



TOWN OF ROCKLAND

Planning Board

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TOWN CLERK, ROCKLAND
MAY 24 '23 PM 9:53

Planning Board Minutes Tuesday, April 18, 2023, at 6:30 pm Rockland Community Center Community Room

In attendance – Michael Corbett, Chairman, Charles Williams and Randy Hoblitzelle (*absent John Lucas & James Wells*)

The audience, participants and general public should be aware that any and all portions of this open meeting may be recorded by audio and video resources. All or some of this meeting may be rebroadcast periodically by WRPS or other outlets. Persons wanting a DVD copy of this meeting should contact WRPS. A small fee will be charged. Chairman Corbett noted the meeting is being recorded for note taking purposes. The recording will be destroyed once minutes are recorded.

Motion to open Public Hearing – Charles Williams
Second – Randy Hoblitzelle
Voted 3-0

Open Public Hearing: 6:40PM

Public hearing for May 1, 2023, Town Meeting proposed Zoning By-Law changes as posted in Public Hearing Notice dated weeks of March 28, April 4, April 4 & April 11, 2023, Patriot Ledger (Articles #72-74 & #81).

Article# 74 Will the Town vote to amend Division 3: Zoning Bylaws, Article II, Definitions, §415-2 Definitions and word usage, by deleting the word and definitions associated with the word “Kennel” an inserting in place thereof the following new definition(s): "Kennel", a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel as those terms are defined in MGL c. 140 §136A, or take any other action relative thereto?

Motion to recommend to the Board of Selectmen – Charles Williams
Second – Randy Hoblitzelle
Voted 3-0

Article 75: Will the Town vote to amend the Rockland Town Code, Division 3: Zoning Bylaws, Article IV, Permitted Uses, §§415-8, 415-9, 415-10, 415-11, 415-12, 415-14, 415-15, 415-15, 415-17, 415-18, and 415-19.

Motion to recommend to the Board of Selectmen – Randy Hoblitzelle
Second – Charles Williams
Voted 3-0

Article 76: Will the Town vote to amend the Rockland Town Code, Division 3: Zoning Bylaws, Article V, Building, Lot and General District Regulations, §415-38.3 Commercial Kennels, by deleting the Title of said section “Commercial Kennels” and inserting in place thereof the following new Title “Kennels other than personal kennels.” and making deleting the words or phrase “commercial kennel” in subsections A., B., and C. an inserting in place thereof the words or phrases “commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, or veterinary kennel”; and further, that the Town Clerk be authorized to make clerical, editorial or other adjustments related to incorporating said changes into the Zoning Bylaw, or take any other action relative thereto?

Motion to recommend to the Board of Selectmen – Randy Hoblitzelle
Second – Charles Williams
Voted 3-0

ARTICLE 81: Will the Town vote to amend the Rockland Town Code, Division 3: Zoning Bylaws, Article II, Definitions, §415-2 Definitions and word usage, by adding , §415-2-1 – “Planning Board Associate Member” as follows: 7.4.1 Planning Board Associate Member. Pursuant to Section 9, Chapter 40A, Massachusetts General Laws, the Rockland Planning Board, acting as the Special Permit granting authority, shall have up to one associate member, who shall sit on the Board when there are less than five members sitting, for the purposes of acting on a Special Permit application. This position of associate member will be filled by joint appointment of the Select Board and the Planning Board and the term shall be fixed for three years. If provision for the associate member has been made, the Chair of the Planning Board shall designate the associate member to sit on the board for the purpose of acting on a Special Permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board and further, that the Town Clerk be authorized to make clerical, editorial or other adjustments related to incorporating or referencing this change in the Town Code, or take any action relative thereto?

Chairman Corbett just special permits? Attorney Galvin only special permits. You would need to go to Charter. Chairman Corbett we went to Charter. Attorney Galvin I would proceed on this, if a person discloses they know or have knowledge they evoke rule of necessity and vote anyways. It is perfectly fine.

Motion to recommend to the Board of Selectmen – Charles Williams
Second – Randy Hoblitzelle
Voted 3-0

Motion to close the Public Hearing portion – Randy Hoblitzelle
Second – Charles Williams
Voted 3-0

Close Public Hearing 6:51pm

Open Public Meeting 6:51pm

Continued - Old Business

Cont'd Site Review Ground Mounted Photovoltaic System, SolBid/Sterling Golf Management, 276 Plain Street, Rockland, MA (Map 50 – Parcel 5)

Josh White of JDE Civil Engineering introduced **Dan Renna** of Solbid and **Kevin Osgood** owner of the Rockland Golf Course. **Josh White** expressed that the only issue is the surety issue. **Chairman Corbett** do they have to be bonded? We received a letter from your Attorney, we had reached out to our Attorney. **Attorney Galvin** I know Paul, he's a good Attorney and practices land use. Most solar is on private property, we have solar, wind and cell towers on private property. A bond has always been required the difference here is this is smaller.

We want removed at some point and do not want it left there, that's why we require cell tower and winds turbines to take down, it's within our scope to require a surety. Never cash cost but surety bond not significant in this. The Board can add as a condition the cost. It's to insure that it will get removed from private property when not in operation.

Attorney Galvin suggested letting then explain why it is uneconomical. If purchased from A responsible provider, it doesn't have hazardous material. It's not water soluble. Get a contractor to estimate the cost to remove that would be fine.

Dan Renna from Solbid Bylaw for standalone this is onsite under his insurance maintained by owner/operator. At 20-30 years they hit their warranty. These are not poured with concrete they sit in metal frame so high if and when they need to be removed it would be an added fee and cost. We had worked up a surety rate by **Greg Driscoll** from JDE Engineering he did calculations of a removal cost provided by Solbid \$119,597.50 future rate at 3% 20 years \$215,992.10 total future cost to remove in 20 years. **Attorney Galvin** you pay that amount you'll get a bond. **Dan Renna** not sure on the surety bond rate on that.

Charlie Williams Town Counsel is saying not paying that much. I have other issues.

Randy Hoblitzelle purchasing from Solbid, Solbid going to give product, starts to deteriorate in 20 years. **Kevin Osgood** they'd be replaced like a roof. The town doesn't require a homeowner to bond. This is ground mounted very low to produce energy for the golf course-14,000sqft club house. We've been in this project for a long time now, I can't imagine the change in panels in 20 years.

Chairman Corbett concerns on houses or commercial buildings they will always be bought. If you abandon it, the town has right to first refusal the town would be responsible for removing. **Charles Williams** you can sell someone that or someone might want that maintenance building, but they may not want that solar.

Attorney Galvin annually \$250-\$2,500 to maintain a \$250,000 bond. Cap the removal cost at \$50,000 for X # of panels. **Dan Renna** 119kw. **Attorney Galvin** whether you require is up to the board maybe satisfy with removal not being used have 60 days to remove if they don't and town on the hook they'll have to pay. **Dan Renna** 248 panels, 2.5ft x4ft 80x110 area. **Randy Hoblitzelle** in the driving range? **Kevin Osgood** yes 1/3 of the acreage. They used to use that area not used for that anymore. It will be fenced to keep people out and safe. Been in business for 30 years, managing golf courses, every town will recommend us. As an owner we have never crossed lines anywhere. This is a green impact on a nice piece of property in town.

Randy Hoblitzelle we have to have something in writing. **Dan Renna** Solbid has it that he had to remove as well. If no longer generating, then they have to remove it.

Charles Williams how many times have you been before us. Josh White four (4) times. **Kevin Osgood** this is the first meeting I've been asked to attend. **Charles Williams** first nothing back to the grid now something to grid, batteries no batteries and storage no storage. When we had questions with the behind the meter we wanted someone to answer. How is this system going to work? Nothing going to grid that's not true. **Dan Renna** producing 100 using 100 if producing more than using going to go back to the grid. The behind the meter is the owners meter there are no battery components to his system. **Kevin Osgood** wasted piece of land look at covering the whole land feedback was already field within the town feeding into the grid, it is sized to operate only my facility. If producing more will feed back into grid if cloudy we'll buy back from the grid.

Charles Williams these questions Josh can't answer that's why we wanted someone here. I don't want to make too much of the cost we can come to some middle ground us getting what we're looking for and you paying a price you're comfortable with. **Attorney Galvin** adopt some of the conditions of large-scale array impose a condition of a financial surety will the board entertain a potential waiver of that cost? Everything he says about his business is 100% true gold standard for these never having a problem. You could adopt maintain in good condition, get fencing, not to modify without further approval, end of use of life or abandoned remove within 60 days, get demo permit from town and dispose properly. Presumption in ground mounted if doesn't operate for a year consider it abandoned. The board could entertain a waiver for financial surety. Cap at a certain number 89-100 to remove and dispose of each panel. **Kevin Osgood** asking Dan Renna of Solbid what numbers he has is to completely remove? **Chairman Corbett** projected 25-30 years? **Randy Hoblitzelle** in writing is 20?

Charles Williams conditional approval add all of what Attorney Galvin said (*see below at motion conditional approval*) and a dollar amount. Give approval subject to conditions and subject to financial surety. Comeback in a month to discuss surety bond.

Randy Hoblitzelle how long to install if conditional approval tonight? **Dan Renna** thirty (30) days.

Motion to approve conditional approval with the following conditions (*see below*) and return in one month at the May 23, 2023 meeting to discuss financial surety for removal and bond options – Charles Williams
Second – Randy Hoblitzelle
Voted 3-0

Approval Conditions:

- 1) *Proof of liability insurance.*
- 2) *Fully inclusive written estimate of the costs associated with decommissioning and removal of equipment. The amount shall include a written estimate of the projected inflation of the decommissioning cost and an explanation of the basis for calculating the increased removal costs due to inflation.*
- 3) *Description of financial surety satisfies Subsection M, Financial Surety of this bylaw.*
- 4) *Fencing shall be installed.*
- 5) *Fire extinguishers.*
- 6) *Monitoring and maintenance shall maintain in good condition.*
- 7) *Modifications made after issuance of required building permit shall require approval by the Planning Board.*
- 8) *Removal requirements when reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner shall notify the Building Commissioner by certified mail of the proposed date of discontinued and plans for removal not less than 30 days prior to the date projected for removal.*
- 9) *The owner/operator shall obtain a demolition permit from the Building Department prior to removal. Remove all solar, all solid and hazardous waste in accordance with local, state and federal regulations.*

- 10) *Abandonment shall be considered when it fails to operate for more than one year without written consent of the Building Commissioner. If the owner/operator fails to remove within 150 days of abandonment the town may enter the property and physically remove the installation at cost and expense to the owner/operator and the cost and the expense shall be paid by the owner/operator together with any and all legal cost and expenses associated with recovering the cost and expense.*
- 11) *Financial Surety the operator shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount to be determined by the Planning Board, but no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein.*

Administration

Motion to approve minutes from meeting March 28, 2023 – Randy Hoblitzelle
Second – Charles Williams
Voted 3-0


Motion to pay PGB Engineering \$703.61 0 Dyer Street Construction Review – Charles Williams
Second – Charles Williams
Voted 3-0

Motion to pay Secretary \$225.00 for meeting April 18, 2023 – Randy Hoblitzelle
Second – Charles Williams
Voted 3-0

Motion to close – Charles Williams
Second – Randy Hoblitzelle
Voted 3-0

Adjourn 7:47pm

For the Planning Board:



Michael Corbett - Chairman
