

Minutes of Pepperell Climate Change Committee – 2022-08-24

Meeting Recording: [Castus Recording - Climate Change Committee Meeting 2222-08-24](#)

Approved: 2022-09-08

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Committee Members in Attendance:

Ken Hartlage (absent)
Jessica Veysey-Powell
Jason Veysey
Renee D’Argento
James Scarsdale
Robert Cataldo (absent)
Beth Faxon
Craig Sadowski

Guests:

Sherril Rosoff
Tony Beattie

1. Open meeting

- Craig Sadowski has been approved by the Select Board as the newest member of the CCC.
- Another application to the committee has been submitted to the Select Board by Terumi Okano, who has a chemical engineering background and other strong credentials. There may also be an application from Wayne Burton.
- Sue Edwards has sent an invitation for a party for Ken Hartlage, to be held at Sue's house on Sep 22. Ken will be resigning as Chairman at the Sep 8 meeting after making enormous contributions to the committee's work.

2. Approve prior meeting minutes

The minutes of the 2022-07-21 meeting had an error, so approval was deferred to the Sep 8 meeting.

3. New Business Discussion / Action Items

3e. Quick update on Community Solar project (Jason)

[Moved up in order to allow Jason to present]

- At last meeting, the committee voted approval of a recommendation for the landfill solar study in the last meeting.
- The approval has been conveyed to Cadmus
- Preparing to present to the Select Board on Sep 12.
- Preparing a motion that a Select Board member could make to endorse the findings of the study and endorse moving forward with the developer owned model and production of supporting documentation for that model.
- Cadmus is still on contract to help out with the supporting documentation. Jason has also notified them that we would like them to write a full draft of the RFP or solicitation that we would use to find a developer to do the project.
- Since we have some unused grant funds, we may try to retain them for some other services – notably to review proposals that we get in response to the solicitation and to provide us with advice and direction on them.
- This phase is coming to a close at end of September, and we're hoping for Select Board approval and sending of solicitations as soon as possible.
- We and Ken Kalinowski have been contacted by Reilly Developers, who may be interested. There is optimism that we'll get other good responses once the solicitation has been sent.
- Beth – is any support from other members before or during the Sep 12 Select Board meeting?
 - Jason – good support from the Select Board is expected based on preliminary conversations, but committee member attendance is encouraged. Jason will send a message as soon as our topic makes to the floor of the meeting.

3a. Follow-on discussion of Leighton St.

Minutes of previous meetings where this issue was discussed haven't published yet, so we have to rely on members' memories to inform the discussion.

- Renee – on closer inspection of the Zoning By-Law, the vote was to bring the two 40R's to DHCD (Department of Housing and Community Development) as a proposal. However, under the zoning bylaw that's being proposed, the town smart-growth district includes the other three, and a 40R can be built at any of those three sites, so they are effectively on the table. The issue

is the capacity of our water supply and other services. There are concerns as to the appropriateness of all five sites.

- Jim – wouldn't Zoning changes be under the purview of the zoning committee – is that the planning board?
- Yes
- The Planning Board has proposed changes to the Zoning By-law that include smart growth districts, town center base zone, and the two 40R districts. They are stand-alone under 40R. The other three sites have not had a formal 40R proposal. However, 40R is allowable within the town center zone, so effectively they can be developed in that way if a builder comes along. That would be additional strain on our water supply, up to an additional 811 units.
- Jim – is there an advantage to the town of doing the projects under 40R vs under the regular process?
- Renee – under 40R, with the design standards that would be approved, the Planning Board would have some control over using those design standards. However, just like any project under 40R, 40B, or other project proposal, if the developer meets all of the standards in the Zoning, they can go ahead and continue. The difference is that with 40R, it is a “by-right” zoning.
 - With 40B or other type of project, there's more potential for negotiation, but not with 40R once they've met the Zoning standards.
 - 40R has a shorter process, 120 days vs 250 days under 40B.
 - For 40R, if abutters want to appeal they have to put up a bond equal to the value of the project, and if they lose the appeal, they lose the bond. Under 40B, if the abutters appeal, the town is the representative, and the Zoning Board of Appeals has purview over the negotiations and permitting of the project.
- Jim – so you're not aware of any financial benefit to the town that would not be present under 40B?
- Jessica – for 40R isn't there is supposed to be a payment to the town for school-aged children?
 - Renee – there are two types of financial benefits with 40R:
 1. Density above the buildout for affordable housing
 2. Has to do with adding school-aged children to the system, over and above Chapter 70 funds (Sherrill may have more information)
- Jessica – would like to clarify the reasons for calling this meeting tonight, since the committee was in agreement 2 weeks ago that we opposed it, and were going to write a letter to DHCD and Ken was going to write a letter to the Planning Board or Select Board.
 - Renee – that's correct – expected to talk about water capacity and other services that might be affected.
- Jessica – were you looking for help doing an outline for the letter to DHCD or something else.
 - Renee – yes – would like help. Jim and Renee agreed to write the letter together. In previous letter to the Planning Board, many of these issues were addressed. And Jessica's letter went into a lot of detail on behalf of the NWRA.
- Jim – the meeting's intention was to focus the discussion on the message we would send to the planning board and the DHCD. The question about financial benefits to the town was to enable full understanding of the issues so that the letter can be framed correctly. Need to understand the cases both for and against.

- Renee – the main concern was the Leighton St’s position over the aquifer, and that’s the reason the committee wanted it taken off the table.
- Jim – yes, I believe we agreed to send a letter regarding that point, but that we were planning to generally on the faster review process and whether our water supply was adequate to support this development as well. Bob had proposed some discussion along these lines.
- Jessica – for the letter to DHCD, we don’t need an analysis of 40R vs 40D for the town. Our only focus should be on the environmental impact for the 40R at Leighton St.

Regarding the outline

- Yes, we are Climate Change, but these things are all wrapped together, so we’re going to comment on the total environmental situation. Hit water resources (loss of recharge to the aquifer), runoff from all of the impervious surface and the impact that has on water quality recharging into the aquifer, and more particularly, from the Climate Change perspective, the loss of trees and the associated natural carbon sequestration and storage, and the sheer amount of traffic that will be come from the site and pollutants that would come from that. We’re not opposing 40R anywhere in town, so the traffic issue will remain, but in particular, there are good forests in the Leighton site and the loss of the natural carbon sequestration is an issue for that site.

- There are other things that Ken raised in his letter: adopting the stretch code and carbon neutral housing – should be discussed, but does it belong in the letter to DHCD? Maybe we want to say the we really want to adopt it, but can start to think about it until December.

- Renee – yes that’s we have in mind. As far as the stretch code, the letter that Ken wrote on our behalf had to do with assuring that an impact analysis was conducted on the various risks associated with going forward with projects before doing those analyses. The Planning Board has chosen to go forward without doing those analyses – going to go project-by-project, so the argument may not apply.
- Jessica – maybe leave that out.
- Jessica – we also discussed the ambiguity of the mitigation measures that are required to offset environmental impacts. It’s the DHCD’s responsibility to review the actual proposed code as well. This could be a place to include a comment about how having a standard that only requires mitigation when there’s “any extraordinary adverse impact” (quote from the proposed code) – that’s too high a standard to meet to require environmental mitigation. It’s okay to not include mention of stretch code if this isn’t the right place to address that.
- Renee – are you saying that it’s too high of a standard
- Jessica – no – the question is “what IS extraordinary impact’. Environmental mitigation shouldn’t be required for only for extraordinary impacts. Needs to be detailed more completely or defined better, and that’s a comment about the code that DHCD should be aware of.
- Renee – yes – it’s NOT defined, and it’s a question that even Planning Board member Casey Campetti asked Jenny about, but still waiting for information.

[Sherrill (guest) was granted permission to speak]

- Sherrill – when talking about adverse impacts, are you talking about the Section 9000 that the Planning Board has written? If you’re looking at the actual 40R law, you may find that the 40R law may not be quite as ... – looking at the reasons why the project can be denied under 40R law – one of them is that it’s not possible to adequately mitigate significant adverse project impacts

on nearby properties by means of suitable conditions. Perhaps the CCC needs to compare 40R law vs what's written under Section 9000 for the Zoning By-laws and see whether they really line up.

- Renee – also read that section, and still doesn't understand how it's defined. Seems subjective.
 - Sherrill – completely agree.
- Jessica – when you're referring to the 40R law, do you mean the state or town's law?
 - Sherrill – the state's law. The eligibility letter has been submitted, and they're now in a review process. The state law should drive all of this. Discrepancy or misalignment with state law needs to be attended to. The law provides a lot of latitude to the PAA, in this case the Planning Board. They can do waivers almost without limitation in a number of respects – dimensional use, parking, building standards, and so forth.
- Beth – along that line – isn't that the job of Town Counsel to review the proposed by-law is in alignment with the state law?
- Jim – wondering the same thing – whether that's a role the Town Council should take, or do we need to specifically ask for advice?
- Jim – specifically
- Renee – all warrant articles are vetted by the Town Attorney. It's a draft, so not sure whether it's been vetted or not.
- Sherrill – at some point we'll be in a comment period. Committee may want to address this and take that opportunity to tighten up the code.
- Jim- would it be appropriate to have someone outside the committee review our letter, and would Sherrill be able to offer her specific knowledge.
- Renee – Sherrill is Chair of the Ag Commission. They are writing a letter to DHCD on behalf of the agricultural community. Would like to coordinate messages with the CCC.
- Jim – then cross discussions may be appropriate – next meeting.
- Jessica – we need to get this in sooner rather than later. If we agree on the essential content, do we need to vote again on the letter?
- Jim – suggestion of how letter was produced at the next meeting (formality). Committee has already decided to have the letter created.
- Jessica – could we submit the letter before the next meeting?
- Jim – yes. We will draft the letter, and should we set a date?
- Renee – date for when the committee will see the letter? One week from today, submit letter in two weeks.
- Jason – we've already voted and delegated the task, and additional procedural steps aren't necessary. Agrees with everything that has already been stated in open meeting.
- Jim – we'll proceed along those lines. Anyone who wants to review, send an email to Jim.

3b. Discuss impact of growth and development and climate change on Pepperell Water Supply. Jim sent Ken Kalinowski a late invite to the meeting shortly before we started because it had been suggested by a member that he be invited, but none had been sent.

3c. Heads up for meeting with Town Planner at Sep 8 meeting and joint meeting with Planning Board on Oct 3.

- Heads up given to the committee. Any objection, comments, or thoughts?
Beth – can't make Oct 3 meeting
- Purpose is to discuss the proposed development design standards. Members should read the link on the town website mentioned in the letter, which all members received.
- Will put on agenda to discuss in Sep 8 meeting. Jim will put framing questions related to building codes up for discussion in that meeting.
- Jason – why did this issue come up now?
- Renee – Planning Board is reaching out to various committees to have input on design standards and other things associated with the proposed sites and zoning. For example, the Affordable Housing Committee has been asked to look at design standards and also at the Peter Fitz for affordable housing potential. Al Patenod [Planning Board member] mentioned that is looking to have a joint meeting with the Climate Change Committee and having us contribute on the design standards.
- Jason – how does this interact with the code? In particular, are we going to pursue the stretch code that the DOER is developing this year?
- Renee – we can get ahead of the code, but some things are going to be standards and some are going to be guidelines. We can't have standards stricter than the building codes. We can give guidelines for now. Ken's letter stated that it would have been better to wait on these projects until we have a more stringent code.
- Jason – did the Planning Board respond to the comment? The stretch code will be published by the end of the year. At that time, it should be among the top priorities of this committee to get it enacted in this town.
- Renee – the problem is that if a project is proposed before we adopt it, it will be governed by the old code.
- Renee – one of Ken's last duties of his office is going over the design guidelines with a fine-toothed comb, looking at standards, and making comments.
- Jason – will need to be revisited if we get the stretch codes in place.
- Jim – stretch codes should be a topic that we discuss with Jenny at our next meeting. From Ken's letter: "This is a good opportunity for us to work directly with the town planner and the PB to ensure climate change considerations are incorporated into the standard." It's an opportunity for to provide as to what these building codes should be.
- Renee – couldn't we have guidelines for now, that once the stretch code is adopted become standards. Could it be put inside the document as a trigger.
- Jim – good idea – we should propose that.
- Jim – Craig asked for resources on this.
- Beth – the letter that Ken is supposed to be writing – what's the status?

3d. Review logo and other style questions related to Municipal Aggregation.

- Ken sent two documents to be reviewed – committee members should review.
Draft of *Municipal Aggregation Plan*. Submitted to DOER first, and then DPU makes the decision on it.
- Any thoughts on whether we should have a logo?

- Committee members

[At this point Jim was disconnected from the meeting]

- Beth – what is role of committee members with regard to review of docs?
- Renee – the contract is pretty much all set, and needs approval by the Town Administrator
Will follow up with Ken
- Jessica – Renee – please get sample logos for Municipal Aggregation.

3f. Municipal Aggregation program - Review logo and other style questions

4. Any other business not reasonably foreseen by the Chair

4a Renee – Railroad Square Sidewalk Project

- Sidewalk is going to be refurbished and come out into the road 6 ft, narrowing the street. Doing it as a traffic calming measure. Not proposing any in-place trees or shrubs – just planters. Makes no sense. Talked to Paula [Conservation Commission] – has talked with Highway Dept and others who don't think bringing the street out that far is appropriate because the turning radius for trucks will be impeded. The sidewalks are already 9 ft in many locations. People asked for the sidewalks to be refinished so that would have a safe and even surface. With regard to planters, that's something that the businesses relied on with the Garden Club, and half the time they might not even be watered and they can look unsightly. With regard to seating at the street level, which is what they are trying to encourage. Breen's has outdoor dining in the front and Charlotte's Cozy Kitchen has a screened porch in the back. Paula questions why people would want to sit outside on a sidewalk breathing in car fumes. The main concerns are that there are no trees or plantings planned and whether a sidewalk that wide will promote safety is a question according to the highway department.
- Jessica – who is proposing to do this?
- Renee – this is a grant that Jenny obtained – “The Railroad Square Sidewalk Network Improvement” – through MASS DOT “Shared Streets and Spaces Program” to implement important safety improvements to historic Railroad Square. Will install better crossings, add flashing crossings, add benches, planters, outdoor diners, wayfinding, signage, upgraded sidewalks for ADA, for better visibility for pedestrians and drivers, and the parking area along Main Street will be restriped with additional handicapped parking spaces added. In the Master Plan, it was recommended by Beverly, the former planner that the angle of the parking should be improved because people backing out at more of a straight angle is not as safe. Not sure whether this plan includes that.
- Jessica – planters vs trees – this is a great opportunity for us to pursue something that we've been talking about for over a year: to get increased green space in the downtown and increase tree cover, to reduce temperatures in the area, store carbon, help provide shade and make it a nicer place to be. Great opportunity to get hardy trees in tree wells in that area. Could vote on whether this is something important that we'd like to see happen.
- Renee – would like to see something beyond the trees. Street trees have a hard time surviving because of reflections off buildings, etc. Would like to see a more vegetative strip of landscape in addition to the trees.

- Jessica – kind of like what has been installed between the rail trail and the parking.
- Jessica – Renee made a motion for Jessica to draft a letter to the Planning Board on the Climate Change Committee’s behalf addressing the sidewalk project in Railroad Square. Jessica seconded. Passed unanimously.
- Tony [Select Board] – who’s doing the design work for Railroad Square? Is there an architect?
- Renee – no information on the website.
- Tony – hope there’s a landscape professional involved.
- Renee – maybe add to letter.
- Jessica – do we know a timeline?

4b. (Renee) Proposed as a warrant article on Town Meeting

Proposed warrant article would change the zoning by-law section 2100 to establish a new zone in town called “Rural Business”.

- This new zone encompasses much of the flood plain along 119 up to the Barn Door.
- Is being proposed because Jenny wants to help the Barn Door increase their ability to do things beyond their current permit, and spot zoning is not allowed.
- Current zoning is residential with grandfathered commercial businesses, that once they’re done, would revert back to residential and would not be able to continue being businesses.
- Proposal would allow some sort of light commercial along this area, which is in the 100-year flood plain.
- The Master Plan has talked about making sure that we’re protecting the resources in the flood plain and discouraging uses there.
- Paula has provided information saying land is being purchased along the flood plain to protect it.
- The new FEMA maps will be out in December, increasing the flood plain in many areas, and we should not be encouraging commercial use.
- After the new maps come out, the town will have an opportunity to approve them at Town Meeting.
- History: Pepperell’s Flood Plain By-law is part of the code of the town of Pepperell, which can be found in our zoning regulations. Updating the flood by-law and moving it to a zoning article was recommended by the Master Plan. Paula sent flood plain by-law to Joy Perrault, the state’s flood plain coordinator.
- Paula has updated Pepperell’s flood plain by-law to reflect compliance with state regulations. That, along with the new flood plain maps would be adopted at Spring Town Meeting.
- Jessica – who’s buying the land?
- Renee – probably Nashoba Conservation Trust, Conservation Commission, and NWRA
- Jessica – is this the same as the citizen’s petition to change the zoning in this area?
- Renee – not sure
- Jim – is this proposed for Spring Town Meeting or Fall Town Meeting?
- Renee – Fall Town Meeting – proposed public by-laws require a public hearing preceding the Town Meeting vote
- Jim – CCC will have at least that public hearing to weigh in
- Jessica – is there a map to see where is being proposed?
- Renee – will look up and send map.

- Jim – will add to Sep 8 meeting agenda. No obvious mention on Town Website currently.

5. Adjournment

Motion to adjourn: Jessica. *Second:* Rene. *Vote:* Approved Unanimously