

**TOWN OF JACKSON
PLANNING BOARD MEETING
November 10, 2020**

The Town of Jackson Planning Board met on November 10, 2020 at 7 pm at the Town of Jackson town Hall. The following people were in attendance-

Board Members:

- Noel Hanf (absent)
- Amy Maxwell
- Mark Mahoney (absent)
- Irene Headwell
- Nick Rowland (absent)
- John Tully
- Cheryl Record (via GoTo)

Others Present:

- ReJean DeVaux
- Steven Long
- Steve LeFevre (B&L Consulting)
- Adam Fishel (via GoTo)
- Sami Aslam (via GoTo)
- Kelly Donahue (via GoTo)
- Town Clerk, Tammy Skellie-Gilbert

Minutes

A motion was made by John Tully, seconded by Irene Headwell to approve the October 6, 2020 meeting minutes as written with amendments. Motion carried in favor 3-0 with Cheryl Record abstaining.

RESTATED SUBDIVISION REGULATIONS

A motion was made by John Tully, seconded by Irene Headwell stating that the Planning Board confirms any prior approved subdivision applications as being in conformance with the restated Subdivision Regulations approved by the Jackson Town Board on October 7, 2020 and filed with the Department of State on October 13, 2020. Motion carried in favor 4-0.

PAULINE LAPOINT/BORREGO SOLAR

Chair Maxwell began an overview of Borrego's response to Steve LeFevre's email asking for corrections on part I of the SEQR. The board decided it was important to send copies of the completed SEQR and the revised site plan drawing to the eight agencies recommended by Mr. LeFevre which includes NY State Energy Research Development (NYSERDA), NY State Department of Agriculture and Markets (Ag and Markets), NY State Historic Preservation Office (SHPO), NY State Natural Heritage Program- Information Services, U.S. Fish and Wildlife

Services, Washington County Soil and Water Conservation, Washington County Farm Bureau, and Cambridge Fire Department. Mr. LeFevre suggested we also send those agencies an access link to view the maps online, that Mr. DeVaux will provide.

Chair Maxwell covered each concern Mr. LeFevre had in his letter to Borrego, on file at the town office. Mr. DeVaux responded all of the questions and made corrections where needed on part I of the SEQR as they went through each one. One of the main points that were discussed was how much land was going to be disturbed. Chair Maxwell stated that they listed only 2.5 acres would be disturbed, however the land view table said that 28 acres would be changed. Mr. DeVaux said that “disturbed” land only includes where there will be cement pads, access roads, detention ponds, fencing, and tree clearing only where the stumps will be removed. Mr. DeVaux stated that the 28 acres on the SEQR was the total acres that will be used, not disturbed. Chair Maxwell also asked Mr. DeVaux to clarify how many acres of trees will be cleared in total, regardless of stumping or not.

Sharon Dunn, relayed by Tammy Skellie-Gilbert, had concerns about the run off on to her property once the existing shrubs and growth are moved for the access road. Mr. Fishel stated the run off will drain along the access road and into culverts across State Route 22. It will not affect Mrs. Dunns property.

Mr. LeFevre recommended the town hire an outside engineering firm to make random checks for soil disturbance. Mr. DeVaux said the DEC has a hotline that anyone can call any time if they notice any soil disturbances. There will also be a book on site that is accessible to anyone that will have any issues on the property with the corrections of the issue along with the date it was done. Chair Maxwell asked if they had a certain time frame to correct a problem once notified. Mr. DeVaux said that they do have a specific time frame to fix any issue or they can be fined by the DEC.

Another point discussed was the noise levels there will be from the inverters. Mr. DeVaux clarified that there will be noise, but it will not be at ambient levels outside the fencing at the property line.

The issue of wildlife disturbance was questioned. John Tully stated that there is large and small game as well as trapping in the area. Chair Maxwell was concerned it would change the patterns of the wildlife. Mr. DeVaux said that there will be two breaks in the fence so there will still be areas of movement for the animals. Mr. LeFevre suggested that there should be at least a six-inch opening at the bottom of the fences for small game to move.

Mr. DeVaux went over photo simulations he provided with the board, which are on file at the town office. Mr. LeFevre questioned the glare for drives driving south to north. Mr. DeVaux said that there will be a very minimal reflection and only at certain times of the day as the sun moves. Mr. LeFevre commended Borrego on the extent and details of their glare study. Mrs. Skellie-Gilbert questioned the glare issue for the Chapin airport on Plains Road. Mr. DeVaux said they have reached out to the FAA and there shouldn't be any issues with them.

Mr. Tully was concerned with the choice of plants for the landscaping around the fence. The hemlock that Borrego is proposing to use along with the trees is not deer resistant. Mr. Tully questioned if the plants would be replaced if damaged. Mr. LeFevre recommends that the landscaping be inspected every year up to five years to be replaced as needed and then every five years after that. Mr. Tully would also like Borrego to place shrubs along the north side of the fence along their access road to help camouflage the fencing.

Chair Maxwell asked Mr. DeVaux about the revised decommissioning cost plan that was sent. Mr. DeVaux said that the it is based on the Route 22 site and is project specific. The cost estimated is for the bond and is only if the owners at the time the solar panels are no longer useable fails to decommission the project. Chari Maxwell asked for a Jackson specific bond. Mr. LeFevre said that many towns have a template for bonds and should have town attorney review the bond. Mrs. Skellie-Gilbert asked when they should approach the board about the bond. Mr. LeFevre said the SEQR should be completed before the board is approached.

Mrs. Skellie-Gilbert questioned what would happen if the property was sold while the solar panels are still there. Mr. DeVaux said that the lease for the solar would stay with the property as a condition for any sale of the property.

The board discussed the next meeting will be on December 1st. The board will possibly have a special meeting at another date in December for the public hearing for the Borrego project and hold it at the Cambridge American Legion.

Next Meeting: Tuesday, December 1, 2020 @ 7 pm

Adjourned: @ 9:40pm

Respectfully submitted,

Victoria Ruggles