

Minutes Planning Board, June 6th, 2013

Present: Diane Poland (Chair), Joe Strzegowski (Vice-chair), David Chichester and David Barten. Absent: Mike Kurkulonis. Also present: members of the Energy Committee-- Sue Bridge, Peter Martin and Peter Rosnick. Also present: interested residents-- Jack Lochhead, Sandra Rosnik, and Heidi Flanders (potential candidate for the PB).

Presenter Jim Barry – State Department of Energy representative, invited by Diane to lead dialogue with the Planning board at 7:30.

The meeting began at 7:00 PM. There were five agenda items:

(1) Minutes—the minutes for the meeting of May 23rd, 2013 were unanimously accepted;

(2) Future meeting—Diane wanted the members to focus on the meetings to be held in the summer and in September which will focus on projects in which the Board has an interest. As scheduled, there is a meeting on June 20th, which it had been hoped that Jim Bosman, Chair of the Finance Committee would attend, but he cannot.

Because Peggy Sloan (FRCOG planner) has completed a proposed revision of the Protective Zoning Bylaws with special attention given to the creation of a Village Center District, and she has proposed June 19th as one of two possible dates she could meet with Board members, it was decided that the meeting for the 20th should be a special open meeting with Peggy on the 19th, from 9:00 to 11:00 am.

Diane reminded the members that they had decided to reduce the number of meetings of the Board during the summer months to one each in July and August, the dates being July 18th and August 15th.

No decision was made about the focus of the July 18th meeting. For the meeting on August 15th, it was decided that it should be held in the Town Hall, where the focus will be on Emily Stockman's report about the Wetlands on the Rose property. Emily should be invited to make a presentation, and while the Board has not decided on what project would be most appropriate for the property, Pixie Holbrook, Chair of the Housing Committee, should also be invited to give a presentation about the study her committee commissioned on the feasibility of building a senior housing complex somewhere on the property.

The September meetings would include a discussion with the Finance Committee on Capital Planning; also a discussion with the Board of Health, Police and Ambulance Departments on the issues involved in the creation of a Medical Marijuana Dispensary; also a discussion about the need for a Safety Complex.

No decision was made about which projects would be discussed when, nor whether the fact of there being three topics would require scheduling a third meeting in September.

(3) Jim Barry— Jim had appeared in Conway at an earlier time when as representative of the State Energy Department he gave a presentation to the Selectmen in which he tried to get them to apply for “Green Certification” for the Town. While Jim’s work for the Energy Department has been to promote certification of municipalities as “Green Energy Communities,” and Conway has been certified as such and awarded \$139,000 to help it promote energy efficient projects, he also acts as a counselor and advisor to municipalities where boards like Conway’s Planning Board want help in working through the specifics about zoning for small, medium, and industrial solar arrays. It was in this capacity of advisor that he had accepted the invitation to visit with the members.

His only reference to Conway’s having received a check for a substantial sum, was to note that the Town had not yet cashed it, and so money granted was not being spent on energy-efficient projects. He asked why the delay.

During the hour and fifteen minutes Jim spent with the members of both the Planning board and Energy Committee, he presented information and answered questions. He emphasized that because Gov. Deval Patrick believes solar energy is a potential major source of energy for meeting the needs of the State in the future, all municipalities and residents are being encouraged, even pressed, to put wheels in motion as fast as possible to bring arrays into being. Thus, rules and regulations established by the State Dept. of Energy in general favor creation of arrays, while local efforts to prevent them, should these be voted into existence, are resisted by the Dept, a difference which likely can only be settled in court. Seeking judicial opinion is costly, and small towns like Conway don’t usually have the financial resources to seek court opinions, and, therefore Jim advised those in the room to move carefully when trying to regulate arrays through creation of restrictive bylaws. .

Jim focused on the means by which communities can regulate solar arrays, distinguishing those arrays that can exist by right, and those where the town through creating zoning bylaws can have a say. He said the process by which a planning board studies a proposed project, and the bylaws according to which judgments are made have to be clear and exact, so building inspectors and promoters do not come to blows from misunderstanding and confusion.

He noted that Conway’s Protective Zoning Bylaws where solar arrays were concerned seemed adequate, but likely would need some tinkering since there are numerous court challenges to the State’s laws pending, which could lead to refinement of the law. As it is, no town can prevent solar arrays from being placed on the roofs of private residences, but municipalities can regulate the hows and whats as these relate to abutters. As for medium and large size arrays, municipalities can regulate where these are located. Small municipalities, it seems,

can even decide maximum size of a large array, for some have written bylaws rejecting large industrial ones on the basis that such an array would distort the character of the community. But, Jim cautioned, these cases are before the court, and no final judgment has been made about whether a community can reject an industrial array in advance of its being proposed through creating a bylaw that prohibits it. .

When asked about the State's position on wind turbines, bio-mass, and water-generated energy, three sources of green energy that are being debated around the region, given proposals for projects in various communities, Jim said the State has no position. But, he added the Energy Dept. looks at all research projects where health of those living near such projects has been studied, but has not found a definitive, generally accepted body of research results that establishes for certain how the human is affected.

At the request of several persons, Jim was asked to address a difficult subject about generation of energy through solar panels, which is the reward in the form of some form of credit available to a producer of energy whose array creates more energy than its owner uses. The State has mandated that an owner must be credited by the large utilities who have a monopoly in a region for the extra energy that an owner of an array creates and which enters the grid.

What followed was an intense discussion about these rewards. Solar Renewable Energy Certificates (SREC), for example, can be traded on the open market, a certificate being worth as little as \$300 or as much as \$600.

Jim addressed "aggregation" or the totaling of all usage of electricity by a municipality and residents, and this need being combined with that for other neighboring towns. These communities as one block of energy users then seek the best possible rates from large producers. HamCog Energy is in the business of trying to get neighboring towns to join together as a block.

Then, there is "net metering". Here, a producer with an array has a meter that shows when solar energy has been sent into the grid or has been used by the producer himself. The difference between what goes to the grid and what is used by the producer leads, if there is excess, to a monetary credit, which has value in itself, because it can be directed to a neighbor.

A new idea that seems to be increasingly of interest is the "Community Solar Garden". These are limited liability corporations which sell shares and contract with customers. These entities are considered utilities by the State, but can be described as energy co-ops and are very popular in Europe. An entity of this kind can be created by neighbors who don't have an appropriate roof site for an array and join together with a neighbor whose array produces enough electricity for all to use.

Diane asked about the old concrete power dam on the South River and whether there was a possibility it could be restored and used to generate electricity. Jim said that the authority having the say in what was possible was not the State but the

Federal Energy Resources Council. The members were reminded that Jim Manwell in 1984 as a graduate student at UMass had created a detailed study of whether the dam could be made a power source.

The question of how arrays were measured, by kilowatts or by square footage, was raised. Joe pointed out that Conway's bylaws see arrays in terms of the former. Jim noted that some towns are using the latter as a more exact way of determining an array's actual on ground footprint. Whichever the way, a "Green Community" certification requires that a town allow a 250 kw facility by right. Joe thought that such a facility would cover about an acre of land. A 5 mega watt facility, or industrial array, would likely cover about twenty acres.

Dave Chichester asked what the role of an Energy Committee was, given that it was an entity which had to be created by a town in order to get "Green Certification." Jim said some of these committees frittered away after certification was granted. Others were very active. One of their roles, it was suggested, was on-going education of the residents of a town in how electric energy could be saved or produced. For example, the State does free energy audits on residences, and the outcome can be that insulation and other means for saving energy can be subsidized wholly or in part. If more residents were aware of this, they might seek an audit.

By this point, the meeting had been in progress for two hours, and Jim had to leave. He said he would be glad to come back and help both the Board and the Committee pursue the matter of energy production and savings.

(4) Sign—Laurie of Pages had inquired about erecting a sign in a visible location which advertised Pages. Joe reminded the Board that the Protective Zoning Bylaws, sec. 33.1, describe the kinds of signs allowable in the town. Laurie should look to these, though it was acknowledged that there are signs like the Festival of the Hills sign on Rt. 116 that actually violate the Bylaw. A sign larger than those allowed could be erected legally only through a special permit being given. On the other hand, a banner of any size could be hung without need for a permit.

(5) Web-site—Dave Chichester, before he reported on his preliminary design for a site, wanted to see a matter of procedure clarified. He noted that though Jim Barry was scheduled to appear at 7:30, and did so, that others intending to hear the presentation had arrived at 7:00, and proceeded to hold conversations with each other, though the Board had a half hour of business to conduct, which because of the chatter required members to raise their voices. He recommended that it be made clear when those persons should arrive who wanted to hear and participate in a particular presentation by an invited guest. Diane said she would find a way of making this point known.

Dave then showed the members the design he had worked up for a Planning Board web site. The design was composed of a series of blocks in which some aspect of the Board's mandated responsibility was manifested in ongoing activities and

publications. There was, for example, a block where the minutes of all meetings since January 1, 2013 could be accessed.

Dave had spoken with Craig Warner who has been developing the Town 's website free of charge, and also with Rick Bean, Selectman. Rick indicated that when the fiscal year turned—July 1st—the Town was going to sign on with “Virtual Towns,” which will provide web designer services for a fee. The website for Conway would then fall to a professional to create, but given the one-size-fits-all web design offered by “Virtual Town”, Conway’s site would look much like those done by Virtual Town for other towns.

Diane asked whether it would be possible for the Board to continue to create its own site, and a link be established between it and the one created by “Virtual Towns.” No decision was made about how to proceed. Dave’s design, however, was thought a very good beginning for the Board’s own site.

The meeting ended by unanimous decision at 9:15. The next scheduled meeting of the Planning Board will be on Wednesday, June 19th, at 9:00 am when Peggy Sloan will be present, and the focus will be creating a Center Village District.

Respectfully submitted,

David Barten, clerk