



Town of West Boylston
140 Worcester Street, West Boylston, Massachusetts 01583

[Zoning Board of Appeals] Meeting Minutes

| | |
|--|---|
| Date / Time / Location of Meeting | Thursday, August 19, 2021/7:00 p.m./ <u>Pursuant to Chapter 20 of the Acts of 2021, this meeting/public hearing was conducted via remote means (Zoom). No in-person attendance of members of the public was permitted, and public participation in any public hearing conducted during this meeting was by remote means only.</u> |
|--|---|

| | |
|----------------------------|--|
| Members Present | Christopher Olson (Chair), Barur Rajeshkumar (Vice-Chair), John Benson, David Femia, Andrew Feland (Associate Member) and Secretary Toby Goldstein |
| Members NOT Present | Nathaniel Orciani and Mark Wyatt (Associate Member) |
| Invited Guests | N/A |

Welcome – Call to Order **Time: 7:02 p.m. (by Mr.Olson)**

Approval of Previous Minutes **Minutes of July 15, 2021**

Motion Originator: **Mr. Femia (as amended)**

Motion Seconded: **Mr. Rajeshkumar**

Treasurer – Financial Report **N/A**

Motion to Accept **N/A**

Seconded **N/A**

At 7:02 p.m., Mr. Olson called the meeting to order. Mr. Olson noted that Mr. Feland was sitting on the board to replace Mr. Orciani. He also read aloud the statement regarding remote meetings that was on the agenda. Ms. Goldstein and Mr. Olson asked the public to give their names and addresses for the record if they joined the meeting.

Minutes of July 15, 2021 Meeting:

After review of the draft minutes by the board, Mr. Olson corrected an item, then Mr. Femia made a motion to approve the minutes as amended. Mr. Rajeshkumar seconded. Mr. Olson took a roll call vote:

Mr. Rajeshkumar – “yes”

Mr. Femia – “yes”

Mr. Feland – “yes”

Mr. Benson – “yes”

Mr. Olson – “yes”

The vote was 5 “yes”, 0 “no” and 0 “abstain”, therefore the minutes were approved as amended.

Public Hearing, West Boylston Municipal Lighting Plant for Special Permit for the installation of a 3MW battery energy storage system, pursuant to Section 3.3.C of the Zoning Bylaws, at 225 Shrewsbury Street:

(Jonathan Fitch represented). (Mr. Femia read aloud the public hearing notice). (In response to a question from Mr. Femia, Mr. Olson explained that Planning Board was not required to give feedback on the petition, but ZBA was only required to give Planning Board 35-day notice to do so). Mr. Olson explained to all present the public hearing procedure; the board would allow the petitioner to present his information and explain what he is seeking, the board then can ask questions, and then the hearing is opened to public comment.

Mr. Fitch noted that he is the general manager of the West Boylston Municipal Lighting Plant (WBMLP). He explained that they are petitioning to utilize their site at 225 Shrewsbury Street to expand energy generation with a battery energy storage system; they currently have a solar energy system and flywheel energy system. He noted that this will be a 3 megawatt battery storage system to complement the other two types of systems. Mr. Fitch added that the size of the site is 11 acres in the industrial district and noted that there is space for it. He said that they do not intend to do anything to the site except that they will build foundations for two 40-foot containers for the batteries; he described that there will be no real space inside of the containers except for the batteries and controls, an HVAC system, a fire control system and a battery monitoring system, and asserted that each will be a tight box with all equipment contained inside so there will not be a building or structure by any means. On the perimeter will be doors so that a worker can reach in. Mr. Fitch opined that they do not expect any long term traffic from this other than construction workers, and asserted that no additional drainage will be needed. He asserted that parking will only be for a gravel area to park temporarily (such as to make a phone call), and added that there will be no new lighting or vegetation and there will be only a small paved area related to the solar system. Mr. Fitch said that the battery storage will be remotely controlled and monitored. He also noted that there is a dirt road for the National Grid right-of-way that can be used for construction activities.

Mr. Fitch further described the two containers with the battery storage systems inside, and said that they will be parallel to the southern solar panels, behind the flywheels. He said that they will try to keep everything lined up so that it looks symmetrical. They will fence-in the containers, with the fencing extending from the existing fencing. Two transformers will be adjacent to each battery container, connected underground to a utility pole. He said that they will charge 3 to 4 times per month and discharge 3 to 4 times per month, and monthly they will monitor the energy load and noted that they are billed for that. He asserted that this system can reduce the cost of repairs. He explained that they’ll watch the summer time peak so that they can make the load smaller. Mr. Fitch asserted that this would be an extension of the same use on the site.

Referring to plans of the proposed work and the site, Mr. Fitch pointed out that the proposed battery system will be located behind the flywheels, at the southern border of the solar site, almost parallel to Tivnan Drive. Each container will measure 40 feet long x 8 feet wide x 10 feet high and will be enclosed, locked and secured and surrounded by fencing. There will be pile or concrete pad under the containers. Mr. Fitch described that the ground has gravel with rock subsoil, which he opined would be easy to work with. He estimated that the total square footage of the metallic area will be 500 square feet (which will include the (2) transformers, (2) containers and control boxes).

Mr. Olson commented to Mr. Fitch that, when he drives by the area, he has seen a sort-of container on the Shrewsbury St. side of the site, and asked if the proposed containers would be similar in size? Mr. Fitch replied that the battery containers would be longer, shorter in height and thinner. He explained that the one there now used to house converters on the old solar system; it is an electrical shelter basically, essentially empty now except for flywheel control parts and spare solar panels. Mr. Femia added that he looked over the Conservation Commission's opinion on the petition, and said that they had no issues except basic environmental issues such as erosion controls and they wanted the applicant to notify them regarding the final grading. Mr. Fitch responded that he will have the Commission inspect the erosion controls and go over the final grading. Mr. Rajeshkumar then mentioned to Mr. Fitch that, when they obtained a special permit from the ZBA for the flywheel system, he opined that it would be better than battery storage, and asked him if that was still the case? Mr. Fitch replied that it is the case, because battery chemistry is more reliable now; he explained that lithium ion batteries are the most popular because they run longer so they do not degrade and there are better controls over temperature and fire suppression. He continued that they want to put the batteries into a small space with the least amount of air as possible for fire safety. Mr. Fitch noted that companies are willing to partner with them to install them, and explained that sharing savings with the other companies will help minimize financial risk. He opined that this type of system will probably be used in most utility systems over time. In response to Mr. Rajeshkumar, Mr. Fitch replied that they have 16 flywheels now, each 125 kilowatts; if the project is approved for batteries, there will be 3,000 kilowatts of energy production. He noted that the power density in the battery systems has come a long way and that there is more power output in the same amount of land as the flywheels.

Mr. Rajeshkumar noted that noise was discussed at the aforementioned special permit hearing for the flywheels. Mr. Fitch responded that the batteries have no moving parts and he did not recall any noise from them. Mr. Femia opined that senior citizens in the Angell Brook development would be concerned with noise, but Mr. Fitch responded that he talked with the abutters; he said that he received calls and there were walkthroughs and he has not had any more comments. In response to a question from Mr. Olson regarding noise from air conditioning or heat, depending on the season, Mr. Fitch responded that they can point them towards the eastern side in the back and orient the batteries so that the noise will be away from Angell Brook development. He asserted that they would use heat in the winter so the batteries do not get too cold, and cool them in the summer, and that noise from the fan they probably will have running would be minimal. In response to Mr. Rajeshkumar, Mr. Fitch replied that he would probably not add more flywheels in the near future unless they scale up in size, but if they add anything it will probably be additional batteries here or at other sites that they already control. He hoped that the flywheels would run for 20 years, and mentioned that the manufacturer will come next week for maintenance. He mentioned that they have a grant for them and would have them run as long as possible to try to make the most out of the State's funding. He noted that the flywheels have charged and discharged every day for three years, but produce a smaller amount of power than batteries.

Mr. Olson then commented that, according to Sec. 3.3.C of the zoning bylaws, a special permit can be granted if the proposal is in harmony with the bylaw, and he did not see anything against granting it. He opined that traffic and noise would not be significant. With no further comments from the board, he then asked George Tignor, Building Inspector, if he had any comments? He replied that he did not have any. Mr. Olson then opened the hearing to public comment, explaining to the public present for them to state their names and addresses and

to direct their comments to him; there were no comments from the public. Mr. Femia then made a motion to close the public hearing. Mr. Feland seconded. Mr. Olson then took a roll call vote:

Mr. Feland – “yes”
Mr. Benson – “yes”
Mr. Femia – “yes”
Mr. Rajeshkumar – “yes”
Mr. Olson – “yes”

The vote was 5 “yes” to 0 “no”, therefore the public hearing was closed.

Mr. Rajeshkumar then made a motion to approve the petition of the West Boylston Municipal Lighting Plant for the installation of a 3-kilowatt battery storage system, pursuant to Sec. 3.3.C of the zoning bylaws, at 225 Shrewsbury Street. Mr. Femia seconded. Mr. Olson then took a roll call vote:

Mr. Feland – “yes”
Mr. Benson – “yes”
Mr. Femia – “yes”
Mr. Rajeshkumar – “yes”
Mr. Olson – “yes”

Mr. Olson announced that the vote was 5 “yes” to 0 “no”, therefore the special permit was approved; he explained to Mr. Fitch that the decision would be issued within 14 days, there would be a 20-day appeal period then a Certificate of No Appeal issued if no one appealed.

Public Hearing, Lynn Fallavollita for Special Permit for an Accessory Apartment, pursuant to Section 3.4.C of the Zoning Bylaws, at 272 Lancaster Street:

(Lynn Fallavollita and Angela and Ryan Miller represented). (Mr. Femia read aloud the public hearing notice). (Mr. Olson explained the aforementioned public hearing procedure to the applicant and all present). Ms. Fallavollita noted that she attended the meeting with her daughter and her husband and that the builder was ill and could not attend. She explained that she wanted to add an in-law apartment for herself onto the current home; her daughter and her husband would occupy the main house. She noted that the septic system was evaluated and the plan was approved. Ms. Fallavollita responded to comments that the proposed in-law apartment looked as though it would be independent from the house and clarified that it actually would come off of the back of the garage into an open area, and noted that the utilities would come off of the main house. She noted that the foundation would be slab like the garage. Mr. Femia responded that he wished that the builder was present to answer questions and noted that the Building Inspector had similar questions to the board in his email to them. Mr. Femia wondered how the in-law apartment would be attached to the house and asked if the foundation would be attached to the garage? Ms. Fallavollita replied “yes”, and explained how this would be done. Mr. Femia remarked that the Building Inspector asserted that the sketch of the proposed project did not show how the apartment would be attached to the main structure; he also commented that the building was to be 560 square feet. He asserted that a complete foundation plan was needed to show the addition’s foundation will be attached to the existing structure. Ms. Fallavollita responded that they are making changes that will probably bring down the size of the addition, not increase it. In response to Mr. Femia, she replied that the septic plan was submitted to Board of Health and they approved it, and it was expanded to accommodate a fifth bedroom; she added that a soil test was done and plans drawn up which were approved, and she said that they are waiting for ZBA and Building Inspector approval of the proposal and then the septic will be done.

(Mr. Femia then asked Mr. Tignor for comments). Mr. Tignor said that he would like to the septic installed prior to issuing a building permit to be sure it’s upgraded. He said that he saw the drawing of the septic system and it looked alright to him, and he commented that the Board of Health was satisfied. He noted that he received drawings from Ms. Goldstein (that were given to ZBA by the applicant), but he said that he needed more detailed ones in order to issue a building permit. He also said that he needs the plan to show how the foundations will be

attached. (Mr. Olson brought up the plan on the screen). Mr. Tignor commented that it looks alright but did not look as though there is a good connection on this plan. Also, he commented that there was building code information that he needed from the applicant and issues that he had to go over; in short, he could not approve a building permit with the drawings that he had because they needed more detail. Ms. Fallavollita then noted that she had to upgrade and reconfigure the plans for septic for the fifth bedroom and commented that it is a lot of money to spend without knowing for certain if she will be approved. Mr. Tignor clarified that, in order to issue a building permit, the plan has to be in place for the septic, and she could obtain a permit to do both at the same time but the building cannot take place until the septic is brought up to date. He said that he wants to be sure that, if she receives the special permit, the septic will be upgraded to the five-bedroom system. She asked if the building permit is contingent on installation of the septic system? He replied that it is to a certain degree; if she installs the system, there is no reason not to issue the building permit. Ms. Fallavollita then asked about the aforementioned code issues? Mr. Tignor replied that it mostly had to do with the types of drawings and he will give her a list when he gets the full set of drawings; he can evaluate them and tell her what she needs to do. He gave as an example the types of foundation, insulation, ceiling installation and the need for tempered glass in the bathroom. In short, he said that he needs a full set of drawings, then he will evaluate them, do a code review and discuss it with the builder.

Mr. Olson then put up on the screen the Town's GIS map of the lot. He noted the size is about two acres. He explained that there are two zoning districts, general and single-residence, and he opined that half of the property is in general residence. He noted that a multifamily residence is allowed by right in general residence, and asked Ms. Fallavollita if she had considered just building a two-family home? Mr. Olson commented that 40,000 square feet is required for a three-unit multifamily in the general residence zone and it appeared as if she was close to that amount or exceeding it; also only one residential building is allowed on the lot, and he thought it might be a better option for her so that the use is not encumbered by accessory apartment regulations, and she would not need approval from the ZBA. He thought that it would make sense to continue the public hearing so that she could look into this option. He noted that the front of the property allows for multifamily use. He explained to Ms. Fallavollita that, to do this, they would continue this hearing, and she could talk to Mr. Tignor and see if he would allow this; if she can do this, then she does not need relief from the ZBA. In response to Mr. Rajeshkumar's question about zone placement of the garage, Mr. Olson replied that the garage is not used for residential purposes so he did not think that this mattered to the discussion. Ms. Miller commented that the barn is not attached to the house (Mr. Rajeshkumar had referred to this structure on the map) and she pointed out the garage. Mr. Olson and Ms. Fallavollita noted that the garage is attached to the building and the barn is detached. Mr. Tignor commented that building code refers to one-family dwellings, and thought that the building would fit well under two-family code and that it was a good idea to consider. He noted that they would have to evaluate how to handle septic and utilities, as they would have to be separate. Mr. Olson reiterated that he thought the petitioner should continue the public hearing to the next month or after, meanwhile thinking about this suggestion and talk to Mr. Tignor; she can come back to the ZBA if she needs to, or withdraw the petition if she decides to go with the multifamily dwelling. Ms. Fallavollita replied that she will keep everything in place for now and not withdraw until she has gone through all the options.

Mr. Olson then said that the board needed to vote to accept the request to continue. Mr. Benson responded to Mr. Olson that he supported continuing the hearing for those reasons, as well as that it appeared that Mr. Tignor needed more drawings and that would be helpful to the board as well. Mr. Olson responded that, if the applicant decides to come back, they would like to see improved drawings to better evaluate the petition and that they could extend the time enough to do this. Mr. Rajeshkumar suggested that, if the applicant comes back, she bring the builder to the next meeting. Mr. Femia noted that, in the bylaws, the Board of Health must certify that the septic system is adequate for disposal of sewage to be generated by both units, or the plans have been approved that will bring the system into compliance with the board's regulations, and no occupancy permit

will be issued until the Board of Health issues a certificate of compliance in accordance with Title 5 of the State environmental code. (Mr. Feland noted this is for an occupancy permit, not a building permit but Mr. Femia responded that the building inspector doesn't have to issue a building permit). Mr. Olson said to Ms. Fallavollita that she can work through the issues with the Building inspector to make the process work without having to spend thousands of dollars first.

With no further comments or questions, Mr. Femia made a motion to continue the public hearing to the October 21, 2021 meeting, to give ample time to the applicant to obtain the updated plans. Mr. Feland seconded. (Mr. Olson verified with the petitioner that this date would give her a reasonable amount of time to decide on what path to take or to obtain detailed plans). Mr. Olson then took a roll call vote:

Mr. Feland – "yes"
Mr. Benson – "yes"
Mr. Femia – "yes"
Mr. Rajeshkumar – "yes"
Mr. Olson – "yes"

Mr. Olson announced that he vote was 5 "yes" to 0 "no", therefore the public hearing was continued to 10/21/21 at 7:05 p.m. (In response to a question from Mr. Femia, Mr. Olson asked the applicant, for the record, if she consented to going over 100 days for the public hearing? She said that she did consent, and Mr. Olson instructed Ms. Goldstein to send Ms. Fallavollita an email to get this consent in writing). Mr. Olson also instructed the applicant to send the board an email if she decides to withdraw the petition.

Treasurer's/Financial Report: Mr. Olson reviewed the report himself and commented that everything looked alright regarding the board's financial status.

Question Regarding Charging of WBMLP the Fee for Special Permit:

Mr. Olson asked the board for their opinion on this; they had not discussed this during the public hearing. Mr. Rajeshkumar opined that they should charge the fee, as other boards charge them fees, as well as the Water Dept. Mr. Olson discussed with Ms. Goldstein wording for an email to send to Mr. Fitch about this.

Mail and/or Paperwork: There was none to discuss.

Next ZBA Meeting: The next ZBA meeting will be held on **Thursday, September 23, 2021**, at 7:00 p.m., and this will be a remote meeting; Mr. Olson mentioned that the board had a petition filed already for a public hearing.

With no further discussion taking place, Mr. Femia made a motion to adjourn the meeting at 8:09 p.m. Mr. Feland seconded. Mr. Olson took a roll call vote:

Mr. Benson – "yes"
Mr. Femia – "yes"
Mr. Rajeshkumar – "yes"
Mr. Feland – "yes"
Mr. Olson – "yes"

The vote was 5 "yes" to 0 "no", therefore the meeting was adjourned at 8:09 p.m.

Submitted by: _____

Date submitted: _____

Approved by: _____

