

## HOT MARKET, COOL REACTIONS

Aggressive pursuit of solar energy and local property-tax revenue pits town officials against local NIMBYs

By Mary K. Pratt | Special to the Journal

**O**rlando Pacheco is a rarity in the Bay State's budding green-energy sector, having managed to navigate a phalanx of local zoning laws and traditional NIMBYism to establish the first municipal-owned solar farm in the central region of the state.

Such efforts earn praise from state officials and clean-energy proponents, who point out that the commonwealth is well on its way to achieving its goal of getting 250 megawatts of solar power installations by 2017. For Pacheco, the town administrator for Lancaster, Mass., the installation offers a mix of bragging rights and responsible governing that should result in 610,000 kilowatts of energy annually, once the town's solar farm is connected to the grid.

Still, getting a new solar farm online is not an easy feat, even in a state as progressive as Massachusetts. For example, many solar proponents are finding local buy-in from municipal officials isn't always a guarantee, with flare-ups among residents and developers a common theme at community zoning and permitting meetings. Meanwhile, a number of large, highly visible solar developments in and around residential neighborhoods have left many local property owners burning.

"You're pointing to an important development in the evolution of solar energy. Once it starts to reach a megawatt scale, it becomes significantly more visible, occupies more land, alters the status quo much more, and then you get a clash of public benefits versus private interests," said David O'Connor, senior vice president at Boston-based ML Strategies LLC and former Massachusetts Commissioner of Energy Resources.

"The other familiar pattern with these is you get con-

centrated costs and diffused benefits. It might be one neighborhood that is altered in a substantial way by construction of a solar array but the benefits might go to the town and its energy bill, spread out across all taxpayers," he added.

That's a scenario that seems to be playing out at many sites where solar farms are either proposed or under way.

Ruth Silman, a partner focusing on complex environmental and land use matters at Nixon Peabody LLP, said she has worked on solar projects that met little or no resistance while others end up embattled to varying degrees.

She pointed to one, the Canton Landfill Solar Facility, that was well received.

But another, a proposed solar farm in West Brookfield, ran into strong opposition from abutters, who are suing. At the same time, residents in Westborough are up in arms over a recently approved plan to build a massive solar project on Harvey's Farm on Maple Avenue, not far

from another prominent project along Fisher Street that also has drawn sharp criticism from abutting neighbors.

Similar clashes are anticipated statewide as communities and private developers from Boston to the Berkshires scramble to find productive ways to put swaths of land to use while also tackling long-term energy needs. Other cities and towns where solar deals are on the table and being aggressively pursued include Westfield, Norton, Pittsfield, Fall River, Otis and Devens.

Similar to the solar-farm opponents in Westborough, the plaintiffs in the West Brookfield case claim the proposed project will have a negative visual impact that will constitute a nuisance and diminish their property values. They also claim it could potentially interfere with migratory animal and bird pathways and endangered plant species and have questioned whether a broken panel could leach dangerous materials into the land or water.

"One of the challenges is finding a process to balance these competing interests," said ML Strategies' O'Connor.

In Lancaster, town administrator Pacheco said he was largely motivated to act on environmental grounds, but he acknowledged that he had to convince town voters that a solar farm made financial sense. He proposed siting the farm on a former landfill, which was capped in 1990.

Because of its relatively isolated location, he said he didn't have abutters who would be impacted by it. But he still had to sell its \$2 million price tag, which he did by showing that it could provide 75 to 80 percent of the power needed to run the town's municipal buildings each year. That's about \$90,000 in energy costs annually, he said, noting that as prices increase, the financial benefits become even greater for the town.

**This solar farm along Fisher Street in Westborough has drawn sharp criticism from neighbors over its scale, visibility from the road and potential long-term effects on property values and, to some surprise, the environment.**

SANDIE ALLEN | BUSINESS JOURNAL



Reprinted for web use with permission from *Boston Business Journal*. ©2012, all rights reserved. Reprinted exclusively by Scoop ReprintSource 1-800-767-3263.