

LENOX ENVIRONMENTAL COMMITTEE MINUTES

Date: April 2, 2018 Meeting

Members Present: Carolyn Butler, Eric Federer, Susan May, Mark Pignatelli, Suky Werman, Harriet Wetstone

Absent: David Rimmler

Non-Members Present: None

Chairperson Butler called the meeting to order at 5:30 PM.

Member Eric Federer volunteered to serve as Recording Secretary in the absence of Secretary David Rimmler.

1. March Minutes Approved with two corrections:

Correction #1: Verinike (sic) Blanchard's name was corrected to Veronique Blanchard.

Correction #2: MA-DEP "Retract" (sic) was corrected to "Re-TRAC."

1st Motion: EF 2nd Motion: HW No discussion. Unanimous.

2. Discussion ensued regarding the MA-DEP Small Scale Initiative Grant grant cycle. Carolyn Butler, having spoken with our new MA-DEP representative Veronique Blanchard, expressed concern that Lenox may have missed an administrative deadline, which could jeopardize the LEC's chances for securing the grant this cycle. Carolyn Butler and Eric Federer will meet with Veronique on April 13 to discuss rectifying this situation.

(Should we again receive the grant, discussion at the March meeting had focused on purchasing either canvas shopping bags or stainless steel water bottles. Harriet Wetstone has made inquiries and will submit pricing.)

3. Carolyn Butler announced that the Western MA Municipal Recycling Coordinators Spring 2018 meeting will be held on Thursday, April 15 at Eco Building Bargains in Springfield, MA, from 9:30 - 12:00. No one from the LEC is able to attend, but Jamie Cahillane (CET) and Peter Hofman (Lee) Green Committee Chairman will attend and report back to the LEC.

4. Carolyn Butler and Susan May summarized the key issues discussed at the Lenox Planning Board's March 27 meeting focusing on "a \$10 million, 7-

megawatt commercial solar array proposed for a site off of lower Housatonic Street.” The Planning Board voted not to bring this project to the Town’s May 2018 Annual Meeting; rather, they opted to review current zoning regulations and perhaps create more appropriate sites for this project in commercial or industrial sites. The current site is problematic as it’s split residential/

Industrial. Granting approval to move the current proposal forward could constitute “spot zoning,” a practice in violation of the MA State Constitution. November 2018 has been mentioned as a date for a special Town Meeting to vote on The Planning Board’s final proposal. (See Attachment #1: Berkshire Eagle article for details.)

A discussion ensued regarding the LEC’s role in collaborating with Planning on crafting the final proposal to the citizens of Lenox.

5. A broader discussion then followed regarding LEC Planning Strategy and broad potential solar options:

Mark Pignatelli suggested Lenox inventory municipal building flat-rooftop options throughout Town and the possibility of developing potentially numerous non-contiguous sites which, in aggregate, could provide a significant alternative solar option. It was mentioned that some buildings would need new roofs prior to qualifying.

In conjunction with his above suggestion, Mark informed the LEC about a powerful resource, “Google Project Sunroof,” which allows one to type in a street address and the App will assess the roofs suitability for solar panel placement.

Mark further suggested that should GE end up disposing PCB-contaminated “Rest of River” materials in Lenox Dale, that installation of a solar-array field should be considered once the site is adequately capped.

6. Eric Federer questioned who’s replaced retired Arlene Miller at MA-DEP. She was our MA-DEP representative for Western MA. Carolyn and Eric plan to ask Veronique Blanchard when we meet with her.
7. Eric suggested we consider forming a “Solar Subcommittee” to research how the LEC might best collaborate with Planning and the Town on expanding Lenox’s current solar footprint. Discussion ensued.

8. Mark informed the LEC of a National Grid sponsored Community Initiative, which awards up to \$40,000 to communities to implement energy efficiency awareness and outreach. Grant applications are available Fall of 2018 for 2019. The LEC should discuss this possibility with Chris Ketchen, as application and grant management might require significant Town assistance. (See Attachment #2 for more details.)
9. The LEC reopened discussion regarding creating an LEC "Solar Subcommittee" which would collaborate with Planning and the Town on redirecting the current 7-megawatt solar project.

Harriet Wetstone cast a first motion to: appoint Eric Federer, Susan May, and Mark Pignatelli to form a Solar Subcommittee to explore and formulate an LEC position and recommendation regarding future Lenox solar projects to present to the LEC and eventually to Planning and the Lenox Select Board.

Suky Werman seconded the motion. There was no discussion, and the vote was unanimous.

10. Susan May, LEC member and liaison to the BCGN, reported that the next BCGN meeting is scheduled for Thursday, April 26, time and location TBD. The focus will be Mass Save/Energy Efficiency. Speakers will include, but not be limited to: National Grid, Eversource, BCAC, and Mass Saves.

Meeting was closed at 6:45 PM by Chairperson Butler.

Respectfully submitted,

Eric Federer

Solar plan meets 'spot zoning' concerns

Worries cloud project's hopes — for now

By CLARENCE FANTO
Eagle correspondent

LENOX — A dark cloud is hovering over a \$10 million, 7-megawatt commercial solar array proposed for a site off oflower Housatonic Street.

The town's Planning Board decided this week to back off considering zoning changes necessary for the project, which is proposed on a split parcel that stretches across residential and industrial zones.

Several neighbors sounded off Tuesday against the potential solar installation, which could power up to 10 percent of the town's homes and small businesses, and the board opted to hold off for now.

Syncarpha Capital, which is funding the project, has a purchase option on the 25-acre hilltop site sought at 383 Housatonic St. owned by the Peters family. The site had been on Town Hall's radar for potential purchase as open space.

To allow the project to move forward, the town was considering a new zoning bylaw designed to expand the number of potential solar sites in town while avoiding "spot zoning." But the Planning Board's decision would delay consideration by town meeting voters until November, rather than May.

"We were disappointed that the Planning Board did not take up the proposed bylaw amendment to allow solar in split lots within the industrial/commercial districts through a special permit," said Rayo Bhungara, president of Sustainable Strategies 2050, a co-developer of the project. He told The Eagle that while the delay is a setback, the developers intend to stay the course.

"We hope the Planning Board will reconsider its decision, as it will be in the best interests of all the residents of Lenox, will meet the town's goals as a Green Community through providing opportunities for more renewable energy, and will make a contribution toward the Berkshire 100 Percent Renewables movement," he said.

Solar

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The town's current zoning bylaw for ground-mounted solar installations allows them only in industrial zones. While a sliver of the Peters property is zoned industrial off Willow Creek Road, most of it is residential.

"We decided to take a look at whether and somehow we might consider altering or updating our solar bylaw," said Planning Board Chairwoman Pam Kueber, "but not specifically to allow for that project, because that would be considered spot zoning, which is unconstitutional in Massachusetts. We cannot change zoning to allow for a particular project."

But Kueber pointed out that the solar bylaw approved by the town three years ago was "pretty strict" about limiting locations for projects.

"We were extremely conservative at that time," said board member Kate McNulty-Vaughan, who crafted the existing bylaw with then-Chairman Kameron Spaulding, who remains a member.

In fact, as Land Use Director/Town Planner Gwen Miller pointed out, when the state Attorney General's Office approved the zoning rules, it described the bylaw as "restrictive." It limits large solar projects to very few areas in town, namely 232 acres in the commercial zones along Routes 7 and 20 (Pittsfield Road) by special permit and on 50 acres by right within the small industrial district in Lenox Dale.

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PAM KUEBER, *Planning Board chairwoman*

There are also an estimated 472 acres within split-lot sites that overlap from commercial or industrial areas into residential zones.

Kueber said the Planning Board appears open to expanding solar development in commercial zones "because commercial is commercial," but the challenge is whether to allow projects at split-zone sites.

"Is that something we would have done, absent this proposal coming before us?" she asked.

McNulty-Vaughan said a provision in the proposed bylaw revision to allow solar in split lots seems inconsistent with overall zoning policy applying to such parcels.

Planning Board member Thomas Delasco agreed, voicing caution about "flirting with the spot-zoning line. ... This project basically brought about this discussion."

The proposed solar bylaw revision would "directly benefit" the developers of the commercial solar project, he noted.

"I got a little more uncomfortable with this whole thing," Delasco said. "If we had done it on our own, I probably wouldn't be as uncomfortable with it."

But Spaulding said he was "pretty comfortable" that the package of solar bylaw revisions would not cross the line into spot zoning.

"There's a level of discomfort on this board at moving forward with this

very rapidly," Kueber said. "I don't see a huge urgency for us to attack this zoning bylaw right now."

During public comment, David Roche, of 375 Housatonic St., one of the only three residential abutters to the solar project site, along with members of his family, pointed out that "thinking of changing the ground rules, changing everything, makes a big difference. I don't think any one of us would have either purchased or built our homes if this had been in existence."

There would be major impact on property values, he added. "When you look at a solar field staring you in the face 300 feet away, I think it has a terrible negative effect," he said.

"Obviously, we're dead set against it and hope you don't consider this particular project," said Roche, who's also the Select Board chairman. "I've always been against spot zoning. We definitely oppose any industrial change to the property, and definitely not solar."

Ellen Roche, his wife, described the proposed solar project site as "one of the most beautiful farmlands in Lenox, open beautiful space we all talk about that we want in town."

Addressing the concerns of neighbors, Bhungara, the co-developer, told The Eagle that "the benefits to the town are numerous, with almost no downside except for one abutter west

of the property being able to see the installation."

He said the developers would provide extensive visual screening, and contended that two other abutters would not be able to see the solar project, based on a Planning Board site visit several weeks ago.

Bhungara also pointed out that, as a Green Community, Lenox has built only about two megawatts of solar energy projects. "This number is extremely low, relative to solar energy development in other Green Communities, and our project (and others) would bring the town more in line with other communities that share a commitment to renewable energy," he said.

He noted that the town would gain an additional \$50,000 annually for 20 years, and perhaps beyond, in taxes if the project is approved and built, while residents could save about \$150,000 on utility bills annually, also for 20 years. The solar installation would provide reduced-rate electricity to as many as 500 homes and small businesses, according to the developers. In addition, he promised to work with the town to provide parking and access through the solar property to Post Farm, a town-owned open space recreation area.

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class at 6 p.m., intermediate/advanced class at 7 p.m., 28 Renne Ave., Pittsfield, aimee@gaiaroots.com.