

Town of Deerfield  
PLANNING BOARD MINUTES  
March 28, 2011

**Present:** John Waite, Paul Allis, John Baronas, Lynn Rose, Max Antes  
**Absent:** Bette Schmitt, Roger Sadoski, Jr.

The meeting was called to order at 7:08 PM with a reading of the evening agenda by the Chair.

**Minutes:** A motion was made by Lynn Rose, seconded by Paul Allis, and voted to accept the minutes as amended. (4-1-0)

**Public Comments:** none

**ZONING BYLAW REVISIONS:** At 7:20 PM Chairman John Waite opened the Public Hearing in accordance with the provisions of MGL Chapter 40A, Section 5 for the purpose of providing the opportunity to comment on proposed changes to existing zoning bylaws.

**Present:** Pat Smith (FRCOG), M.A. Swedlund – Deerfield Energy Commission

Mr. Waite read the notice of the hearing, as posted. He introduced Ms. Smith and Ms. Swedlund who were present to assist in explaining the proposed changes. Ms. Swedlund said that Town Council said there was no need for a solar overlay district. A simpler way to accomplish the goal would be to make amendments to existing bylaws.

She said right now anyone could put up a solar installation up to 10 kw as-of-right. Such an installation could be the size of a tobacco barn. These could be either roof or ground mounted and would probably be what 99% of all solar electric producing projects would be.

Ms. Smith and Ms. Swedlund walked the board members through the change in section 2200 of the Use regulations needed to accommodate larger installations. Questions were asked about why the Town's zoning needed to be changed just to accommodate a solar installation on a town-owned landfill. There was also concern about the lack of a requirement for a site plan review. Ms. Smith responded that the landfill site was already disturbed land, it was already a large site, already buffered from other residences in the area, and already wouldn't have the visual impact the Board would be concerned about in other areas. At this point in the discussion the Board wanted the two stars shown of the Use chart to remain. It was felt that residents in town should have some opportunity to speak about a municipal project proposed for an abutting location. This would be done at a hearing.

Mr. Baronas commented it made him angry when attempts were made to slip things by. He gave as example of the time when there was a plan to locate a cell tower next to the

high school. More and more data is showing up that electro-magnetic waves are causing physical damage to human beings. He felt Bernie Kubiak could have come to the Board and said, "This is why I want to do this."

Ms. Smith reminded that the current presentation was the culmination of a process that had been going on for some time. Mr. Baronas said he thought this should have been a project for a subcommittee of the Planning Board. Ms. Rose said it had been intended to be, but no one ever showed up at meetings. She had attended several meetings. Baronas said he hadn't participated because he had been busy with the Stormwater management issue, which was important to him.

Attention then turned to page 6 of the draft document to clarify the definitions of the different size installations being discussed. Ms. Swedlund explained the definitions and clarified a question from Mr. Allis regarding the difference between what the Town is proposing for the landfill site and something that a homeowner might wish to install.

Mr. Baronas questioned the handling of stormwater runoff created by the installations and possible erosion, especially at the capped landfill. He said this is why he had a problem with this being by-right. Ms. Swedlund responded that as they proceeded through the material he would see that there were requirements that would answer his questions.

The definition of municipal facilities was questioned. Mr. Waite did not see a need to change the definition by adding "or operated **for** the Town of Deerfield, ...." Ms. Smith explained that the definition was being broadened to allow the Town to lease the installation out to a private company and to make it clear that solar facilities were included. Mr. Waite was concerned that there could be unintended consequences to the proposed change in wording. Addition of the reference to "located on Town land" was suggested by the Board.

When questioned by Mr. Allis about the purpose of this process possibly being to get a grant, Ms. Swedlund confirmed this, further explaining that Town is trying to become a Green community by encouraging the development of alternative sources of energy, and that, yes, there could be grant money.

Mr. Allis related a residential project that he is aware of in Sunderland, where a homeowner has solar panels, installed by a company that sells the surplus electricity. He thought this might be similar to what is being proposed for the Town. Ms. Swedlund explained that the Town does not want to get into the business of producing electricity. However the Town has a site that has been ranked as a good site for the generation of electricity. As with other towns, the installations would be owned by somebody else, but would be located on town property. She said the arrangements can vary. Greenfield will buy all of the electricity generated in it's town. However, Deerfield will be buying less than a third of what is generated; the balance is sold to the benefit of the Town.

Ms. Smith introduced the solar electric installation regulations which would be put in place (section 3800). She said these would be the controls which Board members had expressed concern about.

Mr. Allis asked if the Planning board was being asked to come up with a decision to support or not support these bylaw changes. Ms. Smith said, "Yes." The Board needs to accept or recommend changes by April 4<sup>th</sup>. It is already on the warrant in draft form. The Board also needs to prepare a report to present on town meeting floor either in favor of or against. She said it's an advantage if it's a positive report. A positive vote of the Board means it can be brought back to Town meeting at any time. A negative report that is voted down by Town Meeting would be restricted from being brought back for two years.

Ms. Swedlund said her committee would like to recommend that the Planning Board be the Special Permit granting authority. She intends to discuss this with the Energy Committee on Friday and bring to the Board of Selectmen.

A question was asked about a situation where a farmer might want to have a large twenty acre installation. Ms. Smith said farmers already have the ability to do this as pertinent structures. A comment was made that it was unfortunate that solar installations couldn't be located on APR land. It was pointed out that UMASS is doing some experimenting with solar panels in fields where cattle are grazing.

Mr. Baronas had a question about the definition of "disturbed area." Ms. Smith said that this was an important question as it affects the fee schedule. She also said the large scale and extra large scale installations would require a site review.

Sections 5421 and 5422 were combined into 5420. Other departments should have had a chance to review the proposed changes prior to this hearing so that all comments could have been available for this hearing. Ms. Rose said that whenever a hearing is held comments from other departments should be asked for.

Ms. Swedlund introduced section 3800, a new section strictly for solar electric installations. She thought they followed the format of other installation sections. In section 3832 under item a. site plan, reference needs to be made to the new stormwater regulations. Ms. Rose will work on wording and email to Ms. Smith.

Under the section entitled "Financial Surety" a question rose about costs of removal and/or restoration. This matter appears to be addressed in a later section, but the wording can be added there as well. Of particular interest was the situation over the capped landfill.

Ms. Swedlund said the transmission line which the installation would feed electricity to is very close to the landfill site, which is why there is so much interest in the Deerfield landfill site.

Someone from the Planning Board will need to stand before Town Meeting to explain the Board's position on the proposed changes to zoning bylaws.

Mr. Waite said the public hearing would be continued to the next meeting April 4, 2011 at 7:30 PM.

**Schechterle** - A motion was made by Mr. Allis and seconded by Mr. Baronas , to set the site plan review fee at \$3,500. The vote was unanimous. (5-0-0)

**Planning Board report** – Ms. Rose had prepared a report which the Board now needs to review.

**Open Law and Agenda** from Lisa Mead for Board members to read. Note was made that the approved minutes are the official record, not the tape or other handwritten notes.

**Hearing** – There will be a Stormwater Regulations hearing at the next meeting, Monday, April 4<sup>th</sup> at 7: 30 PM.

**Mail/ Other:**

Water resources conference will be held on 4/17. Ms. Rose is planning to attend. There is a free stipend available if anyone is interested in attending.

Wednesday at 6:30 PM the Board of Selectmen will hold a hearing regarding the a railroad clean-up required by DEP. PanAm Railways will present a clean-up plan.

The Board needs to have some stamps made.

FRCOG projects: Comprehensive Economic Development Strategy (CEDS) Plan.  
Sustainable Development – Steering Committee

Keystone project Ms. Rose will attend a 3 day conference for which her fees have been paid. As a follow-up she will do a community forestry management project.

At 9:07 PM the meeting adjourned.

Respectfully submitted,

Priscilla Phelps

