



TOWN OF PLAINVILLE

Office of the
BOARD OF SELECTMEN

August 26, 2019

The Hon. Kathleen Theoharides (Kathleen.Theoharides@state.ma.us)
Executive Office of Energy & Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

The Hon. Judith Judson (Judith.Judson@state.ma.us)
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Dear Secretary Theoharides and Commissioner Judson:

On behalf of the Town of Plainville, its Selectman and over two-thirds of the voters at Town Meeting who voted to change our zoning bylaws to allow a solar project that would benefit the Town, the Town of Plainville requests that, in the review of the SMART program, DOER establishes a solar land use policy that allows some flexibility in consideration of local zoning preferences.

The Town, facing similar concerns that DOER is attempting to address now, approved, at its 06/05/2017 Town Meeting, an amendment to its solar bylaw that:

- a. Restricted tree clearing for solar projects located in residential zones to 25 percent of the total tree cover;
- b. Prohibited excessive grading; and
- c. Required trail connectivity if woodland trails were disturbed in natural areas.

This bylaw was adopted to address concerns about rampant solar development in wooded areas, and on lots that were otherwise unbuildable. It was then appealed by a local solar developer to the Attorney General's office, which upheld the bylaw as a valid exercise of the Town's zoning authority.

In the spring and summer of 2018, a solar developer approached the town regarding a proposed solar development on land directly abutting a National Grid substation and easement. The site was comprised of two parcels, totaling 42 acres of mostly treed land, located in a residential zone that now restricted tree clearing to 25% of the wooded area. The site also contained the Park Terrace Swim and Tennis Club, a privately owned facility that sells yearly memberships. The

substation reportedly has ample capacity to interconnect a 6-7 MW solar plus storage project, and no abutters would be affected by the tree clearing. An alternative use for the site had proposed 31 single family house lots, which would have resulted in clearing all the trees due to the lack of sewer and water, combined with poor soils and steep slopes. The solar option provided the most financial benefit to the owner, and was her preferred option for the sale.

After negotiations with the Town, the solar developer agreed to donate the swim club to the local YMCA, at no charge. The YMCA agreed to provide the Town with benefits for its residents, and to provide additional services to the elderly, disabled, indigent and the local schools. The remaining 37± acres would be clear cut for solar, with an additional fitness trail constructed around the perimeter that would be available to the general public. This trail would tie into additional large open space areas owned by the Town and DCR. The proposal was then taken to the 11/26/2018 town meeting, which adopted a bylaw change allowing additional tree clearing for solar projects if there was a “public benefit” unrelated to strictly financial impacts due to larger solar revenues. This change was overwhelmingly adopted.

This project is currently in limbo awaiting final regulations from DOER. The threat by DOER to remove the capacity to install up to 5 MW AC on one single lot, and to restrict the cutting of trees as it applies to large-scale solar projects, will kill a solar project that will provide a million plus dollar recreational asset for Plainville that would otherwise be destroyed. In addition to losing the recreational benefit, the Town would forego PILOT revenue of \$1,500,000 to \$1,750,000 over the life of the project. Construction of a complex like Park Terrace, with its multiple pools, tennis courts, basketball court and recreation center/clubhouse is beyond the financial means of a rural/suburban community of 9,000± people. Plainville has had a 12.3% growth rate over the last five years, and now has a 16.4% affordable housing ratio, one of the highest in the state. This facility will provide low cost recreation to families in Plainville that are struggling to find safe activities for their children, especially during the summer months when they are out of school. The project provides a one-time deal for the Town that can never be replicated. Sadly, if DOER decides to implement regulations prohibiting this facility, the trees will still all be lost to the 31 lot subdivision. In southeastern Massachusetts there are numerous developmental pressures, and large parcels of land are unlikely to remain undeveloped when there is a housing boom. This creates a constant struggle in the Planning Department to balance competing options, and to create new housing stock while also looking to take advantage of unique opportunities that might better benefit the community as a whole.

A regulatory process that makes sweeping generalizations about land use will kill this project and inhibit future innovative land-use proposals that may benefit the Town of Plainville and other municipalities. As DOER reviews its future regulations, we request that you allow for some local flexibility to provide benefits to our community. In our opinion, and as voted at our town meeting, preservation of woodlands is a high priority. However, given the competing land pressures that we face, it is important that DOER provide some flexibility to allow local input into solar facilities, and not penalize those projects that work within the local bylaws to provide other benefits. Removing incentives for the Park Terrace solar project will not only not protect woodlands, but will also result in a lost recreational opportunity that will never be replicated.

In the review of the SMART program called for under your regulations, please allow for the following:

- a. DOER or other state agency will not override local control regarding the zoning for solar energy development. Plainville has zoned solar "by right" in industrial/commercial zones, and by special permit in residential zones.
- b. The cutting of trees relative to solar development shall remain under local control and not superseded by regulations by DOER or will, at a minimum, allow for municipal input before removing financial incentives.
- c. Allow solar development sizes to remain at 5 MW AC per lot or parcel.
- d. Maintain incentives and adders, particularly for farmers and for residents of all income levels, not capable of having solar installed on their roofs through the SMART Community Solar program.

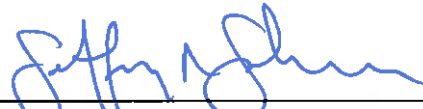
We believe that, with some local control, solar energy facilities can be an asset for the Town of Plainville and, when well designed and incorporated into local planning goals, can provide benefits unavailable from other forms of development that are likely to occur.

If you have any questions, or if we can be a source of information for you or any of your departments, please contact Chris Yarworth, Director of Planning and Development at 508-576-8494 or Jenn Thompson, Town Administrator at 508-576-8472.

Sincerely,



Rachel Benson, Chairperson
Plainville Planning Board



Jeffrey Johnson, Chairperson
Plainville Board of Selectman

Cc: Kaitlin Kelly, Manager of Solar Programs (kaitlin.kelly@state.ma.us)
Patrick Woodcock, Undersecretary of Energy (patrick.woodcock@state.ma.us)

Attachments: Picture of Park Terrace Swim Club 2018

