

**PLANNING BOARD**  
**REGULAR MEETING MINUTES**

**JUNE 18, 2019 at 7:00 p.m.**

*115 Pleasant Street, Hubbard Conference Room 203, Gardner, MA*

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

**Members absent:** *Steve Cormier.*

**Also present:** Chris Coughlin-*Engineering*.

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. Bettez called the meeting to order at 7:00 p.m.***

**1. MINUTES**

✓ Vote to approve Public Meeting Minutes of May 14, 2019.

✓ Vote to approve Regular Meeting Minutes of May 14, 2019.

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

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

***Vote - All in favor***

***L. Casker would like the Regular Meeting minutes of May 14, 2019 amended to say that she stated “they need to come forward with a full plan, or ask for withdrawal without prejudice”***

**2. PUBLIC MEETINGS CONTINUATION & OLD BUSINESS**

**2.1** *MasRed Solar, LLC*

**2.2** *Gardner Energy, LLC*

**2.3** *Redzico, LLC*

**2.4** *Imperial Blue Systems, LLC*

**2.5** *Princeton Repower, LLC*

***Mr. Bettez noted this is the continuation of the above meetings and stated Mr. Noehre will explain.***

Matt Noehre of Urban Green Technologies explained he is assisting with the development of these projects. Mr. Noehre further explained he is here to ask for an additional extension until the August 13<sup>th</sup>, 2019 meeting, and thanked the Planning Board for their support and understanding. Mr. Noehre said some of the issues regarding the extensions are project related, as well as factors beyond their control. One factor is National Grid interconnection, and the other factor is with open conditions pertaining to the subdivision land itself with Conservation Commission, and Mass DEP. Regarding interconnection with National Grid, previously there was an ISA (Interconnection Service Agreement) with National Grid, but since the solar overlay was still in process with the City Council, the contract could not be signed, and resulted in a six month delay. During this six month time frame, an additional 140 solar projects within the Central Mass Region applied into the interconnection queue. This meant the queue was overloaded, and the original ISA could not be honored. Further, had been going through a mediation process with Mass DPU (*Department of Public Utilities*) to get this resolved, and a mutual party mediator has now been selected, and are due to receive a proposed resolution by the end of July.

Additionally, the Conservation Commission and Mass DEP issues pertain to the Cedar Hills residential subdivision project. Due to pre-existing conditions impacts to the property, there was a culvert that was built across the wetlands, therefore impacting the wetlands, as well as some off-site improvements, therefore, those conditions were not fulfilled. One issue is a wetland replication due to the impact of the culvert that was built. The wetland replication area was never constructed, and as a result, have been working with Conservation Commission to address this. A draft plan has been presented to Conservation Commission.

Furthermore, a proposed CR plan will be presented to the Conservation Commission at their July meeting, as well as final wetland replication plan, and supporting documents to close out the existing "Order of Conditions".

The timeline is July 11, 2019 as per Conservation Commission, in order to provide the information needed, and by the end of July, should receive guidance from National Grid which is the reason for the August extension request.

Mr. Noehre added the other issue is the impact to their timeline for the "Smart Program" that involves the ISA, as well as, all permits in hand. Since the "Smart Program" will be full by the end of the year, it would not be sensible to withdraw and start all over again, thus the reason for the extensions.

If the August extension is approved, an update will be provided with a firm answer from National Grid, whether it yes, or no, or wait for a year or two. Also, we will provide the finalization of the "Release of Covenant" along with providing answers to the third party review comments, site plan layouts, and other administrative items.

L. Casker noted the June 5, 2019 letter from Urban Green Technologies and questioned the ASO (Affected System Operator), with no timeline given, and the kick-off meeting of May 30, 2019 for the ASO study stating National Grid has proposed a timeline of ten months until the study is completed with proposed solutions throughout the Central MA area. L. Casker commented they are up against 139 other proponents, and there is no guarantee this will be given. Mr. Noehre replied they paid for the ASO study under protest, but are in the process of mediation with National Grid and should have a definite answer at the end of July.

L. Casker thought there should be an addendum to the Tighe & Bond review if the overlay could possibly be changed.

T. Beauregard stated any changes to the plan that result in a reduction in size, will need to be reviewed by staff, as well as revised plans. Additionally, there may be a need for Tighe & Bond to review.

T. Beauregard explained there are three ways to come to a decision at this point in time. The Board could vote on the plans tonight whether to approve or deny, the proponent could withdraw without prejudice, or the Board can vote to grant the extension.

L. Casker said she is up in the air at this time, however, would like to hear what the public has to say.

R. Swartz thought it is wrong to deny, and personally feels an extension is needed since there were some issues they had no control over.

M. Schafron also thought an extension is needed, and would like to give them some more time to try to finalize things.

***Mr. Bettez asked if there is anyone from the public who wished to be heard.***

Joan Gould/104 Princeton Street:

Ms. Gould spoke of their wells in that area and feels no one seems to be concerned with the wells. This project is all of Princeton Street to the end. There is spring water coming from the area all the way along the pond. Ms. Gould wants it confirmed there will be no damage to their wells.

Ms. Gould also spoke of cutting down 50 acres of trees and what this will do to the ground water, as well as, moving around 660,000 cubic yards of gravel.

Ms. Gould stated she wants a form saying if the wells are harmed, they will be protected.

Ms. Gould mentioned she met with Mr. Krneta in 2018 about National Grid, he said at that time it was full.

Ms. Gould read an article from Governor Baker stating DOR strongly discourages designation locations that require significant tree cutting because of the important water management cooling and climate benefit that trees provide.

Ms. Gould mentioned they have been waiting long enough for their roads to be fixed since 2007.

Alan Rousseau/211 Betty Spring Road:

Mr. Rousseau stated he is a major abutter with 2,000 feet of abutting property to these series of projects. Mr. Rousseau noted he submitted his input to the Planning Board through T. Beauregard back in December, 2018. In all that time, had not received, through the Planning Board, answers to his concerns. Mr. Rousseau further noted, a month later, in January of 2019, submitted written input to the Conservation Commission, and all of those concerns were not addressed.

Mr. Rousseau explained he has followed the Conservation Commission meetings very closely over the past six months, and the obstacles Mr. Noehre spoke of were mainly with the Conservation Commission. There is a wetland replication, and also a major conservation restriction that was not implemented. Additionally, Mr. Rousseau spoke of a superseding order of conditions that was finalized on June 27, 2005, therefore, it seems the proponent did not have all the facts to get it started. Mr. Rousseau added these are the major hurdles.

Mr. Rousseau further spoke of his meeting with a representative from MassDEP in Worcester, and received a copy of the superseding order of conditions. The representative from MassDEP

stated this project is going nowhere until the prior Mass DEP file #160-329 has received a “Certificate of Compliance”. Mr. Rousseau said the conservation restriction and superseding order of conditions will involve survey work, legal work, and for 60 acres this may take a substantial amount of time. Further, there is 77 acres of forest and vegetation removal.

Mr. Rousseau believes this project will require major redesign.

Mr. Rousseau said this has been six months of frustration for him, and could easily go on another year, therefore, feels the proponent should withdraw without prejudice until all the issues are cleared up, which is a long list.

T. Beauregard addressed Mr. Rousseau with regard to the Planning Board not answering his concerns, and explained he has been very responsive over the course of the past six months, and provided the answers he could. T. Beauregard noted he planned to provide information earlier on at the public meetings, but had not received any further information from the proponent. T. Beauregard also said himself and Christine Fucile have been proactive informing Mr. Rousseau, Joan Gould, and neighbors ahead of time that there would be no meeting on the subject each month leading up to this meeting.

Mr. Rousseau confirm T. Beauregard’s statement as being accurate.

L. Casker said she would like the Public Hearing to be kept open since there are still more issues that are going to be coming up.

*Mr. Bettez, Vice-Chairman called thrice for persons wishing to testify in favor of, and in opposition of this proposal.*

*Ms. Gould spoke in opposition of this project.*

**The Public Hearings remain open.**

### **3. OLD BUSINESS**

#### **3.2 Wilder Brook Subdivision:**

T. Beauregard stated he has no update at this time, and they still have not submitted a beaver management plan to the Board.

T. Beauregard further stated he is not sure what the problem is since he has talked with the Mr. Cormier and the Developer about this.

#### **3.2 Cedar Hills Solar Definitive Plans:**

- o *Definitive Plans*
- o *Conditional Release of Covenant*

R. Bettez asked for any discussion or motion.

*Motion to allow extension until the Planning Board meeting on August 12, 2019 with the understanding they need to come forward with a full final plan or ask for withdrawal without prejudice.*

M. Schafron/R. Swartz.  
favor.

Vote – All in

*Motion to rescind portion of minutes of last meeting as follows: “with the understanding if they are not prepared by then, they will need to withdraw their application and then resubmit.*

L. Casker/M. Schafron.  
favor.

Vote – All in

### **3.3 Marijuana Establishments Zoning Amendment, Chapter 675-1070 – Vote:**

T. Beauregard said he believes a motion can be made on the proposed amendment as presented based on no public comments at the Joint Public Hearing.

*Motion to send a final report to the City Council requesting adoption of amendment.*

L. Casker/M. Schafron.

Vote – All in favor.

## **4. NEW BUSINESS**

### **4.1 Downtown Urban Renewal Zoning Amendment:**

T. Beauregard explained as part of the zoning recodification there were a number of discussions with the consultant about “cleaning up the zoning within the Rear Main Street Corridor and areas directly to the north and south.

T. Beauregard presented a map showing the existing zoning and pointed out starting at Park Street and Cottage Street area, moving south along Maple Street and Central. The entire Heywood Wakefield complex is Industrial 1 which is part of a Comprehensive Permit approved in the 1980’s. The industrial zoned area moves south down Pine Street near the Library encompassing an auto body shop along with three residential properties, then moves into the Rear Main Street Corridor all the way down Derby Drive. Many of the lots are split zoned such as the Main Street properties who have rear properties into the Rear Main Street area such as Cumberland Farms, and the Police Station, and Willow Street which are all Commercial 1 and Industrial 1.

T. Beauregard pointed out on a map what the proposed zoning changes will be. Also, south of Willow Street where it is Industrial in the rear, all the way down to Donlan Street and lower Main Street proposing both sides of the road become Commercial 2. The gas station is split zoned at General Residential 3 and Commercial 2, therefore, all of this will become Commercial 2. In addition, clearing out all of the Industrial zoning especially up in the Rear Main Street Corridor since it does not appear it will be used for Industrial purposes in the future, so it will most likely be residential or commercial uses.

Mr. Bettez pointed out a block on the map and asked what it was. T. Beauregard replied it is the business Mack Prototype. T. Beauregard explained this will remain Industrial use. Also, the two residential properties in that section did not make sense to change to General Residential 3 since there is a contractor’s yard on one of the properties, which is allowed in Industrial 1.

T. Beauregard provided a list that shows the current zoning and proposed zoning, and pointed out each section on the map.

T. Beauregard stated the only non-conforming use that would be created by changing the zoning would be the auto body shop because it is not allowed in Commercial 1, but is allowed in Industrial 1 by Special Permit, but that use would be grandfathered for that site since it is

currently being used that way. M. Schafron asked if it is the Pine Street site, and T. Beauregard replied yes.

T. Beauregard commented this is what is being proposed, and if the Planning Board thinks this makes sense, then the next step would be to recommend sending a request to the City Council.

L. Casker asked if there are any proposed overlays on this zoning change. T. Beauregard said not for proposed, but there are existing overlays within the properties being rezoned, and pointed out the properties on the map.

T. Beauregard added there are areas throughout the City that are just like this, but not as extensive, and noted areas where there are a lot of residences in Commercial and Industrial zones that eventually at some point need to be looked at.

L. Casker asked if there will be a public hearing on this, and asked if notifications will be sent out to all the property owners affected by this. T. Beauregard answered there will be a joint public hearing, if the Planning Board votes to send this to the City Council for adoption, and the property owners do not need to be notified.

L. Casker said she does not understand why notifications do not need to be sent out. T. Beauregard replied notifications do not need to be sent out because it is not required under The Zoning Act, but does need to be publicized in the newspaper and on line.

***Motion to table until the next Planning Board meeting.***

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

***Vote – All in favor.***

<b>5. ANNOUNCEMENT~~NEWS~~ARTICLES~~EVENTS:</b>
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**5.1** **Next Planning Board meeting:** July 9, 2019 at 7 p.m.

o *New School Presentation at July 9, 2019 meeting*

**Adjournment**

***Motion to adjourn.***

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

***Vote -All in***

***favor.***

**The meeting adjourned at 8:03 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.