



MEETING NOTICE TOWN OF HAMILTON

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All meeting notices and agenda must be filed and time stamped at
the Town Clerk's Office and posted at least 48 hours prior to the
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Committee or
Governing Body

ZONING BOARD OF APPEALS AGENDA

Meeting Location

Meeting Room MEMORIAL ROOM

Address 577 BAY ROAD, HAMILTON MA

Day, Date and Time of
Meeting

WEDNESDAY

Date MAY 2, 2018

Time 7:00 PM

Signature of Chairman
or Authorized Person

MARY-ELLEN L FEENER

Date

4/25/18

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting.

CALL TO ORDER

PUBLIC HEARING THE SPECIAL PERMIT APPLICATION OF THE REVIEW OF THE PLANS SUBMITTED BY AMEC MASSACHUSETTS INC. ON BEHALF OF THE TOWN OF HAMILTON FOR THE PROJECT AS PROPOSED BY AMERESCO FOR THE CHEBACCO ROAD SOLAR PV LLC. THE SUBJECT PROPERTY IS LOCATED AT 500 CHEBACCO ROAD, HAMILTON, ASSESSOR'S MAP 70, LOT 1, ZONE R1B. THE APPLICATION IS TO INSTALL A SOLAR PHOTOVOLTAIC (PV) ARRAY WHICH WILL CONSIST OF APPROXIMATELY 2,736 PV MODULES, MOUNTED ON RACKS SUPPORTED BY CONCRETE BALLAST FOUNDATION BLOCKS.

SPECIAL PERMIT APPLICATION SUBMITTED BY WENDY CUNNIFF & SEAN PHELAN, FOR THE PROPERTY LOCATED 22 NAPLES ROAD, HAMILTON, ASSESSOR'S MAP 60, LOT 38. APPLICANTS ARE REQUESTING RELIEF BY THE ZBA FOR HAMILTON ZONING BYLAW SECTION 5.3, NON-CONFORMING STRUCTURES, IN ORDER TO CONSTRUCT 12 X 16 SHED.

REVIEW AND APPROVAL OF MEETING MINUTES
UPDATES FROM THE CHAIR
MEETING TO ADJOURN

Items may be heard out of the listed order. The agenda items listed are those items which were reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed on the agenda may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

The next meeting of the Zoning Board of Appeals is scheduled for June 6, 2018, and will be held at the Hamilton Town Hall, 577 Bay Road, Memorial Room, Hamilton MA 01936, and it will commence at 7:00 PM. Meeting dates, time and location are subject to change as allowed by the Open Meeting Law. Please refer to the Town web page: hamiltonma.gov for details regarding a specific agenda.

HAMILTON ZONING BOARD OF APPEALS

MINUTES

Memorial Room 299 Bay Road.

May 2, 2018

Members Present: Bill Bowler (Chairman), Kim Dietel, Bruce Gingrich (Associate Member)

This meeting was called to order by Bill Bowler at 7:00 pm with a quorum established.

Public Hearing for a Special Permit. AMEC Massachusetts Inc./Town of Hamilton for the 500 Chebacco Road Solar Project.

Bill Bowler opened the public hearing by reading the legal ad. Patrick Reffett explained the provisions of the Zoning By-law that the ZBA was acting under. Mr. Reffett was surprised that as a green community, the word solar was not in the Zoning By-law. The Planning Board would be working with the ZBA regarding implementing the term. The land use table specified that under Section B H.5.10., municipal buildings or facilities would allow for flexible uses such as solar facility projects. Mr. Reffett said using a municipal facility for power generation was a beneficial use of the landfill property as it generated energy and income. Mr. Reffett added that a special permit was required. Bill Bowler responded that the ZBA was empowered to hear the request.

Dave Turner (AMERESCO) said AMERESCO and the Town of Hamilton were working together to develop a solar array at the landfill site. AMERESCO would construct, operate, and maintain the project. AMERESCO would lease the land and sell power to the Town at a reduced rate. The site would produce 1M kilowatts a year, equal to the cost of electrifying 120 homes or the greenhouse gas equivalent of 200 cars off the road per year. AMERESCO had completed 12 projects in MA on landfills partnering with AMEC for consulting and permitting.

Rob Bukowski and Melinda Ferullo (AMEC) said they had worked with AMERESCO for five years. The project would be on five fenced acres of land, accessed from Chebacco Road at the Gun Club entrance. The proposed access road would be on the southern side of the landfill. Regarding the MA DEP post closure use permit, AMEC had worked with Northeast Region Solid Waste Division and addressed comments offered by DEP. Once the closure certification was complete, they would be ready to issue the permit. AMEC conducted an engineering analysis to prove the project would not compromise the integrity of the capping. Concrete blocks would be used as posts could not be dug into the landfill cap. The wind load, the settlement over 20 years, and the resistance to overturning and sliding of blocks were all considerations, which would drive the construction of the project. AMEC completed a stormwater analysis. There was low impermeability due to the clay layer. AMEC analyzed the capacity of the existing stormwater structure and determined that adding additional blocks would not exceed the capacity of the stormwater management system.

Rob Bukowski described the construction phase as taking three to four months. Concrete block ballast would arrive on 18 wheelers via Chebacco Road from Route 128. Once blocks were delivered, low pressure track equipment (7 psi or less per DEP stipulations) would deliver the block, which would be set on 6" of gravel and pad. The racking would then be started by electricians as modules were added. An equipment pad would hold the proposed transformer, which would be wired to the modules. Poles down Chebacco Road would carry the electricity to where it would interconnect to the utility grid. Seven new poles were proposed. Mr. Bukowski added that the interconnection pole existed prior to the construction of the facility.

Construction traffic would consist of seven to ten 18 wheeler trucks per day and the 30 to 40 workers on site each day. The large paved area after the gun club gate would be used for parking. In accordance with DEP, an as-built survey and certification report would be required once built. One of the conditions of DEP approval was to have someone on site during construction to ensure construction was in accordance with the program design. Certification would indicate the project was completed in compliance, then DEP would want quarterly inspections for the first year and annual inspections after that to determine if there was any settling or shifting of the pads. Blocks (3' x 3' x concrete block) would also be required for the fencing. Maintenance and mowing would occur once per year as trees would not be able to grow into the capped area.

AMERESCO would have a meeting with involved parties, including the Rod and Gun Club to discuss access and process. Manchester was aware of the project. Patrick Reffett said he had not received correspondence from Manchester regarding the proposal. Bill Bowler asked how brush drop off at the landfill would be affected. David Turner said AMERESCO would work with the Town and cancel delivery on brush drop off days to avoid disturbance. The solar area would be blocked off as well at the existing fence.

Patrick Reffett submitted a list of questions. The first question was in regard to the status of the DEP closure agreement. David Turner said he had spoken with DEP to learn the agreement was in the final draft and should be issued in the short term, allowing them to issue a closure permit. Access, traffic, and construction process would be as mentioned above. There would be a 7' tall chain link fence in accordance to the National Electric Code. Noise reduction considered back up alarms for heavy equipment when materials were delivered and placed. Electricians would use hand tools and a small skid steer. Access routes would be from 128 with 30 to 40 workers at peak time. The construction period would be three to four months. The proposed transformers would be similar to an industrial building transformer or a small dumpster and would be on a concrete pad. The transformer would hum at 30 decibels at 5-6' away and would be located on the back side away from home. AMERESCO would have a sign on the front of the gate with an 866 number and 24-7 answering for emergencies. Maintenance would vary with one to two visits a week for the first three to six months, then twice a month for the following six months

and one to two times a year thereafter. The facility had remote monitoring but someone would be sent out to investigate a problem.

Regarding the landfill recap, some areas had between 3' and 2' of soil cover. A geotechnical study was used to determine how much bearing capacity would be allowed. The study was based on a rotting out analysis. There was no natural material on the site as it was all fill from the capping process. One area had 18" of common fill with 6" of topsoil and another had 12" of low permeability layer clay overlaid by 18" of common fill, then 6" of topsoil. The goal was to maintain a lay of topsoil for vegetation growth to minimize erosion. DEP's main concern was that the installation would not compromise the integrity of the cap. DEP favored this type of activity on landfills as this was a good reuse of the property for more renewable energy sources. There was no noted effect on groundwater. There were no views from residential areas.

Melinda Ferullo overlaid the 2017 and 2009 Conservancy Districts with the landfill to determine the project was outside both districts. The proposal would need to be reviewed by the Conservation Commission. A Notice of Intent would be filed as a minimal disturbance was within the 100' of the buffer zone. The only part of the project was the installation of new utility poles as there was no other way to get to the interconnectivity pole. Bill Bowler mentioned the blue salamander habitat area. Dave Turner responded that a biologist was going to have it removed from the habitat maps and that as part of the Notice of Intent, Natural Heritage would be contacted. AMERESCO had a letter indicating the proposed project would not be a detriment to their habitat if it was there.

An abutter asked about the wattage. David Turner explained that the power produced would be metered and sent to the grid. The Town of Hamilton would be issued a credit on their bills. There would be a power purchase agreement with AMERESCO. The taxpayer would only receive an indirect benefit as the Town's bills would be lowered. The abutter asked what would happen at the end of the 20 year lease. Mr. Turner responded that there was an option for the Town to extend the power purchase agreement for two five-year periods or have the facility removed. AMERESCO was leasing the land from the Town. The Town was not leasing panels from AMERESCO. The Town would receive lease payments and electricity credit. Savings would be \$.02 per kilowatt hour at 1M hours. The lease was currently being revised and would go to Town Meeting in accordance with MGL, for approval, according to Patrick Reffett. The Alternative Energy Manager would provide the public with a solid report. Mr. Turner added that the MA Smart Program for solar energy was coming out and the applicant needed all approvals before submitting to the program at the end of the summer.

Bill Bowler continued the public hearing until the June 6, 2018 meeting at Town Hall when he believed the Board would be ready to vote. A draft decision would be available for discussion and conditions would be added at the time of the meeting.

Public Hearing for a Special Permit. Wendy Cunniff and Sean Phelan. 22 Naples Road. Requesting relief for a Non-Conforming Structure to build a 12' x 16' shed.

The applicant had requested to remove an existing 8' x 10' shed and replace the larger shed on the same footprint. The existing shed was 10' tall and the new shed would be 12' tall at the roof peak. The proposed shed would be further away from the lot line than the existing shed. The shed would be on blocks so it could be movable.

Bill Bowler said there was no issue with the lot line. Kim Dietel referred to the Zoning By-law (Section 4.1.5.), which indicated that the shed could not exceed 10' in height and be no larger than 8' x 12'. The shed could not be closer than 20' from another structure and not less than 5' from the rear and side yards. Mr. Bowler noted the shed was larger than the Zoning By-law would allow. Wendy Cunniff responded that the increased size was the reason why the application was filed. Mr. Bowler explained that a variance had different standards than non-conforming uses or structures and noted that if this were an extension of a non-conforming structure, it would be a lower threshold. Mr. Bowler said the standard for a variance was high and no hardship had been identified. Sean Phelan said the hardship was that the house was small with a limited basement. In response to John Rodenhizer's suggestion to extend the house, Mr. Phelan said he wanted to use his lawn in the area next to his home.

An abutter noted the applicant was seeking relief and the Board had indicated they could not offer relief from the Zoning By-law. Bill Bowler said the Zoning By-law governed the size of sheds and the ZBA needed to adhere to the By-law. The abutter suggested calling the structure a detached garage. Mr. Bowler suggested continuing the public hearing until the next month and in the meantime, the applicant should meet with Patrick Reffett to see if he had any ideas of what to do. Mr. Bowler said the applicant was entitled to have a garage. The ZBA would be the decision grant authority and would not be able to work with the applicant regarding a potential solution.

Bill Bowler continued the public hearing until June 6, 2018 at Town Hall.

Review of Minutes

None

Updates from the Chair.

None

Adjournment.

Motion to adjourn made by John Rodenhizer

Seconded by Kim Dietel

Vote Unanimous to adjourn at 8:01 pm.

Prepared by:

Marcie Ricker
Marcie Ricker

Bill Bowler 3/1/15
Attest Date