

**MINUTES OF PLANNING BOARD PUBLIC HEARING OF AUGUST 20, 2012**  
**Zoning Articles for October Town Meeting**  
**7:30 p.m., Room #315, Town Office Building, 400 Slocum Road**

**Planning Board Members**

Mr. Joel Avila, Chairman  
Mr. Joseph E. Toomey, Jr., Vice Chairman  
Mrs. Lorri-Ann Miller, Clerk  
Mr. John V. Sousa  
Mr. Stanley M. Mickelson

**Planning Staff**

Mr. Donald A. Perry, Planning Director  
Mrs. Joyce J. Couture, Planning Aide

The Chairman opened at 7:30 p.m. the public hearing<sup>1</sup> concerning two proposed zoning articles which would amend the Dartmouth Zoning By-Laws. The first zoning article revises Section 39.100B by clarifying the procedure and timeline for appointing the Planning Board Alternate Member for Special Permits. The second zoning article revises Section 37 regarding Large Scale Solar Farms by providing for a Special Permit to allow Large Scale Solar Farms in Residential Districts, by modifying the standards for large scale solar farms in all Zoning Districts, by revising setback and buffer requirements, by modifying other procedures and standards, and reorganizing the bylaw.

All Planning Board members and Planning staff were present.

The Chairman provided procedural information for the general public on the manner in which he will be conducting this evening's public hearing.

A motion was made by Mrs. Miller, seconded by Mr. Toomey for discussion, and unanimously voted (5-0), to waive the reading of the legal notice, which appeared in The Chronicle on Wednesday, August 1, 2012, and again on Wednesday, August 8, 2012.

The Planning Director provided a description of the first zoning article. He explained this article is basically a housekeeping article to clarify the timelines for Planning Board appointment of its Alternate Board member.

Brief discussion ensued.

The Chairman asked if there were any further comments. There were none.

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<sup>1</sup> For more information, see minutes of the Planning Board's regular meeting of August 20, 2012

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Mr. Avila proceeded to the second zoning article which would revise Section 37 regarding Large Scale Solar Farms by providing for a Special Permit to allow Large Scale Solar Farms in Residential Districts, by modifying the standards for large scale solar farms in all Zoning Districts, by revising setback and buffer requirements, by modifying other procedures and standards, and reorganizing the bylaw.

The Planning Director provided background information to a full audience on the history of why the Planning Board has proposed this revision to Section 37. He proceeded to read the following correspondence into the record:

Letter from David G. Cressman dated August 10, 2012

Letter from Colleen & Joe Noseworthy dated August 17, 2012

Letter from Kathy Costa dated August 16, 2012

The Chairman asked if anyone in the audience wished to speak. Several individuals participated by providing their opinions on this zoning article. Some of their remarks follow:

William Chandler, 790 Old Fall River Road, stated he is very concerned about allowing solar farms in residential districts. Mr. Chandler noted as a Town Meeting member he strongly agreed with the vote of Town Meeting that there should be no commercial size solar farms in residential districts.

Roseanne O'Connell, 252 Smith Neck Road, also spoke against allowing large scale solar farms in residential districts. She stated Town Meeting has spoken.

Fred & Jane Zimmerman, 42 Naushon Avenue, also expressed their thoughts, stating that the will of Town Meeting should be heard and the integrity of the Town's zoning districts adhered to.

Mary O'Donnell, Kingston-based clean energy developer, spoke in favor of the article stating the Special Permit process is the way to go because some areas are appropriate for large-scale solar farms while others are not. She further talked about the jobs and tax money these projects will bring to the Town.

Attorney Chip Mulford, who represents a Town landowner who is in the preliminary stage of seeking a permit for a solar farm, stated he was pleased to see that the proposal encouraged the use of brownfield sites. Contaminated land will get a clean bill of health at the expense of developers.

Beverly King, 459 Bakerville Road, stated she would find this bylaw acceptable if large scale farms in residential districts were restricted to brownfields. She was unhappy and disappointed that farmland and forest trees were not better protected.

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Gloria Bancroft, 748 Collins Corner Road, commended the Planning Board for the effort they have put into revising the by-law. However, she still felt that commercial size solar farms do not belong in residential districts and there is more than enough land available in commercial and industrial areas. Mrs. Bancroft did state that she could support solar farms in residential districts only on brownfield sites. She provided statistical data on Dartmouth's ranking on solar farm installations and cited other communities who have developed by-laws which protect residential districts. Mrs. Bancroft submitted a petition signed by approximately 120 Town residents who support upholding the vote of April Town Meeting to prohibit large-scale installations from residential districts and do not support a special permit by-law.

Robin Sullivan, 575 High Hill Road, spoke about a solar project in her neighborhood and the damage it has done to the land and abutting property values.

Paul Bancroft, 748 Collins Corner Road, stated he was bothered by the questions asked by the Select Board in the letter read at the beginning of the hearing. This matter is about our quality of life.

Responding to a question from Kathy Costa, 94 Fisher Road, Mary O'Donnell identified the various types of jobs which would be created by large-scale solar projects.

Gloria Bancroft, 748 Collins Corner Road, spoke about the energy bill and the potential tax exemptions for these types of renewable energy projects.

The Chairman asked if there were any more comments.

There were none.

Board member's comments were entertained with Mr. Avila speaking first. He spoke about the State's model by-law and how it encourages placement of large installations in industrial/commercial districts and using previously disturbed land. He stated that he intends to offer an amendment to Town Meeting which would restrict large-scale installations in residential districts to allow commercial size facilities only on previously disturbed land such as landfills, brownfields, or hazardous waste sites.

Mr. Toomey distributed three sources of written material on the subject of solar panels. He spoke at length on photovoltaic technology and the various compounds used in the making of solar panels.

Brief discussion ensued on some of the information provided by Mr. Toomey.

The remaining three Board members deferred commenting at this time, expressing a need to take tonight's comments under consideration.

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After some debate on whether the hearing should be continued or closed, it was the consensus of the Board that all information had been received and a continuance was not necessary.

A motion was made by Mrs. Miller, duly seconded by Mr. Mickelson, and so voted (4-1) with Mr. Toomey opposed to close this evening's public hearing at 8:52 p.m.

Respectfully submitted,  
Mrs. Joyce J. Couture  
Planning Aide