Public Hearing – Solar/RMD by-laws

Town of Wales

9/11/17

Public Hearing attendees:

Bruce Cadieux

Lynn Greene

Laurie Hornacek

Gary Anderson

Susan Anderson

Jason Marchand

Jeffrey Vannais

Jeffrey Fortier

Diana Peele

Shane Peele

Janine Hainsmere

Board attendees: Keith Hood; Danelle LaFlower; James Whalen; Jason Oney

Clerk: Amy Sacco

James opened the public hearing at 6:12 to discuss Solar by-law and RMD By-law.

No public attendance at this time. Public arrived after 7; thinking the hearing started at 7:00 and not 6:00.

James discussed an email from Ben Coyle that covered both articles with suggests and concerns with the language used.

Board reviewed each suggestion and discussed possible changes to the articles.

Danelle shared examples of the sections of the solar by-law from the town of Shutesbury.

Board discussed possible by-law changes and additions but thought the specific part regarding the size of the project should be addressed for the next town meeting. Danelle’s suggestions were focused on solar from natural boarders and e-growth to proper treatment of the forest land.

Keith made a motion to amend the solar by-law for the special town meeting. Danelle 2nd; all in favor.

RMD by-law review for special town meeting. James reviewed the suggested changes with the board and Ben’s email.

Regarding site plan review, “location and distance between RMD location and property lines of public and town properties” vs. physical location of the RMD structure on the property.

Jason Marchand asked about the RMD by-law – the reason for the town to have one. James explained that it’s for zoning regulations only. Completely separate from Question 4. If the by-law passes at the special town meeting then it will be put into the town documents.

Jeffrey Varnais asked how many locations can open in the town of Wales. James explained that it’s 5/county – can be multiple in the same town.

Danelle shared that it takes a lot of money to open one. James confirmed $550K needed in capital, in cash needed.

James introduced by-laws at the annual town meeting in 2017 and will clarify at the Special Town Meeting on 9/20/17 at 7:00 p.m.

Keith moved to accept the draft of the by-laws for the RMD for the special town meeting on 9/20/17. Jason 2nd; all in favor.

James to make the changes before the meeting and submit to the town.

The public shared a letter that many of them received from Sherman and Frydyk (of Palmer, MA) that a public hearing would be held tonight at 7:00 re: solar project. The board noted they were unaware that D&F would be present (note for the record that they were not at the meeting).

Board explained this public hearing is for proposed changes to the by-laws and that is all.

Janine Hainsmere stated that she spoke with Sherman and Frydyk of Palmer and someone there made it sound like a solar farm is set to be built in Wales. James confirmed to the public that an application has not yet been received.

James shared Ben Coyle’s email regarding suggested changes to the by-law.

Diana Peele asked for clarification regarding the potential size of the solar farm.

Board explained that 50% of dry lands, plan specific and the owners need to come to a PB meeting if they plan to go over the 50%.

Lynne Greene asked if the solar companies are researched to make sure they are good, reputable companies.

James stated that Nexamp, the current company showing interest in a project, is a large solar company with other projects in the area.

Danelle shared that a large cash deposit or assurity bond is part of the application process.

Gary Anderson confirmed that no formal application has been submitted but asked about Nexamp. Noted a letter from Wales Solar, LLC as the name of the applicant and that there is no company by that name listed with the Attorney General at this time. He is concerned that the name of the company/ies has been changing.

Keith stated that the board can’t respond at this time as there is no formal application from the solar company yet.

Jeffrey stated that this letter went to all abutters.

James asked if there were any questions regarding the language of the by-law; any comments?

Jeffrey asked if the by-law language is designed so that the Planning Board would be involved during the application process?

James confirmed. Explained the application process and the public hearing.

Jeffrey like the public being involved in the decision process and the current wording of the by-law.

Susan Henderson stated that since the fields on Union Road are in different lots are they considered by lot size or as one parcel?

Board discussed. James addressed the ANR process. And discussed if ANR language should be added to the by-law.

Keith stated not at this time. PVPC can be asked before the special town meeting.

Keith said that at this point the language of the by-law is a workable standard; no reason to change it. If parcels don’t touch they are separate properties; if the parcels touch then they are one property.

Janine asked about the solar check list going to Nexamp and if they had questions about it. James shared that their only question was about the fee.

Jeffrey stated that if playing devil’s advocate then this is brand new to the public of Wales but the solar company has been doing this for years in other towns and has greater knowledge of the process.

Susan suggested adding to the by-law – working about the solar farm not being visible from a pubic residence.

James said that can be addressed during the public hearing process. Abutters have the right to suggested a buffer; most solar companies are willing to spend money to comply.

Janine asked if the solar developer will be at the special town meeting. James stated it was unknown but will be made public knowledge if so.

Danelle clarified that the town meeting will be about the by-law and not a discussion with a solar company.

Susan stated that 50% of land for a solar project is too much.

Jason Marchand said he has a history of working with solar companies in California.

James asked if there were any questions re: the by-laws.

Danelle stated she feels that 50% of the land is a lot. And asked if the board should provide a max acreage.

Jeff asked about the process for the by-law change.

Keith stated that the decisions tonight are for the special town meeting – on a warrant that would be voted on by the public.

Jeff proposed a change in the language – entities can propose using up to 50% of property but that is reviewed by the planning board as well as those that want to go over 50%.

Keith stated that if that new language is used then that means any solar array is subject to the board. It looks like the town/board is not workable; when, in fact, the board is in favor of green energy but with controls.

Susan discussed concerns regarding having a solar farm across from her property; regarding sound and lighting.

Danelle shared that a sound limit is in the by-law as well as the request for it to be checked if there are complaints. She needs to re-read the by-law to see how lighting is covered.

James asked if there were any further discussions regarding the size of a solar farm.

James explained the process of the town meeting and how the by-laws could change or stay the same.

Keith stated the public could amend the by-law(s) from the floor. James confirmed it would need to be in writing and include two signatures.

James asked the board if there was any other follow-up needed.

Keith stated he would like to proceed with the by-law as is.

Danelle stated she would like to re-look at the language regarding the 50% acreage size and either leave as 5 acres or up to 50% with a public hearing or 20 acres by right or up to 50% with a public hearing.

James reviewed the by-law with Danelle’s suggestions.

Jason asked about a 500 ft. set back foam the road?

Keith stated that set-backs can’t be discussed at this meeting as it’s only about the size of the project at this time.

Danelle confirmed she like the idea of 5 acres and to get approval from the planning board for up to 50% of property.

James read proposed by-law out loud.

Danelle moved to amend with the following:

The area covered by the solar array shall not exceed 5 acres excluding wetland. Decision to exceed 5 acres and 50% of the property to be approved by the planning board.

James re-worked the by-law and shared with the board and the public.

Jason liked the updated wording.

Keith doesn’t support the change. Likes the language previously discussed.

Danelle, James and Jason are in favor of the new language; Keith is opposed.

James made a motion to close the Public Hearing. Closed at 8:15 p.m.

Keith 2nd; all in favor.