

**Mansfield Light Commission Minutes**  
**December 3, 2014**

**Present:** Jess Aptowitz, Chair; Olivier Kozlowski, Vice Chair; Frank DelVecchio, Clerk; Doug Annino, George Dentino; William Ross, Town Manager; Gary Babin, Director

**1. Meeting Called To Order At 7:00 p.m.**

Chairman Aptowitz called the meeting to order. The Chairman reminded everyone the meeting is being broadcast live and taped for future broadcast on Mansfield Cable.

**2. Discussion and Action on Proposed Solar Installation on Branch Street (former IPSO and Campo Chemical Site)**

Chairman Aptowitz explained that the process for this evening's meeting is a workshop format for the Light Commission and is intended to assist with any questions or concerns the Commission may have with the materials submitted by both the applicants and residents. The Chairman also noted that Town staff is also on hand to answer any questions the Commission may have.

Chairman Aptowitz noted that Gary Babin, Director of the MMED, and his staff distributed a binder to the Commission with a summary of the project and incorporated all of the residents' questions with corresponding answers. The Chairman asked Mr. Babin to go through the booklet with the hope that any questions the Commission may have will be answered.

Mr. Babin noted the binder was not only distributed to the Commission but to the applicants as well as James Farley, representative of the residents. Mr. Babin outlined the contents of the binder to include: Tab 1: Brief Summary of the Project Proposal (information provided to the Commission previously), Tab 2: Attorney Valanzola's submittal of response to the residents' questions, Tab 3: Town's submittal of response to the residents' questions and Tab 4: Sample Purchase Power Agreement (generic in format).

Mr. Ross noted that the Town was still receiving information, questions and analysis from the residents as late as 4:00 PM today. To the best of their ability, Town staff tried to answer all of the late responses. Mr. Ross emphasized that the Purchase Power Agreement is a DRAFT ONLY. Mr. Ross reported that he and Mr. Babin discussed this with Mayhew Seavey (Town's consultant on rates/Purchase Power Agreements) strictly from a benefit to the electric utility basis and the response was with a little tweaking they felt it to be beneficial to the Electric Department in terms of rate structure and cost of power.

Chairman Aptowitz reminded everyone that this was a request of the Light Commission for workshop purposes and there will be no participation from either the applicant or the residents during deliberations. It was decided to review the questions contained within the binder.

Mr. Babin began reviewing Tab 3, which are the Town's responses to residents' questions/requests (14 in total). The binder has been made a part of the record.



With regards to question 18, Mr. Annino asked if this plan would need to go before the Planning Board for site review. Mr. Ross stated he believed that solar installations are exempt but noted if it is required there will be a site plan review by the Planning Board.

Mr. Babin noted there were eight additional questions submitted and that the Town was able to address the following:

- 1) Will the power being distributed and transmitted into the electrical grid be controlled by an independent power generation control center? If so, please describe, if not, please describe how the power distribution and transmission will be controlled.

**RESPONSE:** Mr. Babin explained that solar facilities generate power in the form of direct current and through a series of inverters, convert that power to an alternating current, which is what feeds into the system. Once the AC power is generated at 480 volts it then goes through a transformer that steps it up to 13,800 volts and that interconnects with the Town's electric system. There is effectively two power generation control centers involved, the inverters themselves and then there is a second device called the "recloser" that the utility installs at the point of connection. Mr. Babin noted there are a lot of sophisticated devices located with the two control centers such as overcurrent relays, over and under voltage relays, over and under frequency relays that are used to monitor the power output and quality of the power to ensure that it is utility grade.

- 2) Once the power has been generated at the solar plant and transmitted and distributed, which party has liability for any negative consequences including electrical equipment damage that may occur as a result of potential power surges or out of phase power that could originate within the solar plant?

**RESPONSE:** Mr. Babin explained that with respect to liability the Purchase Power Agreement covers any number of liability issues that are related to the project. He noted the most important role at Mansfield Electric is limiting any negative consequences that might take place during the design phase. Not only is the design reviewed for compliance but there is also operational testing done. Ultimately, the light department is responsible for the power quality to customers' residences and has a vested interest in protecting that and the electrical system. He noted these installations are common in the State and that the department feels comfortable with the technology.

Mr. Ross stated that the Town does have a good sized solar installation already in place in the north central part of the community that has a Purchase Power Agreement in place. He noted that although that is of a smaller scale it still has given the Town experience in this field with these systems and reported there have been no issues reported.

Chairman Aptowitz then asked Mr. Babin to go through the applicant's responses to questions submitted by the residents (found in Tab 2 of the binder).

Mr. Babin read through the questions and answers from Tab 2.

Mr. Babin then read through the supplemental questions that his office received late this afternoon.



- 1) How does the developer plan on securing the solar panels to the earth and ensure safety during high wind conditions?
- 2) If the developer plans on pouring cement pylons and requires other earth moving measures for use in anchoring, we would request an investigation as to whether the building permit would allow such excavation. To our understanding no excavation should be allowed.
- 3) If the developer does not plan on anchoring the solar panels and other on-site equipment we would request an independent study showing a worst case scenario showing the impact to local residents and surrounding woodlands in the event of a high impact hurricane or tornado as it relates to the potential for onsite equipment to become airborne and cause personal injury or property damage.

**RESPONSE:** The design will be stamped by a registered professional structural engineer and the mounting design will be subject to the same or higher standards as any structure for building code and wind load compliance. The project is over engineered and designed to withstand a factor greater than the highest wind speed rating in the area.

Mr. Babin noted the essence of the response is that all the foundations for the equipment will be designed by professional engineers and have stamped plans for loading and wind conditions. Mr. Ross noted they will have to meet the building code and he felt they will in fact "more than meet the building code."

Chairman Aptowitz asked the Commissioners if they had any questions on behalf of the applicant's responses.

Mr. Dentino is fine with both parties' questions and responses but noted that each could continue to provide information to bolster their case as he felt this is not an exact science. Mr. Dentino felt that Mr. Farley and fellow residents have truly tested the Commission. Mr. Dentino would like to see a source for any statements made (i.e. standards, test results).

Mr. Annino felt these were good questions and presented well. Mr. Annino found the Clean Energy Results publication by the DOER (Massachusetts Department of Energy Resources), an independent guide, to be extremely helpful to ensure the concerns of the residents/abutters were not as dire as initially presented.

Mr. DelVecchio referenced Item 6 (Tax Incentives) and it was his understanding that there was a proposed solar project at the Town's landfill that did not go forward because of a change in incentives. He asked if that were true and if so how does that apply in this case. Mr. Ross explained that proposals were taken and as the staff was working through the Purchase Power Agreement, that the value of the Renewable Energy Credits (RECs) dropped because the volume of RECs being generated statewide undercut prices. Mr. Ross reported at that point the developer wanted to adjust the power price to MMED in order to take into account the lower value of the RECs and the Commission refused and the project never proceeded. Mr. Ross felt this instance is slightly different as the Town is not taking proposals on its property and the developer is taking all of the risk that the value of the RECs will sustain the project. He also stated that the Town will have protections built into the Purchase Power Agreement. Mr. Babin added that there is also a 30% tax credit toward capital costs of these facilities as well as the renewable energy credits that



are generated, which are treated as a commodity and sold at an auction conducted by the State. All of these provide the cash flow to support the debt associated with these projects.

With regards to Item 9 (Property Valuations) Mr. DelVecchio noted there is a reference to a report which indicated there is not any study to show an impact on property values. Mr. DelVecchio felt it would be helpful to contact communities with solar facilities and their experience with regards to property values.

With regards to Items 83 – 86 (Maintenance), Mr. DelVecchio was curious as to who will be providing the maintenance on the project. Mr. Ross noted it would be the owner at its expense.

With regards to Items 87 -89 (Tree Cutting), Mr. DelVecchio wondered if there would be any kind of provision as to trees and visibility and working with individual property owners. Mr. Ross mentioned that there are two agreements needed: 1) a Purchase Power Agreement which meets MMED's needs and 2) a Development Agreement which will focus more on abutter needs.

Mr. Annino's concern is that there is no Planning Board review or approval of the project so doing any agreement with the developer would have to include a site plan which would need to be discussed in detail. Mr. Ross agreed.

Mr. Ross noted that an additional item that arrived late this afternoon was a financial review by Sergio Martin, a direct abutter. This information has been provided not only to the Commission but to the developer and Mr. Farley. Mr. Ross wanted to point out that MMED's initial concentration on the financials really relates to the value of the power to the electric department in terms of savings. As he mentioned earlier, contact has been made with Mayhew Seavey who felt there to be a definite benefit to MMED in terms of capacity from the project and also a financial benefit due to the cost being lower than what MMED can purchase on the grid. Mr. Martin's analysis is with regards to the property tax issue but nonetheless is appreciated. Mr. Ross felt it is important to note that in terms of the continued comments of the addition of homes potentially adding to the school's enrollment, that school enrollment is trending down by almost 800 – 1,000 students compared to the Town's peak.

Mr. Kozlowski stated what he is looking at is that this is a residential area, although zoned industrial but that it is, for the most part, residential. He noted that in the DOER report it specifically states on page 9 that "town centers and residential areas are locations where large ground mounted PV is not encouraged" but yet does not elaborate why that is so. Mr. Kozlowski questioned what could ultimately go on this site if this project is not approved. He referenced the two AULs on the property and that the Commission has yet to be able to review them and he felt that as decision makers and even for the abutters there is still not a clear picture as to what the best use of the site is.

Chairman Aptowitz felt as Commissioners there is a proposal before them with issues on both sides of the fence and mentioned the possibility of something more "drastic" placed on the site (garage, warehouse) if the solar installation is not approved. Mr. Kozlowski felt there is a lot of speculation. Mr. Babin did ask Town Counsel to research the AULs, which has been done, and Mr. Babin will ask that a summary be provided. Mr. Kozlowski would like the Commission as well as the abutters to have a realistic picture. Mr. Ross noted the AULs can be referenced by Book: 18830, Page: 20 (Campo site). Mr. Kozlowski is also concerned with the tax benefits and felt that perhaps with another project the Town could do better. Mr. Kozlowski asked Mr. Ross if



there were any way to compare what the rates will be in 25 years to see if this is in fact a good deal. Mr. Ross noted that it depends on a few things. He clarified that what the Commission is looking at is firm energy supply and that the department also purchases energy on the spot market in quantities that vary by season. Those costs vary by total demand and what generating units are being put into operation in order to meet the need. He noted that the cost is higher in the summer when loads are highest. Mr. Babin noted the biggest benefit to MMED with a project like this is that it is behind the meter, which lowers the overall cost structure.

Mr. Dentino felt this to be a project with impacts both positive and negative. He focused on the impact to the residents in terms of safety, health and aesthetics. He tries to balance the positive and negative and measure against the effects on the neighborhood and its quality of life.

Mr. DelVecchio noted he has additional questions as he is focusing on health and safety in addition to financial viability, which he felt to be threshold items. He asked for the developer's experience with respect to these types of projects to which Mr. Ross noted he would need to get that information. Mr. DelVecchio also asked for the consultant's experience. Mr. DelVecchio would like more information with regards to opportunity costs from taxes and could the Town potentially collect more taxes with a different project. Mr. Ross will seek an opinion from Town Counsel.

Mr. DelVecchio also wondered if there were any anecdotal information about property values and the impact of a solar facility. Mr. Ross felt it would be appropriate to ask Nancy Hinote, Asst. Town Assessor, to conduct research on that with other assessors. Mr. DelVecchio asked how much solar power the Town can use, to which Mr. Babin noted it has to do with the physical impact on the system and referenced the system's size. Mr. Babin also stated that it would depend on MMED's project entitlements and he stated MMED's demand is about 39 MW in the winter with a maximum load of 55 MW in the summer and a capacity requirement of 65 MW. Mr. Babin noted that solar is an intermittent source that doesn't necessarily contribute to shaving the peak and is dependent on weather and time of day and year.

Mr. DelVecchio then asked what the financial impact of the savings the Town is anticipating. Mr. DelVecchio referenced a quote from the developer of \$2 million over the 25 years which is \$80,000 a year. Mr. Babin explained they have been working through the numbers and that seemed accurate. In terms of the green impact the developer claims, Mr. DelVecchio asked for the basis of that information (industry standards, study). Mr. Babin would work further to get that information but Mr. Ross felt a lot of it came from the DOER publication, which Mr. Aptowitz noted was an independent source. Mr. DelVecchio also requested a refined financial impact analysis in terms of future rates. Mr. Ross noted it would be small and that the Town constantly looks at opportunities to provide any savings to ratepayers but would provide assumptions to Mr. DelVecchio.

Mr. Ross felt this to be a most civil and rational discussion and thanked all parties involved.

Chairman Aptowitz asked if the Commission would be comfortable taking a vote at next week's meeting. Mr. DelVecchio would like to have the answers to the questions he posed this evening. Mr. Dentino would like another week to speak with residents and work to possibly minimize the effect of the facility on the neighborhood. Mr. Kozlowski wanted to know what the alternate uses are for the site and would like to have the opinion from Town Counsel on the AULs. Chairman Aptowitz asked Mr. Babin and Mr. Ross to get the necessary information back to the Commission from this evening's meeting. The Chairman reminded the Commission that they cannot deliberate

on any information provided but are welcome to ask questions and follow up with Mr. Babin or Mr. Ross. Chairman Aptowitz would like to tentatively schedule a vote at next week's meeting, December 10<sup>th</sup>.

Chairman Aptowitz also suggested that when the Commission does vote it will be done by paper ballot.

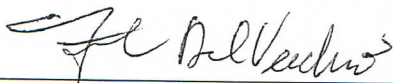
Mr. Dentino was under the impression that the Campo site could not be built upon as it would require digging below the cap on the property. Mr. Ross noted that is the opinion the Town is waiting for from Town Counsel.

### 3. Questions and Comments

None.

### 4. Adjourn

To adjourn Light Commission Meeting at 8:38 PM (Kozlowski/DelVecchio) PASSES 5:0



Signature of Clerk

3-11-2015

Date of Approval