm water controls is the biggest concern for the project. Gerry LeBlanc asked how does this proposal compare to others Jean has reviewed? She said the applicants did a good job. Mary asked about how long it takes between logging, start of construction, and finishing (fully paneled and grass seeded and mulched). Ethan said it varies but 3-5 months is the average. Mike says there will be created written document that can be shared to deal with this. Jack Farrell commented that when it rains in this area, it rains a lot. Jeff Golay commented that in addition to not want to see the project from his home, he believes that his well is connected to the stream impacted by the proposal. Ethan said that Jean's comments well-taken and said the applicants could put together a brief

preview of the types of features that would be included in the above-referenced documentation. Mary says that would be helpful. Beth asks if would address specific concern about wells? Ethan said erosion controls and storm water control.

- e. Gerry LeBlanc stated that he is the closest abutter to the project, and he is concerned about the well and the storm water impact. Mary asks what's it like now? Do you see any evidence of higher groundwater coming down the slope? Jeff says the existing groundwater is high. There are wetlands. Some basement flooding. Gerry has a drainage system around the foundation. Water also collects down by the road. Jeff also says that where it ponds up by the road you could imagine the culvert filling up and his house having some significant issues.
- f. Chris Bathurst asked about the process for remediation if the plan for storm water does not work; how does the problem get identified and resolved? The answer included a 24-hour contact person and a construction supervisor during construction phase, the Con Com, and an ongoing 800-number. Chris Bathurst asked follow-up questions about contingency plans. Is there reserve money with the town in case there's an emergency response that the town has to take? Joe isn't aware of a town emergency fund. Lee Whitcomb, of the assessor's office, stated that the town could ask the contractors to provide a bond for this. Chris asked, are the applicants leasing the land and afterwards it reverts to the landowners? Yes; if the lease is not continued there is a decommissioning plan.
- g. Gerry LeBlanc said that the second driveway goes right up to his property line. Why does it have to be right there? What kind of equipment is going to be there? Will there be lights, sound? The applicant responded that the arrangement of poles is determined by Eversource requirements and/or the terrain of the property. There was discussion of different options and the applicant indicated they could provide alternatives. Mary points out that there is a town requirement that you can't put a structure within 12.5 feet to the property line. Joe asks, will there will be a pole hearing? No because it is not a public way pole.
- h. Gerry LeBlanc asked about the equipment that will be onsite (battery and inverter, etc)? The applicant stated that it's all in specification sheets in the application. The inverter box, transformer, battery storage unit all sit together on a concrete pad. Gerry stated that he loves that it is quiet and dark in the rural setting at night. Ethan says they get a lot of questions about that and that the impact is minimal. There is a Massachusetts Dept. of Energy Q&A about solar that he recommended to address these questions.
- i. Gerry LeBlanc said, we talked a lot about water, but what about a tornado (it wasn't that long ago)? What kind of thought process goes into taking down the trees and changing the wind barrier, what's the impact on neighbors' trees/land? Mike responded that the weaker trees go immediately, it happens in the first couple of years. Ethan added that the most vulnerable trees are on the cutline. The applicant indicated willingness to talk about adjusting the size of the tree buffer on the side with abutters. Mike added that a similar question is about the sightline; you're going to see the "hole in the sky" from the clearing even if you are unlikely to see the equipment itself.

- j. Jack Farrell asked how much noise there would be. Ethan said that the battery pack should be silent; the unit that generates a noise is the inverter. Jack pointed out that sound also reverberates with the rock and Gerry LeBlanc added that there are other kinds of sub-frequency sound too.
- k. Jeff Golay asked if it was typical to include a battery like this, and if there are any associated chemical hazards. The applicants responded that the battery is typical.
- l. Beth asked about sight-lines and screening, it must be dependent on trees and topography? Mike said yes, the homes are about 100 feet elevation below the array so you can't see up and over. Jeff said that as an abutter, he was expecting to be able to see clearing line.
- m. Gerry raised a concern about invasive species. Ethan said they have had Con Coms require them to do invasive control; a removal operation is manual, with no herbicides or pesticides. Gerry said that Conway town officials are trying to create pollinators. Does this affect the kind of grass you use? Ethan said that yes, they have selected pollinator seed mixes (New England wildflower mix) for certain areas, although not within the array area because trying to create deep root mixes.
- n. Jeff asked if there was talk about the timing of the mowing in the array and impact on birds? Ethan said mowing is twice a year, spring and fall typically unless differently needed. Mary added that yes, it would be interesting to know if there is nesting in solar arrays. Ethan said there have been agreements about when mowing occurs, and would be happy to make that a condition.
- o. Mary noted that it was approaching 9 pm and that the hearing would be continued, rather than closed. She asked if there were any other comments and questions for now.
- p. Joe asked Ethan to state for the record if there will be more than 15 persons on site at the same time. Ethan responded possibly during construction but not during ordinary use. Joe said thanks, this will not require a special permit. Joe also reminded the applicant that there is a bylaw requiring a special permit if you change contour of earth by more than 6 feet.
- q. Ethan said that with a continuation Mike and he have a list of stuff they will follow up on.
- r. Motion by Joe to continue the hearing to March 21 at 7 pm; seconded by Beth. Motion passes, 4-0-0.

Meeting reconvened by Mary at 9 pm.

- 12. Planning projects discussion for FY 2019, items below - no discussion
- 13. Commercial signage (Greenfield Bank) - no discussion

14. Zoning use table revision - no discussion
15. 2013 Master Plan Review & Update - no discussion
16. Small scale solar bylaw - no discussion
17. South River Erosion Zoning - no discussion
18. Mail/email- none
19. Old Business - none
20. New Business - none
21. Next scheduled meetings:

- a. March 7 & 21
- b. April 4 & 18

Motion by Joe to adjourn the meeting; seconded by Beth. Motion passes, 4-0-0.

Adjourned at 9:00

Respectfully submitted,
Alexis Fedorjaczenko