



City of Westfield

PLANNING BOARD
Philip McEwan
Peter Fiordalice, Vice Chair
William Carellas
Robert Goyette
Jane Magarian
Carl Vincent
Cheryl Crowe, Associate
Raymond St. Hilaire, Associate

May 17, 2016

Chairman McEwan called the regular meeting of the Westfield Planning Board to order at 7:00 pm in the City Council Chambers, 59 Court Street, Westfield, MA.

PB MEMBERS PRESENT
 MEMBERS ABSENT

STAFF

Philip McEwan, Chair
 Peter Fiordalice, Vice Chair
 William Carellas
 Robert Goyette
 Jane Magarian
 Carl Vincent
 Cheryl Crowe (Associate)
 Raymond St. Hilaire (Associate)

Jay Vinskey, Principal Planner
 Christine Fedora, Secretary

A. PUBLIC PARTICIPATION

Chairman McEwan asked if there was anyone in the room who would like to address the Board during the public participation portion of the meeting regarding items not currently before the Board? There being no one heard the Board proceeded to their next item on the agenda.

B. REVIEW AND APPROVAL OF PREVIOUS MINUTES

Magarian MOTIONED, seconded by Crowe to approve the Minutes of April 19, 2016. All in favor. MOTION PASSES.

C. Review of "Approval Not Required" Plans-Vice Chair Fiordalice to conduct ANR's. Moseley Avenue ~ Aube

Vinskey informed the Board the property was the subject of a denied special permit, but the plan has adequate frontage. The Board voted unanimously to approve the ANR plan as submitted.

Carellas MOTIONED, seconded by St. Hilaire to allow the Chair to alter the agenda at his own discretion. All in Favor.

D. Posted Public Hearings (and possible deliberation & decision)

- Continuation-Special Permit/Site Plan – Motor vehicles service – 402-410 Southampton Road.

- Chair McEwan read a letter from the representative requesting a continuance to June 7th. McEwan noted the Board does not have a meeting scheduled for June 7th. Fiordalice MOTIONED to accept the request for a continuance until June 21, 2016. All in favor.

Continuation-Special Permit-Open Space Community (6 lots) - 403 West Road

- Chairman McEwan asked if the petitioner would like to proceed or continue?
Rob Levesque informed the Board he revised the plan based on the discussion of the last hearing with Attorney Beglane as well as the neighbors (Amanti's) and proceeded to give a brief review of the changes.

Chairman McEwan asked if there were any questions from the public?

Bill Amanti said he was satisfied with the change.

Mr. Strasfeld noted he is trying to get lot 1 approved, the other lots are normal conforming lots, he pointed out the city is getting development rights on 75% of the property, there will also be frontage on Pitcher Street, he felt he's given a considerable sacrifice adding he has no intention of doing anything with the lots, he lives across the street and has a working farm.

In favor?

Deb Marka
Hope this works out for everyone.

In favor?

Opposed?

Nancy Amanti
In favor of open space, in favor of building lot 1, not in favor of encroaching on their space, voiced concerns regarding their privacy.

Opposed?

In favor?

Members discussed the application, McEwan felt that this is far from an open space subdivision; he felt this should be a frontage waiver, as well as the other 3 lots. Vinsky informed him they applied for a variance and it was denied, the Zoning Board denied the request because they felt they didn't exhaust all of their options.

McEwan stated he was not eligible to vote but he felt the open space special permit is being misused. Levesque pointed out the Board approved the Bannish property and it was almost the same scenario. He further explained that he went the open space process, communicated with the planner, worked well with us he also noted the abutter is satisfied, he felt they are meeting the

criteria of a special permit. McEwan disagreed with that. Further discussion between Levesque and McEwan regarding the special permit/open space ordinance.

Goyette MOTIONED, seconded by Fiordalice to close. All in favor.

DRAFT Findings

After giving due consideration to the application, testimony and evidence at the public hearing, the Board found that (1) the specific site is an appropriate location for an open space community as it will protect a large contiguous block of land of diverse landscapes which abuts other open space, an objective of the Open Space and Recreation Plan (2) The use as developed will not adversely affect the neighborhood, which consists of similar residential uses; (3) Adequate and appropriate facilities will be provided for the proper operation of the residential uses, though connection to the public water system may not be available; (4) the plan, as approved, conforms to all other rules and regulations; the applicant submitted a conventional subdivision planning showing 7 lots. Further, the project results in (5) the permanent preservation of open space, agricultural lands, and other natural resources including distant views of open space from an existing City road and (6) a less sprawling form of development, therefore consuming less open land and allowing for the protection of ridgelines, hillsides and other visually sensitive landscapes.

DRAFT Conditions

1. This special permit shall require the recording of a lot plan at the Registry of Deeds, showing not more than 4 building lots and the extent of the "open space" clearly defined, in compliance with "Proposed Open Space Community" surveyed and mapped for Mark and Evelyn Strasfeld, as prepared by R Levesque Associates, revised May 12, 2016, (or modified plan by requirements of the Board). Said plan should also indicate the Book and Page where this Special Permit has been recorded.
2. At least 6 permanent bounds shall be installed along the limits of the open space area as it abuts lots/development limit line, in critical/reference locations acceptable to the Conservation Commission/Coordinator, and shown on the recorded plan.
3. Effective immediately, the applicant shall not alter, nor cause to be altered, the current state and natural or managed condition of proposed open space areas.
4. The City of Westfield Conservation Commission, or its agent or assigns, shall be permitted access to the open space, from "Lot 3", for the purposes of monitoring and enforcing the restriction. (This decision shall not require any public access).
5. Before a building permit (for a dwelling) may be issued, the Conservation Restriction must be fully executed, duly signed and recorded at the Registry of Deeds; except that the Board may allow for the issuance of not more than one such building permit on any part of the parent parcel or upon a subject lot created there from only if it finds bona-fide efforts to obtain state approval were proved to have been substantially initiated. If this exception is utilized, no further dwellings shall be constructed on the remainder of the parcel or upon a lot created there from (whether or not conforming to by-right zoning requirements) until the restriction has been recorded.
6. The applicant shall bear all costs and responsibility for implementing the conservation restriction with the City of Westfield and the Massachusetts Secretary of Energy and Environmental Affairs, in conformance with his customary approval process (and per MGL c. 184 s. 31-33). This decision shall not obligate nor imply any consideration or payment by the City for acceptance of the restriction.

7. Where construction has not commenced upon the reliance of the approved plan, substantial use of this special permit may be considered to be the recording of the conservation restriction.

McEwan asked if they would be filing a definitive plan? Vinsky informed him it would be an ANR for all lots.

Carellas motion to accept the special permit with findings and conditions as read, Fiordalice seconded.

Fiordalice	-yes
Crowe	-yes
Goyette	-yes
Carellas	-yes
St. Hilaire	-yes

MOTION passes 5-0.

- Continuation Special Permit East Mountain Road

Carmine Capua addressed the Board he indicated he made the modifications to his plan based on the last meeting. He reviewed the changes made to the plan after the last meeting. He first addressed the concerns one of the neighbors had regarding sewerage on their property; he felt that would be something the Board of Health would have to be involved in. He noted another concern he addressed was moving the house from 290 feet from the property line to 345 feet from the property line adding he felt this would help Mr. Perez with his water problem. Mr. Capua noted he pays property taxes and owns this land and should be able to build on it noting he was only asking for 1 house to be located on a 10 acre lot, the rest would be open space.

McEwan noted he missed the last meeting and inquired if there was municipal water? Capua noted it would be a private well.

Goyette inquired as to the area of disturbance on the plan? Further discussion regarding the area of disturbance and how much would be allowed. Goyette felt it didn't look complete to him and that it wasn't being presented to the board. Capua said he wasn't sure what he is looking for adding he is donating over 50% of the land to conservation, he felt he can disturb more than 1 acre.

McEwan asked if there was fire protection? Mr. Perez informed them there is a hydrant in the Perez parking lot. Discussion regarding the 4 lots Capua previously owned and chose to make one of those 4 lots larger than the rest which left 50 feet. Capua informed him the reason he left the 50 feet was to create a subdivision but the cost has skyrocketed, he is trying to get this so he can move forward with 1 house and to donate 10 acres, he felt this would fit in with everything else in the area and it makes more sense.

Fiordalice asked if he looked at the design for an idea of maximizing more space? No did not look at that. Trying to minimize disturbance. Further discussion regarding the lot size and the amount to give to open space. Capua informed them he is talking 1-2 acres where the house would be located. Fiordalice asked if he was decreasing amount of lot with house on. Capua said

he had no problem with that. Carmine talking about 1 – 2 acres where house he added he would not have a problem giving 7.5 for open space.

Carellas asked if he would keep the land or give to the city? Capua stated he would do whatever the city wants him to do.

Mr. Perez

Asked the Board to postpone in order to get some environmental people up there, he also felt the land should be donated; it should all be open space.

In favor?

Opposed?

Fiordalice stated he would like as much open space as possible; the grading on this parcel is pretty steep. He likes the idea of the open space, if the city could get it would be great for the city.

Carellas not adverse but would like to see grading on final drafts, more open space would be in city's best interest. Open space city is good does protect lines, make sure see final drafts, grading, disturbed areas. Fiordalice also felt there should be more space to the city if not disturbing that much. Goyette stated he didn't think this is in keeping with the ordinance, McEwan felt the same way, feels everyone should look at the ordinance, felt not intent of ordinance. Capua noted a few of the open space plans that have been approved by the Board.

Carellas noted he has concerns about not approving this it does not prevent him from putting in a subdivision, this could be lesser of all evils, or not approve and risk putting in 4 or 5 houses up there which would significantly disturb land. McEwan felt if that was economically feasible it would have been done by now.

Goyette MOTIONED to close, no second.

Carellas MOTIONED to continue, Fiordalice seconded.

Capua asked the Board members what they would like on the plan?

Fiordalice indicated he would like to see the area of disturbance on the plan as well as more of a protected space as the Planner communicated, the plan needs to be more defined. Carellas wanted to see the grading of driveway.

Capua addressed the board stating the Board has approved open spaces before, this is the same concept, he was not sure why some members feel the way they do, he said he has no problem with reducing the amount of disturbed area of open space, no issue, he feels if meets all the requirements and the board has already approved same situations before, his intent is only for one house, it was never an intent to say keep 50 feet to manipulate system later, he stated he has not looked into a subdivision at all yet, but noted he is familiar with the process. He felt one house much easier on neighbors than doing a 10 acre parcel where he could put 7 homes. He reiterated he hasn't looked at that option yet, he felt this was the best scenario.

Carellas asked for more detail regarding open space and the driveway grading, he also inquired about the street grading for East View Acres and Ridge Trail? Jay can look at that. Vinsky noted only 5 members are eligible vote and one of those 5 expressed they probably would be less than favorable. Capua requested it be continued to the June 21 st. meeting to try to satisfy the Board with the additional information.

McEwan added the Board has discussed flag lot ordinance before it has never been approved. The flag lot is only one element of the open space.

The hearing was continued to June 21, 2016.

- North Road Solar

Chairman McEwan read the notice into the record for:

The Westfield Planning Board will conduct a Public Hearing on May 17, 2016, at 7:00 P.M. in City Council Chambers, Municipal Building, 59 Court Street, Westfield, MA on an application submitted by Westfield Airport Road Solar LLC for a Special Permit/Site Plan per Section 3-40.4(19) and 3-170.7 of the Zoning Ordinance and a Stormwater Management Permit per Section 16-109 of the Code of Ordinances to allow for a large scale solar power generator. The city-owned property is located at North Road (Parcel 72R-8) and zoned Rural Residential and Water Resource Protection. The application is available for public inspection during regular business hours at the Planning Office and at www.cityofwestfield.org

Joe Mitchell City Advancement Officer introduced Joel Lindsey of Product Development and Robert McCowski. Mitchell gave a brief summary of the project. The land is located on is owned by the Airport. It is a 35 acre parcel of land located on North Road, near the flight path, so it has a limited practical use as owned by the city. In 2015 there was a RFP done for a solar development, 3 developers responded. He's been working with Amaresco for 13 months with Mr. Lindsay and different agencies, FAA, Airport Commission. The lease is in the final stages and is 37 pages long; there are many eyes on this project.

Lindsay addressed the Board stating there would be minimal disturbance, no disturbance on site, the panels sit facing south 15 degree angle bottom part table 2 -3 feet top 7 - 8 feet off ground. There will be 12,000 panels interconnected to G & E distribution center will have agreement with them, in conjunction with the G & E system they are working with the FAA for their requirements. There are wetlands on the property and they are staying out of those areas, they are also making sure they comply with FAA for maintenance of tree level, system fairly low profile, it will not be visible from road, set back, no noise, no lights, very little signage. Maintenance might be truck 2 -3 times a year, monitor and maintain web interface, 24 -7, across MA and N.E. A lot of Western MA.

Rob Amich

Covered most of over view, they will be using 19 acres of 35 acres there is not a lot of grading that needs to be done, there will be some clearing of trees within the area, the trees are currently small as it was cleared about 10 years ago. He informed the Board they met with BAPAC in March. It is designed to avoid the wetlands.

Crowe voiced concerns about this being a massive dumping area and inquired if there would be a fence. Yes, there will be fencing usually they use a minimum of 6 feet a lot of times 7 feet. Further discussion regarding the dumping problem which occurs at the location.

St. Hilaire voiced concerns regarding glide slope. He also inquired about the FAA and the panels being there as well as fly overs. Mitchell informed him the FAA likes solar and thinks its compatible use for airport land. Other matters discussed was the glare that could reflect off the panels. Mitchell informed him the first tool the FAA recommends is a glare analysis tool, which was submitted to Brian Barnes and airport getting reviewed by the FAA, right now don't see impact reviewing with FAA. St. Hilaire dynamic roll over, 20 used 90% of time. Joe 37 pages of lease, 20 FAA grant assurances. Carellas asked if there was a decommission plan? First decommission assurance, provide bond runs 20 year contract and bond the bond calls for \$250K.

Read letters into the record, Heather Miller email:

From: Heather Miller

To: "Jay Vinskey"; "Mark Cressotti"; "Casey Berube"; "rob.bukowski@amecfw.com"

Subject: 758 North Road Solar

Date: Tuesday, May 17, 2016 5:48:07 PM

Good Afternoon Jay,

I have taken a look at the submission for the 758 North Road Solar project and have some questions and concerns. First, I have been in contact with AMEC's Rob Bukowski, the engineer who signed the Stormwater Report and checklist, but due to receiving the full report over the weekend, it has been a tight squeeze to try to get all of the issues and questions resolved.

Primarily, the project proponent describes the project as being minimally changing the site, Therefore not significantly changing the hydrology, and therefore not requiring any Stormwater Management BMP's including pretreatment, TSS removal, groundwater recharge, and peak rate attention. Because of the type of solar panel mount, approximately 3.7 square feet of impervious for each panel and 200 square feet of impervious for each transformer pad are created, along with gravel road expansions in two areas and a culvert installed under one. Due to this claim, there are also no long term O&M or pollution prevention plans, soils testing reports, calculations, or downstream evaluations. The project asserts that because the modeling shows only small increases in flow rate of less than one cfs for the 10 year and about 1.5 cfs for the one hundred year storm that these increases are minimal and shouldn't require any treatment or Attenuation.

If the planning board agrees, then I do not need further documentation of compliance with the Stormwater management standards.

If the planning board disagrees with the characterization and would like to have a full evaluation performed, then I would need further documentation such as calculation showing pretreatment, TSS removal, groundwater recharge, and peak rate attenuation along with long term O&M or pollution prevention plans, soils testing reports, calculations, and downstream evaluations.

I would recommend requesting that the SWPPP be submitted in either case.

Sincerely,

Heather N. Miller, P.E.

Utility Engineer

City of Westfield, Massachusetts

h.miller@cityofwestfield.org (413) 572-6209

May 17, 2016

Mr. Philip McEwan, Chairman
City of Westfield Planning Board
59 Court Street
Westfield, MA 01085

Reference: Ground Mounted Photo Voltaic Solar Array Proposal for North Road

Dear Mr. McEwan,

I am writing to you on behalf of the Barnes Aquifer Protection Advisory Committee (BAPAC) to provide our comments regarding Amaresco's ground mounted photo voltaic solar array proposal for North Road adjacent to the Westfield Airport. As you know, BAPAC is composed of representatives from the four jurisdictions in which the Barnes Aquifer is located. The committee was created in 1989 to address developments of regional impact proposed within the Aquifer's Zone II to promote safe drinking water resources for the more than 60,000 people served by the Aquifer.

This development proposal has been referred to BAPAC for review in accordance with the 1989 Intermunicipal Memorandum of Agreement for the Barnes Aquifer. The project site is located within the Zone II of Westfield's water supply wells.

We understand from the presentation made to us at our March 1 meeting by Joel Lindsay, business

Development manager for Amaresco, and Robert Bukowski, engineering consultant from Amec Foster Wheeler, that Amaresco is proposing to install a 3.9 megawatt (DC) ground-mounted solar array on approximately 20 acres of a 30 acre site. We understand from their April 15 application to the planning board for site plan review that the acreage to be covered by the panels has been amended to 13 acres though the power generation capability has not changed.

The installation is proposed for an undeveloped City-owned parcel that Mr. Lindsay reported had been cleared some 3 years ago. For the access road, the developers will make use of the pathway of an existing dirt road. They reported too that grading of the site will be minimal and that erosion and sediment controls will be set up during construction to protect nearby wetlands. Post construction there are no stormwater controls planned for the site. Mr. Lindsay noted that based on their other New England sites, rainfall provides effective washing of the panels. As such, there is no intention to clean panels.

Panels will be mounted on galvanized steel posts driven into the soil. Each of the inverters for the system will sit on small concrete pads and transformers will use food grade oil. The life span of the panels is about 20 years.

BAPAC members have the following recommendations:

- ☞ Ensure that there will be no oil, hazardous materials, or other potential contaminants stored on-site.
- ☞ Stipulate that no fertilizers or pesticides be used for vegetation management to avoid any contamination of groundwater.
- ☞ Stipulate that should there be any need to clean panels in the future, only non toxic cleaning products (such as a water and vinegar solution) will be used.
- ☞ Require planting of low growing grasses or regular mowing of other types of grasses to ensure minimal fuel for wildfires in the areas around the panels. Fire is the greatest threat to the integrity of the panels and potential release of hazardous materials from the panels. *As an alternative, obtain assurances that the solar panels contain no hazardous materials.*
- ☞ Ensure that there is a plan for properly decommissioning the panels and 100% funding for decommissioning secured through a bond or through a dedicated cash account. The average life of photovoltaic panels is 20 to 30 years. Special arrangements will be necessary for recycling, reusing or disposing of the panels so as to prevent problems with any associated hazardous materials within the panels. The operator, land owner, and municipality should all be party to the bond with a review every 5 years to ensure that the funding amount adequately covers the costs of decommissioning. It should also be stipulated that the bond be automatically renewed every year and that any notice of nonrenewal by the bonding company be issued 120 days in advance to provide the parties time to establish another source of security or to draw on the bond.

Thank you for your consideration of our recommendations and the opportunity to comment.

Sincerely,



Mike Czerwiec, Vice Chair

cc: Jay Vinskey, Westfield Planning Department
Joel Lindsay, Ameresco
Robert Bukowski, Amec Foster Wheeler

Room fact?

Paul Stevens
Common pleace
Abuts property.

Inquired if there would be run off problems? He also voiced concerns regarding the flight path and if a plane crashes it would hit solar panels debris put family in danger.

Opposed?

In opposition.

Paul Stevens voiced concerns of debris falling towards his house.

Mitchell proceeded to show the drawing depicting Mr. Stevens house.

Louise Stevens

Stated she was not so concerned with the airplane, it's the systems with panels, solar panels, concerns her most, totally against whole plan she believes it would harm the water, dry up well, do believe effect value of homes, totally against whole idea of solar panels, afraid . Agree with Crowe about the rubbish, trashing area, people coming up there ATV's and now don't have problem anymore, nice great neighborhood, pristine, like to keep that way.

Mr. Stevens

The City bought the land 19 years ago, supposed to be 35 homes development, keep open land, recharge area for aquifer that is why say keep as is, affect property and well.

Joe Mitchell

In favor, reasons earlier in addition piece of property don't utilize not paying taxes, in addition 3.9 megawatt energy from renewable energy source, this is being greener.

St Hilaire how many houses take care of? Generate approximately 4 and 4.5 million kW per year house about 500 houses.

Carellas 5 or 6 houses surround that what closet? Lower west side of north road.

Questions?

Carellas MOTIONED, seconded by Fiordalice to close. All in Favor.

DRAFT Findings

(1) the specific site is an appropriate location for a solar park. (2) The use as developed will not adversely affect the neighborhood; there will be sufficient vegetative screening and effectively no traffic or noise concerns. (3) Adequate and appropriate facilities will be provided for the proper operation of the use. (4) The plan, as approved, conforms to all other rules and regulations, and (5) there will be no unmitigated impacts to health, safety or welfare of the public, as the solar park will be secured and well-screened from view. Further, (6) The use is in harmony with the intent of this ordinance and water resource district and will not interfere with water resource protection; (7) the use is appropriate to the natural topography, soils, drainage, vegetation and other water-related characteristics of the site, and is designed to minimize substantial disturbance of these natural site characteristics and; and (8) the use will not, during construction or thereafter, adversely affect the existing or potential quality or quantity of groundwater available in this district.

In reviewing the site plan, the Board found that (1) The proposed project and site plan is in conformance with the intent of the district and does not take precedence over other specific provisions of the Ordinance; (2) All structures and equipment are readily accessible for police and fire protection, as the plans have been submitted to, and not been objected to, by public safety Departments. Adequate (3) parking, (4) pedestrian concerns, (5) landscape restoration, screening from adjoining properties and public ways by way of distance and existing vegetation, (6) and security lighting will be provided as appropriate to this use.

(7) Utility systems will meet the approval of the appropriate boards, departments and agencies, and will protect the environment from adverse pollution. More specifically, and following review by the City

Engineer the Board accepted the applicant's premise, based on modeling showing only small increases in flowrate (of less than one cfs for the 10 year and about 1.5 cfs for the 100 year storm) that these storm water increases are minimal and should not require any treatment or attenuation measures. Therefore, a waiver of the Stormwater Management permit requirements is justified, and it is so waived in the present case. Additionally, (8) No sensitive environmental land features, public scenic views or historically significant features will be negatively impacted by this project. (9) The location, design and size of the solar park as well as the nature and intensity of the uses involved or conducted in connection therewith, are in general harmony with the adjacent residential and undeveloped neighborhoods. (10) the Board defers to the City, as landowner, to ensure proper decommissioning procedures are required, and other public interests are protected, in any lease or land use agreement.

Draft Conditions

1. The project shall be in accordance with the approved site plan, entitled "Westfield 3.9 MW Solar PV Development" Cover sheet & sheets 1 through 4 as prepared by Amec Foster Wheeler (Amec Massachusetts, Inc.) dated 4/15/16, and signed and sealed by Robert J. Bukowski, P.E., and as may be amended herein.
2. No hazardous materials, engine oils, fuels or similar potential contaminants shall be stored on the premises. No synthetic fertilizers, pesticides or herbicides shall be applied to the landscape or stored on the property at any time. Only non-toxic cleaning agents may be used to clean the panels.
3. Grass/groundcover areas within the fenced area and along its perimeter shall be low growing or regularly mowed to reduce potential brush fire threats.
4. The Board shall be copied on the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project.
5. Maintain existing vegetated buffer?
6. Gate at street? signage ? decommissioning? rear setbacks?

The Board discussed the conditions as presented and previous solar conditions and made the following changes to the last two:

A vegetated buffer, which may consist of natural-occurring existing vegetation, shall be maintained along the perimeter of the property for its maximum practical depth in those areas adjacent to existing homes and North Road. The Board reserves the right to require additional evergreens be installed to augment any deficiencies in this on-site buffer, such that views from the homes are not adversely affected by the facility's apparatus.

A gate to restrict vehicular access shall be installed and maintained at the access drive from North Road. "No trespassing" or similar restricted access signage shall be maintained at the gate.

Carellas MOTIONED, Friodalice seconded to approve the Special Permit/Site Plan (including storm water waiver) as read and amended. Peter seconded.

Discussion?

St. Hilaire	-	yes
Crowe	-	yes
Goyette	-	yes
Carellas	-	yes
Fiordalice	-	yes
McEwan	-	yes

E. Other

11 Allen Avenue Frontage Waiver

Vinskey reported mylars can now be signed. Carellas MOTIONED, Fiordalice seconded to endorse the plan. (Members signed as they left the meeting)

Motion to adjourn at 9:31. AIF.

APPROVED