

TOWN OF FITZWILLIAM

PLANNING BOARD

Minutes

April 4, 2023

Planning Board Present: Suzanne Gray, Chair; Barbara Young; Tom Rothermel; Richard Mays; Martin Nolan, Selectmen's Representative; and Kevin Woolley, Alternate.

Planning Board Absent: Robin Peard Blais, Secretary; and Ed Goodell.

Staff Present: Lori Nolan, Land Use Coordinator.

Guests Present: Megan Ulin; Kyle Smith; Steve Filipi; Bobby O'Brien; Sandy Parsons (remote).

Chair Suzanne Gray called the public meeting to order at 7:04pm and held roll call.

With the absence of two members, alternate Kevin Woolley was seated as a voting member.

Public Hearing, continued

Case # 22-11: Filipi Contracting LLC – Minor Subdivision (3-lots) at Upper Troy Road. [Map 15, Lot 6-12 – Residential/ Rural Districts]

Gray welcomed Steve Filipi, property owner, to the meeting and summarized the case to date. The Planning Board has hired David Maclean as a third party reviewer. The LUC has sent him the package of documents but has not yet received the report or any feedback.

Gray motioned to continue Case # 22-11, Filipi Contracting LLC, to April 18 at 7:00pm. Barbara Young seconded. Motion passed unanimously.

Yes: 6 [Gray; Young; Rothermel; Mays; M. Nolan; Woolley]; No: 0; Abstained: 0

REVIEW OF MINUTES

After a brief discussion and three minor edits, **Young motioned to approve the minutes of March 21, 2023 as amended. Tom Rothermel seconded. Motion passed.**

Yes: 5 [Gray; Young; Rothermel; Mays; Woolley]; No: 0; Abstained: 1 [M. Nolan]

OLD BUSINESS

Master Plan: The LUC gave an update on the current status of the Master Plan. The Planning Board requested that the draft be sent to them.

Short-term Rental ordinance: No update

Board of Selectmen: M. Nolan updated the Planning Board of the BoS representatives. M. Nolan for Planning Board and Conservation Commission. Nancy Carney for ZBA. Brian Doerpholz for Historic District Commission.

Enforcement: M. Nolan updated the Planning Board that the BoS is still working on enforcement. They have served an administrative warrant and continue to follow up on other cases.

Annual Town Meeting: The LUC updated the Planning Board that the petition warrant article to re-zone two properties (Map 8, Lots 14 and 15) from general industrial to general business passed. The two zoning ordinance proposals passed as well. She will have Chapter 127 updated and reprinted.

Public Hearing

Case # 23-04: Kelly's Ventures LLC – application for a Conditional Use permit for a 78kW roof-mounted solar energy system at 1005 NH Route 12 South [Map 4, Lot 67 – Rural District].

Gray welcomed Megan Ulin and Bobby O'Brien, representatives from ReVision Energy, along with Kyle Smith, representative from State Line Trucks, to the meeting. Ulin presented stating that they are requesting approval for a Conditional Use permit for a roof top photovoltaic solar array system. It will be 78.72kW DC and will produce 83,800 kWh annually. It will be net metered but the system has been built to have 100% usage on site. The system will consist of 164 modules that are 180 watts each. They will be installed on the east and west side of

the roof. The roof has been inspected and upgrades were needed but those upgrades have been completed. The roof has a slight pitch but is mainly flat. They have received approval for the system from Eversource. Ulin then explained the racking system. It has a low profile with a 10 degree rise. The panels have an anti-reflective film, which allows for a 2% reflection or the equivalent to standing water. The panels will be facing upwards so no glare is expected. The inverter and disconnect will be installed on the exterior of the building on the northeast side. The wires will be on the building so no trenching is needed. Everything will be installed to code and regulations. This system is low maintenance and has no moving parts. The system owners will maintain the system but ReVision offers this as an add-on service. State Line Trucks are also responsible for the disposal of the panels at the end of their life.

Rothermel asked if the system will block the driveway on the east side of the building. Ulin explained that the equipment only protrudes from the building by one foot. Kyle Smith explained that this is the same area where the electrical panel is and the door is an emergency fire escape area. The area is always open and accessible.

M. Nolan asked if this system will be connected to any other houses. Ulin explained that this is connected to the grid through a bi-directional meter. No wires are connected to other properties directly. Everything is powered through the grid.

Young asked about decommissioning. She commented that ReVision has provided a statement but would prefer a statement from the system owner, State Line Trucks. Young further questioned what happens if the company (in this case State Line Trucks) goes out of business. Ulin explained that the system would be sold off just like the property and building. It is part of the property and building's assets. Smith then handed out a letter from State Line Trucks covering this topic. Gray raised requesting a performance surety bond. Ulin explained that it is not usual for roof mounted systems and is not conducive to the economical vitality of a solar system. Rothermel suggesting having the letter notarized or from an attorney.

M. Nolan asked how the panels will be disposed of. Ulin explained that typically customers work with solar companies who then bring the panels to recyclers. M. Nolan stated that the panels are prohibited from the town's transfer station. Smith explained that the biggest cost for disposal is labor. However, the recycling places will not give a quote for something 30-40 years in the future.

Young asked about sound from the inverter. She mentioned the specs indicate it is equivalent to a washing machine. Ulin explained that this area has single phase power so they are using a residential sized inverter. Bobby O'Brien explained that it is below 50 decibels during daylight hours. Young had concerns about health from persistent noise. O'Brien stated that you will not hear any noise further away than 20 feet. It is quieter than a mini-split. Smith explained that the nature of the business is loud – tools are over 100 dB and idle trucks are 75 dB. They then reviewed the location of the equipment to property lines.

Gray asked how long the lease agreement is with State Line Trucks. Smith was not sure but felt at least 10 years. Ulin stated that the solar agreement is for 15 years, but they can verify that information.

Young commented that Fire would like to inspect the system upon completion.

Findings of Fact:

1. The Conditional Use application calls for a roof mounted solar system at 1005 NH Route 12 South, Map 4 Lot 67, on a 5 acre lot owned by Kelly's Ventures LLC and leased to State Line Trucks;
2. State Line Trucks has authorization from Kelly's Ventures to install solar panels per the site plan and engineering specifications provided by ReVision;
3. The roof mounted solar system will consist of 164 panels producing over 83,800 kilowatt hours annually;
4. Roof has been reviewed by a third party engineer and has been certified to support the system;
5. Eversource has approved the system to be connected to the grid;
6. Energy will be used on-site with any overage going to grid;
7. The equipment will be located on the northeast side on exterior of the building;
8. Inverters for residential sized with expected noise to be in the 25-50 dB range during daylight hours;
9. Closest house is a minimum of 150 feet away.

Conditions:

1. System must be labeled as required and meet all safety and code requirements;
2. Emergency shut-off must be accessible at all times for the life of the system;
3. Fire inspection is required upon completion;
4. Formal and notarized decommissioned letter must be submitted to the Planning Board from the system's owner;

5. No part of the solar panels are to be taken to the Fitzwilliam transfer station.

Smith stated that they will provide Fire with as-built plans.

M. Nolan motioned to approve the Conditional Use permit for a 78kW roof-mounted solar energy system at 1005 NH Route 12 South [Map 4, Lot 67 – Rural District], subject to conditions. Richard Mays seconded. Motion passed unanimously.

Yes: 6 [Gray; Young; Rothermel; Mays; M. Nolan; Woolley]; No: 0; Abstained: 0

Preliminary Consultation

Sandra Parsons – to discuss a home business in the form of a farm stand at 49 Richmond Road. [Map 32, Lot 17 – Residential District]

Gray welcomed Sandy Parsons to the meeting. Parsons explained that she would like to open up a farm stand at the end of her driveway to sell garden items, fruits, vegetables, pickles, and jams. All of the products sold will be produced by Parsons. She plans to have the stand inside her driveway, but parking would be along the road. The road in this area is quite wide and there is ample room to park. She anticipates low volume of customers, guessing that there would be three per day. The stand would be open every day seasonally, running the end of May to the end of September. The stand would not be manned – it would be an honor system with payment being cash or Venmo. She is planning a 4x4 foot building with electricity to house the goods, some of which require refrigeration. She is a vendor at the Farmer's Market and is also serve safe certified. Gray explained the home business ordinance. On-site retail is not permitted for a home occupation or business. Gray indicated that a Site Plan Review would be required. Parsons was advised to work with the LUC to submit a Site Plan Review application.

OLD BUSINESS

Housing Navigator Grant: The Housing subcommittee (Gray, L. Nolan, and Corinne Marcou) met with Rik Ekstrom, consultant, earlier today. We will be applying for a HOP (housing opportunity program) grant for ordinance review. We will also be conducting interviews with various residents for their feedback on housing.

CORRESPONDENCE

ODP Spring Conference: The LUC invited the Planning Board to attend the spring conference. It is free and all sessions will be archived.

Follow-ups: The Planning Board asked that a follow-up letter be sent to Amber Casavant, reminding her of a required site plan review for the primitive camping sites.

NEW BUSINESS

Officer Elections:

Gray nominated Barbara Young as Secretary. Mays seconded. Motion passed unanimously.

Yes: 6 [Gray; Young; Rothermel; Mays; M. Nolan; Woolley]; No: 0; Abstained: 0

Young nominated Suzanne Gray as Chair. M. Nolan seconded. Motion passed unanimously.

Yes: 6 [Gray; Young; Rothermel; Mays; M. Nolan; Woolley]; No: 0; Abstained: 0

Gray nominated Tom Rothermel as Vice Chair. Young seconded. Motion passed unanimously.

Yes: 6 [Gray; Young; Rothermel; Mays; M. Nolan; Woolley]; No: 0; Abstained: 0

With no further business to discuss, **Rothermel motioned to adjourn the meeting. Gray seconded. Motion passed unanimously.**

Yes: 6 [Gray; Young; Rothermel; Mays; M. Nolan; Woolley]; No: 0; Abstained: 0

The meeting was adjourned at 8:52 pm.

Respectfully Submitted,
Lori Nolan
Land Use Coordinator

Minutes approved as amended on April 18, 2023.