

CITY OF GARDNER
CITY COUNCIL PUBLIC WELFARE COMMITTEE
MINUTES OF MEETING OF MARCH 15, 2018

Chairperson Christine Johnson called the meeting to order at 5:30 p.m. in the City Council Chamber, Room 219, City Hall, with Committee member Councillor Elizabeth Kazinskas and Council President Scott Graves, ex-officio member, present. City Clerk Alan Agnelli was also present. Councillor Nathan Boudreau was absent.

Guests participating were Ernest Mello, Director of Development, Zero-Point Development, Inc.; William D. Hannigan, President, Hannigan Engineering, Inc.; Chris Anderson, Project Engineer, Hannigan Engineering, Inc.; and, Community Development and Planning Director Trevor Beauregard.

Others present were Christopher Pera, a resident of Lovewell Street; Ward 5 Councillor James Johnson; and, Ward 4 Councillor Karen Hardern.

Chairperson Christine Johnson asked if anyone present planned to record the meeting, in accordance with the requirements of the Open Meeting Law, as follows:

Any person may make a video or audio recording of the open session of this meeting so long as it does not interfere with the conduct of the meeting. All documents and exhibits used or referenced at this meeting shall be submitted in duplicate to the City Clerk, as they become part of the minutes of the meeting. Is there anyone present who will be recording this meeting?

No one responded.

On a motion by Councillor Kazinskas and seconded by Chairperson Johnson, it was voted to approve the Minutes of the December 18, 2017 Meeting, as printed.

#9898 – A Petition by Zero Point Development, Inc. to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled “Zoning,” by Adding a Solar Photovoltaic Overlay District off Lovewell Street.

Opening his presentation, Bill Hannigan informed the Committee that there is no solar overlay district in the area of South Gardner and that the general focus of the proposed overlay is the property owned by the Dubzinski family on Lovewell Street. He said that the proposal to create an overlay district off Lovewell Street incorporates “the same language” that was used for the establishment of other overlay districts in the City of Gardner. He noted that the proposal “is not spot zoning,” as abutters to the Dubzinski parcel “joined-in” for inclusion to the overlay district, citing property owners Sandra Hunt Hamel, Peter B. Hunt, Bazydlo/Morris, and the Gardner Rabbit Club.

Continuing, Mr. Hannigan said that the proposal package includes map and parcel references, as opposed to the complete legal description (“metes and bounds”) like the recent rezoning of properties on West Broadway. He stated that the conceptual plan for a proposed solar array provided to the Committee includes only a portion of the Dubzinski parcel, representing about one-half of the parcel’s acreage, and that a 100’ buffer zone would be created around adjoining residential homes and would be screened from abutters. He added that the Overlay District

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would allow other property owners within the overlay to seek a permit from the Planning Board to erect a solar array on their respective parcels.

On inquiry from the Committee, Community Development and Planning Director Trevor Beauregard informed the Committee that the West Street Solar Overlay District comprises an array that generates 2½ megawatts of solar electric capacity, from which the City of Gardner purchases the majority of its power needs, while the Mill Street Solar array generates 1 megawatt of solar electric capacity. He said that several other solar array projects have been permitted within the West Street overlay district; however, none have yet been constructed. He noted that if constructed, the arrays would have the capacity to generate up to 16 megawatts of solar electricity. He also cited the “carport solar array” at Heywood Hospital which, he said, is “not yet online.”

Continuing, Mr. Beauregard informed the Committee that the same presentation that is being provided by Zero-Point Development and Hannigan Engineering to the Public Welfare Committee will be provided to the Planning Board later in the evening, along with information from other solar array developers expressing interest in every large parcel in the City. He cited land off Clark Street, Kinzer Drive, and off Keyes Road (Parker’s Pond).

Chairperson Christine Johnson recognized Lovewell Street resident Christopher Pera.

Mr. Hannigan was questioned about the number of trees that are expected to be removed to accommodate the proposed solar array.

Mr. Hannigan said that all woodland will have to be cleared.

Citing the second section on page 4 of the Massachusetts Department of Energy Resources publication, Clean Energy Results, Questions & Answers – Ground-Mounted Solar Photovoltaic Systems, Mr. Pera read aloud:

“Use of land for the purpose of solar photovoltaic power generation should be compatible with most other types of land usage. However, DOER strongly discourages designating locations that require significant tree cutting because of the important water management, cooling and climate benefits trees provide. DOER encourages designating locations in industrial and commercial districts, or on vacant, disturbed land.”

Mr. Pera stressed that trees run from Lovewell Street to along Wright’s Reservoir.

Mr. Hannigan stated that stipulations could be made to retain trees within 100’ of Wright’s Reservoir, noting that the plan presented “is only conceptual.”

Mr. Pera questioned whether the developer has agreements with the property owners.

Mr. Mello replied, saying that he has signed letters with all of the owners. He noted that 5 megawatts of solar electric capacity is all that is permitted annually on continuous parcels.

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Citing the existing forest from Lovewell Street and along Wright's Reservoir, President Scott Graves stated that the area is beautiful so that he would much rather see that solar arrays are limited to one area than spread across the entire City, suggesting their "unsightliness." He added that such arrays should be zoned in the same manner that pornography business are, basically in a single area.

Mr. Hannigan remarked that the array "could be pulled back and that a greater buffer established."

President Graves questioned Wrights Pond Dam's jurisdiction.

Mr. Hannigan replied, saying that the State Office of Dam Safety has jurisdiction.

Citing comments that were made about the installation of screening from residential abutters, President Graves noted that residential homes situated across the reservoir would not be shielded from the array, adding "they could see the skeletons from across the pond."

Mr. Hannigan stated that the Planning Board would address the screening issue during the plan design review process and that the "zoning provides for the use and then the plan would follow."

Noting that many other people use the lake for recreational activities and that herons, turkeys, and coyotes are present along the lake, Chairperson Christine Johnson questioned the environmental impact that such a development would have on wildlife and aquatic life. She cited the Mill Street Solar array as an example where limited vegetation was present and more suitable for an array, as opposed to the proposed site which is a residential area.

Councillor Elizabeth Kazinskas questioned whether the proponents could provide the Committee with examples of projects that they developed that mirrored similar natural or environmental conditions. She also expressed concern for wildlife and aquatic life along the lake and forested areas.

Mr. Mello noted that the firm developed an array along a reservoir in the Town of Leicester. He said that the proponents "can work with the Planning Board to design screening so as not to cause heartache to the abutters."

Councillor Christine Johnson questioned whether the developers have been successful in siting solar arrays in residential areas.

Mr. Hannigan stated that solar arrays were sited in the Towns of Spencer, Phillipston, Leicester, North Brookfield, and Charlton.

Mr. Mello added that some of the arrays in residential areas were sited in agriculturally-zoned areas.

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Councillor Christine Johnson asked the developers to send to the Committee any information concerning the siting of solar arrays in residential areas.

President Graves noted that the proposed solar array would cover 20 to 25 acres of the Dubzinski parcel footprint and that the possibility exists that a developer may pursue constructing 65+ homes on the remaining parcel footprint, whether or not a solar array is sited. He added that the City wants to increase the tax base, but that his concern is that the installation of a solar array on the property would be a loss to the land's potential.

Mr. Mello stated that that the property would be under a 25-year lease for the solar array and that "a decommissioning surety" would remain in effect in order to restore the property to its original condition after the lease term expires. Such a surety, he added, would be part of the Planning Board's permitting conditions.

Mr. Hannigan noted that the surety bond would not be released until the land is restored.

President Graves added that the surety provides for decommissioning of the array in the event that the lessee "walks away early."

Mr. Beauregard informed the Committee that the Planning Board requires cash security, as opposed to a surety bond, for every one if its current permitted projects, and that the cash is held in escrow.

Mr. Hannigan informed the Committee that the City is provided with a listing of values for all array components, which then is assessed by the City as personal property and taxed along with the land.

Mr. Mello stated that the other solar companies have negotiated "Payment in-lieu-of Taxes Agreements" ("PILOT") with communities in order to avoid paying personal property taxes on the array equipment.

Resident Chris Pera asked how the proposed solar array project was initiated.

Mr. Mello responded, saying that the Dubzinski family contacted Zero-Point Development.

President Graves questioned the reflective nature of the solar panels.

Mr. Mello answered, saying that the solar panels are designed to absorb sunlight and to not reflect sunlight.

Noting that he is a resident of Lovewell Street and lives near the Dubzinski parcel, Mr. Pera informed the Committee that a portion of his business is laying out solar fields, citing some benefits to the various land owners for installing a solar array as an alternative way to obtain value for their land.

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Mr. Beauregard informed the Committee that Tighe & Bond conducted an analysis on viable solar array sites within the City and that they identified the sandpits off Clark Street, off West Street, and Summit Industrial Park, since these sites would necessitate minimal tree cutting. Tighe & Bond also identified the Airport and the Wastewater Treatment Facility as viable sites which, he noted, are both situated within the Town of Templeton.

President Graves asked if Tighe & Bond provided the City with a map of the viable options.

Mr. Beauregard replied, saying that the Department has the map and that he would provide it to the Committee.

#9899 - An Ordinance to Amend the Code of the City of Gardner by Deleting and Repealing Chapter 675 Thereof, "Zoning," and Replacing it With a New Chapter 675, to be Entitled "Zoning."

Citing the comprehensive nature of the proposed Zoning "rewrite," Chairperson Christine Johnson recommended that the Ordinance be referred to the Council as Committee of the Whole for study.

On a motion by Councillor Elizabeth Kazinskas and seconded by Chairperson Christine Johnson, it was voted to recommend to the City Council that the Ordinance be referred to the Council as Committee of the Whole for study.

Correspondence

Chairperson Christine Johnson "read into the record" correspondence received from Resident Paul DeMeo comprising a letter that he sent to the Gardner City Council on August 3, 2017 and 3 attached documents."

ADJOURNMENT

On a motion by Councillor Kazinskas and seconded by Chairperson Johnson, it was voted to adjourn at 6:32 p.m.