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TOWN OF NORTON  
FINANCE COMMITTEE  
Municipal Center – Selectmen’s Meeting Room

MONDAY, APRIL 8, 2019  
7:00PM

MEETING MINUTES

**1. CALL TO ORDER**

The Monday, April 8, 2019 meeting of the Finance Committee was held in the Board of Selectman’s meeting room and was called to order beginning with the Pledge of Allegiance at 7:00PM by Mr. William Rotondi, Chairman.

Members present: Mr. Peter Carignan, Mr. Tom DeLuca, Mr. Richard Dorney, Mr. Stephen Evans (Vice-Chair), Mr. Walter Eykel, Mr. Paul Helmreich, Ms. Aimee Sawyer, Mr. Aaron Smith and Ms. Bonnie Yezukevich.

Also in attendance: Mr. Michael Yunits, Town Manager

Absent: Mr. Michael Fiore

**2. NEW BUSINESS**

Resident Joel Johnson (201 Bay Road) spoke on behalf of petitioner Kelly Gallagher with regard to the article for the Special Town Meeting on April 17, 2019. Mr. Johnson stated that he and 40 other abutting residents had concerns regarding the Bay Road/NextSun solar project, and that they opposed the bylaws enacted at the Special Town Meeting on January 14, 2019. He suggested a committee be formed consisting of residents and town officials to

work together to adopt a new bylaw concerning large-scale solar in residential areas. Mr. Rotondi asked if a change back to the previous bylaws would change anything with regard to the Bay Road/NextSun project. Mr. Johnson said no. Mr. Eykel asked what information was lacking. Mr. Johnson talked about the large scale of the project and its placement in a residential district, and details of the special permitting process he believes the residents that voted were not aware of. Mr. DeLuca stated it was possible the residents were aware. Mr. DeLuca stated that the project would garner \$200,000 per year for the town, per an agreement with NextSun. Mr. Johnson cited abutting residents' concerns regarding their decreased assessed property values. Mr. Helmreich stated that opposing the amended bylaw seemed an inappropriate attempt to block NextSun's Bay Road project. Ms. Sawyer asked Mr. Yunits if there were any time limitations affecting when the bylaw changes voted January 14 could be changed/repealed, Mr. Yunits said the town had not heard back from the Attorney General for its approval yet. Mr. Rotondi asked if we could wait to hear from the Attorney General, Mr. Yunits stated that, by state law, the town had to bring the petitioned article to a Special Town Meeting before April 20. Mr. Rotondi asked if NextSun's solar panels would cover 50% of the bog, Ms. Kathleen Stern (11 Fuller Dr) responded that NextSun's 63 acres of solar panels were considered "penetrable." Mr. Dorney asked Mr. Yunits if there had been an on-site audit by Mass CEC and if there was an update regarding energy credits. Mr. Yunits stated that there were not energy credits negotiated for the Bay Road project, but there were for the Plain Street project. Mr. Rotondi asked where the stated devaluation of the abutting properties had originated. Mr. Johnson stated that real estate agents had assessed their properties. Mr. Dorney stated he felt the property owners should have the opportunity to maximize his or her property in negotiating the details of the project with NextSun. Mr. Johnson commented that a possible two-year legal battle would be costly to the town.

Next to speak was Mr. Joe Cogliano (202 Bay Road, director of Blueview Nurseries). He outlined concerns about the devaluation of abutting properties, as well as the amount of power emitted in a residential area by the proposed NextSun project. Mr. Cogliano suggested repealing the bylaw from January 14, 2019 and proposed that a committee be formed to write a new bylaw for the Fall 2019 Town Meeting. Mr. Cogliano cited the SMART program's regulations for the amount of power allowed over cranberry bogs, saying the NextSun project would exceed it, but that the company planned to use batteries to remain in compliance. Mr. Cogliano stated that no long-term studies about the effects of solar panels on cranberry bogs have been conducted. Mr. Cogliano stated that the proposed NextSun project is in a well protection zone, which he believes raises concerns about health hazards and noise. Mr. Cogliano stated that although the Green Community

grant program regulations require a certain amount of properties to be as-of-right for solar, it does not require that all residential over 5 acres, commercial and industrial properties are. Mr. Cogliano asked that whether or not large-scale solar is right for residential areas be part of the discussion going forward, and suggested that, if so, a special permit be part of that process. Mr. Cogliano stated that the NextSun panels absorb 20% of the energy from the sun. Mr. Dorney questioned this statement, saying the northeast is a fertile ground for solar panels. Ms. Sawyer stated that when she voted at the STM in January, she did not take into account issues such as size limits, batteries and AC/DC, but wanted to know what assurances there would be that the abutting residents would continue to work toward a different solution if the article was accepted on April 17. Mr. Cogliano said he believed there would be other large-scale projects proposed wanting to take advantage of subsidies, and that this would motivate residents to stay involved so the bylaw would protect residential areas long-term. Mr. Evans asked Mr. Yunits if Town Boards had changed their position on the bylaw based on information provided by the petitioning group. Mr. Yunits said the Planning Board had a meeting scheduled tomorrow to discuss it. Ms. Yezukevich asked Mr. Yunits what the denial of the site plan by the Planning Board meant in terms of the NextSun project moving forward. Mr. Yunits said NextSun might appeal the decision or propose a new site plan. Mr. Eykel asked what the grounds for denial were, Mr. Yunits said he had not seen a report on the decision. Mr. Cogliano stated there are other issues with the project that do not match up with the SMART program, and emphasized a focus on agriculture. Mr. Smith commented that there are two separate issues: one regarding the NextSun project, which will go forward or not based on its own merits or lack thereof; and, two, the bylaw amendment from January 14, 2019, which repealed or not, will not affect the NextSun project. Mr. Smith suggested that recommending the April 17 article should have less to do with the NextSun project and more to do with the opportunity to reassess what would be best going forward for other possible locations for a solar project in town. Ms. Sawyer pointed out that the new bylaw also impacted whether or not solar panels can be built over cranberry bogs in town. Discussion was had to again clarify that repealing the bylaw would have no impact on the Bay Road/NextSun project. Mr. Rotondi asked why the article aimed to repeal the bylaw rather than make improvements to it, addressing concerns mentioned by the petitioners. Mr. Cogliano stated that this was because development of a proposal or plan would take time, and, in the meantime, another company could come in under the current bylaw to build solar panels on another cranberry bog near a residential area in town without needing a special permit. Mr. Cogliano again mentioned concerns regarding zoning and devaluing of abutting properties. Mr. Dorney asked about the zoning for the Bay Road cranberry bog. Mr. Yunits said it was a 61A farm property. Mr. DeLuca pointed out that John Scott Boulevard, which was originally an industrial area, had been re-

zoned residential several years back, which has had long-term financial effects on the town as a whole.

Mr. Yunits raised concerns about the April 17 Special Town Meeting article, including item 3: In 175-22-2.E which suggests deleting the current bylaw text and replacing it with new text about special permits required for large-scale solar projects built in residential areas. Mr. Yunits stated that the current bylaw protects residential properties with solar panels on their homes or in their yards and only requires a building permit, and that it would be problematic to remove this text. Mr. Yunits also questioned why, in reference to item 1: In 175-22-2.1, it would make sense to delete the definition of as-of-right siting altogether. Mr. Cogliano stated that the suggestion was made to "get us back to zero." Mr. Eykel asked to confirm that NextSun is purchasing the property from the farmer. Mr. Cogliano said yes. Mr. Smith asked who the "farmer" would be in such a case. Mr. Cogliano said NextSun has stated they plan to hire people to manage the farming. Discussion was had about cranberry yield, and it was stated that there is no state requirement for yield for bogs with solar panels. Mr. Carignan stated that given the number of megawatts mentioned and the number of homes in Norton, it seemed possible this site could power the entire town. Mr. Rotondi confirmed that the Planning Board was meeting the following day to vote on the article. Mr. Yunits mentioned that because the Board of Selectman were having a joint meeting this week with the School Committee, they would not be voting on the article until their meeting just prior to the Special Town Meeting on April 17. Mr. Helmreich pointed out that the Finance Committee historically has not taken action on such matters until the Planning Board has given their recommendation. It was agreed that a Finance Committee vote would be deferred until the Planning Board had taken their vote. Ms. Sawyer asked whether or not the Conservation Commission had weighed in, and Mr. Yunits responded that, because the article was in regard to bylaw, not a particular project, the Conservation Commission would not be voting on it. Mr. Rotondi stated that the earliest date the Finance Committee would be voting whether to recommend the article would be Wednesday, April 10. Ms. Yezukevich pointed out that the Board of Selectman would not have had a chance to vote at that point. Mr. Rotondi stated that because of this, it was likely the Finance Committee would wait until the night of the Special Town Meeting, April 17. Mr. Helmreich stated that he felt it wasn't necessary to wait until the Selectmen voted, just the Planning Board.

Mr. Yunits presented Article 1 of the Special Town Meeting on May 15 - a prior year electrical bill for \$10,381.92 for the Newland Street water/sewer property (the town has communication equipment on the radio tower) which would be paid from the existing

municipal electrical budget (001-290-570) to the water and sewer commission. A motion was made by Mr. DeLuca to recommend Article 1, seconded by Mr. Dorney. Unanimous 10-0. Motion passes.

Mr. Yunits presented Article 2 of the Annual Town Meeting on May 15 – to accept \$556,978 from MassDOT for the town's chapter 90 (transportation aid) allotment for FY2020. A motion was made by Mr. DeLuca to recommend Article 2, seconded by Mr. Helmreich. Unanimous 10-0. Motion passes.

Mr. Yunits presented Article 4 of the Annual Town Meeting on May 15 - \$40,000 from free cash to demolish and remove the 215-223 West Main St (the Sylvanus Campbell house and barn) because the Historical Commission had been unable to take on the cost of restoration, thus the structure is unsafe and uninhabitable. The Town sent a letter to the Historical Commission notifying them of the plans to tear down the house and received no opposition. The Building Inspector, Mr. Carmichael, had also sent a letter to Mr. Yunits mandating the demolition after Mr. Carmichael's site visit on 11/20/18. Discussion was had to clarify that the house and barn are on town property. Mr. Helmreich commented that it was a shame to demolish the house and barn, although it is necessary to do so. A motion was made by Mr. DeLuca to recommend Article 4, seconded by Mr. Helmreich. Unanimous 10-0. Motion passes.

Mr. Yunits presented Article 8 of the Special Town Meeting on May 15 – for a PILOT (payment in lieu of <sup>tax</sup> services) agreement with NextGrid Redwood LLC for \$20,000 for 20 years for the solar project at 54 Plain Street. Mr. Yunits pointed out that part of the agreement is also to provide energy to low-income residents and the town would receive the credits. Mr. DeLuca asked about the size of the project and Mr. Yunits responded it is 1.3 megawatts. Ms. Kathleen Stern (School Committee) said that the LG Nourse and the developer are working on an agreement that may include moving the playground (an abutting property), planting arborvitae trees, to change to string inverters, and to increase the size of the berms from 1 foot to 6 feet to address sound concerns. She stated that the concessions amounted to an extra \$100,000, which will be covered by the developer. Ms. Stern also stated that the sound emitted would reach the level of a conversation inside a house or that of a dishwasher. Mr. Carignan asked what happens after 20 years, Mr. Yunits responded that the plan would be renegotiated. Ms. Sawyer asked if a bond was required for decommissioning, Mr. Yunits responded yes, the Planning Board does require it. A motion was made by Mr. DeLuca to recommend article 8, seconded by Mr. Helmreich. Unanimous 10-0. Motion passes.

Mr. Yunits presented Article 11 of the Annual Town Meeting on May 15 - \$25,000 from free cash for the Highway Department to hire a crane for Tree Services to keep ahead of damage to power lines caused by storms. Mr. Yunits stated the electric company has done well taking care of the trees within 10 feet of power lines, but the town has to deal with anything further than 10 feet. Mr. Rotondi asked if the town goes out to bid for the purchase of crane services, Mr. Yunits responded no, the town does not have to bid because of the low cost, but Keith Silver looks to find the best value among who is available and cost. Mr. Dorney pointed out that this is the 3<sup>rd</sup> year we have used free cash for additional tree services, and that we should start to see some results. A motion was made by Mr. DeLuca to recommend article 11, seconded by Mr. Dorney. Unanimous 10-0. Motion passes.

### **3. OLD BUSINESS**

#### **FY2020 Budgets:**

131-Finance Committee, in the amount of \$1,410, from raise and appropriate. A motion was made by Mr. DeLuca, seconded by Mr. Dorney. Unanimous 10-0. Motion passes.

177-Zoning Board of Appeals, in the amount of \$300, from raise and appropriate. A motion was made by Mr. DeLuca, seconded by Mr. Dorney. Unanimous 10-0. Motion passes.

294-Tree Warden in the amount of \$2,000, from raise and appropriate. Ms. Sawyer asked if we're going to spend this \$2,000 because it was appropriated but not expended in FY17 and FY18. Mr. Yunits stated that there are requirements for the position, and that finding a person that meets the requirements is a challenge. A motion was made by Mr. DeLuca, seconded by Mr. Helmreich. Unanimous 10-0. Motion passes.

692-Memorial & Veteran's Day, in the amount of \$1,500, from raise and appropriate. Mr. Yunits said it was to help defray costs associated with the holidays and the parades. Mr. Dorney asked if the \$1,500 appropriated was the total amount needed, Mr. Yunits responded that no, additional private funding is always provided, such as from the VFW and other local organizations to pay for hot dogs, American flags and grave markers. A motion was made by Mr. DeLuca, seconded by Mr. Helmreich. Unanimous 10-0. Motion passes.

#### **4. UPCOMING MEETINGS**

Wednesday, April 10, 7PM, Selectman's Meeting Room

Wednesday, April 17, 6PM, High School Cafeteria (prior to Special Town Meeting)

Mr. Smith asked what the Committee would discuss at the next meeting. Mr. Rotondi stated more town budgets would be reviewed and voted on for recommendations. Mr. Rotondi reviewed the rest of the Finance Committee meeting schedule prior to the Annual Spring Town Meeting on May 15 – April 10, April 17, April 22, April 24, April 29, (likely) May 1, and possibly May 6 and May 8.

#### **5. MEETING MINUTES**

Mr. Eykel circulated minutes from March 25, 2019. The time of adjournment was estimated to be 8:30PM. A motion to approve was made by Mr. Dorney, seconded by Mr. Helmreich. 10-0-2 (2 abstentions-Mr. Evans and Ms. Sawyer). Motion passes.

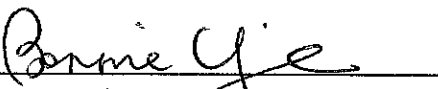
#### **6. ADJOURNMENT**

A motion was made to adjourn at 8:25PM by Mr. Dorney, seconded by Mr. DeLuca. Unanimous 10-0. Motion passes.

Respectfully submitted by:

  
William Rotondi, Finance Committee Chair

4/22/19  
Date Approved

  
Bonnie Yezukevich, filling in for Ms. Tarantino