

# MINUTES

## PLANNING BOARD

**JUNE 12, 2018 at 7:45 p.m.**

*115 Pleasant Street, Gardner, MA  
Room 203, Robert L. Hubbard Conference Room*

**Members present:** Allen L. Gross/*Chairman* Robert J. Bettez, Sr. /*Vice-Chairman*, Robert Swartz, Mark Schafron and Laura Casker /*Members*, and Trevor Beauregard/*Director-City Planner*.

**Members absent:** *None.*

**Also present:** Chris Coughlin-Engineering, Christine Fucile-DCDP, Wes Flis of Whitman & Bingham, Chris Anderson of Hannigan Engineering, Representatives for Jefe Solar, and several Members of the Public (*Signed attendance sheet on file*).

ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the Chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents referenced or used during the meeting must be submitted in duplicate to the Director of Community Development & Planning pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

***Mr. Gross called the meeting to order at 7:45 p.m.***

### **1. MINUTES:**

#### **Vote to approve Minutes:**

✓ *Regular meeting of May 8, 2018*

***Motion to accept and approve Planning Board Public and Regular minutes as presented.***

**M. Schafron/R. Swartz.**

**Vote-All in favor**

### **2. OLD BUSINESS:**

#### **2.1 Zoning Re-Codification**

Mr. Gross spoke of the Joint Public Hearing with considerable discussion and review by the City Council.

T. Beauregard commented that they did refer this to the Council of the Whole, and had a short meeting to review, therefore will need to reschedule another meeting.

Mr. Gross said the suggestion is to send a letter to the City Council making a recommendation to hold a second Joint Public Hearing if they are not going to meet the 90 day timeframe for their review and vote.

T. Beauregard said the Council of the Whole would have to meet with the Consultant, Building Commissioner, Chris Coughlin, and himself to discuss, as well as require two readings/votes to approve it within the 90 day period which extends to July 8, 2018.

***Motion to recommend to the City Council we hold a second Joint Public Hearing if they fail to act within the 90-day timeline.***

***L. Casker/R. Swartz.***

***Vote – All in Favor.***

## ***2.2 Zero Point Development, Inc. ~ Solar Petition***

Mr. Gross noted Public Hearing and considerable discussion, and following the City Council meeting, they elected to send it back to the Planning Board for re-consideration.

Mr. Gross further noted that the City Council recommends the Planning Board consider reducing the size of the proposed solar overlay district.

Mr. Gross said a petition was presented of an overlay area to be re-zoned, however it is not in the Planning Board’s jurisdiction to make a reduction in the petition that was presented.

Mr. Gross believes the decision better suited for the City Council to decide whether to opt to reduce the zone size.

L. Casker asked if the proponents can request a size reduction. Mr. Gross thought they can withdraw and re-submit.

T. Beauregard suggested the proponents may want to seek legal counsel if seeking other alternatives.

Mr. Gross said based on the request from the City Council, a letter will need to be sent back to the City Council c/o City Clerk.

***Motion to send City Council a letter stating the Planning Board recommends the City Council approve the zoning amendment as presented, and believes the reduction in size is not in their jurisdiction.***

***M. Schafron/R. Swartz.***

***Vote - All in favor.***

## ***2.3 Cedar Hills Solar Project ~ Solar Petition***

Mr. Gross stated a Joint Public Hearing was also held for this petition, and the City Council is waiting for the Planning Board’s recommendations.

L. Casker expressed her disappointment regarding last minute submissions, and reading through the recent submission letter/information dated June 12, 2018 from ERM (*Environmental Resources Management*), noted her concerns. Noted the section in the letter stating no off-site trucking is anticipated, but feels this is not promised. Also noted, the section in the letter stating there is no risk of chemical releases to the environment during normal use, and would like to know what the abnormal uses are that would cause something to happen. Mentioned the “Clean Energy Results” report from the *Mass Dept. of Energy Resources/Mass Dept. of Environmental Protection/Mass Clean Energy Center* and pointed out the section which mentions the tornadoes in Western Mass in 2011, mentioning loss of neighborhood trees and the effects on temperatures and air humidity in the streets, and stated there will be loss of trees with this project. Mentioned the section regarding noise levels for solar arrays with a capacity range of 1 to 3.5 MW, however this project is much bigger.

Mr. John Drobinski of ERM stated these findings are from the State of Massachusetts analysis, not ERM's analysis.

Mr. Gross stated the City Council would like a recommendation from the Planning Board, and said overlays have been approved, and this is an extension of the overlay already approved that is there now.

Mr. Swartz expressed his approval and believes this is a win/win for property owners, the City, and surrounding citizens. Mr. Swartz stated the land has been dormant for 12 years and there has been no interest.

***Motion to send letter to the City Council recommending approval of the amendment request to expand the Large Scale, Ground Mounted Solar Photovoltaic Overlay District off West Street.***

***R. Swartz/M. Schafron.***

***Vote 4-1***

#### **2.4 Scenic Roads Ordinance**

T. Beauregard commented there is nothing new to report at this time.

### **3. NEW BUSINESS:**

#### **3.1 Omealia Property/Open Space Acquisition**

T. Beauregard commented he wanted to bring the Planning Board up to date regarding the most recent acquisition taking place for the City, and invited Jeffrey Legros of the Conservation Commission to explain this acquisition for the City.

J. Legros explained there are two lots to be separated into individual parcels with approximately 30 acres under the park grant to be utilized for recreational purposes, and the remaining 84 acres of the land to be used as conservation/open space purposes.

Mr. Gross asked where the property is located. T. Beauregard said it is off Leo Drive and Clark Street which at one time was the old Bailey Brook open space subdivision that now has expired permits, and is contiguous with the Alisaukas land that was purchased last year. Half of the land is to the east of Bailey Brook which will be used for the park land, and to the west will be open space land.

J. Legros said the city was awarded two grants. The land program grant is a program aimed at acquiring land for diversity on behalf of conservation purposes. J. Legros explained there is a significant amount of diverse wetland habitat in the Bailey Brook which has a cold water stream, and is the only one in the City of Gardner, as designated by the State. Habitat there is pretty substantial and is adjacent to the 220 acres of the Alisaukas land that was able to be conserved for open space last year through the landscape partnership grant. Combined together, over 300 acres of land contiguous, all protecting the cold water stream. Noted, there is protection on both sides of the brook which does not happen too often. Much of the land upstream in Winchendon is already protected.

J. Legros noted the closing date for this land is scheduled for June 30, 2018.

#### **3.2 Complete Streets Projects**

J. Legros noted the map provided and pointed out the Complete Streets projects that were identified through a prioritization planning process from a grant received in the amount of \$50,000 to work with BSC Group and a committee of city officials and the public through a public input meeting.

J. Legros explained that with the prioritization plan in place, began working about this time last year to work on identifying the first of the priority projects. The funding is up to \$400,000 annually. 20 projects were identified on the prioritization plan, some small, some larger.

J. Legros commented that MASS DOT was in favor of the application, and the City received grant funding in the amount of \$327,000 to accomplish six of the prioritization projects identified.

J. Legros said the projects are to improve safety, connectivity, and accessibility. A few crossings were looked at, bike lanes to connect to the North Central Pathway from the center of Winchendon to the center of Gardner, as well as identifying a five year plan for the North Central Pathway. Currently the Route 140 Corridor bike trail is well established and well used, similarly to the stretch from the skating rink to the College. The connection to the Route 140 trail over the years has been difficult to finalize, however working closely with the North Central Pathway Committee, and have had positive success with MASS DOT, and most importantly with National Grid to utilize the corridor along Park Street/Eaton Street down to Route 140 along the old railroad that is now owned by National Grid, and has been identified as a priority project in year two or three. A long term plan through DOT funding is to construct a pedestrian bridge over Route 140, because other than the railroad easement, this was the other hindrance, since it is a safety issue crossing Route 140. The exact location will be along the railroad easement that runs from Eaton Street at the gate where there is parking, down to the transfer station just in from Route 140, and will cross at the entrance to the transfer station where the bike path ends, as a result, there will be a full connection from Route 140 to downtown Gardner.

J. Legros went over the projects as follows:

- 1) To connect the North Central Pathway to the downtown and commercial area. With the Rear Main Street redevelopment there is a multi-purpose pathway that is underway currently, and would like to create a connection to go down Lake Street, connect to the Rear Main Street multi-purpose pathway, and from there, to come out of Rear Main Street, and through bike lanes and signage to travel down and meet up with the MASS DOT Rotary improvements; which will be happening within the next year, and then connect from the south of the rotary down through Timpany Boulevard as well as down to Union Street to Wal-Mart.
- 2) Improved crossing at Heywood Hospital at the intersection of Matthews Street which was identified as a high crash location. There is a flashing light there now, but it is not pedestrian operated.
- 3) At the exit at the College on Green Street to Boulder Drive will include line painting, pavement markings, and signage to connect to the existing path that exists from the rear of the middle school out to Boulder Drive. MWCC (*Mount Wachusett Community College*) is interested in working with the City regarding bike lanes. The connection will also include all the way to the high school/middle school complex, from there out to Catherine Street to Pearl Street, in addition to include line painting and signage, and eventually establish connection all the way to Dunn Pond.
- 4) Bike safety crossing south of Heywood Hospital where the bike path comes out to cross Green Street, will put a flashing light and signage.
- 5) At City Hall Avenue and Main Street, a curb extension to properly place the stop sign, and to also widen the crosswalk to be more visible.

- 6) The Parker Street and Central Street intersection at West Lynde involves six crosswalks with a lot of curb cuts, traffic and confusion. Expect the accessible crosswalks, curb cuts, ramps and the line painting and pavement markings will help improve that section.

Mr. Gross asked what the time frame is, and J. Legros replied one year, and plan on starting this construction season.

### **3.3 Definitive Plan / Jefe Solar II, LLC**

Mr. Gross asked if there were any questions. M. Schafron asked if a cash surety was agreed upon, and T. Beauregard said not at this time, however, this should be listed as one of the conditions.

*Motion to approve the Definitive Plan for Jefe Solar II, LLC with two conditions. One condition subject to consultation with Division of Fisheries and Wildlife relative to High Ridge Wildlife Management area as an abutter. The second condition is the developer shall provide the City with a cash surety in a form and amount acceptable to the City Engineer and Director.*

**M. Schafron/R. Bettez.**

**Vote – All in favor.**

### **3.4 Definitive Plan / Colonial Cooperative Bank**

Mr. Gross asked if there were any questions.

*Motion to approve the Definitive plan for Colonial Cooperative Bank subject to three conditions.*

*The first condition is removal or relocation of the telephone pole and fire hydrant located at the main entrance on Pleasant Street. The second condition to provide a full size photometric lighting plan to be approved by the City Engineer. The third condition approval subject to necessary approvals from the Zoning Board of Appeals.*

**R. Bettez/M. Schafron.**

**Vote – All in favor.**

### **3.5 Special Permit Application**

T. Beauregard provided a copy of the Special Permit application for both medical and recreational marijuana for the Planning Board to review. T. Beauregard said he expects applications to start approaching soon and wanted to have the application in place, along with the fees associated for such use.

*Motion to approve the Special Permit Application for Medical and Recreational Marijuana as presented.*

**R. Bettez/L. Casker.**

**Vote – All in favor.**

### **3.6 959 West Street Solar / Minor Modification**

T. Beauregard noted he received a minor modification from Borrego Solar for the 959 West Street Solar location, and explained that originally the plan was to bring the electricity out through Clark Street, but due to infrastructure on Clark Street, consequently, the developer decided it best to go out through West Street. The revised plans show the new route out to West

Street fairly close to Hilchey Pond, so the only real potential impact is wetlands. The Conservation Commission completed a site walk and well aware of the situation.

***Motion to accept the changes as a minor modification as presented for 959 West Street solar location.***

***L. Casker/M. Schafron.***

***Vote – All in***

***favor.***

**4. Announcements, News Articles, Events:**

*... Next regular Planning Board meeting scheduled for July 10, 2018 at 7 p.m.*

**Adjournment**

***Motion to adjourn.***

***R. Bettez/L. Casker.***

***Vote -All in favor.***

***The meeting adjourned at 8:38 p.m.***

All documents referenced or used during the meeting are part of the official record and are available in the Department of Community Development and Planning pursuant to the Open Meeting and Public Records Law.
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