

Pelham Planning Board Meeting

Monday, July 8, 2019, 7:00 pm Pelham Community Center

Present: Judy Eiseman, Lexi Dewey, Leslie Laurie, Linda Spink, and Pete Wilson. Invited visitors Dave Waskiewicz, David Gross, Bill Wilson, Jeff Eiseman, and Rusty Rowell.

1. Called to order @ 7:03 pm.
2. Approved the minutes from the May 13, 2019, and June 10, 2019 meetings.
3. The P.B. approved Judy to be the representative to the C.P.C. committee, Pete to be the alternate.
4. The P.B. received the following items for the pavilion, a plot plan with the placement of the pavilion on it. The deed to the land, and where the current septic system is located. Linda indicated she would scan these items and send to the Board members.
5. The P.B. unanimously supported the Biomass sign on letter to DOER, which expressed concerns over the agency's plans for changes in the regulations based upon scientific research and understanding that had been agreed to in 2012. (attached)
6. The P.B. discussed the issue at Bill Wilson's property at 117 Buffam Road. The Building Inspector and Bill Wilson attended the meeting along with David Gross from the ConCom and Jeff Eiseman, ZBA Chair. The Board was informed that the Building inspector made a site visit and walked the property looking at what is located on the property. Wilson buys or otherwise acquires military type equipment of a variety of types in large quantities for purposes of "tinkering" or fixing them; he believes they are sturdier than what can be otherwise obtained. He says there are no weapons or typical "military type" items but, rather wire and other items that might be of use to him. Bill Wilson was asked what he is doing with all the items he has on his property. Bill responded that he is retired and doing what he likes. Bill has a farm and some of the items are used for farming. Bill shared that he has helped the Town of Pelham and would be willing to help in the future by repairing and/or selling or bartering equipment which he collects as a hobby at this point.

Building Inspector commented on the following: batteries are on a pallet or pallets; the trailers are used to store items, and there are eight unregistered vehicles.

Jeff Eiseman asked the Building Inspector if he noticed or came across anything on the property that would concern the Zoning Board of Appeals. Waskiewicz replied that this does not seem to be a commercial enterprise so the main question to him is the storage of the vehicles; Eiseman suggested that other questions may have to be pursued. Wilson was told that if his uses were found to be other than those explained at the meeting or changed, he may be required to get a Special Permit from the ZBA. In the meantime he **must receive a permit from the Select Board under Section 125-16 Unregistered Vehicles of the Zoning Bylaw** to continue storage of these vehicles. The Select Board may issue such a permit at their discretion. [See pertinent appended zoning bylaw section] The Conservation Commission obtained permission to conduct a wetlands determination on the Wilson property as Gross indicated that there was no way of ensuring accurate location of areas subject to the Commission's jurisdiction or of areas of potential environmental concern without a field visit and delineation of wetlands in the area.
7. The P.B. discussed the issue with a property on Meeting House Road following events that occurred. The Owner of the property has a lot of stuff, vehicles, trash, etc about the exterior of the property. The owner rents rooms to individuals who are a contributing factor in the matter. The Board of Health has a history with this property, and currently has conditions outstanding for the owner to comply with. The board was looking to identify who could speak to the owner about the circumstances that are taking place at the property. Judy Metcalf may be the closest person who has a positive history with the owner. Judy Eiseman informed the Board that she has spoken with Karen Ribeiro and has provided the information for contacting elder service that Leslie provided.
8. The P.B. discussed the Town's solar by-law and locating solar installations under power lines. The impact on wildlife migration with the fencing of solar farms is of concern but other towns apparently have solar power beneath power lines and/or beneath the ROW, so with proper regulatory pressure and addressing of concerns, this may be permissible. Judy will look further into this.
9. The P.B. discussed the stormwater bylaw and tabled it for Spring Town Meeting. Judy feels the Conservation Commission should oversee stormwater. Pete feels that stormwater is a function of the Planning Board to

oversee. In the interim, should any development come forward the Board would exercise site plan review to address the stormwater management for the project and seek opinions and assistance from the Conservation Commission.

10. Public meeting August 5, 2019 will be posted if Lexi and Judy believe any potential changes to the zoning bylaw can be ready for Fall Town meeting. Warrant articles are due August 8 which is a very short time frame.

11. The P.B. discussed the recent PVPC vote for the new Executive Director to replace Tim Brennan who is retiring. Judy attended and cast her vote for Kimberly Robinson who received the most votes from the Commissioners in attendance.

12. The P.B. discussed staffing needs, Leslie put together a job description for the position and indicated she believes it is essential for the Board to have assistance of various types rather than have clerical work done by the Board. Judy suggested that the town has provided \$5,000 for the year for consultancy and certain types of assistance but that volunteer effort is required by a volunteer government officials. Therefore, more thought needs to be given to the actual needs of the Board at this point before finalizing the description.

13. The P.B. put on hold the P.B. Guide until September.

14. Pete to provide the town of Amherst and Northampton P.B. fee schedules for the Board to look at.

15. Next meeting July 29, 2019, @ 7:00 pm, History Room of the Community Center.

Meeting adjourned at 9:07 pm.

Respectfully submitted,

Pete Wilson, Member

§ 125-16. Unregistered motor vehicles.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

MOTOR VEHICLE — Any vehicle, self-propelled by an internal combustion engine, which is permitted and requires a valid registration legally issued by a governmental authority in order to be operated on a public way. For the purposes of this chapter, a motor vehicle shall include but not be limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters and tractors.

MOTOR VEHICLE ACCESSORIES — Any part or parts of any motor vehicle. PERSON — Any individual, firm, partnership and/or corporation.

PRIVATE PROPERTY — Any real property not owned by the federal, state, county, Town government or other public subdivision.

REMOVAL — The physical relocation of a motor vehicle and/or motor vehicle accessories to an authorized location.

UNREGISTERED MOTOR VEHICLE — Any motor vehicle that does not have a valid registration legally issued by a governmental authority.

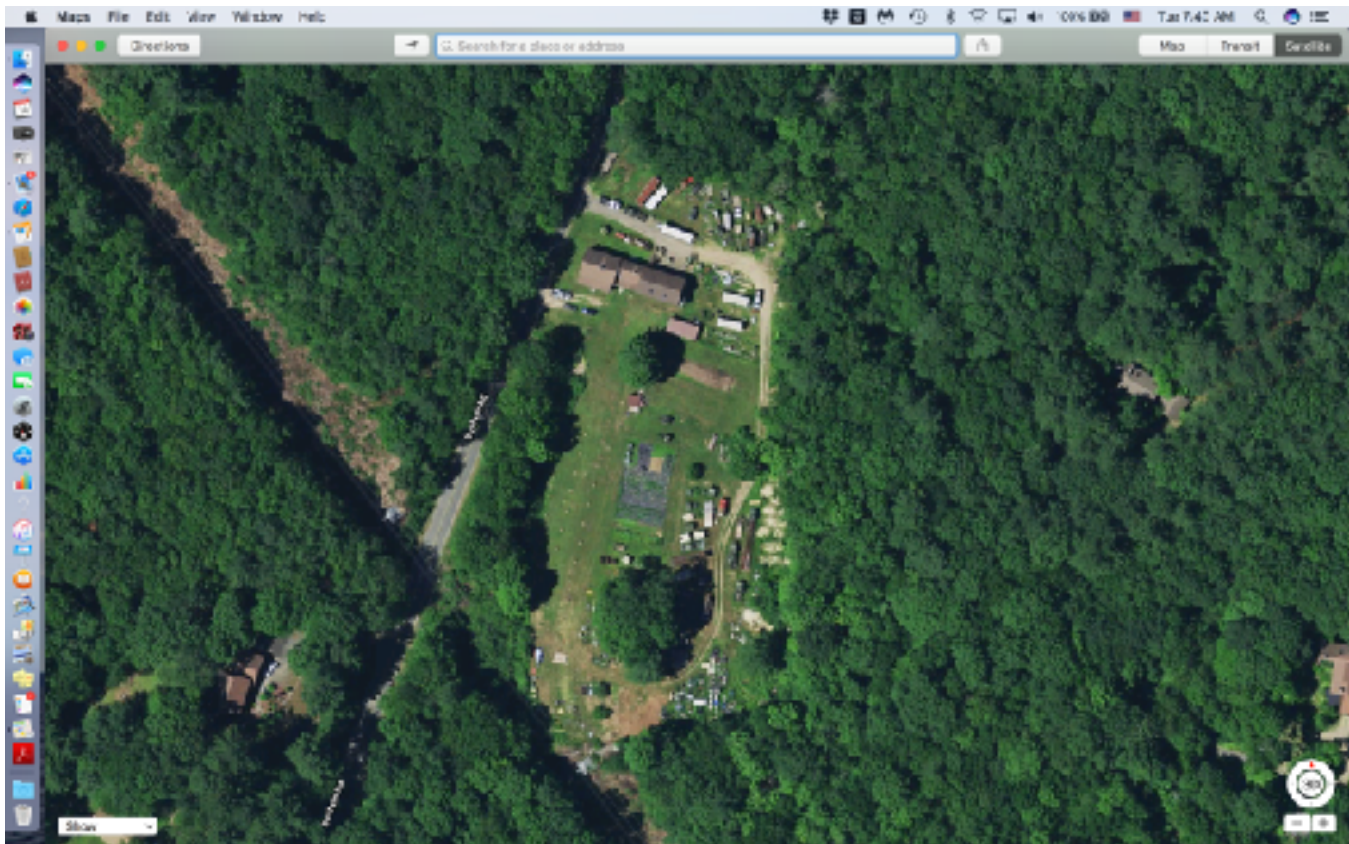
B. No more than two unregistered motor vehicles, and no motor vehicle accessories which are not parts of said two vehicles, may be parked, stored or otherwise placed on a parcel of land without a special permit from the Board of Selectmen.

C. The Selectmen may issue a special permit to a person for the storage of more than two unregistered motor vehicles and motor vehicle accessories.

D. Any unregistered motor vehicles and/or motor vehicle accessories permitted in Subsections B and C above shall be screened from the view of the public, from abutting public ways and from abutting properties by being enclosed within a structure or fencing.

E. This chapter shall not apply to the parking, storage or otherwise placing of unregistered motor vehicles and/or motor vehicle accessories where such parking, storage or placement is in connection with a legally established business selling new and/or used automobiles and trucks, or automotive repair or automobile service stations. This chapter shall also not apply to trucks and tractors which are in use for bona fide agricultural purposes.

Wilson Aerial View



DOER BIOMASS Sign on Letter

Stakeholder Letter to DOER Re: RPS Changes
June 7, 2019
Massachusetts Department of Energy Resources
Attn: John Wassam
100 Cambridge Street, Suite 1020
Boston, MA 02114
--- submitted electronically via doer.rps@mass.gov ---

Re: RPS Class I and RPS Class II Rulemaking - 225 CMR 14.00 and 225 CMR 15.00 - Joint Stakeholder Comments

Dear Mr. Wassam:

Thank you for the opportunity to provide additional comments regarding the proposed changes to Massachusetts' Renewable Portfolio Standard ("RPS") Class I and RPS Class II Regulations. The undersigned represent advocates for energy, the environment, environmental justice, public health and health care, communities and citizens of the Commonwealth, all dedicated to helping Massachusetts lead the nation on clean, renewable energy growth and climate action. This rulemaking was prompted by passage last summer of legislation to increase the RPS by 2% per year beginning in 2020. At times, the proposal has been characterized as minor technical corrections aimed at cleaning up and clarifying the standard. However, what has been proposed by the Department of Energy Resources ("DOER") is far more than modest adjustments.

The changes proposed to the RPS would weaken the very important state energy standard that heretofore has been an essential driver of the development of clean renewable energy resources.

We offer these comments for further consideration as the administration moves forward with this rulemaking.

Climate change is occurring at an accelerated rate. Increasingly, its impacts are being felt in communities and across all sectors of the Commonwealth. Decarbonization of the electric sector is the most cost-effective way to achieve deep greenhouse gas ("GHG") emission reductions required to comply with mandates set by the Global Warming Solutions Act ("GWSA"), let alone to combat climate change. Accordingly, Massachusetts' RPS—one of the longest-standing, most science-based standards in the nation—has not only been an essential driver of clean energy development in the state and the region, but it is also a critically important component of the Commonwealth's GWSA compliance strategy. Now is not the time to ease its stringency. And yet, that is what has been put forth by DOER as part of this rulemaking.

Most disconcerting are DOER's proposals for substantially weakening biomass eligibility requirements and increasing subsidies for garbage incineration. As a state, we simply cannot burn our way to climate compliance. Burning woody biomass and incinerating trash for electricity without adequate lifecycle standards results in GHG emissions that undercut climate gains. These technologies also cause harmful local air pollution that compromises public health. The health burdens imposed are especially harmful for the Commonwealth's most vulnerable residents: children, the elderly, and communities already overburdened with pollution.

BIOMASS

The proposed biomass changes will gut climate protections and put public health at risk. DOER is proposing to reduce or completely eliminate the core requirements of the 2012 RPS rules — the first in the nation and the world to recognize that burning wood for energy increases greenhouse gas emissions. These science-based rules were developed through a comprehensive process undertaken in the wake of public outcry over three large wood-burning power plants that were proposed in western Massachusetts. DOER's proposed rollback lacks scientific integrity, transparency, and adequate public process. For example, DOER proposes the elimination of efficiency criteria for biomass power plants that burn significantly expanded categories of "salvage" wood and "residues". Both the efficiency requirement cuts and the expanded category definitions will result in increased emissions. DOER also proposes to eliminate Massachusetts-specific forest harvesting criteria, which are critical to ensuring

actual biosequestration for the qualifying biomass. DOER's calculations further grossly underestimate lifecycle CO2 emissions from bioenergy by neglecting to also account for fossil fuels burned during harvesting, processing, and transport of biomass. DOER's biomass proposal incentivizes logging and burning trees for electricity without any justification based in environmental or climate science. This will increase CO2 emissions and decrease carbon sequestration. These changes will allow polluting and inefficient wood-burning biomass power plants in Maine, New Hampshire and elsewhere that are currently ineligible for the MA RPS to receive tens of millions of dollars in renewable energy credits (RECs), and will incentivize new biomass plants to be constructed in MA and beyond.

TRASH INCINERATION (RPS Class II)

In the RPS Class II waste-to-energy section, DOER proposes increasing the amount of energy our utilities must purchase from qualifying facilities from 3.5% to 3.7% for 2019 through 2025. DOER also proposes increasing the RPS Class II waste-to-energy rate to align with the RPS Class II Renewable Energy alternative compliance rate, effective this year. In this category, where no new facilities are coming on line, increasing these two figures is simply an action that directs more money to existing generators without any benefit to the people of Massachusetts. Burning solid waste is highly polluting and already produces 750,000 tons of incinerator ash containing heavy metals, furans, and dioxin each year, which must be disposed of in landfills. For those forced to live in close proximity to these facilities, the effects are even more dire. Studies show residents near incinerators suffer increased rates of disease and shorter life expectancy. The RPS should not be adjusted to prop up and extend the operation of aging incineration facilities, nor should it be used to facilitate the development of new trash-burning plants, at the expense of the health and lives of residents of the Commonwealth.

Proposed changes to requirements for hydroelectricity, solar energy, and imported energy are also problematic.

HYDROELECTRIC GENERATORS

The stringency of RPS requirements currently induces development of and investment in facilities that are as clean as possible. In the case of hydroelectricity, the RPS encourages facilities that have the least environmental impact possible. DOER, however, proposes to remove a requirement for recertification from the Low Impact Hydropower Institute ("LIHI"). Currently, an RPS-eligible hydropower facility must meet rigorous standards for river flows, water quality, fish passage and protection, watershed protection, threatened and endangered species protection, cultural resource protection, and recreation. Rivers are dynamic ecological systems, and the recertification process as currently required ensures that negative environmental impacts continue to be minimized in a manner consistent with the Green Communities Act ("GCA"). Watering down and removing the requirement for recertification from LIHI would undermine a project operator's motivation to improve their systems and minimize their environmental impact over time. A qualified project would effectively receive a lifetime qualification regardless of any environmental changes or technological advances that would prompt updated conditions to protect river systems.

CHANGES TO THE SREC-1 PROGRAM

The SREC-I program played an important role in accelerating the early deployment of solar energy in Massachusetts, making the Commonwealth a national leader for solar. Under the original regulations for SREC-I, qualifying projects are eligible to generate SRECs until the end of the program in 2023, although they are only able to participate in clearinghouse auctions (a form of price support) for 10 years. The proposed changes, by limiting overall SREC eligibility to 10 years, would reduce the amount of time that these projects are eligible to generate SRECs by at least one quarter and up to 4 years. Although these changes would not affect any new solar projects that are built today, we are concerned that changing the rules this late in the game for SREC-I would create uncertainty around future solar programs. This uncertainty could have the effect of slowing down solar development in Massachusetts, at a time when we should be accelerating our clean energy progress.

IMPORTED ENERGY

DOER has proposed to remove the requirement that energy generated outside of New England be imported under a contract and delivered into New England in order to be eligible to create a Renewable Energy Certificate ("REC") used to demonstrate compliance with the MA RPS. The proposed change goes against rules that have been in effect for over 15 years and are set in Massachusetts RPS statute. This change threatens the integrity of the REC market and opens the door for sham energy trades to generate RECs that could destabilize the market,

causing a lack of trust and making it harder for renewable energy projects to grow within the region. The removal of this requirement should be rejected.

In closing, the proposed changes to the RPS regulations are not mere technical corrections aimed at “cleaning up” the RPS. Instead, DOER has proposed overhauling the state’s RPS, gutting the very components that have distinguished it from other states and made it such an effective driver of renewable energy development for nearly two decades. In driving project development, the RPS has helped to establish a stable, reliable market for clean energy resources. This should continue. Moreover, since this rulemaking has been undertaken in response to legislation increasing the annual RPS compliance requirements and given the urgency of climate change and the imperative that Massachusetts transition away from GHG-emitting generation as quickly as possible, DOER should be exploring ways to increase the stringency of the RPS to bolster the deployment of non-emitting resources, rather than facilitating the deployment of technologies that further burden public health and undermine climate gains. Toward that end, we respectfully request that changes proposed that will weaken the RPS, as discussed in this letter, be withdrawn.

Thank you for your time and consideration.

Sincerely,