



IN CITY COUNCIL

JOINT PUBLIC HEARING OF JUNE 4, 2018

Monday evening, June 4, 2018. Joint Public Hearing of the City Council and Planning Board held in the City Council Chamber, Room 219, City Hall.

CALL TO ORDER

Council President Scott Graves called the Public Hearing to order at 6:00 o'clock p.m.

CALL OF THE ROLL

Assistant City Clerk John Olivari called the Roll of City Councillors. Nine (9) Councillors were present, including President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh. Councillors Christine Johnson and James Johnson were absent.

The Assistant City Clerk called the Roll of Planning Board Members. Five (5) members were present including Chairman Allen Gross, Robert Bettez, Sr., Laura Casker, Mark Schafron, and Robert Swartz.

President Graves read aloud the Public Hearing Notice, as follows:

NOTICE OF JOINT PUBLIC HEARING
WEST STREET SOLAR PHOTOVOLTAIC
OVERLAY DISTRICT EXPANSION
ZONING AMENDMENT

Pursuant to G.L. c. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a Joint Public Hearing on **Monday, June 4, 2018 at 6:00 P.M.** in the City Council Chamber, Room 219, City Hall, to consider amending the Code of the City of Gardner, Chapter 675: Zoning, by expanding the Solar Photovoltaic Overlay District off West Street. The complete amendment is available for viewing in the City Clerk's Office; the Department of Community Development & Planning; or on the City's website at www.gardner-ma.gov. All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

GARDNER CITY COUNCIL
ALAN L. AGNELLI, City Clerk

President Graves asked if any person in attendance wished to speak in favor of the proposed Ordinance amendment.

John C. Drobinski and Lyndsey Colburn, Environmental Consultants, Environmental Resources Management (ERM), presented the following on behalf of the Petitioners:



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- Seeks an extension of the West Street Solar Overlay District to the Cedar Hills subdivision parcel and other as identified on the Plan.
- Advantages of solar include environmentally-friendly; 40,000 megatons of CO₂ eliminated; electricity generated for thousands of homes; no gravel to be removed from the graveled areas (pits) of the development; no transportation of fill; PILOT program income and tax revenues to the City; no impact on municipal services (schools, fire, police); and, in accordance with the Governor's Green Communities Initiative.

Councillor Boone questioned the measures applied to arrive at projected CO₂ reduction.

Mr. Drobinski stated that EPA calculations are utilized to arrive at the estimated reduction. Reduction accomplished by utilizing solar to generate electricity as opposed to burning fossil fuels.

Councillor Gravel asked who the beneficiaries would be if the solar overlay district is expanded, besides the proponents, the "five companies."

Mr. Drobinski said, "As an environmental consultant, we all benefit from it," adding that it will result in a cleaner environment and reduction in the impact of global warming. He also noted that if 100 homes are built on the open land, fossil fuels will be burned through the use motor vehicles, as well as its impact on water resources and impact on Fire, Police, and the tax rate. The project, he added, "is a net positive for the City."

Councillor Gravel cited the impact that the removal of 50 acres of trees will have on the ecosystem.

Mr. Drobinski remarked that the land area cited for the removal of trees isn't necessarily 50 acres, but that some trees would be cut. He added that the same number of trees would have to be cut for a subdivision.

Ms. Lyndsey Colburn stated that the number of trees to be removed has yet to be determined and outlined plans to maintain the buffer zone around the resource area. On questioning, she said that it would not be economically viable to site solar arrays only on a few small pieces of land within the proposed overlay. She cited the existing gravel pit that would require significant earthwork to make the land suitable for solar arrays. Regarding water wells in the immediate area, she said that there should not be an impact as a result of the installation of solar arrays, since the developer must ensure that no water runoff impacts area streams and the wetland resource areas. The permitting process would involve the Conservation Commission, which would issue an Order of Conditions for the development of the project.



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Mr. Drobinski said that if the land is developed for solar use, as opposed to residential development, then the area would not be impacted by residential use contaminants such as auto emissions, ground contamination, etc.

Ms. Colburn added that the developer is required to meet the requirements of the Wetlands Protection Act, which are very stringent. She added that if the project cannot meet performance standards, then the project cannot be permitted.

On questioning by Ms. Casker, Mr. Drobinski stated that the permitting process requires the applicant to evaluate wildlife and other endangered species in the area to determine the project's impact, if any.

Ms. Casker asked if filing with DEP is required as a result of altering the land.

Ms. Colburn stated that the filing is a joint application with both the DEP and the local Conservation Commission.

Councillor Walsh noted that the total acreage for the expanded District and the number of acres within the entire District that will be occupied by the footprint of the proposed project.

Mr. Drobinski said that the total size is about 180 acres, adding that a significant portion of the District is composed of wetlands, as well as the Diocese of Worcester parcels that would not be developed. The total footprint is about 100 acres, which encompasses the solar panels and the perimeter, he added.

Eleanor Blake, 3 Princeton Street, cited the effects that the proposed project would have on the area, noting the cutting of trees and earth erosion as a consequence. She requested that the proponents inform the area residents of specific plans for the solar developments.

President Graves informed the attendees that the public hearing is the very beginning of the process, as required by State law. If the process does move forward, he said, then there are various other offices and departments that the applicant will have to go to – the Planning Board and Conservation Commission. He said that the proposed project is a photovoltaic solar array, with solar panels over about 100 acres of land. "So, at this point," he added, "I do not know what you're confused about."

Ms. Blake stated that there was a statement that was made that said there are no environmental problems with the solar panels.

President Graves commented that the City isn't yet at that point.



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Mr. Drobinski said that the issue and any concerns associated with solar panels would be addressed during the permitting process and that he is not aware of any environmental concerns with the solar panels. "Solar, as energy, is very benign," he added.

Councillor Boone suggested that "more concrete work" should be done at this stage by the proponent to determine specific details of the scope of the project.

Mr. Drobinski said that the project is in the concept phase and the figures provided are only best estimates, as there are no engineering drawings yet. If the overlay is not approved, then the project will not go forward. The approval of the overlay does not guarantee a permit to proceed with the project; however, the Planning Board and Conservation Commission can impose conditions as they see fit, but cannot deny the permit since it would be "a matter of right."

Trevor Beauregard, Director of Community Development and Planning, said that the City has a solar overlay district off West Street consisting of 640 acres. There is a 2½ megawatt solar overlay facility currently in operation and 16 megawatts that have been permitted but not constructed. The proposal is an extension to the existing overlay district and, if approved, there is the potential for an additional 35 to 37 megawatts of solar energy. This is an amendment to the zoning overlay, not an actual project.

Councillor Walsh questioned whether the concept plan received by the Council is such a plan required when considering an overlay district.

Mr. Beauregard agreed that it is the overall conceptual plan that the Council received today.

President Graves requested that the Consultant describe the proposed solar array within an expanded overlay district.

Mr. Drobinski said that the project would encompass ground-mounted solar panels, each about the size of a piece of plywood and lined up in arrays pointed toward the south. There will be grass growing beneath each solar panel, which are raised from the ground to all growth. He cited several areas of land within the proposed overlay district that is already suitable for construction, such as the gravel pits and land that was cleared for planned residential development.

Ms. Casker questioned that if the expanded overlay is approved, then construction is allowed by right, with conditions established by the Planning Board and the Conservation Commission.

Mr. Beauregard confirmed her assessment.



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Alan Rousseau, 211 Betty Spring Road, read aloud segments from his prepared comments, as follows:

The following is my input on the proposed zoning amendment for the expansion of the West Street Solar Photovoltaic Overlay District in West Gardner. In the interest of full disclosure, I own a 69-acre abutting property to the Cedar Hills Subdivision. The proponent, Cedar Hills Solar (CHS), has not contacted me previously on this or any other matter. Based on the limited information provided thus far by CHS publically to the Planning Board and through Gardner News articles, I am opposed to this amendment.

I offer the following points for consideration relative to your decision on this amendment.

1. The West Street Overlay, currently totaling 640 acres, is very large and is by far already the largest Solar Overlay in the City. This amendment is a major expansion of 236 acres, a 37% increase. This entire area is zoned Rural Residential 2, not commercial or industrial.
2. Gardner already has two large Solar Photovoltaic Overlay Districts inclusive of the West Gardner Overlay and the Summit Industrial Park Overlay. In West Gardner, we have the 20 acre Large-scale Solar development constructed on the Wildwood Cemetery Forest. In addition, there are three other projects that have yet to be constructed on properties in this West Street Overlay.
3. The CHS proposed Large Scale Solar project for the Cedar Hills Subdivision is massive! The CHS plan is far too aggressive for this rural residential property. Through information provided thus far, it will consume 100 acres and require 50 acres of tree removal beyond the existing developed area on the site. This will be over three times the size of the Lovewell Street project proposed in South Gardner. Up to this date, CHS has not provided a composite site plan for this project. The Planning Board had requested this information two months ago on April 10th and again on May 8th.
4. Large-scale Solar developments are commercial and industrial enterprises that should not be routinely sited in rural residential neighborhoods. The CHS March 16th letter mentions that CHS aligns with the long term City goals to *“rezone additional land for commercial and industrial development”*. What does this mean? Is there a goal to rezone the Parkers Pond area?
5. These developments can adversely impact the property values of residential abutters. How many real estate agents advertise home sales with the message: *“This house is*



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near a massive solar development”? Zoning must protect the property rights and values of residential neighborhoods.

6. Solar panels are best suited for roof tops, parking lots, capped landfills, airports, and previously developed land or vacant brownfields. Solar panels should not be installed in Gardner’s forests and agriculture lands, particularly in residential districts. While Solar Panels are considered green energy, implementing these developments by massive tree cutting and destroying large forested areas is **not a Green Strategy**.
7. Forested land adds tremendous value to our community. Trees are a source of clean air. Forest land is a natural filter that protects ground water ultimately flowing to private wells used for drinking water. Gardner’s forested land is as much a part of our community as the Furniture Industry had been in the past. While the Furniture Industry is largely gone, our Forested Land is still here. As we develop Gardner in the future, we must take every measure possible to protect and conserve our forests. Referencing Gardner’s 2015 Open Space Plan: ***“Enhancing the quality of life in a community must maintain a careful balance between equity, environment and economy.”***
8. Gardner’s current Zoning Ordinance on solar must be revisited because it does not provide enough protection for residential districts. Once a Solar Photovoltaic Overlay District is established, it becomes **“As-of-Right Siting”** and therefore solar projects **cannot be prohibited** on properties within the district. Other communities have used the special permit process for **residential districts** as well as instituted larger 200-foot setbacks from abutting residential properties. Reference my May 16th email to the City Council and Planning Board for additional information.
9. There has been a lot of justified concern voiced by residents about inappropriate and illegal activity on the Cedar Hills site such as vandalism, underage drinking, firearms use, and dumping. This is a police matter and we have an excellent Police Department. Mayor Hawke should immediately meet with Chief Erickson, the property owner, and the residents in order develop a plan to stop this illegal activity on the property. I’m sure that this activity occurs on other wooded lands in Gardner and we should not solve this problem by development.
10. If someone had told me 20 years ago that this pristine 157-acre Gardner property, nestled between Parkers Pond and the Otter River, would have been developed into an oversized subdivision or massive solar farm, I would not have believed it. The Watkins Family had protected this property for many decades. The property contains the site of the historic Ebenezer Keyes homestead. The current Cedar Hills Subdivision Plan has many problems that should be addressed. However, the forest that was illegally cut by the previous developer has been growing back for the past 12



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years. We must be careful to not to replace the subdivision plan with one that is more environmentally destructive.

In conclusion, my view is that the City should not approve this amendment as proposed. Furthermore, I recommend that the City halt any further changes to Solar Photovoltaic Overlay Districts at this time. The City should wait until the three proposed West Gardner solar projects are constructed, study the environmental impacts, and then develop an overarching strategy on the development of solar energy in Gardner. Thank you for your consideration of my input.

Joan Gould expressed concern that the gravel pits will affect the wells.

Councillor James Boone questioned whether the Cedar Hills housing development “is grandfathered,” for the purposes of developing, if the owners choose to do so.

Trevor Beauregard stated that the permits are still active.

Councillor Gravel remarked, “So, they have choices.”

Trevor Beauregard nodded in agreement.

Councillor Nathan Boudreau asked, “When did we start villainizing housing, and growing our neighborhoods, and welcoming people to our community?” He said that comments were made that “if the City does not allow solar, then there will be houses built.” “I welcome more people to Gardner and for Gardner to grow,” adding, “[This] is the culture that we’ve been talking about.”

Mr. Drobinski said that these are the types of decisions that the community has to make and that “the individual has certain property rights.” He noted that if the subdivision is built, then trees will have to be cut. He said that officials must determine what is in the best interests of the community and what the impact is on the tax rate by paying for more students and teachers.

There being no others asking to testify, President Graves declared the Hearing closed at 7:04 p.m.

Accepted by the City Council: *September 5, 2018*