

# STURBRIDGE PLANNING BOARD

## MINUTES OF

THURSDAY, DECEMBER 27, 2012

Ms. Gibson-Quigley called the regular meeting of the Planning board to order at 6:30PM. On a roll call by Ms. Dumas, the following members were present:

**Present:** Charlie Blanchard  
Russell Chamberland  
James Cunniff  
Penny Dumas  
Heather Hart  
Susan Waters  
Sandra Gibson-Quigley, Chair

**Also Present:** Jean M. Bubon, Town Planner  
Diane Trapasso, Administrative Assistant

Ms. Gibson-Quigley opened the meeting and read the agenda.

### **PUBLIC HEARING – BOARD OF SELECTMEN PETITION ON A PROPOSED ZONING BYLAW AMENDMENT FOR GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS**

#### **Materials presented:**

Zoning Bylaw Amendment for Ground Mounted Solar Photovoltaic Installations

Ms. Dumas read the legal notice.

Ms. Gibson-Quigley stated that at the December 17, 2012 meeting of the BOS, the BOS voted to place and support an article that imposes a moratorium on large scale solar and wind energy installations through February 1, 2014.

Also at the same meeting, the BOS voted to withdraw its previously referred solar zoning bylaw petition from the Special Town Meeting warrant. Ms. Gibson-Quigley stated that the Planning Board received the letter from the BOS on December 18, 2012 withdrawing the zoning petition.

**Motion:** Made by Mr. Blanchard to close the Public Hearing.  
**2<sup>nd</sup>:** Mr. Chamberland  
**Discussion:** None  
**Vote:** 7 – 0

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**Motion:** Made by Mr. Cunniff to accept allowing the BOS to withdraw without prejudice their solar zoning bylaw petition from the Special Town Meeting warrant stating:

Chapter Two – Definitions in the Zoning bylaw be amended to insert new definitions related to the proposed new Chapter 27. Lastly, it is that Chapter 7 – Commercial District, Section 7.01, Chapter 9 – General Industrial District, Section 9.01, Chapter 10 – Industrial Park Industrial District, Section 10.01, Chapter 11 – Commercial II District, Section 11.01, and Chapter 14 – Special Use District, Section 14.01, be amended to include Ground Mounted Solar Photovoltaic Installations as a permitted use.

**2<sup>nd</sup>:** Mr. Blanchard

**Discussion:** None

**Vote:** 7 – 0

**PUBLIC HEARING – CITIZEN’S PETITION ON A PROPOSED ZONING AMENDMENT SOLAR BYLAW**

**Materials Presented:**

Solar Zoning Bylaw (Citizens’ Petition)

Letter from Ms. Murawski, Town Clerk – Re: Certification Verify the Citizens’ Signatures

Clean Energy Results – December 2012 – MA Department of Energy Resources  
MA Department of Environmental Protection  
Massachusetts Clean energy Center

The Alternative Energy eMagazine

Ms. Dumas read the legal notice.

Ms. Gibson-Quigley stated that she will ask Ms. Meunier to explain their petition and then allow for questions and comments. Ms. Gibson-Quigley also stated that since the proposal was submitted, we also have a proposal brought forth by the BOS for a temporary Moratorium on large scale wind and solar projects with the exception on municipal projects. Since the public hearing for the Moratorium is on January 3, 2013, Ms. Gibson-Quigley recommended that the board continue this Public Hearing to January 3, 2013 and discuss this bylaw with the Moratorium.

Ms. Gibson-Quigley stated that members of the Finance Committee were present at the meeting to ask questions regarding the bylaw proposal.

Ms. Meunier stated that the purpose of this bylaw is to promote the development of solar energy facilities by providing standards for the placement, design, construction, operation,

monitoring, modification and removal of such energy facilities, to protect public safety, to minimize impacts on scenic, natural and historic resources of Sturbridge, and to provide adequate financial assurance for the eventual decommissioning of such energy facilities.

The following residents gave comments:

- Ms. Meunier – 73 Shepard Road
- Mr. Meunier – 73 Shepard Road
- Mr. Zeh – 42 Old Farm Road
- Ms. Goodwin – 19 Orchard Road
- Mr. Tolland – 25 Hillside Drive
- Ms. Gaumont – 95 Shepard Road
- Mr. Creamer – 359 Leadmine Road
- Ms. Pratt – 15 Apple Hill Road

The residents' concerns are the following:

- Clear cutting 40 acres
- How do the panels hold up to brutal weather
- Run off from the panels when it rains – will run off pollute the wells(water evaluations)
- What is the defect rate of the panels which are made in China
- The panels are stainless steel with lead – high risk – cancer factor
- Should not be in residential areas
- Affects the quality of life
- Will it affect evaluation of residential property
- Need to be more cautious – need standards – land already disturbed is better

Mr. Smith, Chair of the Finance Committee, stated that the Finance Committee may approve an amendment as written or take no action or amend an article.

Ms. Gibson-Quigley stated that a citizens' petition cannot be amended by the Planning Board without the consent of all the citizens who signed the petition.

The Finance Committee had the following questions:

- Question 3.5 Dimension and Density Requirements – contradictory between (a) and (b)
- Need to fully understand the bylaw before the Special town Meeting – to be prepared to answer any questions that might be asked at the Special Town Meeting

The Board had the following comments, concerns and questions:

- Some members of the Board support the Citizens' petition – it keeps solar farms out of residential areas – moratorium does not protect residential areas
- What happens if the company goes out of business – how are the panels decommissioned

- Three years ago Planning Board and BOS generally supported a proposed solar farm located on land zoned residential (note: that proposal eventually withdrew, because of lack of detailed information).
- Moratorium gives the board more time to write a more efficient bylaw

Mr. Creamer, Chair of the BOS, stated that the BOS withdrew their bylaw because there is a potential for confusion at the Attorney General’s office with 2 bylaws and a moratorium.

Mr. Creamer further stated that he has since received an opinion from Town Counsel indicating that the proposed bylaw does not contradict the proposed moratorium, and he concludes that both could be passed.

**Motion:** Made by Mr. Cunniff to continue the Public Hearing for the Citizens’ Petition on a proposed Zoning Amendment Solar Bylaw to Thursday, January 3, 2013 at 6:30 PM.

**2<sup>nd</sup>:** Mr. Blanchard

**Discussion:** None

**Vote:** 5 – 2 (Ms. Dumas & Ms. Waters)

**REGEP LANE – DISCUSS RECOMMENDATIONS FOR LAYOUT AND ACCEPTANCE OF REGEP LANE**

**Materials presented:**

Letter from BOS – Re: Layout of Regep Lane

Mr. Blanchard recused himself from the Board. He stated that he is an abutter.

Ms. Bubon stated that since the Planning board was actually the petitioner, twice now, the Board is aware that these were all approved subdivision roadways that have been constructed to Town standards and inspected and approved by Mr. Morse. This article failed to gain approval at the Annual Town Meeting due to an issue raised by the Conservation Commission chair. The Board now has confirmation from Mr. Colburn, Conservation Agent, that all outstanding conservation issues have been resolved and Certificates of Compliance have been issued.

Ms. Hart stated that the wrong day was printed on the letter to the BOS, the day should be Thursday, December 27.

**Motion:** Made by Mr. Cunniff for the Planning board to send a report to the BOS indicating that the roadways have been completed to Town standards and that the Planning Board is supporting acceptance of the roadway.

**2<sup>nd</sup>:** Mr. Chamberland

**Discussion:** None

**Vote:** 6 – 0

Mr. Blanchard resumed his seat on the board.

**TOWN PLANNER UPDATE**

None

**OLD BUSINESS/NEW BUSINESS**

Ms. Dumas stated to Ms. Bubon that it may be better not to make a written recommendation in her report. Ms. Dumas feels that if this case went to court, it could present problems for the Town.

Ms. Bubon stated that her written recommendations are part of her job. Most members of the Board preferred that Ms. Bubon continue to make written recommendations as part of her reports.

**NEXT MEETING**

Next meeting date is January 3, 2013 at Town Hall

On a motion made by Mr. Chamberland and seconded by Mr. Blanchard, and voted 7 – 0, the meeting adjourned at 8:25 PM.