

Shutesbury Planning Board Meeting Minutes
July 27, 2015
Shutesbury Town Hall

Planning Board Members Attending: Deacon Bonnar/Chair, Jeff Lacy, Steve Bressler, Jim Aaron, Linda Rotondi, Ralph Armstrong, and Jon Thompson
Staff: Linda Avis Scott/Administrative Secretary

Guests: Donna MacNicol/Town Counsel; see attached guest list

Meeting called to order at 7:00pm by Bonnar/Chair

Minutes for the 7.13.15 meeting are approved as presented.

MacNicol: it is now known that the Planning Board rather than the Select Board would approve an extension to the Tighe & Bond contract.

Jeff Lacy and Jon Thompson attended the 7.23.15 Conservation Commission Public Hearing for Lot ZG2 Pratt Corner Road.

Warrant Article Petition: Lacy requests guidance from MacNicol/Town Counsel - the Planning Board has had the solar moratorium warrant article petition for fourteen days and the Board will most likely be receiving the solar bylaw warrant article petition from the Select Board on 7.28.15; the public hearing must be scheduled within sixty-five days of receipt, the first date is 9.17.15 and the second date is 10.1.15; the statutory limits expire before annual town meeting. MacNicol: the law is clear that the language from the petition has to be used and that the public hearing must be held within sixty-five days of receipt of the petition by the Planning Board; the petition does not foreclose (rule out) the Planning Board from putting out their own version of a solar bylaw if it would be easier than the petition bylaw for the Planning Board to support; holding a special town meeting is a Select Board decision; Chapter 40A Section 5 is silent on town meeting except to say that the petition has to be voted on at a town meeting held within six months of the Planning Board public hearing; if the Select Board does not vote to hold a special town meeting there is not a grant to the article. Lacy asks if the Planning Board might work with the petitioners to come up with one article. MacNicol: once it is submitted, a petition cannot be changed; because of the time constraints, there may not be time for the Planning Board to propose their own solar bylaw; it is important for the Planning Board to have a conversation with the Select Board about what they will do once the Planning Board public hearing on the warrant articles is done; if 2/3 of the voters at town meeting want a large scale solar bylaw, it will be in the Planning Board's best interest to have their own version. MacNicol recommends the Planning Board hold a public hearing on the petitions, there will be input on the proposed solar bylaw, and the petitioners will want to weigh in. Bonnar: there are two different notices for the petitions. MacNicol: the petitions will play off each other at town meeting, which is why one version may be recommended over another depending on the Planning Board's language and reasons; if voters pass a Planning Board version, there will be a motion on the floor to pass-over the petitioners' bylaw. Armstrong asks about a reference to Chapter 40A Section 3.

MacNicol: Chapter 40A Section 3 of the Zoning Act states that a zoning bylaw cannot restrict the installation of a solar system unless it has to do with the health and welfare of the community; there are different standards for what you cannot do with bylaws; there is some controversy about whether the Act is referring to large scale industrial or residential solar systems; if you want to deny a large scale installation, put in language relative to health and welfare. Lacy: if the public hearing timing does not meet the six month town meeting timeline, is it up to the petitioners to reintroduce? MacNicol: the petitioners seem to say they want the article on the annual town meeting warrant; if the vote was not held within six months of the public hearing, the Attorney General's office may say you have to go back and do the public hearing again. Lacy confirms that it is up to the Planning Board on how to proceed.

Lacy: the Planning Board will set a hearing date for the moratorium petition; suggests 9.14.15, a regular meeting date, which puts the hearing within 65 days of receipt of the petition; the Board could put the second petition on the same night. It is noted that 9.14.15 is Rosh Hashanah. MacNicol: there is no legal impediment to holding a meeting on special days. Bressler: since the public hearing needs to be scheduled within 65 days, suggests 9.9.15. At this point, all members of the Board agree to hold the public hearing on 9.9.15. MacNicol recommends posting for both the moratorium petition on large-scale solar installations and the petition for a large-scale solar installation bylaw. Lacy notes that the Board has yet to receive the solar bylaw petition and asks if the Board has to wait to receive the petition before scheduling that public hearing. MacNicol: no. All members of the Board agree to schedule both petition public hearings on the same night.

Miriam DeFant/74 Pratt Corner Road: it is the goal of the petitioners is to work with the Planning Board to draft a solar bylaw that all will agree with; they want a collaborative process and expect there to be changes. Suzanne Palmer/517 West Pelham Road states that she is supportive of the bylaw but not the moratorium and asks what the process is. Bonnar: explains the public hearing process. MacNicol: the solar bylaw petition is on file with the Town Clerk. Bonnar notes that the public hearing legal notice will be published in the newspaper by 8.26.15. The Planning Board agrees to use their 8.10.15 meeting for schedule planning and other matters.

7:30pm: Open Public Hearing for the Zoning Special Permit for Light Industrial Use: Six Megawatt Solar Array

Bonnar introduces the Board, staff, and Patrick Garner/consultant hired by a group of citizens and Jean Christy/Tighe & Bond hired by the Planning Board as a third party reviewer. Bonnar: copies of the *Town of Shutesbury Zoning Bylaw Section 9.2-2 Special Permit Review Criteria* are available for guests to refer to.

Bonnar: the Planning Board listened to some comment on the proposed project at their 6.8.15 meeting; the Board wants to base their consideration of testimony on written comments received for the record and filed with the Town Clerk; requests all guests to sign-in; informs all present that this portion of the meeting is being recorded for the Board's purposes, and invites the applicants to make a ten minute presentation.

Lacy reads the public notice into the record: "Notice is hereby given that the Shutesbury Planning Board will conduct a public hearing on Monday, July 27, 2015 at 7:30pm at the Shutesbury Town Hall on the zoning special permit application of Zachary Shulman, Lake Street Development Partners, LLC for a proposed light industrial use in the Forest

Conservation District – conversion of approximately 31 acres of forestland, at Assessor’s parcel ZG-2 near Pratt Corner Road and Reed Road (discontinued), to a six megawatt (DC) ground-mounted solar array.”

Marnin Lebovits/Lake Street Development Partners, LLC introduces himself, Zachary Shulman/Lake Street and Mickey Marcus/New England Environmental (NEE), consultant for Lake Street Development (LSD). Lebovits thanks the Planning Board and appreciates the Shutesbury Conservation Commission (SCC) for their 7.23.15 meeting. Lebovits: the six-megawatt solar array site is a managed forest parcel that is a small portion of the Cowls’ property and notes that Cowls has been allowing folks to access their property and will continue to do so. Marcus/NEE, consultant for LSD: a number of issues were brought up at the SCC meeting; he will give an overall introduction to the project and answer the Planning Board’s questions. Marcus recognizes that the Planning Board has hired Tighe & Bond as their third party reviewer and that the project plan will change based on SCC requests, citizen observations, Planning Board, and consultant feedback. Marcus: the Wheelock tract is a combination of several parcels totaling 755 acres; per Massachusetts law, on a given lot, a solar installation cannot exceed 6 megawatts; LSD chose this parcel because of its access to power lines and a substation that can accommodate additional power, as well as, a landowner that is looking to diversify management of their land without long term development; this will be a lease agreement for the solar term. Marcus: frontage is on Pratt Corner Road to the north; for this project, 21 acres will be clear-cut for the solar panels and selective tree cutting for shade management, for the life of the project, will be done on an additional 10 acres. Lacy verifies that this 755 acre lot is a conglomeration of parcels put together and called Wheelock/Lot ZG2 thereby becoming a parcel for Department of Energy Resources (DOER) and allowing a 6 megawatt solar system. Marcus: a parcel cannot be subdivided for a solar installation; 6 megawatts is the maximum allowed. Attorney Michael Pill/representing LSD: for purposes of application, a lot of deeds went into the parcel, it was not consolidated; no matter how many deeds there are, Lot ZG 2 is one parcel; there will not be any other solar projects on the Wheelock parcel. Lacy: then there will be no objections to a condition saying the same. Pill: no, and, it may put concerns to rest. Marcus: as required by law, a seven-foot high fence will surround the project. Marcus: some of the stormwater structures will be temporary during construction; some of the stormwater structures will be permanent; the array will be DC and trenched underground to inverters (3) where power is converted from DC to AC and continues to run underground to poles at the interconnection to an existing line on Pratt Corner Road; the panels are 7’ high and 3’ off the ground; details and dimensions of the racking plan will be provided. Marcus: the forest will be converted to seed mix and mowed once/year; NEE will investigate a more diverse seed mix with forbs and wildflowers per SCC request; a slow growing and low growing seed mix that grows to no more than 3 feet high is needed. Marcus: once/month on site maintenance will be conducted; as for visual concerns, they are keeping the site out of the public way; the only way to see it is to go on Cowls property. Marcus acknowledges the amount of concern and dialog about the proposal; NEE’s goal is to answer all questions and respond to all of the peer reviews; all the reviewers will have different questions and requests for modifications and NEE will consider all recommendations for changes; they feel concerns will be adequately

addressed through the peer review process; NEE encourages a solar bylaw as it will create a clear set of standards; Shutesbury does not currently have a solar bylaw, however, the project meets the Town's current regulations; NEE professional staff will address concerns. Lacy: how is the height of the lower end of the panels determined? Marcus: if the panels are too low, snow shed will block the lower end of the panel; solar people like minimal site work and maintenance. Rotondi: security? Marcus: there are no lights on the site; security is infrared with cameras on the inverters and telemetrics will be used to remotely monitor productivity. Bressler: who oversees the monitors? Shulman/LSD: the long-term monitoring contract will be with a local maintenance firm; the panels are usually 34" off the ground; he will verify this with the installers. Lacy: biomass interference? Shulman: growth would have to be at least 48" in height to interfere with the panels; there is an issue with performance if the plant growth becomes thick enough to block productivity. Marcus: ideally, there is full sunlight on all of the panels; there will be some loss of productivity when the sun is low. Rotondi: snow? Shulman: the snow slides off; if it gets too deep, it will affect productivity; there is no onsite snow management.

Lucy Gertz/56 Pratt Corner Road: the Planning Board agenda listing "opposition commentary" sets up a sentiment of controversy and potentially generates ill will; the Board could have used another word to generate conversation and hopes the Planning Board will have an open mind. Gertz: the Planning Board has special criteria to address – what happens to water flow, both surface and underground; when the project is done, will there be any impact on her well; if the project goes forward, will there be a condition for well monitoring; if yes, will there be a fund for remediation? Gertz: how will the Town deal with any long term effects on the flow of water on Pratt Corner Road and will the extra tax dollars gained from the project need to be used to address problems with the project; will the Fire Department need additional training and new equipment? See "Testimony to Shutesbury Planning Board Regarding Wheelock Tract Solar Proposal" submitted by Lucy Gertz received for the record.

Miriam DeFant/74 Pratt Corner Road presents testimony on behalf of herself, Robert Kibler, Michael Suter, Genny Beemyn, and Andrea Cummings. DeFant submits "Testimony to Shutesbury Planning Board Regarding Wheelock Tract Solar Proposal" to which she has attached the Patrick C. Garner Company, Inc. 7.27.15 "Letter of Engagement, Initial Findings: Proposed Solar Project off Pratt Corner Road, Shutesbury MA" and the 7.23.15 "Testimony to Shutesbury Conservation Commission Regarding Wheelock Tract Solar Proposal" for the record. DeFant: approval of this project would set a problematic precedent; it is important to get this right so that we have a consistent policy going forward. DeFant: we are not an anti-solar group; we want to find a way toward environmentally responsible development. DeFant: the warrant petition restricts the size of large-scale solar arrays to 8 acres; Leverett has restricted large-scale solar arrays to 2 acres; it is in the Town's best interest to honor this petition and not fast track it. DeFant reads directly from the written testimony; refer to the record. Bonnar asks if the public has more questions/dialogue.

Andrea Cummings/69 Pratt Corner Road submits her written testimony for the record, "Testimony for the Planning Board Regarding the Proposed Solar Array Project by Lake Street Development" with attached articles from various sources: *Lancaster puts freeze on solar farms*, *Northborough Town Meeting approves solar farm moratorium*, *Heath approves wind/solar moratorium*, and *Land Court strikes down permit for Hatfield solar project*. Cummings reads her testimony, up to "Other Concerns," into the record.

Patrick Garner, engaged by DeFant and various neighbors: has done peer review for solar projects; will have regulatory comments, i.e. does the project meet the requirements of the Wetland Protection Act (WPA) and the Shutesbury General Wetlands Protection Bylaw. Garner, referring to his preliminary report, "Initial Findings" (previously submitted by DeFant): this is just the beginning, he will have a more robust report in a couple of weeks; the submitted plans, in their current state, are 60-70% complete. Garner reviews the "Stormwater Management" portion of his report (see record). Garner, referring to the site plan and indicating the stream and Bordering Vegetative Wetland (BVW): water flow feeds BVW; water that goes into this system is proposed to be captured and carried away; this may be problematic, in this case, because the hydrology will be severely altered. Garner: the proposed plan's wetland resource analysis is based on the WPA not the Shutesbury bylaw, which is unusually strong; the WPA protects BVW; the Bylaw protects isolated wetlands as well; this site is riddled with isolated wetlands. Garner: the bylaw protects the resource area and considers the 100' around the resource area as a protected resource; the plan does not seem to consider the areas protected by the bylaw. Garner: the plan proposes clearing within 25' of the wetland along the stream; this will affect the forest area. Garner: at this point, these are his broad comments; he will do further review of the hydrology and a storm water analysis and notes that Tighe & Bond will be doing a storm water analysis as well. Lacy: at the SCC hearing, it was noted that water from the hillside will flow into a sub-basin and be re-directed and that changing from forest to grass will increase transpiration and increase runoff. Garner: per Stormwater Regulations and the WPA, an engineer analyses pre-conditions and balances them with post construction conditions; what ever water comes off today cannot be exceeded post construction; going from forest to grass is a significant change; 30-50% of the water feeding the wetland is coming off the hill. Lacy: there is a difference between construction phase drainage and final phase drainage; will the construction phase drainage structures be modified for the long run? Garner: temporary sedimentation basins capture the "chocolate milk" runoff and give suspended sediments a chance to settle out; the current plans do not address any of this.

After a brief break, Bonnar asks if any other boards present have questions. MacNicol: the SCC left the meeting for a brief time.

Genny Beemyn/113 West Pelham Road: reads his testimony "Planning Board Testimony 7.27.15" as submitted for the record.

Michael Suter/94 Pratt Corner Road: as the closest abutter to the proposed project, he registers his unequivocal opposition. Suter: there is a risk that his well will be contaminated and the potential for severe erosion, affect on recharge, potential for fracture to bedrock and an increase in interconnectivity; these potential changes in

hydrology will have an effect on his well; Reed Road is less than 100' from his well. Suter: pylons will have to be driven into the bedrock, which may potentially affect wells; the solar panels may leach cadmium; leakage from construction vehicles may contaminate the site; these may leach into ground water and contaminate his and other abutters' wells. Suter asks the Planning Board not to permit this project. Suter explains that he is in the solar industry and welcomes the development of small, appropriate scale solar in our town. Suter states his concern that changes to the forested landscape and the existence of a large-scale solar project nearby will affect the value of his home. Suter states that he will take recourse if his well is contaminated in the future and asks the Planning Board to take liability into consideration when contemplating the permitting of this project. Lacy asks Suter if he is concerned about what may be coming down Reed in his direction and/or ground water impact from the arrays. Suter: both. Lacy ask Suter to provide literature regarding these types of installations and potential contaminants. Suter agrees to provide.

Robert Kibler/74 Pratt Corner Road notes that LSD specializes in the installation of large-scale solar arrays on Brownfields and other contaminated sites. Kibler asks who the project owners are.

Suzanne Palmer states that she has significant concern about the motivation behind the moratorium petition; feels the issues need to be thoroughly addressed by the SCC and Planning Board and would like to see the bylaw drafted by these boards and others not concerned with the outcome. Palmer: some of those who oppose the project have stated irrational fears, i.e. these are our trees, this project will rape the forest; she is concerned about climate change and thinks we should do all we can. Palmer suggests that a stipulative process be attached to the moratorium - a time frame for putting a bylaw in place that is based on science not emotion; agrees that contamination issues need to be addressed.

DeFant: refers to the language of the petition – the moratorium would be in place until the Town has approved a solar bylaw; this is an incentive to come up with something that could pass by a 2/3 vote. Palmer: wants the bylaw to be created by non-biased parties. At this time, the SCC rejoins the meeting.

Cummings, referring to plan sheet 3.1, states that she has questions for Garner regarding the wetland on Suter's property at the intersection of Reed and Pratt Corner Roads.

Garner: functionally, Reed Road acts as an intermittent stream; there are a number of hydric vegetative areas at the end of and along Reed Road that are subject to strong runoff. Cummings: using Reed Road seems problematic for the reason that two of the three, hydrology, soil, and/or vegetation are needed for an area to be called a wetland.

Cummings, per the zoning bylaw: where ever feasible use existing roads. Cummings: if the project is installed in the winter, subsequent problems could develop in the stream.

Garner: porosity is lost in frozen conditions; an open, steep sloped site like this becomes a problem; this can be worked around, however, has not been addressed, thus far, in this plan. Garner: on a winter stéep-sloped installation in Berlin, the temporary drainage on a long dirt road blew out and the wetland is still being remediated. Marcus: NEE knows how to do this, however, has yet to do so; the plans need to be flushed out and completed and will include 4-5 pages on the prevention of runoff using standard techniques. Garner:

on a regulatory basis, these plans are not complete; the topography in the runoff area needs to be surveyed and a resource analysis is needed.

Bonnar asks to hear from other boards.

Jaques: after a lengthy SCC hearing, it seems to her, that based on the information presented thus far, Reed Road to the east is a problematic area and suggests the applicants consider shifting the project away from this area. Fleischaker notes that there is no "alternatives analysis" in the plan and asks why we can't look at shifting the project west and putting in a new road. Jaques: the wetlands on the west side have yet to be mapped.

Lacy, to the applicant: the array is a perfect square and all of the panels are connected above ground therefore they need to be reasonably proximal and the runs cannot be discontinuous. Shulman: the panels need to be contiguous. Lacy: could the row lengths be changed? Shulman: within the same space, a uniform shape could be changed. Lacy: some of the site has a 15-20% slope; this area will be difficult to work on and erosion control concerns will increase; how could we design around this? Marcus: we will be evaluating if the panels can be shifted; the access road could be off a different place on Pratt Corner Road; this will be looked at. Marcus: this project has been considered for several years and there were no timing issues or intentions to work around recent town meetings; the applications were filed when the project was ready to be considered; a construction plan has not been submitted. Marcus: the phasing plan that the SCC asked for will be provided; regarding timing, tree cutting may occur in winter; no construction will occur in winter; no contaminants will be stored onsite – this is a condition that they will work with Boards on and they will do their best to consolidate all concerns.

DeFant asks Garner to explain more about isolated wetlands, how vernal pools are assessed and what the survey would need to look like. DeFant: if the SCC and Planning Board are tasked to come up with a design to replace the resources on 31 acres, is this possible? Garner states that on Saturday's site visit, he did some bushwhacking to get a sense of the typical woods in the area and noted that a number of wetlands were not identified on the plan; he saw one, perhaps two, areas that looked like potential vernal pools; vernal pools can only be evaluated in the spring according to specific Natural Heritage criteria which is problematic in timing; vernal pools are isolated wetlands; Shutesbury has one of the most severe and protective bylaws in the State; the bylaw is broad and expansive. Garner: the buffer is a WPA trigger zone; in the bylaw, the buffer is a "no activity zone" – this applies to BVW along the stream and every pocket on site; somebody from NEE needs to identify these areas. Garner: for these isolated wetlands (IWs), the bylaw is binding without regulations. Jaques: the SCC bylaw has regulations. Pill: the bylaw was not designed to prevent work and to say that you cannot do work in the buffer even if you do not impact the wetland; the rule of reason needs to be applied; "wetlands" is a strong term used to prevent development. Garner: the WPA allows work within the buffer zone; the bylaw treats the buffer zone as a resource area, a "no action area."

Shulman addresses concern about LSD solar developments: yes, they specialize in dirty sites, though, as the solar landscape changes, they are doing more green field sites; they will be the owners of the project. Lacy: in terms of ownership, Cows owns the land and LSD leases it from them. Shulman: there will be no sub-leasing of any kind; there are local companies that manage these types of projects. Shulman: the lease could be transferred. Lacy: if transferred, the new company would hold the lease. Lebovits: once

they are through the permitting process, LSD works with their partners. Shulman: if they own the project, they will be around. Thompson/Planning Board: are we in it with Shulman or with the biggest utility firm in the world? Shulman: there will be a point of contact. Pill: Cowls has a long history of land ownership; the special permit is recorded with the Registry of Deeds and runs with the land; of course, the Town needs to know who is responsible for violations of the special permit.

DeFant: has Reed Road been formally abandoned by the Town? Aaron/Planning Board: yes, at town meeting. Pill: in 1973, Bill Randall saved the town from development by discontinuing every road in town and then re-laying out specified roads; Reed Road was discontinued and never re-laid. Pill: the zoning bylaw preserves history, i.e. stone walls and big trees; does not refer to a road such as Reed.

Bonnar asks if the Planning Board has questions for Jean Christy/Tighe & Bond, the Planning Board's third party reviewer. Lacy states that he has observations for the applicant and Tighe & Bond. Lacy notes the 1,000 foot limit for driveway length and asks what portion of Reed will be considered a driveway; referring to the Reed Road construction details, a 12' width may work, however the plan drawings of Reed do not look like Reed Road, we need construction details that look like and would work for Reed Road. Lacy asks if there is any way to address recreational alternatives because the solar panels sit right in between paths to the rest of the Wheelock parcel. Lacy asks if soil will be brought in to fill holes on Reed Road, what the source is for this fill, and will it contain invasive species. Lacy: is a Massachusetts Environmental Policy Act (MEPA) filing required? MacNicol and Marcus: no, there is a fifty-acre MEPA trigger. Lacy: Army Corps filing? Lacy: how will the grading in certain areas be approached? Lacy states his concern about setting up erosive conditions and asks exactly what is phased, clearing and/or construction, and will it compromise the details on site if field work is done with 3' of snow on the ground. Marcus: NEE has been on the site for a full year. Fleischaker: what is the meaning behind the statements – "no herbicides to be used" and "no stones will be removed from site?" Marcus: there is no need for herbicide use. Fleischaker: "no herbicides will be used" and "no stones will be removed" is suggestive language. Marcus states that he has to look at the section on stones. Fleischaker: page 4 has the reference to herbicides and page 6 has the reference to stones; as well, there is a second reference to herbicides. Marcus: they can be specific – "no material is to be exported from site." Jaques: will materials be imported? Marcus: materials will be imported for roadwork; NEE will provide the Planning Board with phasing plans. Fleischaker: page 5 has the other herbicide reference. Marcus: herbicide use is not an issue; Round Up will not be used.

Bonnar: the Planning Board would like to move on to a discussion with Tighe & Bond.

Jean Christy introduces herself: Tighe & Bond will review the project to see if it complies with zoning bylaw, special permit criteria and stormwater regulations. Christy states that she used tonight to gather information and will ask her technical questions subsequently, then asks the Planning Board for further detail on what they want Tighe & Bond to focus on.

Lacy notes that he already asked numerous questions. Rotondi: water quality in abutters well. Kibler: water quality as well. Michael DeChiara/56 Pratt Corner Road: who will look into different access points and configurations for alternative plans? Thompson: that is NEE's job. Lacy: what will the next habitat be; is field wildflower habitat a more even habitat exchange for forest? Christy: Tighe & Bond's wildlife biologist will conduct a site visit and make recommendations for habitat. Garner: in the NEE report, after de-commissioning, the site is to be restored to forest; this could be problematic. Lacy: what kind of habitat will be out there, on site for 25 years, that will be beneficial for Shutesbury; after 25 years, will the soil structure be in place to regrow forest? Armstrong asks Lacy if he is thinking about early succession; if generated at this level for 25 years, the forest will regrow. Lacy: "early succession on hold." Leslie Bracebridge/Chair Historical Commission: this is not the first time for large scale clearing in town; refers to the tower site on Lot O32 and the growth of cranberries; blueberries, grown on cleared land in the past, were a source of income, and could be a potential plant for this site. Cummings asks Christy to address low impact development and the use of water quality swales. Christy: Tighe & Bond will consider low-impact design standards. Rob Hayes/69 Pratt Corner Road states that he has history with Tighe & Bond and is concerned that their engineers will not address certain issues; some town board will have to get information on hydrology. Christy: Tighe & Bond's team is collaborative and is available to help as needed. Lacy: wildlife biologist, certified planner, engineer, and wetlands specialist are referenced in the Tighe & Bond contract. DeFant formally requests that Patrick Garner be allowed to accompany third party reviewers on their site visit and notes need for permission of the landowner. DeChiara: refers to the Tighe & Bond contract and asks if this is the initial scope reviewed at the last Planning Board meeting and what the process will be if more money is needed. Christy: Tighe & Bond will do a document review, create a report, work with the NEE engineer, discuss their findings with the Planning Board, then revisions are made; if more review is needed, as determined by the Board, additional funds will be required. Fleischaker asks if the review is performed against the regulations. Christy: field site visits are made and the plans are compared to land. DeFant: will there be an on-site independent review of topography? Christy: that is not included in the Tighe & Bond scope of work; they do not have a survey crew; suggests use of local surveyor. Marcus: project has been surveyed on site; NEE has a stamped plan. Lacy confirms: Northeast Survey. DeFant: the controversy about wetlands leads her to be concerned about topography. Fleischaker: the difference in topography on the renderings is probably due to reductions. Lacy refers to the site plan package as the "real" maps; agrees there is some topography missing, i.e. on the detention basin plans. Lacy shows the slope maps, with the grid on and the grid off, depicting the 15% and greater slopes.

Bonnar: the Planning Board needs to work with Christy to determine a continuation date. At 10:10pm, to accommodate Planning Board member schedules, the public hearing is continued to 9.21.15 at 7:30pm.

Attorney James Vevone/Seder and Chandler representing Michael Suter asks if Tighe & Bond will have adequate time to complete their report. Christy confirms that there will be adequate time. Marcus confirms there will be adequate time for NEE to respond to Tighe & Bond's recommendations.

Planning Board members consider site visit dates. MacNicol: site visits are not subject to open meeting law as no deliberations or decisions are made; schedule accordingly. Aaron asks if the site is flagged. MacNicol: the Board can ask for the project site to be flagged. Date for site visit: Saturday 8.15.15 at 9:30am. Marcus will ask to have site flagged.

All Planning Board members agree to adjourn at 10:23pm.

Respectfully submitted,
Linda Avis Scott
Administrative Secretary