



## **Planning Board Minutes – October 7, 2013**

A meeting of the Town of Freetown **Planning Board** was held on **October 7, 2013** at the Freetown Town Hall, 3 N Main St, Assonet, MA. **Present:** Chairman Robert Raymond, Mark Rogers, Keven Desmarais

**A. Meeting called to order by Chairman Raymond (6:30)**

**B. Planning Board acting as the Site Plan Review Authority reconvened public hearing for Hawes Solar Array (6:30 PM)**

The Chairman stated that this hearing was continued at the request of concerned abutters after receiving a written request from McGregor & Associates law firm. The applicants agreed to this continuance. The Site Plan Review Authority (SPRA) requested the concerned parties send a list of concerns by October 4, 2013. A letter composed by Atty. Michael O'Neill was received by the planning board office at approximately 3PM on October 7, 2013, which the Chairman read (attached).

The Chairman then invited Atty. O'Neill to begin discussion of the concerns.

Atty. O'Neill stated that the first purpose of the site plan review bylaw is to protect neighboring properties against harm. Another is to ensure that projects are harmonious with the surrounding properties. MGL states within their solar bylaw that town boards can reasonably regulate solar facilities. The site plan review bylaw requires the SPRA to endeavor to prevent harmful effects of a project on the neighborhood. He states that given the size and scope of the solar field, it is out of scale for a residential district and that consideration must be given to neighbors, as the project will reduce property values. He stated that the buffering is not sufficient.

The Chairman asked if Atty. O'Neill had specific recommendations, to which he replied that the front portion of the project should be eliminated and brought further back from the street. It is his opinion that by reducing the front area it would make the project more inconspicuous and protect neighborhood character. It is of his opinion that property values will be affected.

Atty. O'Neill stated that the bylaw requires the board to consider project impact on the residents. The board members discussed conversations at past meetings regarding visual mitigations including berms, fencing, plantings etc where they had requested input from the abutters. No abutters offered any specific suggestions at those meetings.

Atty. O'Neill stated that other concerns of the citizens include snow, trucks during construction, repairs to the installations, and drainage problems on 140 resulting from the project. The Chairman stated that Ryan Trahan, consulting engineer from Environmental Partners has worked with the project's engineers and reviewed all aspects of the project, including stormwater runoff and drainage. He has reported that there is no additional runoff as a result of the project. Mr. Desmarais added that the project meets all stormwater regulations and standards and has been modified from the original submission to address board concerns.

Atty. O'Neill stated his concern again that it was a vastly out of scale project and it should be pared down. The Chairman responded that the board cannot scale it back so much that it no longer is financially viable for the applicant; that works as essentially denying the project and the applicant more than meets the minimum requirements according to the bylaw.

Discussion centered around the SPRA's ability and discretion, and to which degree, to mitigate the project. After some discussion, board members stated that the project's design has answered concerns as heard by the SPRA, met all bylaws and met with their satisfaction. The Chairman stated the SPRA cannot make up or reach for reasons for limiting the project if they have met all concerns and requests of the board. Mr. Desmarais pointed out that a solar project has been approved in a residential zone before, on Locust Street. Atty. O'Neill had no further comments.

Mr. Rheaume of Prime Engineering approached the board stating the other projects on Braley Road have abutted residential areas. He addressed the issue of shadows and glare, he stated that because the sun courses to the south there will be no shadows or glare effecting the abutters. No discernable sound and no measurable electromagnetic waves, and the panels will not be visible due to visual mitigations, thus no effect on the neighborhood.

William Turner of Braley Rd expressed concern about the effect of wintertime snows on that section of Braley Rd. After some discussion, the board was satisfied there would be no effect on wind driven snow with fence, berm, vegetation, etc.

Joe Montour of Chace Rd asked if there was an effect on static on the radio, if the board could condition the applicants to mitigate the problem. Mr. Rheaume stated that if it were to be a problem, a fixed antenna running to the abutters could be installed.

~~**Motion to close pub hearing: Keven Desmarais; Second: Mark Rogers; Unanimously voted in favor.**~~

The board emphasized that the berm for all the applicants' projects should be maintained frequently. Efforts should be made to reduce erosion.

**Motion to approve solar project with plan revisions through 9/16/13: Mark Rogers; Second: Keven Desmarais; Unanimously Voted to approve.**

**Motion amended to include approval with conditions outlined by the review engineers at Environmental Partners: Mark Rogers; Second: Keven Desmarais; Unanimously Voted to amend.**

**Motion to approve amended motion: Keven Desmarais; Second: Mark Rogers; Unanimously voted to approve.**

Meeting adjourned at 7:14 PM

