

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
March 30, 2017**

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TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Edgar Minnie – Chairman (Present)
Joseph Queiroga – Vice Chairman (Present)
Christopher Coelho (Present)
Kathleen Houle (Present)
Raymond Phoenix (Present)

Meeting began at 7:00 p.m. in the Selectmen's Conference Room

BOARD TO REORGANIZE

Mr. Minnie **MOVED** to reorganize.
SECOND Mr. Coelho.
5-0 in Favor.

Mr. Queiroga: I **MOVE** to nominate Ed Minnie for Chairman.
SECOND Mr. Coelho.
4-0-1 in Favor. (Mr. Minnie)

Mr. Coelho **MOVED** to nominate Mr. Joe Queiroga as Vice Chairman.
SECOND Ms. Houle.
4-0-1 in Favor. (Mr. Queiroga)

The Planning Board Reorganized as follows:

Chairman: Edgar Minnie

Vice Chairman: Joseph Queiroga

Secretary: Kathy Houle

Members: Christopher Coelho, Raymond Phoenix

**CONTINUED PUBLIC HEARING – SITE PLAN – Eversource Energy, Attn: William Blanchard – 0 Chapin Street (Assessors' Map 27, Parcel 40)
(build a 2-megawatt (MW) solar facility)**

SEE ATTACHED MINUTES

CONTINUED PUBLIC HEARING – ZONING BYLAW – Proposed Zoning Bylaw Revisions to include: Add Section XI. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

SEE ATTACHED MINUTES

Minutes of March 30, 2017

Planning Board Committee Assignments

Mr. Phoenix: Unless anybody wants to say anything about it, I'm gonna make a **MOTION** that we have committee assignments remain as they currently are listed.

SECOND Ms. Houle.

5-0 in Favor.

The Planning Board agreed to the following Committee Assignments:

Administrative Review Committee: Joe Queiroga, Chris Coelho

Open Space Recreation Committee: Kathy Houle

Cemetery Committee: Edgar Minnie

Safety Committee: Chris Coelho

40R Smart Growth Zoning Committee: Joe Queiroga

Community Preservation Committee: Ray Phoenix

Capital Planning Committee: Edgar Minnie

Long Range Planning Committee: Doug Stefancik

PVPC Alternate Member: John Pedro

PVPC Commissioner Member: Ray Phoenix

Fair Housing Committee: John Pedro

Mr. Coelho **MOVED** to appoint Kathy Houle as secretary.

Mr. Phoenix: That'd be good, huh?

Mr. Queiroga: And I'd like to **SECOND** that what a great job she's been doing.

Mr. Minnie: Yes.

Mr. Phoenix: Well, it's just when she stays in the same thing, it doesn't always register that we to ---

Ms. Houle: Yeah.

5-0 in Favor.

Re-sign Payroll Authorization Form

A motion to designate Ms. Houle to sign the payroll was previously made at the meeting of March 23, 2017. (*Mail item #24*)(Accountant's Office sent letter that form had to be re-signed after board reorganizations.)

The Board Members re-signed the payroll authorization form.

Mr. Phoenix **MOVED** to adjourn.

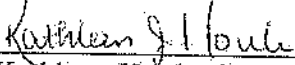
Mr. Minnie: Motion is to adjourn, is there a second?

SECOND Ms. Houle.

5-0 in Favor.

Meeting adjourned at 8:58 p.m.

APPROVED:



Kathleen Houle, Secretary

su

(All related documents can be viewed at the Planning Board Office during regular business hours.)

**TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SITE PLAN
Eversource Energy, Attn: William Blanchard
0 Chapin Street (Assessors' Map 27, Parcel 40)
(build a 2-megawatt (MW) solar facility)
March 30, 2017**

PLANNING BOARD MEMBERS

Edgar Minnie - Chairman (Present)
Joseph Queiroga – Vice Chairman (Present)
Christopher Coelho (Present)
Kathleen Houle (Present)
Raymond Phoenix (Present)

Hearing began at 7:02 p.m. in the Selectmen's Conference Room.

This hearing was continued from February 23, 2017.

In attendance: Michael Gagnon – Milone & MacBroom, Amy Voisine-Shea - Eversource, Mark Kimball – Eversource, Alex Roth – Burns & McDonnell, Edgar Alejandro – Eversource, attendees

Mr. Minnie: Good evening, and if you could please reintroduce yourselves and any of your other party of your posse that plan to speak tonight.

Ms. Voisine-Shea: Amy Voisine-Shea, Senior Environmental Specialist at Eversource.

Mr. Gagnon: Michael Gagnon, Senior Project Engineer, Milone & MacBroom.

Ms. Voisine-Shea: We also have Mark Kimball, Program Director from Eversource, here for the solar program.

Mr. Minnie: Ok.

Ms. Voisine-Shea: And Edgar Alejandro, our Community Representative from Eversource.

Mr. Minnie: Ok, great. Thank you. So we did a meeting out at the site on Friday, and got to do a little hiking, and a little walking through the woods. And just for your own information, some neighbors asked me to meet. So, I met with probably a dozen neighbors on Monday, just to go over a few things. And there was no other Planning Board Members there, it was just very informal, and that's where we're at. I guess I'll start. I'm gonna ask a few of the members, Kathy, did you get a chance to go out and see the location?

Ms. Houle: I was out on Tuesday.

Mr. Minnie: And Chris, you went out with me. And Mr. Phoenix, did you go out?

Mr. Phoenix: Yes I did.

Mr. Minnie: Ok, and Joe lives there, so ok. Just at the whole beginning of this project I had a lot of concerns because of its close proximity to residential, and it's basically, an industrial use for us next to the residential. But, I think the meetings were productive, and I think there's a few things that I would like to see, and probably some Board Members would like to see, and maybe some of the neighbors are gonna ask. But, I don't think there's anything unreasonable that's gonna kill any of us. And I think, my expectation is we'll work to a solution. Does that sound like a plan?

Mr. Gagnon: Absolutely.

Mr. Minnie: Good. Kathy, do you have any comments or thoughts?

Ms. Houle: Not at the moment. Doug explained to me some of the issues that you people addressed at your meeting. I would have been there that day, but I had to work, so.

Mr. Minnie: We understand. Mr. Coelho?

Mr. Coelho: The only thing I've been thinking about was something a couple of the abutters expressed to me, and I was possibly getting a, on the Americo Street side, getting a hedgerow along the, well, I guess, that's the western most perimeter of the actual site property. Although the hedgerow right adjacent to the solar panels will be effective in shielding the actual solar panels, I think delineating the edge of the property with a hedgerow would give added emphasis to that that's your property would anybody want to go out there and play like I used to do when I was a little kid.

Ms. Voisine-Shea: Yeah, I think, we actually heard that, and actually, that was our initial before the site walk, and then after walking it, we thought it might be more beneficial to actually move that, or some --- of it, because there are a lot of structures in the back along theirs, fire pits and things like that, that we'd kind of have to work around. So, but I think it may be more beneficial to the neighbors, and for visual screening and noise screening during construction, things like that, if we actually moved it off of where it is now, and moved it more towards the west. So, I think that's something we definitely would consider.

Mr. Minnie: We can talk about that. Mr. Phoenix?

Mr. Phoenix: Well, most of my things that I'd like to kind of start off with, are all tied into the same couple things. There are five items that were called out in the letter that we got from you guys, as far as responses to some of the issues. There were five things in there, that all are essentially, put on hold until there's a contractor that's been taken care of.

Ms. Voisine-Shea: Yeah, we have that now. We didn't at the time of the letter.

Mr. Phoenix: So, do we have all of that information for a, b, g, k and the 6.10.6?

Ms. Voisine-Shea: I don't think we have it with us, but we can easily respond with a follow up letter, updating this information.

Mr. Phoenix: Ok.

Ms. Voisine-Shea: We do have a contractor, the name, and we can provide the names.

Ms. ---: We can barely hear you.

Ms. Voisine-Shea: Yup. We do have a contractor and we can provide the names and contact information. I think the other question on here, where, so that was just two of the issues.

Mr. Phoenix: Yeah, it was a, b...

Ms. Voisine-Shea: A, b, yup.

Mr. Phoenix: ...g, k...

Ms. Voisine-Shea: G, k, yup, we have a one line we can provide you for that. And k, --- liability insurance. Yup, we can furnish that by the --- installer. So, we can just do all that.

Mr. Phoenix: And then at the very end, 6.10.6.

Ms. Voisine-Shea: Yup.

Mr. Phoenix: I think it's the last thing that's in there.

Ms. Voisine-Shea: Emergency response plan. That's part of the, typically, that's part of the building permit, no? You guys ask for that as part of the...

Mr. Phoenix: If it's part of the requirements in the Bylaw, then that's what we want to see. I think that's probably why it's in that letter.

Ms. Voisine-Shea: --- emergency response plan.

Mr. Minnie: I'm sorry Ray, I was distracted. What were we discussing?

Mr. Phoenix: The items that were not available when they did the submission, because they didn't have a contractor set up.

Ms. Voisine-Shea: Did we meet with the fire chief ---. --- emergency response plan ---.

Mr. Gagnon: Yeah, well, I think that was it, because we did run it by them and, you know, depending on what their requirements are, I think, at the time that we generated the letter we didn't have all of that information at the time, so I think it's something that, you know, that we can draw from.

Ms. Voisine-Shea: --- update and provide.

Mr. Gagnon: We have a typical template that we can utilize to provide that.

Mr. Phoenix: And the other thing that's actually kind of a big obvious one, an actual plan done by a surveyor. Do we have that yet?

Mr. Gagnon: Ok, I can speak to that. Yes, that you understand that that is a requirement. That is actually in the works. He has completed about 75% of the work, however, there's been delays due to the weather, and what have you. I actually spoke to him a couple of days ago, and he said that they needed to go out there again, because they actually have to set bounds on three of the corners, three of the major corners. That's a requirement. And, again, he wasn't able to do that because of the weather.

Mr. Phoenix: Ok.

Mr. Gagnon: So that once those bounds are set, that he will actually provide a property plan that's stamped by a PLS.

Mr. Phoenix: Ok.

Mr. Gagnon: That's Sherman and Frydryk, by the way ---.

Mr. Phoenix: Thank you. I'm good for now.

Mr. Minnie: Mr. Queiroga?

Mr. Queiroga: I'm gonna just keep my remarks short. I did walk from one end of the property to the other, and each side is a little bit different about what exposure they would get. The other side probably has more trees than we do. They're probably closer to the actual than we are. But, I'm gonna limit my remarks because I'm am an abutter.

Mr. Minnie: I'd like a little more information on the inverter pad, and the size and how it is going to be screened, if it's screened independently or fenced independently, and is there gonna be any pole or support or any drawings that are associated with it to give us an idea. I mean, is it three feet off the ground and ten feet square, or is it a building with a roof, or what is it?

Ms. Voisine-Shea: It's a, it's just like a pad, a concrete pad, with like a, a typical, like a commercial sized transformer, and then an inverter of a similar size. We can either go with a pad mount or a string inverters, which are just small boxes which are on the back of the panels, and we wouldn't have the inverter on the pad, it would just be the transformer. But, we would definitely have two transformer pads. There's no buildings, there's no separate, those are in the details, but there's no separate building structure or anything like that. It's all enclosed within that same solar facility fence.

Mr. Minnie: And power runs from the pad up to the grid?

Ms. Voisine-Shea: Yeah, we connect into the grid.

Mr. Minnie: Is there gonna be any other new associated different poles or posts?

Mr. Gagnon: Yes, they are actually shown, I believe, on one of the site plans. It's LA-2, I believe.

Mr. Minnie: I don't know if I've seen any of that yet.

Ms. Voisine-Shea: Typically, it shows anticipated point of interconnection on the drawing, and then there's a row of ---.

Mr. Gagnon: Yup, sheet LA-2, which is right here. Actually, if you'd like, this is another full size set.

Mr. Minnie: Yup, I see it.

Mr. Gagnon: If you guys wanna roll those out too. But, right here on LA-2, this is where we're showing the interconnection pole, which runs right up the right of way. The point of interconnection is gonna be...

Ms. Voisine-Shea: Along Chapin Street.

Mr. Gagnon: ... is gonna be out at Chapin Street.

Mr. Minnie: So, how are you gonna run the power or the wire from the pad down to that area down there?

Ms. Voisine-Shea: It'll come up from the pads, go under the ground, and then come out at the pole, the first pole.

Mr. Minnie: So, it's an underground ---?

Ms. Voisine-Shea: From the pad it'll come underground, but then it'll come up and connect with these poles that run down the right of way, and connect onto Chapin.

Mr. Minnie: Ok. We're gonna definitely need some better drawings of all this.

Ms. Voisine-Shea: What do you mean?

Mr. Minnie: Well, it's supposed to be a registered site plan, so we're gonna need stamped plans, and all this needs to be called out and stamped on the plans.

Ms. Voisine-Shea: It's stamped right here.

Mr. Minnie: Oh.

Mr. Gagnon: It's stamped on the cover sheet.

Mr. Minnie: Ok, I didn't see it.

Ms. Voisine-Shea: Yeah, they're approved by a P.E.

Mr. Minnie: There it is. Wow, it's small, but...

Mr. Gagnon: Well, these are reduced.

Mr. Minnie: Reduced --- I didn't see it.

Ms. Voisine-Shea: Yeah they're tiny, yeah. Sorry, trying to save trees, you know?

Mr. Minnie: Ok, if we could, I would like some kind of a photograph of a typical pad.

Ms. Voisine-Shea: Inverter, is that, there's a detail.

Mr. Gagnon: There's actually a detail in here.

Mr. Minnie: Is there?

Ms. Voisine-Shea: --- yup.

Mr. Gagnon: Yup.

Mr. Minnie: Boy, I'm really getting blind.

Ms. Voisine-Shea: Here you go, it's on SD-2, typical equipment pad layout.

Mr. Minnie: SD-2.

Ms. Voisine-Shea: Yup. And it shows...

Mr. Minnie: Ah, that's what I wanted.

Ms. Voisine-Shea: ... the transformer, the panel board, and then the inverter, yup.

Mr. Minnie: That's what I wanted to see.

Ms. Voisine-Shea: And like I said, they're about five, six feet tall.

Mr. Minnie: What color are they?

Ms. Voisine-Shea: That I don't know the exact colors of them. But, they will be inside the fence.

Mr. Minnie: But, you're not gonna independently fence those.

Ms. Voisine-Shea: No.

Mr. Minnie: Yup, ok.

Ms. Voisine-Shea: No, no. We need to be able to get to them for maintenance, which is why they're typically on the outsides.

Mr. Minnie: And we're gonna have a conduit running from there to the pole which should be ...

Ms. Voisine-Shea: To the first pole, yup.

Mr. Minnie: ...should be shown on the plan. Where is that shown on the plan?

Ms. Voisine-Shea: I don't think we indicate each conduit.

Mr. Minnie: Existing or proposed utilities are a requirement for site plan contents.

Ms. Voisine-Shea: --- pathway.

Mr. Gagnon: I did show, I showed a connection to the pole line. It's kind of obscured by the shrubs. But, if you go to...

Ms. Voisine-Shea: SC-1.

Mr. Gagnon: ...go to the LA plan, probably is a little clearer.

Ms. Voisine-Shea: ---

Mr. Gagnon: Yeah, LA-1.

Mr. Minnie: LA-1?

Mr. Gagnon: Yup.

Mr. Minnie: And the, what's the length from underground utility from the pad to the pole?

Ms. Voisine-Shea: ---

Mr. Gagnon: It's about 25 feet. Basically what it does, is it, we had to run it underground within that 20 foot area between the edge of the solar panels and the fence so they that have access to the site.

Ms. Voisine-Shea: Yeah, so we can drive around.

Mr. Minnie: So, it's still, I've been doing this a long, long time, and I still don't know what you're doing as far as, and I'm not getting a comprehensive understanding. So, you're putting a pole right there. Is that what that little squiggle is?

Mr. Gagnon: Yup.

Mr. Minnie: Ok.

Mr. Gagnon: It's somewhat obscured by the landscaping. It might show up better, actually, on the full size.

Mr. Minnie: How many poles from that pole to the street?

Ms. Voisine-Shea: I'll have to count.

Mr. Gagnon: They're about 150 feet apart.

Mr. Minnie: ---?

Ms. Voisine-Shea: It's a transom.

Mr. Minnie: Ok, and how tall are the poles?

Mr. Gagnon: One, two, three...

Ms. Voisine-Shea: Approximately 35 to 40 feet tall.

Mr. Gagnon: ...six.

Mr. Minnie: Ok, so now we've got six poles that are 40 feet tall that we didn't discuss out there the other day and it would have been nice to know where those were when we were walking.

Ms. Voisine-Shea: They're in the transmission right of way --- transmission structures.

Mr. Minnie: I understand, oh I understand, but they're also 40 feet tall. We're not talking something that's five or six feet tall. What color are the poles gonna be?

Ms. Voisine-Shea: They're wood poles.

Mr. Minnie: They're wooden poles.

Ms. Voisine-Shea: Mmmhmm.

Mr. Minnie: Really?

Ms. Voisine-Shea: It's distribution, just like the ones outside your house.

Mr. Minnie: Ok.

Ms. Voisine-Shea: Yeah.

Mr. Minnie: I'm just surprised ---.

Ms. Voisine-Shea: Yeah, we connected to the distribution circuit. So, they're connected locally, so that energy is actually used locally.

Mr. Minnie: They're what we would call telephone poles.

Mr. Gagnon: Yeah.

Ms. Voisine-Shea: Yeah.

Mr. Minnie: And is there a tree on the top of it, or is it a single line?

Ms. Voisine-Shea: Just a single line pole, yup.

Mr. Minnie: Ok, and do we have a drawing that shows the site with the poles all the way down -
--.

Ms. Voisine-Shea: IN, drawing IN shows the whole.

Mr. Gagnon: Actually it's...

Ms. Voisine-Shea: I think that's the easiest one to see it all.

Mr. Gagnon: LA-2.

Ms. Voisine-Shea: LA-2 shows just the poles ...

Mr. Gagnon: ---

Ms. Voisine-Shea: ...but if you want to see it from a --- perspective.

Mr. Minnie: Now I see it. Oh ok, now it's a little more clear.

Ms. Voisine-Shea: Yup.

Mr. Gagnon: They're basically 150 foot spacing, which is typical to ---.

Mr. Minnie: No, I'm just trying to understand it now. Ok. Do you have a scale? Thank you.

Mr. Coelho: I don't know that you can scale a --- size drawing.

Mr. Minnie: Yeah, but I can do it. I'm not just another pretty face, you know.

Mr. Coelho: That's amazing. I know technical engineers that can't.

Mr. Gagnon: Especially with computers now.

Mr. Minnie: I used to use a slide rule.

Mr. Coelho: Abacus too?

Mr. Minnie: No, that's before my day. And those poles, there's no concrete, they're just driven in the ground?

Mr. Gagnon: Yup.

Ms. Voisine-Shea: Correct.

Mr. Minnie: Ok, are there any other comments or questions from the Board?

Mr. Phoenix: One of the things that jumped out at me, I don't know if just didn't get mentioned, but the other two solar facilities that we have, but I would be very surprised if it didn't, at least, with the first one. When I was looking over everything last night, I believe I saw that the panels are not gonna have any kind of anti reflective on them? Is that correct?

Mr. Gagnon: They are gonna be, they're actually a matte finish. They're not like a typical glass panel with a lot of glare. The other thing that was a requirement as part of the package, we had to submit a glare study analysis because we are within proximity to Westover.

Mr. Phoenix: --- 30 degrees was what that was showing.

Mr. Gagnon: Yup.

Ms. Voisine-Shea: So that came back negative. There was no glare issue.

Mr. Phoenix: I was just more surprised that, and obviously with the panels you want to capture everything you can, so just seeing, I think it was on one of the sheets I was looking through, that there was no anti reflective on there, just kind of caught my eye.

Ms. Voisine-Shea: These are, this is our permit set of drawings, so there's no specific manufacturer selected. These are just sort of examples, as far as panels go, so you're not gonna get the details on the panels. Now that we've selected a PV installer, we have the details on who the manufacturers are for the inverters, transformers, and the panels. But, for permit sets, we typically show a standard detail of what a panel looks like.

Mr. Phoenix: So, I got to be honest with you. You know, watching, which by the way, I should mention, I did watch the entire first session. I actually watched the whole meeting from start to finish. I re-watched part of last weeks last night too. And there was a sense of, I think it's somewhat understandable, urgency trying to get the project moving forward, which I find in --- position to not having the person picked out for who's gonna be doing the work, not having the surveyor do the plan. All of these things are ducks that I would of thought would be put in a row before the plan comes in for submission and review, if there's really a sense of urgency to everything. So, I have, I was a little bit, I don't know, was a little bit odd taste in my mouth with that.

Ms. Voisine-Shea: Understood, but I think you need to understand where we're coming from too. Under the DPU we only have until the end of 2017 to get these constructed. So, you know, we put that in, in January. Obviously, we were here March, two months later. We do have now the contractor and all those things lined up. The survey is because of weather, unfortunately it's hard to put new monuments in, in the snow. So, we started but we couldn't finish it. And I think that we, in the beginning, we didn't know that survey, a full boundary survey was a requirement. We did topo survey to be able to design, but we didn't know full survey was gonna be. So, there's no, we weren't trying to put the cart before the horse, we're just trying to be the most efficient we can to get things moving so that we can get our projects permitted and, so we can move forward.

Mr. Phoenix: I mean, this is a public hearing for a site plan, with the Planning Board, formerly known as the Board of Survey. To not expect that there would need to be a plan stamped by a surveyor, showing the metes and bounds of the property that we're talking about, a little bit odd. I think that's the first thing that's called out when you look through even our checklist at the very top before you hit the letters and numbers, it says that you need to have a plan stamped by a registered land surveyor. So, how that got missed, I don't know. But, I'm also, it's not just with you guys, this is the third solar thing that we've been looking at, and the third one I talked to Doug to check on this earlier, it's the third one where the plans come in, and we don't have the

survey in hand when it comes in. And that's not a trend that I want to see continue. I think we need to get those in, and it should have been in when the plans got submitted.

Mr. Minnie: I would have rejected it, the plan.

Mr. Phoenix: There's language right on the application, on the master application, that says that it's being checked for completeness and that, you know, the applicant understands that it could be denied outright for not being complete. So, I'm not saying that that's not the direction that we need to go on this, but I think it needs to be understood that that's not appropriate.

Ms. Voisine-Shea: It's forthcoming. It's been in the works, it's just we don't ---.

Mr. Minnie: If I was in the office, I would have told the Town Planner to reject the application. But, that's just me. But it's alright. Ok, let's keep going. One of the things I'm gonna ask, I don't know if you can answer that, this tonight, is to have the storm basin, stormwater management basin number two, and number one, installed and manufactured before clearing or touching, or doing anything else because I'm concerned about the steepness of the property, and the people down below. And I'm not sure if that is a proper or improper request.

Mr. Gagnon: No, it's very proper, yup.

Mr. Minnie: But, so, in other words...

Ms. Voisine-Shea: Probably some clearing that needs to be done --- install, yeah.

Mr. Minnie: I understand, but because this is a hilly place. We've been burned in other projects, so you know...

Ms. Voisine-Shea: We can sequence it.

Mr. Minnie: That, you know, I mean, if the retention basin's in there, and we get some crazy kind of rain, it'll kill 85% of our headache before that, and before we get any neighbors screaming. So, that's one of the things I'm going to request.

Ms. Voisine-Shea: So, sequence the stormwater detention basins are put on as early on the project as...

Mr. Minnie: Yup.

Ms. Voisine-Shea: Ok.

Mr. Minnie: And that way there, if the detention basins are in, you can get your arborvitaes in, and everything, and...

Mr. Coelho: Most of the clearing is from here down, anyways.

Mr. Minnie: Well the whole thing's --- ...

Mr. Coelho: If you're putting, if you're putting, yeah. All this is clear already.

Ms. Voisine-Shea: Umm, no it's not.

Mr. Gagnon: No, it's all woods.

Mr. Minnie: It's all woods.

Mr. Coelho: So, that's right where the clearing is.

Ms. Voisine-Shea: Yeah, we start right where the clearing is.

Mr. Minnie: It's all woods.

Mr. Gagnon: Yup.

Mr. Minnie: So, ok. So, I had asked some of the people at both meetings if they had any requests, to please put them in writing. So, I will ask for public comments, but if anybody has any requests in writing, if they would like to hand them to Doug, and then Doug will hand them to myself, and I'll read them. And so, I'll just call out the people's names and what's on the letters. This is from Sharon Laro, 199 Reynolds Street, and Angela Ansel...

Ms. Anselmo: Angela Anselmo and Sharon Laro.

Mr. Minnie: ...and Sharon, I'm sorry. --- *Re: Eversource Solar Site 72 – Ludlow, MA. To whom it may concern; We are the abutting neighbors who reside at 199 and 207 Reynolds. We attended the initial meeting, the site meeting, and now this meeting on March 30, 2017. We would like to propose the following modifications to your solar site 72: 3 rows of arborvitae along the fence; height of arborvitae be 12 feet with a minimum height of 10 feet; planting a row of evergreens on our property lines; request an additional 15-20 feet over the 50 foot buffer; request a chain link fence to have the green slats woven into it for screen. What is the terminology for the ...*

Mr. Coelho: Slats.

Mr. Minnie: Green slats, ok. *At the property of 207 Reynolds Street only, I request that Eversource plant extra evergreen saplings in the 50 foot buffer zone between the property line and the next marker. This would only affect my property at 207 Reynolds Street as there being a kennel.*

Ms. ---: ---

Mr. Minnie: I will absolutely allow you, but we will open it up to discussion. I just wanted to read these in. It's easier for the secretary and for the minutes, that anything in writing I read.

Mr. Phoenix: Along those lines, did you want that too?

Mr. Minnie: Yeah. And this is from Angel Oliveras and Lilita Oliveras, 175 Reynolds. *To whom it may concern: We are the abutting neighbors residing at 175 Reynolds Street, Ludlow MA. We attended the initial site meeting and are attending the meeting scheduled on March 30, 2017 at 7 pm. We are respectfully proposing the following modifications to the solar site plan 72: Three rows of arborvitae along the fence line at a height of 12' per arborvitae on the*

Public Hearing – Eversource
March 30, 2017

Reynolds Street side of the site; a row of evergreen trees planted along our property line which facing the 50' tree buffer; and the green slats woven into the chain link fence to be erected around the perimeter. And this is from Paul and Margaretjane Gerstenberger, 34 Hill Terrace in reference to the solar facility. In regards to the planned solar field we respectively request if an additional border of arborvitae could be planted at the tree line to further block the view of the proposed field. We are requesting this because the land slopes down at the corner of our property (34 Hill Terrace) and we will be able to view the field from our back deck and yard. We are not opposed to the installation of the solar project. Eversource Energy has been a good neighbor over the past years and we realize that they will do everything economically possible to continue the good relationship. Doug, can you make copies of these and provide them to the applicants? And now I'm gonna open up for public comments. I'll be happy to talk to everybody tonight. When I call on you, will you please, am I missing something?

Ms. Houle: Another one.

Mr. Phoenix: In here we've got...

Mr. Coelho: Oh Ed, you've got another one.

Mr. Minnie: Ok, sure.

Mr. Phoenix: Stuff from Doug, we've got the comments and everything ---.

Mr. Minnie: I'll hit it, yup, ok. *On behalf of the abutters of Americo Street, we would request, along with the two rows of 10' arborvitae that surround the solar field, another row of them on the east side of the "buffer" all along our property line so as to eliminate the visual impact of this project. Ok, can you get that to Doug too, please? Ok, I'm gonna do some interdepartmental memos before I call on the public. It's been a while since I've been Chairman. February 3, 2017, Ludlow Planning Board from Doug Stefancik, Town Planner, some of the highlights: land surveyor stamp and signature of the plan is to be forthcoming; circulation, show arrows and pave apron from street to driveway entrance; parking, no use exists for parking spaces, but parking should accommodate service vehicles; monumentation will be included and installed; applicant needs to ask for waivers on o. Additional Requirements.*

Mr. Phoenix: O? That's this one.

Mr. Minnie: Fire Department asked 24 hour contact info is posted on a signage outside the facility.

Ms. Voisine-Shea: Yup.

Mr. Phoenix: I think that's actually been responded to...

Mr. Minnie: Ok.

Mr. Phoenix: ...in their letter that's in that packet.

Mr. Minnie: Ok. ConsCom, no wetlands, which is a miracle on a project this big. Board of Health, no comments. Comments from Milone.

Mr. Phoenix: There should be two rounds of that.

Mr. Minnie: Yup. Location of monumentation; *we have retained a survey subcontract and set bounds*, which we already discussed; *copy of the NDPEs Construction General Permit will be filed*; *stormwater management basin no.2 has been revised to provide reduction of peak flows for the 2-, 10-, 25-, and 50-year storm events. Although there is a slight increase for the 100-year event at analysis point 2, the overall contribution of runoff from the site east toward the Reynolds Street corridor is reduced for all storm events under proposed conditions as shown on the attached revised peak flow summary. In addition, peak flows from analysis points 3 and 4 show an overall reduction of peak flow toward the Chapin Street corridor to the south as shown on the revised peak flow summary. Therefore, there will be no impacts to abutting properties with the stormwater management BMPs as proposed. Comments from Doug on February 3rd; The revised site plan (attached) shows paved apron at the site entrance from Chapin Street; the 16'-wide gravel drive at the facility entrance will accommodate one or two service vehicles for periodic inspection and maintenance of the facility; monumentation, a boundary survey plan will be provided. Additional requirements, we respectfully request a waiver for the criteria under Comment o. Additional Requirements for the following reasons: Site lighting will not be installed for the facility; no buildings will be constructed on the site; except for emergency and hazardous identification signage, no other site signs are proposed; the site will not be plowed during the winter season; there will be no additional traffic generation recognizing that it is a utility facility. And currently when you're building your projects, are you doing it five days or six days a week?*

Ms. Voisine-Shea: Construction?

Mr. Minnie: Yeah.

Ms. Voisine-Shea: Currently five days.

Mr. Phoenix: And since we have the waiver request in there, I don't know if we just want to go with that, but we do have the waiver forms in our folder. I didn't know if we wanted to have them sign that also, or just go with what they have in the letter on file.

Mr. Minnie: I think we can go with the letter.

Mr. Coelho: Yeah.

Mr. Minnie: I'm comfortable with that. Ok, so when I ask for public comments, when I call on you, will you please stand, state your name and address, and please speak as loudly as you can. And anybody would like to raise their hand? Sir?

Mr. Coviello: Hi, I'm Ron Coviello. I live on 27 Americo Street. Just to, we requested in our letter, that we asked for a row of arborvitaes on the buffered side, not on our property line. I was a little bit confused because you said something about during construction it might be beneficial for the people, but if you look at Americo Street right here, there's a buffer of trees that run right along here. If you put the arborvitaes along the property line, it does a couple. Number one, actually, there's a rise of land that's right along here that's about a three foot hump, so to speak - --. So, if the trees were planted on this side, a ten foot bush would be a thirteen foot bush, which would be beneficial for us. If it was planted on this side, it would enclose our backyards and make them look a lot smaller. There's people with retaining walls and things like that, where it

wouldn't work out. So, just to be clear, I want to know where you were planning on putting it on the, well that would be the east side of the buffer, we'll call this a buffer right here.

Ms. Voisine-Shea: It would be on the west side of the easement, which will show up on the, in the survey ---.

Mr. Minnie: We're gonna talk about some trees and shrubs and stuff a little bit more.

Mr. Coviello: Ok. Just to, kind of, clarify that, were we talking about on the property side or on the...

Ms. Voisine-Shea: No, it would be on the, between the easement and the property line, which I know there are some structures ---.

Mr. Coviello: The easement being, what would you call an easement?

Ms. Voisine-Shea: Yeah, it shows up on our survey.

Mr. Coviello: ---

Ms. Voisine-Shea: Because we can't build under our transmission easement ---.

Mr. Coviello: No, it wouldn't be under the lines. I think there's still, I've walked back there a million times, there's plenty of room.

Ms. Voisine-Shea: Yeah, there's a small, I think there's like 35 feet or so between...

Mr. Coviello: But, we'd much rather have the bushes planted on this side, I think would be a lot more beneficial ---.

Mr. Minnie: We're gonna have an open discussion on bushes and trees and shrubs in specific areas related to, probably gonna relate to Americo Drive, and then specific, behind specific homes, 'cause some people may, I don't foresee changing what's on the plan now. I would like to see the arborvitaes where they are on the plan now.

Mr. Coviello: Right, that's these here.

Mr. Minnie: Right.

Mr. Coviello: But there is no arborvitaes on the plan now.

Mr. Minnie: On the plan now.

Mr. Coviello: So, we'd like to, I'd just like to be clear ---.

Mr. Minnie: I would like to discuss additional arborvitaes in that area, depending on the home owners in the area, but we'll get to that. We'll try to make it flexible and easy, get a bigger picture. Anybody else?

Mr. Coviello: Thank you.

Mr. Minnie: Ok, so I think we have a couple requests for some people off of Reynolds Street for some shrubs and trees. Do you see that as a problem or an issue? I, you know, in the past, and I've told some of the neighbors here, I've worked with Eversource when they came through and did the powers lines on my abutting piece of property. They cut some trees, but they also, they put up a beautiful fence for me, and then they planted a couple of trees, and one of the trees died a year later, and they stopped by and checked on it, and they replaced it. So, it was a good experience. And I explained that at our community meeting we had. And, so right now I'm hearing, I think, from three different people that they would like, either right behind them a few arborvitaes or some evergreen or something, and it may be easier for you to deal with that on a one on one basis out at the site with the people. That's how I've dealt with them, and I've had exceptionally good results with call backs and people checking on things, and checking on it through a couple of growing seasons. When one of the trees didn't make it after the first growing season, they came out and took it out, and put a, and they gave us a choice, what kind of tree do you want? ---

Ms. Voisine-Shea: That's typically part of our contract, there's a ---.

Mr. Minnie: So, and sometimes getting government involved in it, causes more of a problem than not. So, if we can word our site plan and our motions to specifically address those issues, you know, I don't think one or two locations down there for this project, a few trees or a extra arborvitaes is a big issue. How Americo Street would like to handle their, for lack of a better word, buffer zone between their property line and the transmission line, even though it's, so it's your property, and it's your right of way. What do you call the zone underneath the wires?

Ms. Voisine-Shea: Easement.

Mr. Minnie: Sure, there's the part where you always cut and clear.

Ms. Voisine-Shea: Easement, yeah, right of way.

Mr. Gagnon: Transmission right of way.

Ms. Voisine-Shea: ---

Mr. Minnie: So the transmission right of way versus the entire right of way.

Mr. Gagnon: Right.

Ms. Voisine-Shea: Yup.

Mr. Minnie: So, I think they're looking for some kind of screening between the transmission right of way and their property line, is my understanding. And there's apparently a swale there. And I don't know if the consensus is everybody wants it, or some people just want it behind their particular homes. And, if you say tonight you're ok with running a whole set, minus removing what people don't want behind their property, is that something you can work on and comment here tonight, or?

Ms. Voisine-Shea: Umm, this is our...

Mr. Minnie: I'm not trying to put...

Ms. Voisine-Shea: No, this is our preliminary survey, which this is --- so you can see --- concern. This is our easement line...

Mr. Minnie: Understood.

Ms. Voisine-Shea: ...and this is our property line, and there's a lot of structures that have ...

Mr. Minnie: ---

Ms. Voisine-Shea: Yeah, but I don't want to create a, I'm trying to fix without...

Mr. Minnie: I understand what you're saying.

Ms. Voisine-Shea: You know what I mean?

Mr. Minnie: I understand. I'm guilty of putting stuff on your property too. Ok.

Ms. Voisine-Shea: So, I don't know what we can, 'cause we can't build, we can't put trees within our easement. Obviously, if that whole swath was open, I could throw a line there, but it's not, it's all got people's stuff.

Mr. Minnie: So, just so the people in the Town along Americo Street, so ...

Ms. Voisine-Shea: ---

Mr. Minnie: ...there's quite a few structures here on your property.

Ms. Voisine-Shea: Yeah there is, there is. It's preliminary, but.

Mr. Minnie: One, two, three, four, five, six, I see seven right away.

Ms. Voisine-Shea: So, you know, we're trying, we're willing to work, it's just hard to draw a line because I don't have the space right now.

Mr. Minnie: Right, I understand. Most of the people who are gonna be more impacted by the field, it seems like only one is really, there's only one, and then there's two empty spots, so. Looks like Mr. Queiroga has something over there.

Mr. Queiroga: For 42 years.

Mr. Minnie: I hope your paying taxes on it. Ok, well, that makes it easier to handle here tonight. So, if we go from the, what end is that, the north end, all the way down to Turcotte. Apparently there's only one structure there. So that's pretty clear.

Ms. Voisine-Shea: Ok.

Mr. Minnie: And I can say Mr. Queiroga's a pretty reasonable guy, and I'm sure he can get any shrubs or bushes pushed around and where they need to be. So, in a general conception, are you opposed or have issues with planting some plantings in there to help the neighbors?

Ms. Voisine-Shea: I don't. I think, I just, you know, obviously as a utility, we need to be careful of costs. So, maybe we take one of the rows away from right around the project, where now everybody's gonna have screening at their homes. Do we really need two rows of screening further out?

Mr. Minnie: My inclination is to ask you to put the extra row in, just so you know. My suspicion is that's what the Board's gonna be, because it's a big project and an established residential neighborhood. And I understand that row of trees could be thirty or forty grand, I get it. I get thirty or forty grand, I mean, thirty or forty grand goes nowhere anymore, and I get that too 'cause I do construction projects. But, when we were originally talking in the neighborhood, we were having neighbors asking for 100 foot setbacks, and doing all sorts of, lots of things that would have been extremely difficult, and...

Ms. Voisine-Shea: Well, we are approximately 300 feet from people homes.

Mr. Minnie: I understand that, but I'm talking about in other corners of it.

Ms. Voisine-Shea: Yup.

Mr. Minnie: And having done a lot of these, and been here a lot of times, we went from people who were really, really upset, to people who got an understanding, to everybody, when we were talking with the neighbors, and I was explaining to them that I've worked with you in the past at my own locations and had a pretty good outcome. Everybody was very comfortable saying, let's work with the applicants. And, I think, the cost of working with the applicants and the neighbors in this case, is gonna be some trees and shrubs. And it's an existing piece of property that, how long have you had it, fifty years, eighty years?

Ms. Voisine-Shea: I do not know, before my time.

Mr. Minnie: So, while I respect and understand the cost of the additional plantings, it's not like you're coming in and doing a ground lease, like they're doing in other parts of the Town, and paying huge money for monthly ground lease. So, I get the cost part of it, but it's already existing right of way, and I don't think at the end of the day, the greenery that's gonna along there, will bankrupt or ruin the project. Do any of my Board Members have any comments or thoughts and ideas on that?

Mr. Coelho: I think there's room for negotiation when it comes to moving trees around, whether it's at the border of their fence project, or whether it's at the border of the neighbor's project. But, that's my opinion. And I don't think adding four rows of trees is gonna give you any more or any less screening. It's the location of where they are. Arborvitaes are dense, they're thick. So, you want to make these people put in four, eight, twelve rows? Where do you draw the line, you know what I mean?

Mr. Minnie: I'm not asking them to do twelve rows, but...

Mr. Coelho: But, on the same token, I gotta look at it out of everybody's vantage point. Moving these to the property line isn't a bad idea.

Mr. Minnie: We're not talking about moving those.

Mr. Coelho: All of them. That's what they just recommended.

Mr. Minnie: No, no, no, no. That's not what we were discussing. We were discussing leaving what was on the plan, on the plan...

Mr. Coelho: No, I get that, but by the same token, I don't see a problem with moving the ones on the edge to the ---.

Mr. Minnie: Well, part of the arborvitae was part of the retention basin to control the retention basin and maintain the shape.

Ms. Voisine-Shea: And not necessarily on the outside. I think we're ok. I would just be on the right of way side because it's so far from their homes, and they're kind of below it. So, if I put a row of arborvitae in their backyards, they're not gonna see that. So what am I screening, people walking up and down the transmission right of way?

Mr. Coelho: That's just my point, to see both sides of the situation. I don't think four rows of bushes gives you any more protection than two. As long as they're properly planted and maintained.

Mr. Minnie: ---

Mr. Coelho: If they're not maintained and they all die, because they're planted on a ridgeline...

Ms. Voisine-Shea: Yeah.

Mr. Coelho: ...then Western Mass, then Eversource has got some more work to do. You know, that's the thing. You got a solid ridge line over here. What can you plant in rock?

Mr. Minnie: No, no, no.

Mr. Coelho: I mean, that's part of it too.

Mr. Minnie: I was just referring to the side along the Americo Drive. 'Cause there was only a request from three of the, all of the other abutters for a couple extra things, which I think is trivial in that side.

Mr. Coelho: No, that's, I'm not even, like you said, there's sheds in the way on that side.

Mr. Minnie: No, the sheds are way down the row, except for one.

Mr. Coelho: Right.

Mr. Minnie: So, if you look. Do we have that?

Mr. Coelho: I get it, I get it Doug, what's your name, Ed?

Mr. Minnie: Can't remember my name, you used to work for me.

Mr. Phoenix: You, hey you.

Mr. Coelho: Don't tell anybody.

Mr. Minnie: So, here's Joe's. So, from there all the way to here is clear, except for that one.

Mr. Coelho: Yeah, yeah, I get it. But once again, we can put bushes everywhere. It doesn't necessarily mean it's gonna be better or worse, you know. Four rows, eight rows, there's a point where it's just diminishing after that.

Mr. Coviello: May I ask a question?

Mr. Minnie: Sure, please stand and state your name again please.

Mr. Coviello: Ron Coviello, 27 Americo. Is it typical to put two rows of arborvitaes around, all the way around the?

Ms. Voisine-Shea: It can be one. Some of our projects have single rows ---.

Mr. Coviello: When I went out to the one in Hampden, I saw double rows out there, and they put the nice green tarp over it, and planted flowers along the edge.

Mr. Coelho: --- planning here are two rows.

Mr. Coviello: Ok, alright, that's what I want to state something here. On the Americo side of the street, if they were to plant one row along the edge, instead of two, like it looks like everywhere else, and put the other one here, there would be no cost difference.

Ms. Voisine-Shea: No, that's what I was saying.

Mr. Coviello: ---. So, you're willing to consider that? ---

Ms. Voisine-Shea: Yeah, that's what I was saying. Some people might want it, and some people might not because of what's in their backyard, so we may need to meet with them individually.

Mr. Coelho: I think at the end of the day when it comes to evergreen trees like this, it's the maintenance of them.

Mr. Minnie: Right.

Mr. Coelho: You know, and the healthier they are, the better they're gonna screen. It's that simple, as opposed to the numbers.

Mr. Minnie: I see some heads shaking where people don't want the evergreens up near their property line, is what I'm guessing.

Mr. ---: ---.

Mr. Minnie: Right, so, I'm trying to think of how we can work, basically as long as everybody's happy, everybody's happy. And so, if we go with the one row along the right of way, and then the placement of the other one's where people want them. You know, it's a zero sum game. Sure could you just give me one second, please? I'm just trying to think. Is there anybody who absolutely doesn't want to see arborvitaes along the back side of their property, in between the back side of their property and the right of way?

Ms. Voisine-Shea: And it doesn't need to be a straight row?

Mr. Minnie: They can stagger them, ok. So, it looks like we have a solution, which is decent. Sir, go ahead, please stand and state your name again.

Mr. Coviello: Ron Coviello, would they be willing to come out and take a look at the property so they can see what we mean, because there is a height difference between our backyard and the other side of this buffer. So, planting them along the property line, which is what you're talking about, wouldn't be beneficial.

Mr. Coelho: I'm not talking necessarily along the property line. They're not gonna go right on your property line.

Ms. Voisine-Shea: It just can't be, it just can't be within our --- easement.

Mr. Coviello: And it can't be underneath the ...

Ms. Voisine-Shea: Right, ---

Mr. Coviello: There is about a thirty-five foot area right here in between where it doesn't fall under the wires. This would be more beneficial to have them up on a higher ...

Mr. Coelho: No, we get it.

(multiple people talking)

Mr. Minnie: In my experience working with them Ron, they gave me stakes, and I drove stakes in where I wanted trees and shrubs, and then we negotiated. I had to have some really large 36" trees removed that were on their property, but really my screen.

Mr. Coviello: Yup, yup.

Mr. Minnie: And I went from a backyard that you couldn't see anything, to I have power lines in my backyard. They mitigated to the best they could, and they had to come through with the big wires, and I got it. And they were really great, and it's worked great, so. Ok.

Ms. Voisine-Shea: It's a balance.

Mr. Minnie: Yeah.

Ms. Lopes: ---

Mr. Minnie: Hold on one second. I'd be happy to recognize you, but you have to stand, state your name.

Ms. Lopes: I'm Mrs. Lopes, and I live on 47 Americo Street. Where are we now? Two foot rows at the unit, the thing, and then one on our ---? Is that where we're at?

Mr. Minnie: It looks like we're at one row at the unit, and then stuff behind you if you want it.

Ms. Lopes: I prefer two rows at the unit, and one behind us.

Mr. Minnie: I understand, and I do too.

Ms. Lopes: Ok.

Mr. ---: Ok.

Mr. Minnie: Please stand and state your name.

Ms. Anselmo: Angela Anselmo. I live at 207 Reynolds Street. So, I know that you were focusing a lot on the Americo Street, but we live on the Reynolds Street. Is that mean that you are going to come back and talk to us individually about showing us the property?

Mr. Minnie: Yes, so the people who specifically wrote requested additional street, trees or shrubs either along Americo or Hill, I think there was three, they will individually meet with you and try to accommodate what you want.

Ms. Anselmo: Ok, thank you.

Mr. Minnie: You're welcome.

Ms. Roy: Sharon Roy, 27 Americo. According to that plan why are the arborvitaes on the Americo Street side different than the ones on Reynolds, because it looks like they're fatter and rounder on that side ---.

Mr. Minnie: Sometimes it's just artist rendering and different things.

Mr. Gagnon: I can answer that.

Mr. Minnie: Ok.

Ms. Voisine-Shea: ---

Mr. Gagnon: What we did, and again, because this was wide open, we tried to intermix other plantings in with the arborvitaes. Just to take a arborvitaes, over time, particularly the understory or like the first two to three feet, you can see right under them. So what we've actually provided there, is we've added some hollies to, kind of, shield in that lower level. So, it's gonna be kind of a mix of plantings along that fence line.

Ms. Roy: ---

Mr. Gagnon: In addition to the arborvitaes.

Mr. Minnie: So, part of what, folks, we're gonna do, is, as this plan progresses, and we don't have everything going on tonight anyways, because we don't have a registered, we don't have surveyed plan, we would ask, and require in the site plan contents, that they keep and maintain the vegetation. So, that would be a requirement. And so, you know, I mean, if one half of a tree dies, I don't think they'll be out there in twenty seconds, but if there was a bad year and you lost sixteen trees or bushes, you would call us and them directly, and we can get them on the horn. They're very responsive, I mean, when we lost that tree on West Street, they kept calling and calling. I wasn't ready to do it yet, and I think they called six or seven times before we finally had them do it. So, the infrastructure and the organization is pretty good.

Mr. Coelho: I think they have to if they're compelled to by federal regulation. They have to manage their trees carefully, especially after what happened four years ago, you know, all that stuff came to light. So now, the tree management's probably pretty sharp.

Mr. Minnie: So, I'm not hearing anything, I think, that is causing anybody to scream bloody murder, which is great. I think the neighborhood worked a long way. Because I can tell you when this first came in, I wasn't really thrilled with it, and there were a lot of neighbors that weren't really thrilled with this, to be perfectly honest with you. If I had to handicap it two months ago, I was gonna guess 50/50 it was gonna get shot down. So, that's a long way from where we are tonight, which is the neighborhood's working, and being reasonable and adaptive. Yes, please stand again and state ...

Ms. Roy: It's 50/50, how can we tip that scale. Is there any way? I mean, nobody's likes this.

Mr. Minnie: Well nobody likes it.

Ms. Roy: Nobody wants it.

Mr. Minnie: But, the other options are which we discussed. If it's a utility, they can come in, they can appeal, and they have deep pockets and can do lots of different things. The other things that can go in there, unfortunately, when we own homes and we don't own the big empty pieces of real estate behind us, as we discussed at some of the meetings, something will go here, and in my humble opinion, if this thing goes down and they're denied, they'll sell it. It's an asset, and the utility companies aren't in the business of owning land, they're in the business of building power lines and building solar facilities. And if they have 18 acres of buildable land that has value, it'll get put on somebody's list to be disposed of.

Mr. Coviello: Why wasn't it done already?

Ms. Roy: You know, they got the gift that keeps on giving, we get the gift that keeps on taking it away. Now we get power lines ---.

Mr. Minnie: I understand, but ...

Mr. Coviello: --- they have sold it a long time ago ...

Mr. Minnie: I don't know.

Mr. Coviello: ...before the solar thing started?

Mr. Minnie: Who knows?

Mr. Coviello: --- could've been sold.

Mr. Minnie: And I was in the same position. My retirement home has got 340 feet that I couldn't see the power lines, and now I get to see them all, you know.

Mr. Coviello: We will too.

Mr. Minnie: I got it ten times worse, but anyways, I think this is a reasonable solution for the neighborhood. Yes sir.

Mr. Condon: Matthew Condon, 37 Americo Street. I'm gonna ask everybody in the room this question, but it's considering my home. Do you think that the value of my property will go down, up, or stay the same once this project is complete?

Mr. Minnie: In my opinion, it'll stay the same.

Mr. Phoenix: Well, that's guess work though.

Ms. Houle: ---

Mr. Minnie: It's guess work.

Mr. Coelho: The visual impact of the power lines is probably gonna play the biggest ...

Mr. Coviello: Negative.

Mr. Coelho: ...effect on, and those have been there before these houses were built.

Mr. Coviello: You can't see them though, with the trees. Once the trees are gone ---.

Mr. Coelho: --- gonna see solar panels that are eight feet high?

Mr. Coviello: Yes, you will.

Mr. Coelho: You think?

Mr. Coviello: Sure, my backyard from that field, on top. When I look at that, I put a stake out there, and put an eight foot high flag on top of it. I stand on my back steps and look, that turns into 14 feet in the air. So, when I look up, I'm gonna see solar field. I'm gonna see fence, so isn't she, and all these other people that sits on the top of a hill. And, when you take all those trees down, you loose the buffer that hides those power lines, ok? So now, instead of looking at beautiful trees, you're looking at wires. That does have an impact, and it will be a negative impact on your property.

Mr. Minnie: Everybody's gonna have, some are gonna have more or less. There's no doubt about it.

Mr. Coviello: ---

Mr. Minnie: You know, again, is there a perfect solution? Well, the perfect solution is no. But, they're not gonna go away, you know, and you know. Then if they come in, and they can come in bare bones, we might not see half of what we're seeing, or see half the accommodation. I think they're really reasonable. I was willing to ask for a lot more than a lot of people here were willing to ask, and more than they wanted to give, and I can't say as to how the rest of the members will vote, you know. I'd rather see the plan is exactly what's there, and the additional, but that's just me. Just give me one more minute to pontificate. Because it is such a densely residential neighborhood, that's my logic with it. Stand up again.

Ms. Anselmo: Angela Anselmo, 207 Reynolds Street. We did do a site walk through, and, as you can tell, my property, especially, you're gonna, it's literally, in my backyard, just like with you, I mean, yours is the worst as far as --- in your backyard. The problem being that, you are gonna, if you cut down all the trees, I already have such a desolate area, mine, if you looked at the property site we first walked on, there are no trees there already. So, by cutting down the rest of the trees, I'm concerned about the wind factor, the noise factor from the pike, and just from the tunnel, the wind tunnel. I'm also concerned about the erosion, because you don't have those roots from the trees, and the more you cut off, the more that water and the erosion will come floating into my backyard.

Mr. Minnie: The water won't come into your backyard, that I can guarantee you. 'Cause if it does, the engineers are gonna be out there, and they're gonna be fixing a lot of stuff, and it's really expensive for them to do it the second time around. So, if there's water coming in ...

Ms. Anselmo: Well, I'll believe it when I see it.

Mr. Minnie: I understand, and I get it.

Ms. Anselmo: 'Cause we already have problems with water in our basement so.

Mr. Minnie: I understand. I think another thing you'll find is people prune their yards and trim their yards differently. Because now, ok, all of a sudden, you had huge depths of woods behind you, so people tend to clear. As soon as whatever changes over there occur, and there's gonna be more sunlight in that area. I have a very dense pine forest behind my house. Every time a big pine tree gets hit by lightening and it goes over, and there's nothing on the ground but pine needles, eighteen months later there's saplings and things coming up like crazy because now there's sun hitting. So, since this is gonna be a sunny area in the behind, the edge of that sunny area is gonna go like this. And fortunately the way the direction of the sun's coming, you'll have, in two or three or four years, substantial more in-growth along that border. Does it make you happy? I get it, it doesn't. But, it will grow. Any other members have Board Member comments?

Mr. Phoenix: We've got a lot of stuff to cover here with checklists and everything too. And I don't know if the public is really finished with their thinking, but at a minimum, so that we can be gaining some ground somewhere, as far as knowing what's happening, we do have some waivers requested. And I thought this might be a good time to take a look at those. I don't think

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that there's anything too crazy here. In their letter dated January 23, 2017, speaking about item l, the description of financial surety that satisfies Section 6.10.c, 6.10.9c, their responses were: *we're requesting a waiver to exempt this requirement; this is a utility project by Eversource, which is a public holding company that registered with the Federal Energy Regulatory Commission.* As far as m, which is utility notification, their response is: *We're requesting a waiver to exempt utility notification to recognize that Eversource is the utility company that owns and operates both the electrical grid and the proposed PV facility that will interconnect with its grid.* We also have in the letter, February 23rd, as far as Site Plan Criteria o, this would be the lighting plan, the elevation plan, signage, snow storage, and traffic study. We have: *We respectfully request a waiver for the criteria listed under comment o. Additional Requirements, for the following reasons; 1. Site lighting will not be installed for the facility.* That's for the lighting plan strangely enough. As far as the elevations; *No buildings will be constructed on the site.* As far as the signage design; *Except for emergency and hazardous identification signage, no other site signs are proposed.* As far as the area will be stored; *The site will not be plowed during the winter season.* And traffic study; *There will be no additional traffic generation, recognizing that it's a utility facility.* So we have, depending on how you want to slice it, either three or seven waivers requested, none of which, I think, is earth shattering. And in order to get the ball rolling on that...

Mr. Minnie: Before you do that, Ray.

Mr. Phoenix: Sure.

Mr. Minnie: So, we don't have a plan stamped and surveyed yet, correct?

Mr. Phoenix: No.

Mr. Minnie: My inclination is not to act on any that, until we have the complete application in front of us. That's just my personal preference.

Mr. Phoenix: So are you saying you don't want to run the checklist either?

Mr. Minnie: We don't have the stamped plans. Are we gonna run the checklist when we don't have everything in front of us?

Mr. Phoenix: That's what we do a lot of the time. I'm usually the one that advocates against doing it.

Mr. Minnie: I know.

Mr. Phoenix: And usually, everybody else wants to do it.

Mr. Minnie: I know, I know. But, this...

Mr. Phoenix: I'm finally going along with the team, and you're killing me over there.

Mr. Minnie: Give me one second. So, what do you think, Chris?

Mr. Coelho: Well, I don't think not having a stamped survey is much of a hurdle for Eversource. So, they're gonna give us one.

Ms. Voisine-Shea: Condition, maybe?

Mr. Coelho: We don't like conditions either.

Mr. Minnie: Yeah, see that's the...

Mr. Phoenix: Well, that's a whole other thing. But as far as the waivers go, my primary argument would be that, you know, the issues that we're talking about as far as a lighting plan not being included...

Mr. Minnie: Yup.

Mr. Phoenix: ... that wouldn't have anything to do with the survey coming in. The elevation plan coming in, same thing, there's no building design to show. The signage design, there's nothing to show. Snow storage, there's nothing to show. Traffic study, it's only gonna be service utility vehicles, which is essentially nothing. And as far as the description of financial security, if we want to, we can discuss that, I guess. But the utility notification, I think, is almost silly, considering they are the utility. And, I think, we can probably handle those, so that, at least, we've put those question marks to bed.

Mr. Minnie: Ok, go ahead.

Mr. Phoenix: And then we can figure out what other stuff we want to even look at tonight.

Mr. Minnie: Ok.

Mr. Phoenix: So, I'll make a **MOTION**, and now this is not on the proposal itself, this is just on the waiver requests, for 7.1.5.0 1-5, along with, looks like, 6.10.4, no, 1 and m, the utility notification and description of financial security, as requested in the January 23rd and February 23rd 2017 letters.

SECOND Mr. Coelho.

Mr. Minnie: On the, motion's made and seconded, on the motion for waivers, and not on the projects overall. Those in favor of the waivers?

4-0-1 in Favor. (Mr. Queiroga)

Mr. Phoenix: So, at least that gives us an idea of where we're standing on something.

Mr. Minnie: Ok.

Mr. Condon: ---,

Mr. Minnie: Oh, I'm sorry, sir. Stand, state your name again.

Mr. Condon: Matthew Condon, 37 Americo. Two part question, is there gonna be any grading of all that land up there, with bulldozers and?

Mr. Minnie: That was what I was eluding to earlier in the evening, which was, I was asking that they get and construct their stormwater retention basins before they do any cutting or clearing or

anything. But, the areas, where those are gonna be developed, so that, when they go up there and do cut, and do pull up the stumps, and then do grade. And I looked at it, there's some grade changes, but not anywhere near what I was expecting, to be perfectly honest with you. I thought you were gonna knock a chunk of the hill out.

Mr. Gagnon: But, yeah, and if I may speak to that.

Mr. Minnie: Sure.

Mr. Gagnon: It's in our best interest, we want it to be a balanced site, in other words, not bring any in, or not truck any out.

Mr. Minnie: Right.

Mr. Gagnon: So, it's kind of the objective.

Mr. Minnie: I think you might call it a smoothing. You know, if one area over here the size of this room is two feet higher, and there's an area over there two feet lower, they're gonna smooth it. But, he's not anticipating trucking anything in or out.

Mr. Condon: Ok.

Mr. Minnie: So, zero sum game.

Mr. Phoenix: Well, not anticipating trucking anything, or not anticipating trucking much?

Mr. Coelho: As little as possible, I'm sure, because that will affect the bottom line.

Mr. Phoenix: That's what I would believe also. I just want to clarify with what the Chairman said.

Mr. Gagnon: No.

Mr. Minnie: I mean, you're obviously gonna have to bring in some gravel for a tracking mat, and all that kind of stuff...

Ms. Voisine-Shea: ---

Mr. Minnie: ...for your pads. And it's all normal construction and that.

Mr. Gagnon: And the other thing too is, really, for site cover. We may have --- top soil ---.

Ms. Voisine-Shea: Grass.

Mr. Condon: Ok, the second part of my question, about what distance apart are you gonna plant the arborvitaes?

Ms. Voisine-Shea: Umm, is that on there?

Mr. Gagnon: I think it's actually on the schedule.

Mr. Minnie: A lot of plantings like this, there's a construction normal and standard, and that's generally what they follow.

(Mr. Phoenix talking to Mr. Queiroga)

Mr. Gagnon: I don't have the distance, actually indicative, but I can say the intent would be, when they are planted, they're gonna be pretty much, in other words, we're not gonna space them six or eight feet apart. We're gonna plant them, and that's kind of the whole idea of staggering them as well, because what happens is, if you, like any bush or shrub, if you plant it too close together, you know, like side by side ...

Mr. Minnie: It chokes itself out.

Mr. Gagnon: ...it's gonna choke itself out. So what we want to do, is we want to allow enough room between shrubs, and then that space that's between these two trees here, we would stagger, and we would put another bush here, so that effectively as you're looking at it from a distance you just see a wall of green.

Mr. Condon: Ok.

Ms. Roy: One more question?

Mr. Minnie: Sure, stand and state your name.

Ms. Roy: Sharon Roy, 27 Americo. At the beginning, I couldn't hear too well, but I thought you said something about changing something that was on the plan. I don't know if it had to do with the access, the gate? It was something ---.

Mr. Minnie: I'm sorry Sharon.

Ms. Roy: Were you talking about moving something?

Mr. Minnie: We haven't discussed moving anything tonight. The only thing we really discussed were some poles and wires and some pads.

Ms. Roy: Oh, ok, ---

Mr. Minnie: Yeah, but there's no building. There's no garages, so.

Ms. Roy: Ok.

Mr. Minnie: Town Planner, comments?

Ms. Voisine-Shea: There's one more question.

Mr. Stefancik: There's another one.

Mr. Minnie: Oh, ok, sure.

Mr. Oliveras: Angel Oliveras, 175 Reynolds Street. In, with respect to the clearing, that's actually gonna open up that whole area to more pedestrian traffic. In our walk through, we saw a lot of evidence of undesirable activity all up along the Reynolds Street side. --- bonfires --- alcohol containers ---.

Mr. Minnie: The only thing I can answer at that point, is the entire facility's gonna be fenced.

Mr. Oliveras: But I want to know if there are plans to install any type of security measures whether they be passive, deterrent type devices, any form of active monitoring --- closed circuit televisions, motion detection, floodlights, something that would deter that type of activity in this area. It's gonna make it easier for people to traverse through ---.

Mr. Minnie: Well, I'll let them answer that for themselves, but in the other places we've done these, I specifically asked that question at other places, and they were not installing any monitoring things.

Mr. Oliveras: But those sites, a lot of those sites are by roadsides or ---.

Mr. Minnie: They're in different places. I actually was inquiring where we got a large solar field going up, if they were gonna allow gaps in the fence in areas for wildlife. And, you know, So, ok, if you got a 40 pound raccoon that climbs in there, how's it climbing out? And that is all things. This is not the first time they built a solar field, and I think, basically, what it comes down to, is nobody goes in the solar field to steal anything, because there's nothing to steal. And there's not a lot of things to do in there for as way of entertainment. And if you've ever walked in a solar field, everything is, kind of, pretty tight, and there's not a lot of room, and, you know. So, kids aren't gonna jump over the fence and go inside, I understand...

Mr. Oliveras: It's not inside.

Mr. Minnie: I understand what you're saying, I understand. But, inside the facility, it's pretty mundane. Will you get more people walking around? My opinion is, is because it's so steep in there, and now that that entire hillside is gonna be blocked, I think you're gonna have way less. Because it's so hard to get, it's gonna be, with that facility, I mean, think about it, if you come in at the end of Reynolds, and you come in, now you're gonna have to bulldoze to try to get through there, so. My expectation is you'll have way less of everything.

Mr. Oliveras: ---?

Mr. Minnie: You're not gonna have hunters in there.

Mr. Oliveras: --- that buffer though is...

Mr. Minnie: Excuse me?

Mr. Oliveras: Isn't there a clearing between the fence, the arborvitaes ---?

Mr. Minnie: There is an area in there, yes. But, my expectation is, you'll have way less of everything. And, I think, ultimately, you'll, with the solar field, you may see whatever you see with the solar field, but I think you'll have more privacy and less people trudging through there. I mean, I'm assuming you're getting deer hunters through there, and all that.

Mr. Oliveras: We did see some deer stands.

(multiple people talking)

Mr. Minnie: My suspicion is once that's up, you know, will the deer still run between your property and the fences? Yeah. But, because of the rules and requirements for setback for hunting, they won't be any hunting in there. It won't be legal to hunt in there.

Ms. Anselmo: They do it already ---.

Mr. Minnie: I know, I know.

Ms. Anselmo: Let's not go there. I've lived there for a long time.

Mr. Minnie: But I don't think you're gonna see deer sitting on the hill, because they won't be able to get in there, so. Doug, you have any comments or questions?

Mr. Stefancik: One of the mitigation measures, I'm wondering if they offer awnings for the neighbors as well. On the major utility upgrade that was one of the mitigation efforts they offered.

Ms. Voisine-Shea: What do you mean?

Mr. Minnie: Awnings. On other parts of town they were offering awnings on, what was it, second floor?

Mr. Stefancik: Yeah, anyone who abutted the utility. It was either fencing, landscaping, awnings. They had offered that as a mitigation effort.

Ms. Voisine-Shea: I think that we'd prefer to stick with trees right now, just to keep it simple. You want awnings? You want to speak? Go ahead.

Mr. Kimball: If I could help you.

Mr. Minnie: Your name?

Mr. Kimball: Mark Kimball. I'm with Eversource.

Mr. Minnie: Your address please?

Mr. Kimball: 7 Fernwood Drive, East Hampton, Connecticut.

Mr. Minnie: Thank you Mark.

Mr. Kimball: As far as awnings, that was part of the Greater Springfield Reliability Project, and we did offer awnings. You're absolutely right. But, the reason we did for that is, you stand there at your property looking at the power lines. That was, we're trying to screen power lines that were up here, up high. You stand at the window looking out, the awnings would be perfect for

that. In actuality, not really a lot of people took advantage of that. Most people just took advantage of trees and vegetation, like your house.

Mr. Minnie: We looked at awnings, and we said no. We took the fence.

Mr. Kimball: There actually were very few awnings that went in. But as I said, they're really meant for, kind of, looking up high.

Ms. Voisine-Shea: You can't block it with a tree, basically, which we can with the tree here, so.

Mr. Phoenix: Mr. Chairman?

Mr. Minnie: Mr. Phoenix.

Mr. Phoenix: Another question. In Site Plan Contents, specifically e, talks about parking spaces and circulation area, which there's not really gonna be a whole lot of parking here. I know on the chart, they do call out one as far as a service vehicle. But, specifically, that's not called out on the plan as far as where that parking is. There's not a whole lot of area there that it would likely be.

Mr. Minnie: I was thinking...

Mr. Phoenix: The other part of that though, that e.2 says all parking areas shall be paved and noted on the site plan as to be paved with they type of pavement to be used. And the best that I'm seeing on there, is existing gravel drive, and then the same indication within the perimeter. So, it looks like they're intending gravel for that as well.

Mr. Minnie: I was thinking about that earlier this afternoon, and I was thinking that any parking, designated parking area or increased gravel pad, I mean, I wouldn't be in favor of putting anything that impervious up there. It's probably more detrimental. I mean, for the two times a year, they're gonna put that special grass that grows slow, so they cut the grass twice a year. They're gonna drive up there with a pickup truck and a small trailer. They're not gonna go up there with a forty foot trailer because the nature of what it is. They're gonna go up there, they're gonna drop the gate of the trailer. They're gonna drive the mowers off. They're gonna open the gate, and they're gonna go in and cut the grass, and get back up and go. And my expectation is, they'll cut that within what, two or three hours? It's not a very big site.

Mr. Phoenix: The comment that I would have to that, 'cause I think there some common sense that goes into your answer, but I'll answer that with logic. The regulations, as far as site plan, specifically call out a section like, Section o 1-5 ...

Mr. Minnie: Right.

Mr. Phoenix: ... that that's waivable by the Planning Board.

Mr. Minnie: Yup.

Mr. Phoenix: E 1-3, is not called out as waivable by the Planning Board. So, that's not something that we have the ability, as a board, to waive. We found some creative ways around that in very, very few circumstances over the past, almost, twenty years that I've been here. But,

we've even had situations where you've got big construction equipment constantly going in and out of a site, and we've told them the apron needs to be paved, and the parking area for the vehicles needs to be paved, we can let you slide a little bit on the in and out. So, I think, the regulations speak for itself.

Mr. Coelho: They're not gonna pave where they're gonna park graders. You don't do that when you construct things.

Mr. Minnie: Well my, and I understand your point, my whole point is, they're gonna, there is no building on site. So, you know, if there was a two car garage, and they were gonna be keeping the lawn mowers there, and all that, and I'd say, well yeah, you're gonna have to put a skirt around the building and you're gonna have to do x, y, and z. There is literally, except for ground mounted poles and panels, and the couple transformers, nothing there except for the fences and the trees. And, I think, almost anything they do that tries to get creative is more detrimental. I think once in a while, less is more. And...

Mr. Phoenix: Well, creative would be trying to circumvent the Bylaw.

Mr. Minnie: Well, I think we can designate an area.

Mr. Phoenix: Can you point to a section Mr. Chairman, out of the Bylaw, that says e 1-3 is waivable?

Mr. Minnie: I'm not looking for a waive, what I'm gonna say is that...

Mr. Phoenix: So, it's a disregard?

Mr. Minnie: No, what I'm gonna say is that we're gonna say that it's the parking area in front of the gate, is where the call out for the parking spaces are.

Mr. Phoenix: Well, that's up to the applicant to decide how they're gonna do it.

Mr. Minnie: Sure, right.

Mr. Phoenix: I think that we've been speaking on behalf of the applicant quite a bit tonight.

Mr. Minnie: I understand.

Ms. Roy: Are you still taking questions?

Mr. Minnie: Yes, yup, sure.

Ms. Roy: Sharon Roy, 27 Americo. Any way you can move the entrance to the side where there's no houses? There's no one living on the top side, and, I mean, it's bad enough we have that in our backyard, but we specifically have the entrance to this thing in our backyard. Is it possible to move it?

Mr. Minnie: Well, if you moved it to the top side, you'd be driving further in with the truck and equipment, so my educated guess is that's probably the most logical place for them to go in and access the entire project ---. But again, I don't want to speak for them.

Ms. Voisine-Shea: The setbacks, too, would be an issue with, you know, if we put along the north side, we wouldn't meet the setback requirement.

Mr. Queiroga: Does that drop off?

Mr. Minnie: Alright, so, I guess where we're at now is, how we want to proceed. We don't have everything we need to proceed tonight. So, are we going to continue to another evening, when we have the plans, and are we going to ask the applicants to address the parking? What are we gonna do?

Mr. Phoenix: Well, we can either, I think, cut things here, and pick up next time with doing the checklist, which might turn up more things that need to be done. But, it's probably the most appropriate thing to do. Or we can do the most sensible thing to do, which is to run through the checklist now, turn up what we can find, and send them away with that tonight, and then continue based off of that.

Mr. Minnie: Ok, would you do the checklist please, Raymond?

Mr. Phoenix: Sure.

Mr. Phoenix read the checklist:

LARGE-SCALE, GROUND-MOUNTED, PHOTOVOLTAIC SYSTEMS CHECKLIST

Location

Large-scale, ground-mounted, photovoltaic systems shall be allowed in the districts identified in Table 1: Ludlow Table of Principal Uses. Large-scale, ground-mounted, photovoltaic systems shall be allowed in the Aircraft Flight Overlay District provided they conform to all applicable rules and regulations set forth by the Federal Aviation Administration (FAA).

General Requirements

All applications for Site Plan Approval must comply with Section 7.1 – Site Plan Approval. In addition, the following documents are required specifically for large-scale, ground-mounted, photovoltaic systems:

- (a) Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter.

Mr. Phoenix: And that is one of the things that we are still waiting for.

- (b) Contact information for the proposed system installer.

Mr. Phoenix: I believe that's ready, but it's not part of the packet yet.

- (c) Contact information and signature of the project proponent, as well as all co-proponents, if any, and all property owners.

Mr. Phoenix: I believe we have that.

Ms. Houle: Yes.

- (d) Contact information and signature of agents representing the project proponent, if any.

Mr. Phoenix: We have that.

- (e) Contact information for the person(s) responsible for public inquiries throughout the life of the system.

Mr. Phoenix: We have that.

- (f) Blueprints of the photovoltaic system showing the proposed layout of the system and proposed shading from nearby structures, natural features and landscaping.
- (g) One or three lined electrical diagrams detailing the photovoltaic system, any associated components, and electrical interconnection methods, with all National Electric Code compliant disconnects and overcurrent devices.

Mr. Phoenix: That's something I believe you said is ready, but just not here yet.

- (h) All plans and maps associated with large-scale, ground-mounted, photovoltaic systems shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
- (i) Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed photovoltaic system.
- (j) An operation and maintenance plan which shall include measures for maintaining safe access to the system, storm water controls, and general procedures for operational maintenance of the system.
- (k) Proof of liability insurance.

Mr. Phoenix: I think that was one of the forthcoming ones as well, once the contractor was chosen.

- (l) Description of financial surety that satisfies Section 6.10.9(c).

Mr. Phoenix: L, we waived, which is the financial surety.

- (m) **Utility Notification.** No large-scale, ground-mounted, photovoltaic system shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the system is to be located has been informed of the owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Mr. Phoenix: Also waived.

Design Standards

- (a) **Dimensional and Density Requirements** All construction shall comply with the yard, space, and height requirements of the zoning district(s) in which the system is located as per Table 2: Table of Dimensional Regulations. In cases where the parcel abuts residential zones, park land, or conservation land, the setback shall be a minimum of 50 feet, unless waived by the Site Plan Review Authority.
- (b) **Lighting** Lighting of the large-scale, ground-mounted, photovoltaic system and any appurtenant structures shall be directed downward and inward and shall incorporate full cut off fixtures to reduce light pollution. Lighting shall be limited to that which is required for safety and operational purposes, and shall be shielded from abutting properties.

Mr. Phoenix: That's n/a, 'cause they're not doing any lighting.

- (c) **Signage** An identification sign shall be no larger than two feet by two feet, shall identify the owner and provide a 24-hour emergency contact phone number. The sign shall be made visible from a right of way where the

property has frontage. Large-scale, ground-mounted, photovoltaic systems shall not be used for displaying any advertising except for identification of the manufacturer or operator of the system. All signs require a Building Permit and will comply with the signage provisions in Ludlow's Zoning Bylaws.

Mr. Phoenix: Again, which is just the safety, which, I think, we actually spell out in here.

- (d) **Utility Connections** Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the large-scale, ground-mounted, photovoltaic installation underground, depending on appropriate soil conditions, shape and topography of the site, and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

Mr. Phoenix: I guess that's them anyway.

- (e) **Appurtenant Structures** All appurtenant structures to large-scale, ground-mounted, photovoltaic systems shall comply with Table 2: Table of Dimensional Regulations. In the case that the parcel abuts residential zones, park land or conservation land the setback shall be a minimum of 50 feet, unless waived by the Site Plan Review Authority.

Structures shall be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts. All appurtenant structures shall have a Landscape Plan. Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation.

Mr. Phoenix: So, I think we still have a little bit of a question mark as far as how that's coming together.

Safety and Environmental Standards

- (a) **Emergency Services** The large-scale, ground-mounted, photovoltaic system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the large-scale, ground-mounted, photovoltaic system shall be clearly marked.

- (b) **Land Clearing, Soil Erosion and Habitat Impacts** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale, ground-mounted photovoltaic system or otherwise prescribed by applicable laws, regulations, and bylaws. Large-scale, ground-mounted, photovoltaic systems shall be installed on water-permeable surfaces, as approved by the Site Plan Review Authority during site plan review.

- (c) **Landscaped Buffer Strip** A landscaped buffer strip is intended to provide, within five years of installation, a visual barrier between the large-scale, ground-mounted, photovoltaic system and neighboring properties. Except for vehicular and pedestrian passways and permitted signs, these areas shall be used only for an interplanting of deciduous or evergreen trees, shrubs and other vegetative ground cover that can appropriately create a visual barrier.

The buffer must provide coverage as outlined by Table 3: Required Landscaping. Where considered appropriate in the judgment of the Site Plan Review Authority, walls and fences may be used in addition to or in lieu of plantings. A planting plan showing the types, sizes and locations of material to be used shall be subject to the approval of the Site Plan Review Authority.

Mr. Phoenix: Which I think is still a little bit up in the air.

Waivers

The Site Plan Review Authority may waive strict compliance with any requirement of this bylaw, or the rules and regulations promulgated hereunder, where:

1. Such action is allowed by federal, state and local statutes and/or regulations;
2. Is in the public interest;
3. Is not inconsistent with the purpose and intent of this by-law.

Mr. Phoenix: So that's where we're at on that one. And then the one that we're more familiar with, Required Site Plan Contents.

Mr. Queiroga: Ray, not to interrupt you, I know they were copying feverishly, but if you want a copy of this before you go, I'm sure ...

Ms. Voisine-Shea: No, we have it, I just like to take notes.

Mr. Phoenix read the Required Site Plan Contents Checklist:

7.1.5 Required Site Plan Contents

All site plans shall be prepared by a person or persons registered under the Massachusetts General Laws of the Commonwealth of Massachusetts to practice architecture and/or engineering, and land surveying and shall show the seals of the architect and/or engineer, and land surveyor. All site plans shall be on standard 24" X 36" sheets at a scale of 1 inch equals 40 feet, with additional narrative as necessary: (Amended 1/25/99)

All site plans shall also include the property owner's names, date of plan, and scale of plan; and a space for endorsement by the Planning Board (3" X 5") (Added 10/2/06)

Mr. Minnie: I'm looking, yup.

a. Provision for adequate drainage of surface water from paved areas. Use of landscaped areas to provide such drainage in order to relieve storm drainage systems is encouraged. The piping for the storm water drainage systems shall be designed using the ten (10) year storm curve for parking area drains and the twenty-five (25) year storm curve for culverts over existing natural waterways and retention areas.

Mr. Phoenix: I know we got numbers on that. Did that actually get reviewed? 'Cause I have no clue what's going on over at Public Works right now.

Mr. Stefancik: DPW did review the stormwater.

b. Existing and proposed vegetation. Such vegetation shall be indicated by:

(1) Type and location (whether woods, brush, shrubs, etc.)

(2) Number of plants (if appropriate)

Mr. Phoenix: I think we've got a vague idea of where, and I think the number of plants might be a little bit crazy.

Mr. Minnie: Lots.

c. Existing natural features such as wetlands, rock outcroppings, slopes, hills, etc.

Mr. Minnie: Yup.

d. Pedestrian facilities, if any, including walks, plazas, benches, etc.

Mr. Minnie: N/a.

e.1. Parking spaces and circulation area for automobiles as well as the location of landscaped areas within them. Existing and proposed curb cuts shall be indicated together with approval for such cuts from the appropriate town or state agency. The number of spaces shall be in accordance with Section 6.4.2 of the bylaw.

Ms. Voisine-Shea: It's an unmanned facility. Does that change it?

Mr. Minnie: I was just thinking that.

Ms. Voisine-Shea: ---

Mr. Phoenix: Well, it says right on the chart.

Ms. Voisine-Shea: ---

Mr. Minnie: I was just thinking that ---.

Mr. Phoenix: Number of parking spaces required for the intended use based on Section 6.4, required: 1, provided: 1. That's what it says right on here.

Mr. Minnie: I think what's showing is adequate.

Mr. Phoenix: I don't see any parking spaces. --- you have is just kind of rough thing. I don't know, but there's nothing there.

Mr. Minnie: I see this...

Mr. Phoenix: If this were a mom and dad's pizza shop and they just wanted cars to park in their parking lot, what would we say?

Mr. Coelho: If this were mom and dad's pizza shop, they'd have 100 cars driving there every night. --- they're gonna have one car dropping off lawnmowers to cut the ---.

Mr. Minnie: Twice a year.

Mr. Coelho: Twice a year. That's a different situation.

Mr. Phoenix: I get what you're saying.

Mr. Coelho: I know you do Ray, and it's kind of frustrating me though on top of it, you know. We want to have them to drop a pad of asphalt in the middle of the woods, or just throw down some ---.

Mr. Phoenix: I'm not saying it needs to be done in the middle of the woods. I think there was another suggestion that was even made from the Chairman. But ultimately, it's on the applicant to find how they're going to meet the criteria of the Bylaw.

Mr. Minnie: I would accept the parking area to be called out in front of the two gates.

Mr. Gagnon: ---

Ms. Voisine-Shea: --- where you pull in.

Mr. Minnie: I would do a call out ---.

Mr. Phoenix: That's what I was saying; as long as we got something --- that it's been done.

Mr. Minnie: A call out with gravel, yup.

Mr. Phoenix: I'm not looking to be unreasonable.

Mr. Gagnon: And we have a detail of the cross section with the gravel's gonna look like.

Mr. Minnie: Yup, and I know you guys are looking to try to finish this. We may be able to get it done in one more meeting, might be two, but.

Mr. Phoenix: That's why I figured we should run through this now.

Mr. Minnie: Sure.

e.2. All parking areas shall be paved and noted on the site plan as "to be paved," with the type of pavement to be used.

Mr. Minnie: N/a.

e.3. Area where deliveries will be made on site.

Mr. Minnie: N/a.

f. Existing and proposed fencing to be used to buffer abutting residential dwellings and/or districts from the intended development (if appropriate). Section 3.0.4 of this bylaw.

Mr. Minnie: Shown.

g. Existing natural features and vegetation to be retained shall be so indicated. Due regard shall be shown for all existing vegetation and natural features which, if preserved, will add attractiveness and value to the development.

Mr. Minnie: Shown.

h. The location and type of monumentation at all property corners shall be shown and maintained.

Mr. Phoenix: That'll be one the ...

Mr. Minnie: Next.

Mr. Phoenix: ...plan when it comes in.

i. Existing and proposed elevations and contours. The contour interval shall be two (2) feet or any interval which adequately depicts the grading.

Mr. Minnie: Yup.

j. All existing and proposed utilities, and to include utilities with easements.

Mr. Minnie: Shown.

Mr. Phoenix: And I hope they've got the easements on there.

k. All site plans required herein shall display names of all abutters.

Mr. Minnie: Yup.

l. All existing and proposed sidewalks and curbing.

Mr. Minnie: Yup.

m. Landscaping Requirements

Mr. Minnie: N/a. We're way past that. It's a giant landscaped project, is what it is.

Mr. Phoenix: Well yeah, but that also includes ...

Mr. Minnie: As shown on the plan. How's that? As shown on the plan.

Mr. Phoenix: Ok, but I don't know that it's, you know.

Mr. Minnie: We'll get there.

(1) Required landscaping shall be provided as set forth in Table 3.

(2) Buffer strips required by Table 3 shall be reserved exclusively for plantings, pedestrian facilities such as benches and walkways, required fences, necessary traffic control signs and those free standing signs which conform to the requirements of Section 6.5.2e of this bylaw.

n. The plan shall also include a chart showing the following information:

(1) Area of lot.

Mr. Gagnon: Sheet LD.

Mr. Minnie: Yup.

(2) Area and size of building.

Mr. Minnie: N/a.

(3) Maximum area of building to be used for selling, offices, business, industrial, or other uses, if applicable.

Mr. Minnie: N/a.

(4) Maximum number of employees, where applicable.

Mr. Minnie: N/a.

(5) Maximum seating capacity, where applicable.

Mr. Minnie: N/a.

(6) Maximum sleeping capacity, where applicable.

Mr. Minnie: N/a.

(7) Number of parking spaces required for the intended use, based on Section 6.4.

Mr. Minnie: One, but not called out yet.

(8) Number of parking spaces existing at the site (including street parking adjacent to site).

Mr. Queiroga: No.

Mr. Minnie: None.

(9) Number of trees and/or shrubs.

Mr. Minnie: Lots.

Mr. Phoenix: They need to go out and count every single one.

(10) Number of trees and/or shrubs shown on plan.

Mr. Minnie: Even more.

Mr. Phoenix: And then we get to o, which we waived already.

o. Additional Requirements: All site plans need to have the following information unless waived by the Planning Board:

(1.) Lighting Plan with Luminaire Schedule, prepared by an engineer. (2.) Elevations showing the front, rear, and sides of the building design. (3.) Signage design with dimensions and locations. (4.) Area where snow will be stored. (5.) Traffic Study.

Mr. Minnie: I would ask that the Town Planner provide some verbiage to put on the actual site plan, specifically stating that the buffered areas and the vegetation for screening will be kept and maintained at all times. So, if you could just write that on the plans somewhere too. Doug will give you whatever verbiage he's happy with.

Mr. Coelho: ---

Mr. Minnie: ---. I mean, we have it under the solar panel thing, but I just would like it actually written on the plan as provided by the applicant. It makes me feel better when it's done that way.

Mr. Coelho: --- schedule on the plan.

Mr. Minnie: No, I understand. But the fact that they will be, you know, kept and maintained and replaced as necessary. Doug knows what I want. I've asked for it before. Town Planner ---. You don't have any objection to that, do you? I didn't think so. We have anything else from the Board Members?

Mr. Queiroga: How much time you need to get the stuff you're missing?

Ms. Voisine-Shea: --- everything else we have, it's just will the survey be ready in two weeks, --
- your next meeting?

Mr. Minnie: When's our next regular meeting, Sue?

Ms. Urban: Our next one is April 13th, and we have the 27th.

Mr. Minnie: Is there anything on the schedule for April 13th right now?

Ms. Urban: We could do 7:15. We have one with a zone change at 7:00.

Mr. Minnie: Ok, and I would prefer nothing be scheduled after.

Ms. Voisine-Shea: ---?

Mr. Gagnon: I think so.

Mr. Phoenix: And just so that, hopefully, we can be on mostly the same page, unless I'm mistaken, I think what we have, that we're looking for, under the solar checklist, general a, b, g, and k; design section e, specifically the second paragraph for that; the safety section c; and then on the regular site plan, the survey e.1, h; and then figuring out the specifics of the vegetative buffer, etcetera with the neighbors. Is that, collect everything that we can think of, that we're looking for still?

Mr. Minnie: Yes. I would just make the comment that the three neighbors that asked, specifically, along Reynolds, and High Terrace there, that were asking for bushes or shrubs to try to figure out what they're gonna ask for, so that when they're contacted they could, you know, have a reasonable expectation and understanding of what they want, and maybe even stick a stake or two in the ground saying here, here, here, so that it helps with the company so that everybody's on the same page instead of a blank slate.

Mr. Phoenix: So, this was gonna be continued to the 13th, at 7:15?

Mr. Minnie: 13th at 7:15.

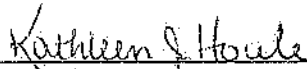
Mr. Phoenix: I will make a **MOTION** to continue this matter until April 13th at 7:15 p.m.

Mr. Coelho: **SECOND**.

4-0-1 in Favor (Mr. Queiroga).

The public hearing is continued until Thursday, April 13, 2017 at 7:15 p.m.

APPROVED:



Kathleen Houle, Secretary

SU

Documents: Master application; abutters list; request for waivers; comments from Town Departments/Boards; Response to Town Comments from Michael Gagnon (Milone & MacBroom, Inc.)(2/23/17); Stormwater Management and Erosion Control Plan, Eversource Solar – Site 72, Chapin Street Ludlow, Massachusetts (January 11, 2017); Site Plan – Eversource Solar Site 72 – Ludlow, MA, Chapin Street Ludlow, Massachusetts, Permit Drawings MMI Project No.- 5615-12 (January 20, 2017) and (Revision No.1 – February 23, 2017); Letters from Sharon Laro & Angela Anselmo; abutters on Americo Street; Angel L. Oliveras Jr. & Liliana Oliveras; Paul & Margaretjane Gerstenberger (abutting neighbors) re: landscaping requests

(Documents pertaining to this hearing are available for viewing in the Planning Board Office during regular business hours).

**TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING
PROPOSED ZONING BYLAW REVISIONS
Town of Ludlow**

**Add Section XI. Temporary Moratorium on the Sale and
Distribution of Recreational Marijuana
March 30, 2017**

PLANNING BOARD MEMBERS

Edgar Minnie – Chairman (Present)
Joseph Queiroga - Vice Chairman (Present)
Christopher Coelho (Present)
Kathleen Houle (Present)
Raymond Phoenix (Present)

The public hearing was continued from March 23, 2017

Hearing began at 8:37 p.m. in the Selectmen's Conference Room.

In attendance: Attendees

Mr. Minnie read the legal notice which included the description of: Add Section XI. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana.

Mr. Minnie: It is now 8:37, and we are going to continue our public hearing. And as I recall from last time, through the haze and fog, we asked for some verbiage changes, and the Town Planner had highlighted and done so. And is this new draft, marked 3/29/17, the current working documentation?

Mr. Stefancik: Yes, the 3/29/2007(2017), that's Doherty Wallace. Mike Schneider, the Town Attorney, had reviewed the change that Bill had given us, and he made some further changes.

Mr. Minnie: Ok, and I know Mr. Rooney had some specific questions. I actually heard an interview on NPR with the Commissioner, whoever the new happy smoke people are, and they specifically stated that they expect the legislation to allow any Town to opt in or opt out. I don't know if they figured that out themselves, how they're doing it, or who's paying for it. But, there was quite an extensive conversation on it.

Mr. Phoenix: Mr. Chairman?

Mr. Minnie: Mr. Phoenix.

Mr. Phoenix: I just wanted to point out the copy that we have in our packets, I just doubled checked it versus what came in our email, the language that's highlighted in the packet is the language, I think, we discussed at the last meeting. The language that we got from the Attorney

is not on this copy. It's similar, but I just wanted to point out that what we have written in front of us is not the newest version.

Mr. Minnie: Ok, is that accurate?

Mr. Queiroga: What page are you on?

Mr. Phoenix: Well, this is the last page of the document ---.

Mr. Stefancik: Yeah, the last page is, there should be six pages.

Mr. Queiroga: This?

Mr. Phoenix: Yeah, this yellow portion is what we talked about last time.

Mr. Stefancik: Correct.

Mr. Phoenix: The new version strikes out the first few words, and then adds more at the end.

Mr. Coelho: You don't have, it's at the beginning.

Mr. Phoenix: Ok, there's more at the...

Mr. Queiroga: Yeah, the last page.

Mr. Minnie: Yeah, so, it's covered. Mr. Rooney, have you had a chance to see this?

Mr. Rooney: I just, I believe I have five pages, and the fifth page being the highlighted.

Mr. Queiroga: Yeah.

Mr. Rooney: That I had talked about last week.

Mr. Phoenix: I skipped to the end of the document, thinking that's where we'd be looking.

Mr. Rooney: Right, and I do know, it's my understanding, I think you're right Mr. Phoenix, that Attorney Schneider has changed what I'm saying is on page five, the highlighted, very slightly, to really put that prefacing comment at the end of the document, but I don't have that wording. You might have it there.

Mr. Coelho: It's at the front of the document.

Mr. Phoenix: It's on the second page.

Mr. Coelho: Page two, yeah.

Mr. Phoenix: That's why I passed it too, I skipped right to the...

Mr. Rooney: Oh, ok, alright. Yes, ok, that's what I did see from the ---.

Mr. Phoenix: Well, at least I'm not the only one that skipped to the end.

Mr. Minnie: Are there any other further comments or suggestions from Board Members?

Mr. Coelho: I'm still sticky on shall.

Mr. Phoenix: That's a sticking point for me also. But, there's another thing too. You want to talk about shall first, or do you want to just jump right in?

Mr. Coelho: I don't think that shall conversation is gonna be that long.

Mr. Minnie: Yeah, I agree. I think it should say shall, and that's the end of the conversation.

Mr. Coelho: Well, I don't know about that.

Mr. Minnie: The Chair hasn't recognized Mr. Coelho.

Mr. Coelho: Well, Mr. Coelho sometimes speaks.

Mr. Minnie: So, go ahead Chris.

Mr. Coelho: I think shall's just too strict. I think, can, I mean, as long as we, and what does a study mean, you know what I mean? I think we can include a study and we can look into that.

Mr. Minnie: I'd rather see it say shall include a town wide ballot measure, never mind a study for the effectiveness of the town wide ballot measure. I'd rather just say, automatically put it to the voters. But, that's me. I can't imagine, regardless of what's in this, that someone won't by petition to ask for the count. I can't imagine that it wouldn't, if there's any hesitation or problem with any of the language. What is it, ten signatures for the petition?

Mr. Rooney: I think it is.

Mr. Minnie: Yeah, I mean, so, it's pretty easy to get the ten. So, not to --- whether shall is fair or not, and I get your point, being a libertarian to a certain extent, I think the realistic thing is, is that they have ten signatures in ten seconds.

Mr. Phoenix: Well, I think if people want to make changes, that's their prerogative as citizens to put that forward. I think our responsibility as the elected officials is to try and put together what we think is the appropriate course of action, not what we think somebody's gonna want it to be.

Mr. Minnie: Like I said, it says the planning process shall include a study of the effectiveness of a town wide ballot measure. It doesn't say there shall be a town wide measure.

Mr. Phoenix: Well, the thing is though, if we're gonna include a study, and it's gonna be mandated, where's the funding mechanism for that study?

Mr. Coelho: You know, I almost half agree with you Eddie, I'd rather it just say, you know, if allowed by law, the town will put it out to a ballot measure, than a study and the effectiveness, I mean.

Mr. Minnie: The study is just as murky. If we're gonna do recreational in the Town of Ludlow, it should just go to a, it just should go.

Mr. Coelho: But that, now I'm going back on my, hey, we already voted on this once.

Mr. Minnie: I understand.

Mr. Coelho: How many times are we gonna vote on this?

Mr. Queiroga: Mr. Chairman?

Mr. Minnie: Mr. Queiroga.

Mr. Queiroga: Bill, what do you understand to be the position of the state now, and have any of these moratoriums been approved with some sort of a town wide ballot as a proposal or study, whatever you want to --- in it?

Mr. Rooney: Mr. Chairman?

Mr. Minnie: Sure.

Mr. Rooney: Bill Rooney, 86 Pinewood Road. I think there's, there's no question there's some, a number of answered questions. And, I had a conversation again this afternoon with Attorney Schneider. At this point, there was not a clear cut answer as to whether or not town wide referendums will be allowed or not allowed. I would say, and I may have mentioned it when we were here last week, in early March, the Town of Westboro had a town wide referendum, and just coincidentally, you know, 80% of the voters said in Westboro, we don't want any recreational marijuana facilities in our town. Now, and Attorney Schneider and I talked about this a little bit this afternoon. To the best of our knowledge, there hasn't been any action taken by the State to invalidate that vote in the Town of Westboro. I know I mentioned it when we were here last week, Pembroke and Peabody are two other towns that are scheduling, and I don't know their exact dates, but certainly very soon, scheduling the same type of thing. And really, I think, part of the reason for putting this in here, is to include your board in the process. You know, you talk earlier about, and I understand your point Ed, and I don't necessarily disagree with it in terms of, geez, why don't we just put shall have a town wide moratorium, a town wide ballot. First of all, at this point, and again, I would defer to Town Counsel, and don't want to speak for him, what he's saying is, we don't know if that's going to be ok, we're still waiting for more direction to your question Joe. On the other hand, it really not this board that is the board in Town, that deals with putting questions to a town wide ballot. It's the Board of Selectmen. So, I guess a logical question on your part is, so why here? It's to include you folks in the process, again, similar to what you did with the medical marijuana, that there is a planning process. To me, it makes perfect sense if there's going to be a planning process, you are the folks that, and I think I used the term last week, shepherd that process. I will say as a very practical matter, and I'm not here to hide anything, I can't speak for the rest of the Board of Selectmen. I will certainly be pushing, at the appropriate time, that the Town vote on this, that there be a town wide ballot. I'd prefer to do it in conjunction with you folks, as part of the planning process, and that's really the reason for the language in there.

Mr. Queiroga: Do you agree with the language that's there now?

Mr. Rooney: Well, I do, especially because the end of it talks about, as long as it's ok with state law and regulations. And I think, certainly again, I have to hesitate, I don't want to speak for Attorney Schneider, but I've had several conversations with him. I think he feels comfortable, obviously he feels comfortable, he forwarded it along to you folks yesterday or today, I'm not sure when he did that, but he feels comfortable with that, especially with the last several words about, kind of, giving us some out should there be a state regulation or state law not allowing communities. So, we're not aware of any of that yet. So, to directly answer your question, am I comfortable with this? Sure. And again, I think part of it is so that you folks are in the process. That's...

Mr. Minnie: I mean, there's, if you look at the, there's so many crazy things that other people are wrestling with right to work, and people testing positive for marijuana, but yet it's, it, there is lots of messes out in the west coast. There's people, you apply for a federal handgun license, and if you're using marijuana, it's illegal at the federal level. And if you're caught with it, or you have it, you're done. I mean, there's a lot of inconsistencies, and you know, with federal law still being the way it is, my argument is why are we having this conversation, because it's illegal at the federal level? But, anyways...

Mr. Phoenix: Well, I think that got covered at the last session of the public hearing, that the federal government can do and try whatever it thinks it can try and do. But ultimately, all of that can be challenged, and that's a whole separate discussion outside of...

Mr. Minnie: Nothing like another war for states rights, right?

Mr. Phoenix: Well, that's the way the country was supposed to be designed, is to have the power at the lowest possible level, and that's the way that it realistically should be, except for as outlined in our --- documents.

Mr. Minnie: Sure.

Mr. Queiroga: ---. Go ahead.

Mr. Phoenix: Depending on what we do with this language, one of the words that catches me, is the word effectiveness. If we're gonna keep most of the language of this the same, I think there might be an appropriate change to the appropriateness of a town wide ballot measure. I think effectiveness assumes that we're looking for one particular outcome over another, but as a planner, one of the founding tenants that I was taught, all those many, many moons ago, was that every use needs a location, every location needs a use. We can't say, as a town, that we are going to eliminate adult book stores, adult theaters. We can't say that we're gonna say that you, you know, that any of these other things are illegal uses. We have to have them called out in the table of principle uses. We need to restrict where those are allowed, to places that more or less work with what we're thinking, which is why a lot of those are pushed into industrial. To say that we're going to single this out as something that's categorically different, when we are already looking at allowing, if things were to go that way, medical marijuana facilities to be in town. To say that the other side of it is substantially different, it's a hard pill for me to swallow. I think that the state law says that that's an allowable use in the state, and although I'd like it to be a local issue as far as we allow it to be or not, I don't see that.

Mr. Minnie: Well, the good news is that it doesn't have to be in pill form.

Mr. Phoenix: I'm honestly very torn by this, 'cause when I first got involved in town government, it was when they were dealing with everything at the high school, and we had a lot of meetings where the refrain was, let the people vote, and that's kind of been my de facto stance on things a lot of the time. But, on this, I don't know that it's appropriate. I think that that decision's been made for us. I think if we want to have that changed, we need to talk to the state legislature to get it changed. I don't think that's something that we can...

Mr. Coelho: Well, isn't that kind of what they're determining now, if we can change it through the regulation process?

Mr. Phoenix: Well, let me put it to you this way, if we don't have this language here, what's to say that we don't do that anyway?

Mr. Coelho: Yeah, so we just wasted three hours of our lives. Yeah, I don't know.

Mr. Phoenix: There's, if it's allowable, and we decide it's something that should be appropriate as part of that process, we have every ability to that anyway. By taking the language out, we're not saying we're not going to do a ballot issue, we're saying we're not going to mandate it. We're not gonna mandate a study of the effectiveness of it. Bureaucracy can be good, but I think we're just adding more layers to make it more comfortable. I just, I don't see it.

Mr. Minnie: Mr. Rooney.

Mr. Rooney: Do I have to keep introducing myself?

Mr. Minnie: You need no introduction sir.

Mr. Rooney: I disagree with a number of things that Mr. Phoenix says. That's fine. What I would be more than happy to do is agree with him on, is change effectiveness to appropriateness. I think that's a good idea, quite honestly. I think if you want to put the term appropriateness in there, then put it in there.

Mr. Minnie: Yeah, 'cause effectiveness doesn't make sense to me. Appropriateness is fine.

Mr. Phoenix: I think with that change, I can...

Mr. Minnie: I can live with it.

Mr. Phoenix: I think I can too, with that.

Mr. Coelho: Is appropriateness a word?

Mr. Phoenix: Yeah.

Mr. Rooney: Yes.

Mr. Coelho: Hey, you know.

Mr. Phoenix: If not, we're making it up. How's that?

Mr. Coelho: Well, yeah.

Mr. Minnie: Nothing like new law, new vocabulary.

Mr. Queiroga: Did you get that Doug?

Mr. Minnie: Ok, I would be comfortable with that.

Mr. Phoenix: Unless there's any other discussion then.

Mr. Minnie: Would you make a motion, Mr. Phoenix?

Mr. Phoenix: I'm gonna make a **MOTION** to go forward with this to Town Meeting, and recommend approval based on the changes that we have in front of us, with the one additional change of the word effectiveness, being changed to appropriateness.

SECOND Ms. Houle.

4-1-0 in Favor. (Mr. Coelho)

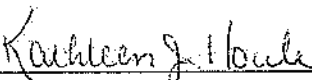
Mr. Phoenix **MOVED** to close the public hearing.

SECOND Ms. Houle.

5-0 in Favor.

The public hearing ended at 8:56 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application; Draft Warrant Article XI. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana; Letter from Office of the Attorney General re: West Bridgewater Special Town Meeting of December 14, 2106 – Case #8242, Warrant Article #2 (Zoning)(January 18, 2017); Mail Item #20 – Letter of support of proposed moratorium on the sale of marijuana for recreational purposes in the Town of Ludlow from the Ludlow Board of Health; Draft Warrant Article XI. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana (DWPM Edits 3/29/17)

(Documents pertaining to this hearing are available for viewing in the Planning Board Office during regular business hours).

