

APPROVED AS AMENDED
Town of Fitzwilliam
Planning Board Meeting
September 5, 2017

Members Present: Ross Tourigny, Terry Silverman, Suzanne Gray, Matt Buonomano, Paul Haynes
Others Present: Nancy Carney, Selectman's Representative; and Bob Ford

Call to Order: 7:00 PM by Silverman

7:00 PM Administration. Minutes from 8/15/17 were discussed. Suzanne Gray began by pointing out one change she'd like to make to the 4th paragraph regarding full site plan review of development in the light industrial district. Nancy Carney and Matt Buonomano agreed with Terry Silverman that it wasn't necessary for a full site plan review. Silverman asked the Board if they had anything further. Gray motioned to accept and Paul Haynes seconded while the board agreed unanimously.

The Board then changed direction and began discussing recent changes at Concord Industries. Terry Silverman *asked* Bob Ford if he had anything to bring up. Bob responded that he was most interested in listening to the industrial noise ordinance be discussed. Terry Silverman moved onwards to the fee schedule.

Review of Fee Schedule Suzanne Gray went on to say that during the last meeting, the fees that were less complicated to fix were what was focused on. She described how the goal is to update the fee schedule to reflect current rates/fees based on other town's pricing. Ross Tourigny added that during the last meeting they had discussed how to better define "major" and "minor" lot sizes. Silverman asked what the next steps for the fee schedule are and Buonomano responded that he hoped to discuss more of the industrial and commercial fees. Buonomano went on ask for clarification of an amendment motion from the previous meeting. Carney responded that the motion was on registry filings and several other topics. Silverman expressed that he felt charging a whole dollar amount for *the mailing cost* would be easier than if change was involved. Buonomano asked if the Land Use Assistant would check fees for mailing cost with local post office and Gray agreed that a whole dollar amount fee may be easier.

Silverman asked about the Board's thoughts on minor and major subdivision fees, adding that he felt they were fine but would not like to see the home business fee change. Gray added that compared to MA, home businesses would pay less in fees. Tourigny agreed, adding that he felt the fee change of \$125 to \$100 was not a substantial change and therefore didn't feel it needed to be adjusted. Buonomano added that he'd like feedback, specifically for better defining major/minor subdivisions. He added *that, during the previous meeting, they had discussed* that minor subdivisions are \$250 for the first 2 and then another \$100 for the 3rd. Tourigny asked what happens if there was a subdivision of acreage where there is already house- wondering if a fee is necessary if a building is already present there. Tourigny gave a for instance, asking what if a family splits 1 lot into 2 lots for a son or daughter to live on, should the family pay for both lots or just the lot to be subdivided and developed. Silverman said that for 3 lots looking for a subdivision, it would be \$500. Tourigny asked if there's a structure already in place, what the fee should be. Gray added that the Board had previously voted against the first lot payment.

Buonomano went on to say that he wondered if they should consider changing "major" from 4 to 3 lots, adding that he feels there should be a clearer definition between "major" and "minor" and wondered about charging \$250 per each new lot. Gray added that "minor" is at \$100 for the first 2 and another \$20 for the 3rd. She wondered if it's a two lot subdivision, so 1 lot become 2, would that cost \$250. Tourigny added that if the Board wanted to change the definitions of "major" and "minor", it would further complicate the fee schedule, which was why they had moved from the subject during the last meeting. Silverman said that it could go by number of

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lots, and then discussed moving the fee schedule to another meeting so as to work with Carol Ogilvie, who he would specifically like an improved definition at major/minor from.

Silverman motioned to send the fee schedule to Carol Ogilvie, Gray seconded, and the Board agreed unanimously.

Buonomano mentioned that he felt the current utility fee was vague, adding that it cost \$100 per 1000 sqft and felt that the *definition* of what a square foot was should be better defined. Carney added that some utility companies charge by the pole and not by the lines. Buonomano said that he feels this is perfect for Carol Ogilvie to also work on and added that, for instance, the land beneath the power lines and poles is often not considered is the square footage. Gray said she would like to ask for Carol Ogilvie to also help define this and Silverman agreed. Bob Ford added that Carol will likely have good input and mentioned that statewide fees vary. Gray added that Buonomano has been researching that. Silverman added that, in fact, Fitzwilliam's fees are lower than most everywhere else in the state.

Solar Ordinance Silverman mentioned going to a sustainability workshop recently with *Susan Silverman*, which discussed massive solar growth but setbacks from Eversource's presence. Buonomano said that the land area stuck out to him, saying that the land area per solar panel was described as the size of *Laurel Lake, Rockwood, and Sportsman Pond*. Carney asked if solar for Route 12 will fall under utilities or solar. Silverman responded that it's not utilities because it's not above 30 megawatts, which if it exceeds that, it needs to go before SEC. Gray pointed out that other Hollis's Ordinances also talked about solar energy in larger-scale industries, prompting Carney to ask if the Town would have two different solar ordinances. Silverman responded yes, so as to differentiate between residential and industrial.

Ford asked if a "business solar" district had been considered and Buonomano asked if he meant a solar overlay district, and Ford responded he had and gave input on locating a solar overlay district particularly based on preserving Fitzwilliam's key characteristics. Silverman referred back to Hollis's Ordinances which state that solar panels are okay if they're not visible. Ford wondered how solar would be handled in wetland areas and Silverman responded that there would be a need to define wetland regulations for solar development so as to maintain the wetlands integrity.

Buonomano said he would like to see a wildlife corridor ordinance- mentioning that local hunters said that they see the most animals under power lines. Buonomano added that he'd like to discuss the cleaning of solar panels as studies have shown they get dirty quickly and require cleaning to operate properly/at capacity. Gray expressed that trees and town aesthetics should be considered when developing solar. Silverman added he would like to be as "solar friendly" as they can so as to encourage sustainable energy use. Tourigny asked Buonomano if he knew what is used to clean solar panels and how it affects runoff. Matt Buonomano responded that he was unsure of what most use, though he had *been told by Ranger Solar that they would use a nontoxic alternative on commercial solar panels*. He also pointed out that during times when pollen is high, for instance, the panels would be particularly filthy and need cleaning.

Carney began discussing ground or roof-mounted solar panels, wondering if regulations should be more specific. She cited, for instance, a solar permit to understand where power-shutoff is, in case of fire emergency and added that this may also give more specific dimensional requirements, specifically if someone builds one

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big enough to sell power from it. Tourigny also brought up that venting fires on solar-paneled roofs is difficult and wondered if permitting should include some sort of ventilation system. Carney then added that this is another good reason for defining permitted locations of the panels, and also added that roof-mounted panels will be invisible underneath snow. Gray brought up the need for distinction between photovoltaic and water solar panels because, based on simply looking at the panels, it's hard to see the difference. Carney agreed and again mentioned that this could be accomplished through permitting. Gray then asked that by adding lots of solar panels, would people try and make back money, to which Silverman responded that the payback is minimal and wouldn't fully recoup costs. Gray then asked that the Land Use Assistant research solar ordinances more in depth. Tourigny asked if it would help to begin compiling basic regulations for residential v.s. commercial solar, adding to plan for externalities, such as negatively impacted aesthetics. He lastly mentioned the possibility of a solar panel inlay into a paved parking lot. Silverman responded that he had heard of this, mentioning REI in Natick which has a parking lot like that which even stays clear of snow in winter.

Industrial Noise Tourigny asked where the changes to the ordinance were exactly in the chapter and Silverman responded that it was to take out *gravel pits*. Gray asked when the last meeting on the topic was held and Silverman noted that it must've been at least a year ago, adding that he is mostly concerned with noise from gravel pits whereas excavation is usually goes unheard. Buonomano asked if the town has a gravel pit and Carney responded that there's an unused gravel pit in the Town Forest. Gray asked for clarification on taking out licensed gravel pits and Silverman responded that after visiting one with Carney, they learned that they become very noisy once in operation. Buonomano then asked what the difference was between a quarry and a gravel pit to which Tourigny clarified that a gravel pit crushes rock while a quarry takes rock from the earth. Haynes then asked if a gravel pit would be able to comply with the noise ordinance and Silverman explained that one tactic used to reduce noise is through electronic blocking where some of the noises, like back-up beepers, are transmitted to workers through headphones based on their proximity to the machinery.

Tourigny then pointed out that crushing operations can be very quick jobs and wondered if an ordinance would deter someone from crushing up material. Silverman asked if he meant that material is from the property it's being crushed on and Tourigny said that for instance, some material may be brought in to have enough material to make it worthwhile to use the crusher on the property. He added that there should be a market for crushing while other smaller, local entities may only be able to use some of the gravel produced on small projects. Tourigny lastly wondered if the noise ordinances *affects* the crushing market. Haynes wondered if that would qualify as short-term incidental noise and Silverman agreed, adding that he wants no development that affects other's day-to-day, which it likely would at either gravel pit in town. Tourigny again said that in order to run a gravel pit, they'd need a market to run daily. Terry Silverman worried about Webb Hill moving to become a gravel pit and Gray mentioned that the Board could revisit Eversource and ask for a sound barrier; pointing out that the ordinance should limit noise to during hours of operation. Ford added that he felt there would likely be no disagreement from locals on the noise ordinance besides from those doing the development, but added then developers may apply for a variance. He also expressed that he thought residents would be happy to have a noise ordinance in place for the residential district, where it may also be monitored. Silverman pointed out that noise volume is to be measured at the edge of a property line. Gray then asked if the changed proposal should come now or if the Board should wait for public hearings.

Silverman moved to propose the change to the noise ordinance of Chapter 130 to exclude licensed gravel pits from the ordinance. Gray seconded, and the board *voted to make the change*.

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Xtreme Auto Silverman moved on to the topic of Xtreme Auto and Gray mentioned discussing during the last meeting the amount of clearing happening on the property. Gray explained that the Land Use Assistant, was asked to pull minutes from the past Xtreme Auto cases. Buonomano asked when Xtreme Auto had come in for a site plan review and if they had brought maps/sketches. Carney responded that they applied and received an intent to cut timber in order to make space on their property and make it more visible. Silverman then discussed that they aren't quite in violation but they, the Planning Board, are concerned with the amount of work going on. Buonomano stated that they're within the 100ft setback but have created walls and drainage. Haynes asked if, with intent to cut, can you cut all the trees on the property, to which Silverman responded that yes, you can. Buonomano added that in the Light Industrial District, that 35% of a property needs to remain open space. The Board agreed that what appears to be happening on the lot may include more development than what was suggested would be done.

Ford added that the Board should check their lighting, too, to make sure it complies with ordinances, and the Board responded that lighting had been previously dealt with for Xtreme Auto. Buonomano then said that the site is producing poor drainage and erosion. Ford added that he thinks it's reasonable to ask Xtreme Auto to come in to discuss their project again with the Board. Buonomano inquired about fencing based on possibility that screening may be needed. Carney pointed out that at Xtreme Auto, cars under repair/impound would be within a locked, fenced area. Ford then added that the Board may want to see a sketch of the said fence, which was followed by Buonomano suggesting screening measures to ensure aesthetic values near the town center. Haynes then added that there are several other auto shops nearby. Gray pointed out that they were originally there. Buonomano asked how a fence around a junkyard came to be and it was discussed that, per *State Regulations*, junkyards must have fences around them. Silverman expressed that he feels Xtreme Auto has developed/done more than was initially approved per their Planning Board meeting with them. Nancy Carney then asked the Land Use Assistant, Danica Melone, to send the meeting minutes to Debbie Favreau so that when she sends a letter to Xtreme Auto she can make sure she's highlighting the Board's main concerns.

Grasewicz & Gibson Lot Line Adjustment on Fullam Hill Road Carney began by discussing how Crane Road was a discontinued road and in 2000, it was brought before a town meeting to be a Class VI road and it was denied. Silverman asked, if by approving the subdivision, would it be making a landlocked property and Carney agreed that it would be. Gray questioned where the gate on Crane Rd. is located and Carney explained that because it's a discontinued road, gates are allowed, also adding that the lot line adjustment would seem to make the landlocked piece larger. Ford then asked if it would take away a portion of the road from someone else and Silverman responded that it would not. Gray questioned if access on Crane Rd. would *be grandfathered*.

Gray made a motion to adjourn, Tourigny and Haynes seconded, the Board agreed unanimously, and the meeting adjourned at 9:00 PM.