

West Newbury Energy Advisory Committee, July 10, 2019

Present: Ray Cook and Tim Cronin of the Planning Board. Liz Callahan, Chip Wallace, Wendy Reed, Liz Hatch, Phil Robinson, Rick Parker, Elisa Grammer. And Rose Vetere and Stephen Cutter.

Solar bylaw discussion. Mr. Cook stated that after the proposed solar development on Coffin St was defeated at town meeting, the planning board responded to the reaction of those voting against it. They had a series of meetings with concerned citizens and made a proposal at a later town meeting to change the solar bylaw (section 5.G of the zoning bylaw). That proposal was withdrawn, and a modified proposal, which the Energy Advisory Committee had opposed, was rejected at the next town meeting, which occurred in April, 2019. Planning Board members proposed this meeting to hear Energy Advisory Committee concerns.

Ray said that one source of confusion is that an overlay district does not necessarily correspond to property lines. It might be preferable to make zoning district boundaries correspond to property lines. This could simplify the process by referring to well-known boundaries.

Ray distributed copies of the last proposed bylaw change. The group read through that proposal, along with a model as of right zoning bylaw, and keeping in mind Green Communities criteria.

In connection with concerns the EAC had raised earlier about the new proposal's 150' setbacks, the planning board did an analysis of 3 phase power lines in town, and parcels that would be suitable for large solar development even after imposing these setback restrictions. They found that there were some lots that still could be developed. Mr. Parker and others on the Energy Advisory Committee asked for a copy of whatever materials the Planning Board had with respect to analyzing properties near the 3 phase power lines.

EAC members referenced the two applicable Green Community criteria: authorization must be 1) of right, with no subjective standards and with no requirement for a special permit and 2) expedited, with approval available within one year. There is no reference to Green Communities in the solar bylaw. Some EAC members asked that this provision, along with the model bylaw's definition of "As of Right" pv solar siting be in the purpose or early part of the bylaw.

The spring 2019 proposal limited the maximum solar system to 1 MW of capacity, expressed as 160,000 square feet of area, around 4 acres. Why is there a need to limit systems to 4 acres?

There was some disagreement about whether a special permit requirement is a mechanism that would reduce delays and provide more flexibility for developers, or a burden that would unnecessarily stifle solar development. EAC members mostly viewed the special permit as a burden, citing the Green Communities criterion that expressly calls for site plan review—and not special permit—as the means of Planning Board review of solar facilities. For purposes of this discussion we agreed to leave the special permit requirement out and discuss the rest of the provisions. We kept in mind the Green Communities specification of a one-year time frame for action on a project and considered whether various provisions may cause unacceptable delays.

The bylaw proposal contains a documentation requirement for a visualization of the project. This can be difficult to provide. The requirement is not found in the model bylaw. Ray argued that letting people see what a project would look like is a valuable service in generating support for a good project. The

developers of the Coffin Street proposal did not communicate with townspeople as effectively as they might have to make the project palatable. There were no major objections to the visualization requirement.

Liz Callahan spoke out against requiring a district to follow property boundaries. She suggested matching the overlay boundaries with the boundary of the proposed solar facilities. Specifying this at the outset would make it clear to citizens voting on the overlay district exactly where the solar installation would be located and would more reasonably allow a solar installation to cross two or more lots.

The bylaw proposal addresses screening of the solar project from neighboring views. (5.G.6.b of bylaw proposal). What is the definition of effective screening? Ray thought that effective screening does not mean a solar facility is completely invisible. It means the visual impact is softer or reduced compared to no screening. There may be room for this requirement to be described in a more clear and nondiscretionary way.

Ms. Grammer had compared the current West Newbury proposal against the model as of right zoning bylaws for large ground mounted solar and noted the Green Communities criterion requiring that the Planning Board standards must be completely objective. She and Ms. Callahan questioned proposed section 5.G.6, Design Standards, which deviates from the model bylaw, particularly section a, Siting Criteria, subsection i. "Visual/aesthetic: LGSPI shall, where possible, be sited off ridgelines to locations where their visual impact is least detrimental to valuable historic and scenic and established residential areas" Consistent with Mr. Cook's statement that this is not mandatory, Ms. Callahan suggested removal of the word "shall," which indicates mandate, based here on aesthetics, and insertion of replacement language indicating that the visual impact design standard is a goal.

Also in Section 5.G.6.a of the proposal, on siting criteria, are references to glare and vehicular traffic. These are not anticipated to be issues with a solar project. There was general agreement that these references could be deleted.

Setbacks from property lines have been a key issue of discussion. EAC members noted that the model bylaws provide for a 50' setback or less, in contrast to 150' in the proposed bylaw. Ray thought it was ok to keep the existing setbacks of 50 feet all around, rather than expanding them as proposed, if we keep overlay districts that are not required to match property boundaries. Town meeting must approve any new solar overlay district. The 50 ft distance from the district boundary applies to panels and appurtenant structures. Fencing is not included, and it could be at the edge of the overlay district. The height limit is 20 ft in the proposal. Rick agreed to look into the technology of solar tracking systems, to determine whether that height is a reasonable limit for them.

Audience member Rose Vetere asked whether metes and bounds of a project would be required before the vote on an overlay district. These were missing from the Coffin St proposal. Steve Cutter of Coffin St. objected to the lack of documentation from the developer on exactly where the panels would be located. Answer: Yes, the intention is for the overlay district to be clearly defined, only to include what is needed/planned for the project.

Rose asked about protection of homeowners from developers. If not a requirement of the bylaw, the Planning board can advise developers that submitting information by a specific date in advance of town meeting will increase chances for a positive vote on an overlay district.

Ms. Grammer also asked that the Planning Board consider model bylaw provisions that 1) call for an emergency response plan and emergency access for the fire department and other responders and 2) provide that any roads associated with a solar installation shall not become the town's responsibility in terms of maintenance or other factors.

Municipal Vulnerability Preparedness. We are waiting to get the signed contract back from the state. The next step is to hire our facilitator. We have already identified our team of participants. Elisa will talk to Angus about putting information on the town website.

We have heard about interest from other community members in participating or providing assistance.

There is no current list of service providers available from the state. The MVP program has experienced some personnel turnover. We might want to use the service provider Newburyport used (Horsley Witten). Someone noted there are possible conflicts between Newburyport resiliency planning and long term continued operation of the West Newbury water supply wellfield. Horsley Witten has done some recent work for West Newbury on stormwater pollution prevention.

The core team will meet (no open meeting act requirement, 100% advisory) once we get word from the state.

Other environmental/energy issues What other environmental issues should the committee consider working on going forward? Regarding Merrimack River water quality, a new task force has formed on this issue. Our local state reps attended an organizational meeting. This task force will probably lead on this issue, there may not be an opportunity for WNEAC to make much of an impact.

Other ideas included: composting, exchanges of plants and pots. Incineration of invasive weeds.

We could place a questionnaire on the town website to solicit people's opinions and priorities about environmental issues. Let's develop an initial list of issues we would consider and present. We have an existing list of topics/issues on our website now. It could evolve into a dynamic periodic list of things people can think about or act on. An example is the Shave the Peak demand response program promoted by the Green Energy Consumers Alliance. Elisa will check with the energy consumers alliance and consider what we can do. There also is a new program in MA that enables use of energy storage during peak period. .

Liz Callahan suggested we consider a group purchase program for battery storage systems. Elisa added that another project that similarly makes or save money for town residents would be a new Solarize project for a group purchase of residential solar systems.

Committee meeting date and chairperson Future EAC meetings will be held on the fourth Wednesday of each month. Liz Callahan will continue as chairperson. Next meeting is July 24 at 6:30.

