



# PLANNING BOARD

10 West State Street  
Granby, MA 01033

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Website: [www.granby-ma.gov](http://www.granby-ma.gov)

Members: Glen Sexton, Chair  
Jim Trompke, Vice Chair  
Robert Sheehan, Jr., Treasurer  
Rob Chauvin, Member

Others: Bill Scanlan, PVPC

Absent: Lillian Camus, Secretary, PVPC Rep

Meeting: Tuesday, February 19, 2019

Location: 10-B West State Street, Granby, MA

## Minutes

**CALL TO ORDER:** Jim Trompke called the meeting to order at 3:45 p.m.

### Administrative Items

None

### New Business

None

### Old Business

*Meeting with Selectboard/January 7, 2019 Letter from Selectboard*

Jim Trompke asked what exactly the Selectboard's concerns are of the solar farms.

Chris Martin reviewed the background of how the Town got to where we are. In 2012 when Granby became a Green Community DOER stated we had to put in a section in the bylaws for Large-Scale Ground-Mounted Solar arrays. As a result of that and what they see is occurring, they have now changed the guidelines in that they believe the zoning bylaws should indicate in the siting of these large-scale units. They recommended that a moratorium be put in place to give you time to review their new guidelines and to allow you to implement and change the existing bylaws to what they would like to see in the current bylaws.

What they are seeing is a lot of clear cutting. Somebody will come in and put a 146-acre site in and clear cut all the trees out. The problem with that is there has been some discussion there are issues with stormwater management, groundwater pollution and everything that could possibly go wrong.

Jim Trompke noted the Planning Board typically looks at all that. To date, the Planning Board has approved two large-scale solar fields. One has been installed on the street, they broke it up into three parcels, but it was one applicant. There was minimal clear-cutting on that project. The other one that was just approved last week was an amended project on Dickenson Farms and there was no clear cutting.

We have one more before on us on Kendall Street, which I can't get into detail right now, but there is a clear-cutting plan for that. They had drainage issues, we hired a peer reviewer to review it and made some corrections.

Jim Trompke pointed out you can clear cut for a lot of reasons that this bylaw for the moratorium won't address. You can clear cut for a gravel pit, farming, subdivision.

Chris Martin explained the problem we are having is there have been recent cases in the Appellate Tax court regarding the PILOT Agreements which have been negotiated. The Appellate Tax Court has sided with the developers saying they are just like the regular utility companies and are tax exempt.

The issue is we expect to get money by allowing this generating facility to be located in the Town through a PILOT Agreement in lieu of tax. If the Appellate Tax Court is saying those are no longer valid, we won't get the \$500,000 we anticipated we would get over the 20-year period or more.

Robert Sheehan, Jr. noted the State has developed guidelines, and they are only guidelines. Why doesn't the state make them laws instead of guidelines? Why doesn't the State close the loophole in the taxes?

Chris Martin responded that we have asked that of our legislatures and there is a bill going in front of the legislature in the next session to close the tax loophole.

Robert Sheehan, Jr. responded we have to remember, Granby is and always was a farming community. A lot of land that you see trees on now were pastureland or farmland. This is basically immature growth. The only places in town that you had large stands of trees are the mountain areas where the farmers weren't farming back into the 1940's 1950's. It's not much different.

Jay Joyce noted one of the big things in the MASS DOER guidelines/regulations they have completely discouraged the cutting of trees. The reason being, the solar panels are only part of the climate change we are going through. Right now, we have an excess amount of carbon in our air. These solar farms that are going in will only stop or reduce the fossil fuel usage. But the solar farms will not get rid of the excess carbon in the air. That has to be done through trees and natural vegetation. That is why they are strongly discouraging the cutting of trees or any foliage because we already have excess carbon. You can go to the International Panel of Climate change which is United Nations. They are putting this out all over the world, not just in Granby or Massachusetts. The air is polluted. Just like when we went through the Special Town meeting when we talked about stormwater. EPA says its polluted water once it becomes stormwater because it can contain fertilizers, feces, or anything. That's why you look at stormwater runoff. You have to look at air the same way.

Robert Sheehan, Jr. responded that is not necessarily right when we look stormwater runoff. We look at it as runoff for erosion and as going on someone else's property and disturbing the property. We are not looking at the contaminates or anything else.

Jay Joyce responded if you're not then it's up to you. Right now, Mass DOER and everyone else is saying they are discouraging the cutting of trees because we need the vegetation to get rid of the excess carbon in the air and putting in solar panels by cutting down trees is counter-productive. On Dickinson's there were no trees.

Glen Sexton asked why the two Boards can't work together on solar bylaws without a moratorium.

Jay Joyce noted there's nothing in the Green Community Agreement that says there has to be unlimited solar.

Robert Sheehan, Jr. asked why the State didn't specify back in 2012 the maximum number of solar projects allowed.

Jay Joyce responded that the Town nor the State didn't know the size of the solar farms today would ever reach the scale it has.

Robert Sheehan, Jr. noted this is the first time the Selectboard has met with the Planning Board on all of this. We have been kept out of the loop until we got that letter from Steve Chonacki on January 7.

Jim Trompke clarified that the Planning Board has discussed the January 7 letter but did not vote to put a moratorium in place.

Chris Martin explained when the moratorium was implemented by the selectmen in the general bylaws from day one there was always the question of which one trumped. The issue was we can put in a moratorium general bylaw, but when applying for a Special Permit, Zoning bylaws rule. When I spoke to the moderator that day the procedure that I felt was the best to follow would be to allow the motion to be presented, the discussion to be presented. And immediately a motion would be put on the floor to postpone the article indefinitely. That would have made it a debatable motion in front of the town meeting, it wouldn't have left town members wondering why it was pulled with no explanation, but it could have been debated whether to proceed or not at that point. By withdrawing the motion, as Town Counsel stated, there is no motion to debate, discuss or give an explanation why it was pulled.

If we had followed the other procedure that motion to postpone indefinitely would have been a debatable motion that could have been addressed by town meeting to see whether we wanted to proceed with this motion or not. That's where we failed.

Chris Martin will forward the MASS DOER proposed guidelines to the Planning Board.

Jay Joyce explained one of the big things we looking to do was to consider a Granby Municipal Electric company which we are allowed to do under State law. To do that we had to put a general bylaw in place to establish the regulations under Massachusetts General Law Chapter 164, Section 134.

Chris Martin explained we are trying to create a Municipal Electrical Department. By allowing solar companies to come in to Granby as part of the approval they have to give 10% of their power generation to the town for availability to its residents under a municipal aggregation program. So, someone could sign up and get the savings from the solar on their electric bill. They can opt in or opt out.

Jim Trompke asked Chris Martin if he could send the Planning Board the information on creating a Municipal Electrical Department. Chris Martin responded that the information hasn't yet been presented to the Selectboard by the Energy Committee.

### **Next Meeting**

The next Planning Board meeting will be Monday, February 25, 2019 at 5:30 p.m. in the upper level of the Carnegie Building.

### **Adjournment**

Motion was made by Robert Sheehan, Jr. and seconded by Rob Chauvin to adjourn at 5:02 p.m. Motion carried 3 approved, 0 opposed, 0 abstained

I, Lillian Camus, certify that after reviewing the videotape, these minutes are true and accurate minutes of the February 19, 2019 Planning Board meeting.

Respectfully submitted,  
Lillian Camus, Secretary