

Town of Newbury, MA

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Board of Selectmen's Meeting Minutes 3-27-13

BOARD OF SELECTMEN'S MEETING
MARCH 27, 2013

Chairman Story opened the meeting with the pledge of allegiance to our flag. In attendance were Selectmen Story, Bear, Mountain, Walker and Town Administrator Tracy Blais. Selectman Bulgaris was absent.

TA Blais reported that the P.I. beach had reopened Tuesday, March 26th at 2 p.m. and public access is no longer restricted. The reorganization of the Assessors Office is moving forward. The Personnel Board is reviewing job descriptions for this reorganization. The snow budget is approximately \$90K in deficit, and the STM warrant will ask that this deficit be funded from free cash.

Kathleen Pearson updated the Board on the progress of her school project, "The Impact of a Public Water Supply on the Economic Development in Newbury", with a slide presentation. Her focus was along Rte.1 in the Business Light Industrial District. She recognized her advisors who included Town Administrator Tracy Blais and Planning Board member John Weis. The BLI district has no water/sewer, poor soils and wetlands, she noted. After meeting with the Selectmen, Finance and Blais it was decided water would be the priority as there were multiple potential sources in the area (Newburyport Water, Byfield Water District, and wells off Parker Street). She addressed "market value", "project description" and "progress to date". Pearson was thanked by the Board for a very informative narrative of her project at the conclusion of her presentation.

A license application for George Jonaitis d/b/a P.I. Bicycle Rentals as a home occupation at 4 Plum Island Blvd. was **approved on a motion by Selectman Bear, seconded by Selectman Walker and voted unanimously. This license is permitted with the stipulation that Mr. Jonaitis abide by section 97-10.C (1)(a-e) of the Zoning Bylaws for home occupations.**

The warrants for the Special State Primary and Newbury's Annual Election on April 30, 2013 were signed on a **motion by Selectman Bear, seconded by Selectman Walker and voted unanimously.**

The Board nominated Carol Larocque as Inspector of Animals in accordance with MGL Chapter 129, sections 15 & 16, on a **motion by Selectman Walker, seconded by Selectman Bear and voted unanimously.**

At 7:30 p.m. Chairman Story recused himself from the meeting and left the room. Selectman Mountain called to order the continuation of the public hearing on the special permit for a solar array on the Pikul property off Scotland Road. Sitting for the hearing were Selectmen Mountain, Bear, and Walker. Representing the application were Mr. & Mrs. Pikul, Rich Kleiman of Sage Stone, Engineer Rich Williams, and Attorney John Clavins. Mr. Kleiman noted that Conservation approval had been received for the project at their last meeting. The additional information requested (public benefits, vegetative screening, materials used in the solar panels and recycling of the panels) at the hearing on March 12 had been submitted to the Selectmen. Public benefits – it is good for the land owner, Town and Commonwealth, the land will remain in agriculture and at the end of the project when equipment is removed the area will be returned to agricultural use. The original plan and set backs were modified to satisfy the Colbys and Scotland Road residents. The plan complies with the current proposed zoning bylaw for solar. It will add over \$600K in taxes over the project life and \$36K in building and permit fees. Educational outreach programs will be offered to the schools and on the website. Vegetative screening – a hedgerow of ink berry shrubs will be placed along the entire fence facing Scotland Road and Colby's farm. This is an evergreen shrub that grows 10-12 feet tall and wide. Panels – specs from the manufacturer were presented and discussed. The panels are made of glass, aluminum, ethylene vinyl acetate encapsulated, polyvinyl fluoride substrate and poly crystalline silicon. Trina Solar of China is the manufacturer. The majority of the materials are recyclable and the non-recyclable materials will be disposed of responsibly. The salvage value is \$510K to \$3.4 million and the cost to remove is \$100K. There is no incentive to leave the equipment on site and the lease requires all equipment to be removed at the end of life of the facility.

Donna Pikul addressed a few issues raised at the first hearing. She advised she had personally checked the Salisbury solar facility which is located 100-150 feet from a group home. The residents stated they could not hear any noise from the facility. Our building is 1000 feet from everyone, she noted. 78% of the property will still be

available for scenic viewing and bird watching. As for wildlife, there are loose pigs in Colby's field and our fields and a few coyotes. She noted she had personally mowed the field for twenty years and the houses on the hill can not be seen during summer months. They can only be seen in the winter. We take pride in our field and have modified the plan to satisfy the neighbors. We will not hay between the panels but will cut the hay to be used as feed by Tendercrop and Herrick Farms. Sheep may or may not be feasible. Until the process is in place, we do not know how much will grow and how many times it will need to be cut. She noted that solar will save on fuel emissions and it will come to town. Sage Stone is a reputable company and approvals have been obtained from Conservation as there will be no harm to the land. Chapter 40A section 3 states you may not prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare. This project will not affect health, safety or welfare. A solar array will not impact property values any more than a pig farm might.

Selectman Mountain asked if there were any questions from the Board. Selectman Walker stated he asked for advice from many authorities including Conservation and Town Counsel to expand his knowledge. He asked the residents when they spoke to address the effects of health, welfare or safety and not views. Selectman Bear stated he didn't like to be told he cannot vote no but may reluctantly wind up doing so. Selectman Mountain advised that while they may not be able to deny the project, the special permit process can shape the project to minimize the impact. The question of 61A roll back taxes if the property use is no longer considered agricultural was asked.

Kleiman noted that Counsel was looking at this and would advise the Pikuls of her decision. The question of federal or state subsidies was raised and Kleiman noted there is no federal or state involvement. They are therefore not required to involve the Historical Commission. Mountain questioned the landscaping plan and Kleiman advised they had submitted the required plans under the Town's bylaw and it was approved by Conservation.

Mountain asked what a linear power warranty was. Kleiman advised it is the guaranteed amount of power over a period of time. The hearing was opened again to audience participation.

Kathleen Pearson, Chair of the Planning Board noted that regarding special permit comments from the Selectmen, the special permit is stipulated as a process to deal with concerns and shape the project.

Fred Thurlow of Marsh Avenue asked why not use a local species for screening. He was also concerned with the square footage of impervious surface as run off may get into the Little River. Kleiman advised there was less than 200 s/f of impervious surface. The rows are 15' apart with grass around and between. The project has been approved through all wetland reviews. It is better not to disturb a site. The ground condition will remain stable and a small area of less than 200 s/f will be replicated as stipulated by Conservation.

Michael Olsen, 57 Scotland Road stated he was concerned with lead in the solder and the possibility of leaching, the viability of solar companies and relying on them for recycling, lost property values and lost tax revenue. Kleiman advised there was a minute amount of lead in the solder and as stated in the brochure it was encapsulated so there was no exposure and no reports of Trina panels leaching. There are numerous solar salvage companies willing to recycle these panels. To answer a specific question from the last meeting regarding Trina having a take back program – they do. Recycling will happen. There are panels on schools, town halls, yards and roofs and there have been no reported health effects. This array is 1000' feet from this house, well buffered and away from any neighbors. The Pikuls have been haying for many years to keep this view maintained, but they are farmers trying to stay in business and supplement their income. Donna Pikul advised they had researched the amount of lead Trina used in their solder and it was the least of any other manufacturer at .0009 grams per panel.

Eva Jackman, 48R Green Street, Agricultural Commission member and Historical Commission member commented that this was a well thought out project, small in size on a large lot and being kept as an agricultural use.

Dale Williams, 12 Scotland Heights Drive noted that the Pikuls are good citizens. All properties on Scotland Road have had their assessed value reduced and it has nothing to do with the prospect of solar. If this was prize farm land, the Pikuls would be growing more than feed hay. Landscaping is not a requirement. Sage Stone has agreed to landscape the area to satisfy the neighbors. The tax increase to the Town is not big at \$25K/year but it is an increase. This is a bucolic view and farm land but the power lines don't seem to be noticed. This solar farm will not be a hazard to my view. This is a good plan and the Pikuls and Sage Stone have reacted to all the neighbor's requests.

Lisa Colby, 50 Scotland Road noted that she had spoken with a farmer in Methuen who has solar on 2 ½-3 acres of his property and he told her he would not have done it if he knew the grid value would drop due to the number of installations. The company he went with used panels good for only 15 years.

Kathryn O'Brien presented several articles on solar farms off the web site. One on Sun Tech regarding China being the leader in solar panels and a NY Times article about solar being on a financial brink. If there are five more projects in the wind and you feel coerced, isn't that mental health, she asked.

J.R. Colby, 31 Low Street, asked if the Town was at risk from these projects? This is prime farm land and the Common Pasture and Little River need to be protected.

Bill Colby, 50 Scotland Road, stated he was concerned about the effect on Colby Farm. Best or worst – it affects us. The Pikuls hope to diversify with solar. We diversified with our farm stand. The farmers are getting squeezed.

J.R. Colby, 31 Low Street noted the Common Pasture is pristine. It has been 400 years in the same use with no structures except for old farm homesteads. We need to protect this area. But, if this project passes we want it to be a success.

Kleiman thanked the Colbys for working with them and noted he understood the emotional attachment to this property. What it boils down to is it is the Pikul's land, within their right to develop it and consistent with state law.

Walker asked about fire issues and any toxic problems because of wetland protection. Kleiman noted that while fires are rare, fire fighter training and protocol is available at no cost to the town. Under the lease we are required to clean up if there should be a problem and protocol will be followed. Insurance is carried for emergency expenses. Walker asked about exposure of toxic materials. Kleiman advised it was not an issue as protocol is in place and has been approved by Conservation.

Dave Withe, 45 Scotland Road noted that while he appreciated the mitigation efforts of the solar company, he didn't want this to become a "superfund site".

Selectman Mountain asked for a motion to continue as the fourth member necessary for a vote was not present.

Selectman Bear moved to continue the public hearing to the meeting of April 9th at 7:30 p.m., seconded by Selectman Walker and voted by Bear, Walker and Mountain. Chairman Story returned to the meeting hall and the regular business agenda was continued.

A request from the Byfield/Newbury Little League for use of the Upper Green ballfield for minor league games, Sat. & Sun. from 8 a.m. to 5 p.m. and Mon.-Fri. 5-7:30 p.m. thru the end of June was **approved on a motion by Selectman Bear, seconded by Selectman Walker and voted unanimously.** This approval is given with the exception of dates already spoken for on weekends in May and June.

A request for use of the parking lot just before the P.I. bridge, heading east, for a "sunrise service" by the Byfield Parish Church on Sunday, March 31st from 6-7 a.m. was **approved on a motion by Selectman Bear, seconded by Selectman Walker and voted unanimously.** The police will be notified to insure there is no problem with parking without stickers.

A general business license was renewed for Lalobarun Ranch, 83 Scotland Road, for a horse farm on a **motion by Selectman Bear, seconded by Selectman Walker and voted unanimously.**

Chuck Curtis, outside plant engineer for Bay Ring Communication proposed the installation of a new 35' pole on Anchor Way in the public ROW that will carry their fiber optic network to connect customers from Newburyport to Rowley. The actual height of the pole out of ground will be 29 ½ feet. Adjacent poles are in the licensing process with National Grid and Verizon, he noted. The fiber optic cable will be at a height of 18' and is temperature sensitive. This is the only pole required for 60 miles of service. Service can be made available to Town Hall, Fire and Police if requested. Story asked if in the future other utilities could connect to this pole and Curtis said yes, they would be willing to accommodate them if feasible. Dig safe will be called before installation of the pole and there may be a little tree trimming involved. The neighbors have been contacted to insure there are no issues. **It was moved by Selectman Bear and seconded by Selectman Walker to allow the pole on Anchor Way contingent on the notification of the Police Department and DPW before installation. The motion was voted unanimously.**

A request from the Newbury Library for use of the Upper Green on Saturday, May 11th from 5-8 p.m. for a children's program and lantern parade was **approved on a motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously.**

A one-day liquor license for the Triton Educational Foundation for a "Casino Night" at the Library on Friday, May 10th from 7-11 p.m. was **granted, contingent on receipt of their insurance rider, on a motion by Selectman Bear,**

seconded by Selectman Walker and voted unanimously. Susan Moran, PTA President was present to promote the event. She noted they hoped for 150 attendees, they will offer valet parking, and were looking to raise \$10K for team Triton.

The minutes of the meetings of March 12th and March 20th were **approved as presented on a motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously.**

Kirk Olsen of 94 Middle Road addressed the Board regarding a commercial clamming permit which was denied by the Shellfish Commissioners based on residency requirements. Olsen presented a letter from Town Clerk Leslie Haley stating that he (Kirk Olsen) was listed as a resident on the most recent census and his license, truck and boat registration as well as his insurance show him at 94 Middle Road. Proof of payment of excise taxes on the boat and truck were also submitted. Olsen noted that he had paid for the new permit and his current permit to clam expires April 1st. **Selectman Walker moved to overturn the Shellfish Commissioners denial for this commercial clamming permit as the issue of residency was not valid. Proof has been submitted from the Clerk and Tax Collector that Olsen's legal residence is 94 Middle Road and the clamming permit is granted, seconded by Selectman Mountain and voted unanimously.**

Warrants were signed for TA Blais.

The meeting was adjourned at 9:35 p.m. **on a motion by Selectman Bear, seconded by Selectman Walker and voted unanimously.**

Respectfully submitted,

Kathleen Sirois, Admin. Asst.