

**New Marlborough Planning Board
January 23rd, 2019**

Attendees

Members:

Peter Tiso (Chair), Mark Carson, Lonn Combs, James Mullen, Eric Schaefer,
Joshua Mack (Secretary)

Other Attendees:

Doug Newman, Larry Burke, Daniel Doern, Robert Mastria (CPV representative)

Call to order 7:03

Review of Approval Not Required (ANR) Parcel Division

A motion was made and passed to rearrange the agenda to allow Mike Parsons, from Kelly, Granger, and Parsons Surveying, to present a parcel division request on behalf of Marilyn Dempsey-Cameron. A 0.22 acre portion of one parcel was removed and added to a neighboring parcel, increasing its size from 1.845 acres to approximately 2 acres. The change was approved and signed.

Review of Mail

A letter from resident Lucinda Schmulsky, which had been read at the previous joint meeting with the Board of Selectmen, was formally noted as having been received by the Planning Board.

A notice of application for special permit regarding a large-scale solar installation by CPV Mill River Solar LLC. This letter was not read aloud as this business was to be discussed later in the meeting.

Passing of Planning Board Minutes

Mr. Carson motioned to accept the minutes from November 14th which was then seconded by Mr. Mullen. Mr. Carson presented minutes from December 5th that will be revised and presented at the next Planning Board meeting. The minutes from the cooperative planning board meeting with the selectboard will be omitted.

Presentation from Competitive Power Ventures (CPV)

Robert Mastria came before the board representing Competitive Power Ventures (CPV) a wind and solar development company. Mr. Mastria presented on their plan to build a industrial solar plant at 100 Hartsville Mill River Road an expired sand and gravel pit. There was a Question and Answer section; during which Mr. Mullen referenced table 2-1 of the application permit in regards to project life expectancy. Mr. Mastria responded that the lease has been written for 35 years and decommissioning of the large scale commercial solar installation would be handled by CPV. Mr. Mullen brought up that the zoning regulation bylaws require an "as built" drawing. A potential battery location was not addressed well enough according to Mr. Mullen, suggesting that more clarity was necessary. Mr. Combs referenced the printed map and noted that a large grading project would be required to flatten out the land

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to their specifications. And Mr. Combs requested more clarity regarding their intentions and resources used to complete this part of the project. Mr. Mastria spoke to the fact that the operational phase only starting once the site was connected to the National Grid. Mr. Mullen addressed the fact that any hazardous materials during the construction period needed to be properly disposed of preferably in specified zone. Mr. Mastria said that concern will be addressed by the engineers before the next meeting. Mr. Mullen then spoke to the use of foreign loam and his concern of foreign loam potentially bringing in unwanted seeds / fungi and not wanting that to interfere with the nearby reservation. Mr. Tiso wants CPV to contact the Trustees of reservations to make sure they are aware of the potential project and any concerns that they might have are addressed prior to the special permit meeting. Mr. Tiso brought up the well addressed drainage system and what the impact could potentially be on the already existing infrastructure. Mr. Combs expressed concerns about the number of vehicles and wear and tear on the dirt road that allowed access to the construction site. Mr. Carson asked about the hours of operation during construction and after, Mr. Mastria responded that the construction phase has not been laid out as of yet. The plans for compaction and stump removal on the property was not properly addressed. A viewshed rendering was asked for and Mr. Mastria said that the engineers will address that concern at the next meeting. A list of ground cover and any seeding for the property should be listed and presented at the special permit hearing. Mr. Tiso tabled further discussion to the next meeting. A coordinated site visit was discussed and the idea will be presented to the Selectboard and emailed to the CPV contact.

Adult use cannabis

Mr. Tiso spoke to the intention of the new zoning laws enabling the town to properly limit cannabis businesses. "The temporary moratorium expires in June and all effort needs to be made to meet this processes timeline" said Mr. Tiso. Mr. Mullen recalled that during the CPV proposal Mr. Mastria said that the current zoning laws did not prevent a facility like this anywhere in town. Mr. Mullen "There is no current control on cannabis businesses locations." On one hand Small scale businesses seem be to welcome by the general populous who participated in the survey. On the other there is a want and need to regulate any larger business intentions. Mr. Tiso "The planning board needs to act as if prohibition is not going to happen and how do we treat this as any other business going forward." There were concerns that the selectboard was leaning towards opting out. Mr. Doern clarified that the commission's stance is not for prohibition or opt out but rather that logical secure bylaws are written to protect the towns resources and residents. While also allowing businesses to move forward with the legalization process. Mr. Mullen address that District Local Technical Assistance (DLTA) had been reached out to for further assistance in the upcoming drafting process. Mr. Tiso is to author a letter stating the Planning Boards' intentions and goals for regulations regarding cannabis. The NMPB began drafting bylaws regarding each cannabis business permit type individually. Identifying the nine different businesses and how they would relate to zone, scale, traffic, operations, time, amount of businesses allowed and relationship to the town of New Marlborough. Mr. Tiso asked the other members of the board to come up with timeline goals, progress evaluations, and editing. The question was raised what is the potential for a temporary moratorium past June 30th in a letter to the Massachusetts Attorney General. Mr. Tiso asked

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Mr. Schaefer to look at the specifics of each permit and the what is required to properly regulate each type.

Bridges

Mr. Comb presented his written document for a staple on bridge design in New Marlborough.

NMPB Adjourned at 9:09 pm