



Town of Barnstable Planning Board



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Board Members
Steven Costello – Chair Jeffrey Swartz – Vice Chair Patrick Foran - Clerk Mary Barry Walter Watson Stephen Robichaud
Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director
Paul Wackrow, Senior Planner
Karen Herrand Principal Assistant - karen.herrand@town.barnstable.ma.us

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BARNSTABLE
TOWN CLERK

Town of Barnstable PLANNING BOARD Minutes November 18, 2019

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Present
Mary Barry	Absent
Walter Watson	Present
Stephen Robichaud	Present

Also in attendance were Paul Wackrow, Senior Planner, Planning & Development and Karen Herrand, Principal Assistant.

Call to Order: Introduction of Board Members and Staff Members

Notice of Recording: This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Subdivisions:
Request for Lot Release – Lot 16 Sub. No. 292 – 10 Bosuns Way, Marstons Mills

Chair Steven Costello clarifies waiting for information from DPW.

Paul Wackrow confirms yes, waiting for DPW information, some issues/questions, need Engineer Report.

Chair Costello confirms that this would have to be continued to Dec. 9th, 2019, due to not enough Planning Board members attendance.

Jeff Swartz entertains a motion to continue to Dec. 9, 2019, seconded by Walter Watson, so voted unanimously.

Zoning Amendments:
ZA TC Item No. 2020-029 – GMSPOD Map Amendment – Amending the Zoning Map of the Town of Barnstable Massachusetts to Amend and Expand the Ground-Mounted Solar Photovoltaic Overlay District to include 810 Wakeby Road, Marstons Mills, parcels 013004, 013005, and 013052 (also addressed as 0 Sandwich-Barnstable Town Line). *Continued from October 28, 2019*

Attorney Michael Ford in attendance, representing TJA, Clean Energy Firm.

Steven Berick, in attendance, expert in renewable energy and information regarding solar products. Had done many projects, familiar with Barnstable and Airport project. He gives an overview of solar power. Power Point presentation. How panels work. Flow from sunlight. Climate change and why we need more solar. Need to encourage. Greening energy. Public policies, state and federal level regarding policies to encourage and our environment status. Massachusetts has enacted this policy, one of the top 10 states. Solar and wind projects at Mass landfills.

What makes a good site. Previously developed. Community Impacts. Barnstable Landfill and how solar/wind is used. Property values. Comparison of 5 solar farms. Proposed site is a developed site that would fit into the area that could be used for solar. Barnstable has a solar overlay district to direct large solar projects.

Attorney Ford comments about what fits in in this site. Salvage use still permitted here. Barnstable came forward with several districts for solar. The history was the hope that solar areas would expand throughout. Previously a zone 1 property was denied because of trees. This area doesn't have any trees to be removed. Suggests that this piece is a unique parcel that seems to have the characteristics and unique advantage.

Stephen Robichaud asks about the clean up, who would inspect /enforce this clean up.
Paul Wackrow replies this would be DEP that would enforce this , the state.

Attorney Ford interjects that this would be a condition for any project that would address the clean up, all part of permitting process.

Stephen Robichaud asks about battery storage and sites. It seems like a new technology.

Zachary Thomas, Atlantic Design in attendance, replies that this is formally new, the state put in as an incentive, the grid is unstable when cloudy.

Steven Berick replies that there are a number of large regional projects that have this.

Attorney Ford replies that this type of site would be accessory use/storage facility – re use on site.

Steven Berick replies that the state is encouraging and giving incentive for more battery projects and storage. The State has a goal of building 200 megawatts of battery storage. DEP has done an initial review of how it prohibits in WP's, not in zone 2's.

Stephen Robichaud asks could this project be viable without battery storage?

Steven Berick replies yes, but the state is incentivizing good projects with batteries. Would like to see all new projects with batteries.

Jeff Swartz asks about nuclear energy and where are we going now. Fire situations with battery/automatic shut offs?

Steven Berick replies regional organization that oversees the New England grid. All of the major power plant bases being removed and replaced with new/transformation with renewable energy. Off shore Wind, rapid transformation now.

Zachary Thomas replies to Jeff's battery question/that they are self contained with suppression systems inside and it's a lot of smaller batteries that are easier to contain.

Jeff Swartz directs to Attorney Ford – re projected tax rates/increase taxes to the Town.

Attorney Ford replies yes, and it would also be taxed at a higher rate.

Zachary Thomas replies that tax revenues, lease rate payment to property owner or pilot agreement or tax rate per the zone – payment to the developer.

Jeff Swartz clarifies the procedure of Town Council and permitting process, who would place conditions?

Attorney Ford replies that Planning Board simply makes a recommendation, then Town Council (TC) 2/3 vote in order to amend the ordinance, council is extra ordinary vote. Neither Town Council or Planning Board can put in conditions at this level/yet. If decided by TC to amend and allow an overlay district. As of right when put into the ordinance. Site Plan ensures that these will be met. Site plan does not require notice. We did notice all abutters even though not mandated. It would be a mandatory referral to Cape Cod Commission (CCC), Site Plan would recommend and then CCC would have their own standards to the project, then approve or disapprove. If approved with conditions it would come back to Site Plan, then they would issue with their own conditions. Then it depends on funding if state gets involved.

Attorney Ford states that he has spoken to the state regarding the proposal/they would have input. This is a process and they would provide notice to all.

Walter Watson clarifies that it is the location that citizens have concern with. Our role is to recommend for or against to Town Council. Policy changes concern him – things could change after implemented. Loss of control and increasing requirement for power/growing.

Attorney Ford clarifies that this if a map amendment/the performance and policy requirements are there , they are the Town's ordinance – permitting is still required. You would have to go through all again - The Cape Cod Commission has their own standards.

Zachary Thomas replies that when it does come to CCC and the condition when met there will be some level of screening. The project size is already limited, cannot be increased/or expand.

Walter Watson confirms 15,000 panel site. It looks like using every bit of available land. Futuristic issues.

Patrick Foran asks who will benefit from this project and what is the life expectancy?

Zachary Thomas replies that community solar, you build a larger project and offer benefits of solar indirectly, people entered into the program, you can buy a portion, discounted electricity, direct abutters will have opportunity to buy at a discounted rate.

Attorney Ford comments the power plant bought a solar array and a lot of people that were in the historic region did not put panels on their homes but bought into the project.

Zachary Thomas, the life expectancy panels good for a 25 year period performance. Facilities still operate and produce. Maybe better technology after 25 years.

Chair Steven Costello asks if pretty much all the solar sites are on public properties for the most part, landfills. Going forward what would be beneficial to the site itself. Underlying zoning is subject to front, rear and side setbacks, RF zoning.

Attorney Ford replies, yes, but trees are there now, in this abutting site.

Zachary Thomas replies that you cannot develop another site in the same area. Would not qualify.

Chair Steven Costello clarifies how/whom can buy the energy. The site does need to be cleaned up.

Chair Steven Costello asks for public comment.

John Finn, 254 Long Pond Rd. in attendance. Concerned with panels deteriorating. Water/well concerns. The owner will benefit. Keep on public properties, not in a residential area – opposed.

Linda Edson in attendance, lives on Long Pond, within a ½ mile of the site. Worked with amnesty program. Auto body shop with her husband for many years. This site was abused from the beginning. It's important to clean up the site and the pond, concerns with plume in the ground. Apply the overlay so permit process can begin to set standards. Reads letter into record - the Owen's letter - support.

Joseph Loud, 382 Lake Shore Dr., in attendance, Long Pond Farms. He did some investigating about the site. Quotes tax rates of previous projects – increase in revenue over a total 25 years, almost \$3 million in increase taxes to the town. Refers to an article - Community Solar – Solar company benefits also. Fire – 2014 a remote shut down can be done through the Fire Dept's – this will be invisible to the neighborhood – no direct access – support.

Carolyn Keyes, 44 Asa Meiggs Rd., in attendance. She is in support of the project.

Patrick Murtha, 571 Wakeby Rd., thinks this is a good spot/clean up area - support of the project.

Linda Dedekian, 44 Asa Meiggs Rd., Sandwich, nearby resident – thinks good to have solar and to have cleaned up – support.

Mary Burkinshaw, 133 Mockingbird Lane, abutter/10 ft. from this site. This needs to be in an appropriate area, not in a residential area. Concerns with the panels being so close to her property. Why won't the owner clean it up anyway - opposition.

Howard Hurd, Wakeby Rd. in attendance. Would you need transmission lines? Substation – concerns that there may need to be a major upgrade at the location. Community solar/rents 3 panels costs \$50 a month and does decrease his bill. Residential area - opposed

Zachary Thomas responds that lines/they are there now, is not sure if these would require upgrades, transformers used to interconnect, 3 phase lines. Every house, school, bldg. has these types of transformers. He is not aware of any substation upgrades.

Janice Edwards, 35 Gallagher Lane in attendance. Concerns with batteries/atmosphere issues - opposed

Zachary Thomas replies lithium ion batteries, like phone batteries/car batteries that are used daily life.

Catherine McDonough, 11 Mockingbird Lane in attendance. Solar panels are not good for the insects, birds, wildlife. Density concerns. Battery concerns. - opposition

James McDonough, 111 Mockingbird Lane in attendance. 2004 Appeals Court decision. Three reasons why does not qualify, permit died, restrictions put on special permit and the present owner never continued the use. Not a 21E site, state has certified that ground water is clean, no danger, no vehicles buried. This would be spot zoning. opposition.

Anne Salas, 145 Mockingbird Lane. Battery concerns/storage. Being considered because a for profit company. Not established 9 years ago. This would benefit few. Concerns with property values. Electricity can arc or jump and cause fire. Concerns about power lines/effects of. Doesn't need to be in residential area –opposition.

Nancy Minnigerode, 95 Biscayne Rd. in attendance. Residential area, shouldn't be here. Owner should clean up this site. – opposition.

Richard Mell, 245 Long Pond Rd., in attendance. Concerns with property values. Adverse effects. Industrial sites are appropriate. To many unanswered questions. – opposed.

End public comment.

Attorney Ford replies that they are proposing 75 ft. setbacks, not 15 ft. The salvage yard has a genesis in a use variance granted in the mid '60's they are in effect/ongoing and run with the land forthwith.

Zachary Thomas has been working with the land owner – this site was not considered permitted solid waste – 21E, treated different, 21C has been resolved in anticipation of this project. Ballast mounted cap fills, use ballast uses concrete, driven pier – high voltage lines, not privy to the effect but these are 140 thousand volts the project in front of the house – gives comparison of voltage levels.

Chair Steven Costello entertains a motion to close the Public Hearing, moved by Jeff Swartz, seconded by Patrick Foran, so voted unanimously.

Chair Costello directs to Paul Wackrow/Staff about if there are any other areas, residential where this type of Ground Mounted Solar Photovoltaic Overlay District (GMSPOD) installation proposed?

Paul Wackrow replies near the airport and Independence Park, but nothing quite like this, only town property and airport. Cotuit had proposed map amendment but did not go through due to significant tree removal.

Chair Costello states – he thinks that property values enhanced having this particular site corrected. Confident in the process itself and the number of steps this would have to go through/process, CCC, Site Plan review etc.

Chair Steven Costello entertains a motion, moved by Patrick Foran to recommend Town Council item No. 2020-029 for adoption, no second, the motion fails.

Walter Watson comments that this will still have to go through a process.

Jeff Swartz comments that he lived in this area. This feels like a use variance.

Stephen Robichaud makes a motion that the Planning Board does not recommend TC Item No. 2020-029 to Town Council, seconded by Walter Watson;

Jeff Swartz – yes.

Stephen Robichaud – yes.

Walter Watson – yes.

Stephen Costello – no.

Patrick Foran – no.

Motion passes.

Walter Watson - reasons for negative endorsement are not based on potential expansion but on this proposal that's being recommended to go into a residential zone and concerned with future aspects of.

Stephen Robichaud states that there is no precedence on changing the solar overlay and battery storage so new regulation will not be fully up to date.

Chair Steven Costello entertains a motion to adopt these recommendations, moved by Jeff Swartz, seconded by Stephen Robichaud;

Jeff Swartz - yes

Stephen Robichaud – yes

Walter Watson - yes

Steven Costello – no

Patrick Foran – no
Motion passes.

Other Business

Review of 2020 Schedule dates - **No conflicts on the meeting schedules.**

ENF – Mid Cape Reliability Project – Bourne, Sandwich and Barnstable, MA

Approval of Minutes: December 12, 2016 Draft Minutes

Chair Steven Costello entertains a motion to approve the minutes of December 12, 2016, moved by Jeff Swartz, seconded by Stephen Robichaud, so voted unanimously.

Correspondence:

Chapter 91 Notice – 35 Short Beach Rd., Centerville River – Noelle - construct pier
Chapter 91 Notice – 1112 Craigville Beach Rd., Centerville River – Llinas – pier/ramp

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: November 25th and December 9, 2019, @ 7:00 p.m.

No quorum for November 25th, 2019.

Chair Costello would like to cancel the meeting for Nov. 25th,

Chair Costello entertains a motion to adjourn, moved by Jeff Swartz, seconded by Walter Watson, so voted unanimously.

The meeting ended at 9:16 p.m.

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: November 25th and December 9, 2019, @ 7:00 p.m.

Respectfully Submitted


By Karen Herrand, Principal Assistant, Planning & Development

Approved by vote of the Board on

Jan. 13, 2020

Further detail may be obtained by viewing the video via Channel 18 on demand at
<http://www.town.barnstable.ma.us>