**OFFICE OF THE PLANNING BOARD**
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# Planning Board Minutes
# Monday, May 20, 2024

Approved: **June 17, 2024**

Chair Jeff Pallis at 6:37pm, called the meeting to order.
Members present: Alan Chaney, Joe VLcek and Jim Wilkie
Members absent: Joan Simmons

Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

## Public Hearing: Special Permit Site Review, Ground Mounted Solar Array– 165 Pleasant Street, *Joseph Dean*

Jeff opened the Public Hearing at 6:35pm and explained the hearing procedure and process, followed by Clerk Jim's reading of the Public Notice.

In attendance were applicant and property owner, Joe Dean, his vendor Solar Renewables' Construction Supervisor and Operations Manager Joe Vaccaro, and Town Engineer from Hoyle Tanner, David Langlais as well as members of the public.

Joe Dean presented a summary of the background need which led to a decision to pursue installation of two ground mounted tracker solar arrays. They picked a site on the side of their property which has no visibility to neighbors except for one neighbor directly across their shared private driveway. He has spoken with his neighbors and received their support.

Joe D. has responded via letter dated May 20th to the Town Engineers letter of feedback received May 17th. He did his best to answer each concern point by point.

Planning Board Questions and Discussion:
Planning Board member Jim initiated questions to the applicant, inquiring as to whether the tracker arrays would be visible from Pleasant street. Joe D. noted that nothing

would be seen from Pleasant Street. He presented some photographs of the directional views from the proposed tracker location across the shared common driveway off Pleasant Street shared by five single-family dwellings. He noted one neighbor to the east, across the drive, and travelers along the common driveway may have visibility as they pass by.

Jim asked about the location of one of the two arrays appearing to be within the 100' wetlands area setback. Joe D. responded that the Dunstable Conservation Commission (DCC) had performed a site visit and approved of the removal of a few trees shading the area along with the proposed trackers location. Member Alan noted that DCC reached agreement with Mr. Dean regarding proceeding with the project. A copy of the DCC Feb. 12, 2024 meeting minutes were included in Mr. Dean's letter of response to note: *"The Commission agreed that the project to install ground mounted solar would not require any formal wetland filing."* Joe D. noted that the location selected is the only place where it fits to not interfere with other structures on their property. Jim asked about the distance between the arrays and Joe Vacarro responded 50', center to center.

Jeff asked about the water runoff from the arrays. Joe Vacarro noted it to be minimal. The arrays are about 400sf each.

Member Joe Vlcek asked about the trackers positioning on a rainy day. Joe V. responded that they can go horizontal, with an anemometer gauge, if the wind exceeds 30mph, to protect it.

Jeff asked about the ground attachment. Joe D. responded it sits on a 4'x4' concrete precast base installed with a 10" diameter pole that the tracker is bolted onto.

Jeff inquired about the ground level. Dave L. noted the grade level appears to be relatively flat with a gradual slope towards the Salmon Brook. Runoff from the tracker would be minimal and no flooding is anticipated.

Town Engineer Dave inquired about the depth of the stone underneath the array. Joe Vacarro noted a dig depth of 6' for the precast base with a 6" of stone where the concrete pad sits on top. There will be 4-6" of ½-¾" sized crushed stone directly under the tracker. The electrical conduit will connect to a nearby shed with a circuit box that already exists for a private well used for irrigation purposes only. Joe D. noted all property owners on the shared drive are on Town water.

<u>Town Engineer of Hoyle-Tanner, David Langlais:</u>
Dave Langlais had reviewed the application and plans provided against the Rules and Regulations Governing Site Plans in Dunstable, Massachusetts. His letter of feedback dated May 17, 2024, was available to all attendees as a handout.

APPROVED

Dave ran down each numbered point from his May 17th letter with his feedback, acceptance or recommendations to the PB, alongside the Joe D. [JD] corresponding May 20th response letter distributed at the start of the hearing,:

**With regard to the Rules and Regulations Governing Site Plans in Dunstable, Massachusetts:**

1. As a matter of formality, the Applicant should submit a Site Plan Application (attached) in place of the Special Permit Application, and add "R-1" on the line that says "Present Zoning District".
   [JD] *Submitted a new Site Plan Review application with "R-1" noted* – PB ACCEPTED
2. The Applicant should provide written documentation of the Conservation Commission's review of tree removal as outlined in both letters, in particular their approval of any trees being removed just within the boundary of the restricted waterway setback.
   [JD] *Submitted copies of DCC minutes which noted approval for tree removal as well as no formal wetland filing being needed* – PB ACCEPTED
3. The Applicant should revise their statement addressing Section 14.5(a) – Preservation of Landscape to reflect the excavation required to install the 4-foot-diameter by 6-foot-deep precast bases for the arrays.
   [JD] *Upon completion of the construction, the area under the trackers will be covered with 4-6" of crushed stone to prevent vegetation from interfering with operation and the conduit runs shall be seeded over.* – PB ACCEPTED
4. The Applicant should provide photographs from the locations of the proposed arrays, facing the shared use drive and abutting properties, as well as provide approximate heights of the existing trees that screen the property from the shared drive-in order to illustrate adherence to Section 14.5(b) – Regulation of Development.
   [JD] *Photographs taken from the perspective of the proposed tracker locations, showing appropriate screening to abutting properties were provided to the Board at the start of the Public Hearing. Mr. Dean further agreed to install additional arborvitae vegetative barriers to block his neighbors view to the east.* – PB ACCEPTED
5. The Applicant is directed to note 4, above, with regards to addressing Section 14.5(c) – Interrelationship of Buildings. While not buildings themselves, the arrays are structures, and will be placed in the vicinity of the existing shed on the property as noted in the narrative and on the plans.
   [JD] *The two trackers location as structures relative to the shed are depicted on the plans.* – PB ACCEPTED
6. The Applicant is directed to Zoning Bylaw Section 25.11.1 with regard to the need for signage, with regards to addressing Section 14.5(h).
   [JD] *All signage shall be mounted directly onto the electrical equipment, in accordance with the applicable National Electrical Code. Placards showing the appropriate contact information, including 24-hour support phone number, shall also be mounted to the trackers themselves and on the main disconnect, in accordance with Dunstable Zoning Bylaw 25.11.1.* – PB ACCEPTED
7. The Applicant should provide visual confirmation of screening in the form of photographs, as described in note 4, above, to illustrate adherence to Section 14.5(i).
   [JD] *Photographs taken from the perspective of the proposed tracker locations, showing appropriate screening to abutting properties were provided to the Board at the start of the Public Hearing.* – PB ACCEPTED

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8. The Applicant should provide visual confirmation of screening in the form of photographs, as called out in notes 4 and 7 above, to illustrate adherence to Section 14.5.(j).
   [JD] *Photographs taken from the perspective of the proposed tracker locations, showing appropriate screening to abutting properties were provided to the Board at the start of the Public Hearing.* – PB ACCEPTED
9. The Applicant should request a waiver from providing drainage calculations, as required by Section 3.03, citing the minimal impact of the arrays as noted in the narrative and illustrated on the array plans.
   [JD] *Applicant formally requests a waiver.* – Town Engineer supports waiver, and PB to vote upon within hearing subsequently.
10. The Applicant has submitted plans electronically with the ability for the drawings to be scaled digitally, therefore it is recommended that the 1"=20' scale noted in Section 3.04 be waived.
    [JD] *Applicant formally requests a waiver.* – Town Engineer supports waiver, PB to vote upon within hearing subsequently.
11. The Applicant has submitted plans electronically; therefore, it is recommended that the requirement for plans to be submitted on 24" x 36" paper noted in Section 3.04 be waived.
    [JD] *Applicant formally requests a waiver.* – Town Engineer supports waiver, PB to vote upon within hearing subsequently.
12. The Applicant is required to provide a stamp and signature of a professional engineer or surveyor on the site plans for the solar array, as noted in Section 3.03. This stamp can be done once all plans have been revised and finalized, prior to obtaining the required signatures of the Planning Board.
    [JD] *The electrical (page 4) system plans are engineer stamped, but the site plans are not. Applicant formally requests a waiver to require a stamp from a professional civil engineer* – Town Engineer supports waiver, PB to vote upon within hearing subsequently.
13. The Applicant is required to provide a signature block for members of the Planning Board to sign their approval, as noted in Section 3.03.
    Dave L. recommends changing the system plans engineer signature block to "Planning Board's Approval".
    *[JD] Applicant formally requests* a waiver for providing a signature block for the PB to sign. Town Engineer supports waiver, PB to vote upon within hearing subsequently.
14. The Applicant has provided site layout on the septic plan and the mortgage inspection plan, to satisfy Section 3.03 – Site Layout.
15. The Applicant should bring the original and/or copies of the septic plan for review by the Planning Board at the Public Hearing, to satisfy Section 3.03 – Grading, Drainage, and Utility Plan and should request a waiver from the requirement to submit the full plan sheet.
    *[JD] An original copy of the septic plan was presented for the meeting. Applicant formally requests a waiver for providing a full set of drainage plans utilizing the septic plans as a substitution for it contains the grades across the property.*
16. The Applicant should request a waiver from providing a full landscaping plan as required by Section 3.03 – Landscaping Plan and should show the approximate location and quantities of the Arborvitae trees referenced within the narrative.
    *[JD] Applicant formally requests a waiver for providing a full landscape plan. Town Engineer supports waiver, PB to vote upon within hearing subsequently.*

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17. The Applicant should provide a plan showing any public or private wells within 300 feet of the proposed work, as required by Section 3.03 – Locus Plan.
    *[JD] Applicant noted that there are no public or private wells within 300 feet, as all nearby dwellings are served by the Town water system. His property's private irrigation-only well is nearby. Applicant formally requests a waiver for providing plans showing the location of the private well because the well is only for irrigation and not consumption.* Town Engineer supports waiver, PB to vote upon within hearing subsequently.
18. The Applicant should request a waiver from the requirement to provide a lighting plan, as required by Section 3.03 – Lighting Plan.
    *[JD] Applicant formally requests a waiver for providing a full lighting plan as array will only function during daylight hours and there is no need for nighttime access to system.* Town Engineer supports waiver, PB to vote upon within hearing subsequently.
19. The Applicant should request a waiver from the requirement to provide a Traffic Impact, per Section 3.05.
    *[JD] Applicant formally requests a waiver for providing a traffic impact statement, as this is not a business location, the trackers are set well within the property boundaries and will not be visible nor impact upon any heavily trafficked roadways.* Town Engineer supports waiver, PB to vote upon within hearing subsequently.
20. The Applicant should provide any variances or Special Permits issued for the property or adjacent properties within 300 FT, as well as copies of any recorded easements or deed restrictions, as required by Section 3.07. If none, please provide a statement illustrating such.
    *[JD] There are no variances or Special Permits issued for this property, as well as no recorded easements or deed restrictions.* – PB ACCEPTED

**With regard to the Town of Dunstable Zoning Bylaws, Section 25 - Solar Energy Systems:**

21. The Applicant should include the residential district "R-1" on the plans, per Section 25.4.1.d.
    *[JD] Zoning district R-1 has been noted on the plans.* – PB ACCEPTED
22. The Applicant has provided the BioMap 2 Critical Natural Landscape Core Habitat, which notes the presence of a Core Habitat – Rare Species Core, and Critical Natural Landscape within the proposed array locations. The Conservation Commission may offer further commentary on the proposed locations of the arrays relative to these identified areas.
    *[JD] Defer to the Conservation Commission.*
    DCC representative/PB member Alan Chaney commented that the Commission is not concerned with any land taking to require replacement of critical core habitat.
23. The Applicant has provided the interconnection agreement with Massachusetts Electric Company (dba National Grid) as required by Section 25.4.2.a and 25.8.
    *[JD] The interconnection agreement with Massachusetts Electric Company/National Grid was previously submitted.* – PB ACCEPTED
24. The Applicant should confirm that a copy of the plans have been forwarded to the Dunstable Fire Department, as required by Sections 25.4.2.c and 25.12.1.
    *[JD] The applicant plans on making a formal permit submission to the Fire Department as part of the permitting process along with Building and Electrical once the PB grants this approval.*
    The Planning Board will make this a condition of approval on the Decision.

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25. The Applicant should confirm proper screening per Sections 25.4.2.d, 25.4.2.j, and 25.11.3, as previously called out in notes 4, 7, and 8 above.
    [JD] *Photographs taken from the perspective of the proposed tracker locations, showing appropriate screening to abutting properties were provided to the Board at the start of the Public Hearing. Mr. Dean further agreed to install additional arborvitae vegetative barriers to block his neighbors view to the east.* – PB ACCEPTED
26. As previously noted, the Applicant should be aware that this submission has been reviewed as a Site Plan, per Section 25.5.
    [JD] *Applicant noted as understood.*
27. The Applicant should illustrate the location of construction access, as required by Section 25.6.
    [JD] *Construction access has been added to the first page of the plans.* – PB ACCEPTED
28. The Applicant has illustrated conformance with Section 25.7 – Operation and Maintenance Plan by way of notation within the narrative under 25.5.7.
    *[JD]The tracker system is a sophisticated self-sustaining device and will be remotely monitored for any issues that may need addressing. It will wake with the sun and shut itself down in inclement weather. The installer shall manage any required maintenance activity. A Tracker inspection and Maintenance document from the manufacturer All Earth was provided to the Board.* – PB ACCEPTED
29. The Applicant should note if the Series 20 L or Series 24 array, as outlined on plan sheet PV-10, will be used. Please note that if the Series 24 is selected, a waiver request should be submitted for exceeding the 20-foot maximum height requirement specified in Section 25.9.4.
    *[JD] The trackers are Series 20 L arrays, each containing (20) solar modules. It shall not exceed the 20-foot maximum height requirement specified.* – PB ACCEPTED
30. The Applicant should provide signage, as required, identifying an emergency contact number for Solaris, as may be needed by the Fire Department, per Section 25.11.1.
    *[JD] Reference earlier #6; All signage shall be mounted directly onto the electrical equipment, in accordance with the applicable National Electrical Code. Placards showing the appropriate contact information, including 24-hour support phone number, shall also be mounted to the trackers themselves and on the main disconnect, in accordance with Dunstable Zoning Bylaw 25.11.1.* – PB ACCEPTED
31. The Applicant has requested a waiver from providing financial surety as required by Section 25.15, noted within 25.5.8 of the narrative, citing that this is a small residential, privately owned system.
    *[JD] Applicant formally requests a <u>waiver</u> for providing financial surety as required citing this is a residential, privately owned system.* Town Engineer supports waiver, PB to vote upon within hearing subsequently.

**With regard to the Town of Dunstable General Bylaws – Stormwater Management and Erosion Control Bylaw:**

32. The Applicant should be aware that exemption from applying for a Land Disturbance permit for an area of disturbance less than 22,000 SF is contingent upon the Applicant providing and maintaining erosion control measures, per Section 8.2(C) of the Bylaw. Additional measures beyond those noted within the narrative may be necessary.

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*[JD] Applicant will install and maintain erosion controls until the disturbed area near and under the arrays are seeded over per Dunstable Conservation Commission agreement.*
The Planning Board will make this a condition of approval on the Decision.

**With regard to the Town of Dunstable General Bylaws – Stormwater Management and Erosion Control and Post Construction Bylaw:**

33. The Applicant should be aware that exemption from applying for a Land Disturbance permit for an area of disturbance less than 22,000 SF is contingent upon the Applicant providing and maintaining erosion control measures, per Section 5.3(CC) of the Bylaw. Additional measures beyond those noted within the narrative may be necessary.
    *[JD] Applicant will install and maintain erosion controls until the disturbed area near and under the arrays are seeded over per Dunstable Conservation Commission agreement.*
    The Planning Board will make this a condition of approval on the Decision.

Departments in Attendance/Letters Received:

No departments notified were in attendance to offer additional concerns or input via representatives.

Chair Jeff inquired of the Administrator for any notification forms received back with comments surrounding the application. The Board of Health had responded with *"No issues as long as it does not impact septic system or reserve area for septic system."* The Conservation Commission had no further comments. The Building Inspector and Fire Chief both noted they will be inspecting the garage battery storage upon installation. No external letters were received regarding the application.

Attendees Questions and Comments:

Chair Jeff inquired of the members of the public in attendance if they had any questions or comments. Neighbor J. Nolan noted how the plans look good. Citizen C. Bertrand was in attendance to observe the hearing for a possible future similar site review application for ground-mounted solar.

- Joe Vlcek made a motion to close the Site Plan Review public hearing for 165 Pleasant St at 7:23PM. Alan 2nd the motion. – Motion passed unanimously.

- Alan motioned to accept from strict compliance according to Section 3.03, 3.04, 3.05 of the Rules and Regulations Governing Site Plans and Section 25.15 of the Town of Dunstable Zoning Bylaws, the Applicant's requested list of eleven waivers.
    - ✓ Joe Vlcek seconded the motion. – Motion passed unanimously.

APPROVED

- Joe Vlcek made a motion to grant the Site Plan Decision for a ground mounted solar array at 165 Pleasant Street, under Section 14 Site Plans and Sections 6.8.1 & 25 Solar Energy Systems of the Zoning By-law with noted waivers approved and conditions as discussed. Alan 2nd the motion.

Roll Call Vote:

- Alan Chaney – yes, to approve, Jeff Pallis - yes, to approve, Joe VLcek-yes, to approve, Jim Wilkie – yes, to approve

  - ✓ Motion passed 4-0, unanimously.

**Planning Board Fees & Project Review Costs**

The Board discussed with the Town Engineer Dave and added clarification around wording for updates to the Planning Board's fee schedule. The Administrator will make the edits offered and send it to Dave for his additional review. The PB will consider for approval at a future meeting.

**Building Permit Release, 15 Woodlawn Drive**

Alan motioned to approve the PB sign-off of the Building Permit release for 15 Woodlawn Drive. Joe seconded. – Motion passed unanimously.

**Meeting Minutes – May 6, 2024**

Joe made a motion to approve of the minutes, as presented, for the May 6th meeting. Jim 2nd the motion. – Motion passed unanimously.

**Bills and Payroll**

No bills.

Joe made a motion to sign off on payroll. Jim 2nd the motion. – Motion passed unanimously.

Joe made a motion to close the meeting at 8:09pm. Alan seconded the motion. – Motion passed unanimously.

The next scheduled meeting is Monday, June 3, 2024 at 6:30pm. The Planning Board will meet in the lower-level Grange room at the Dunstable Town Hall.

Respectfully submitted,

Carol A. Rock
Administrative Assistant
Dunstable Planning Board

APPROVED