

Linda O. Rhen
168 Skyline Drive, Quail Ridge
Acton, MA 01720
717-439-7247
Linda.rhen1@gmail.com

February 4, 2016

Katie Green, Chair
Peter J. Berry, Vice-Chair
Janet K. Adachi, Clerk
Frances J. Osman
Chingsung Chang
Board of Selectmen of the Town of Acton
Town Hall
472 Main Street
Acton, MA 01720

Re: Public Comment Town of Concord Proposal for Expansion of Nagog Pond Water Treatment Plant at 180 and 182 Skyline Drive, Acton, MA and Installation of Solar Panels on Wooded Land that abuts Skyline Drive, Acton, MA

Comment Subject: Destruction of Wildlife Habitat

Comment Subject: A Zoning Variance should be requested for this proposal

Comment Subject: Permits for Solar Arrays – 10.3.5.3 – Detrimental or injurious to the neighborhood in which it is to take place

Comment Subject: Compliance with Historical/Archaeological Resources Requirements for Projects Obtaining State or Federal Permits/Funding

Dear Ms. Green, Mr. Berry, Ms Adachi, Ms. Osman, and Mr. Chang:

I oppose the proposal by the Town of Concord to clear-cut a wooded area, construct and install solar panels, and a full-scale water treatment facility on land surrounding Nagog Pond in Acton, MA. My neighborhood and my home directly abuts the land where the Town of Concord proposes to clear-cut, that is, destroy a forest and a wildlife habitat and construct solar panels. The proposed solar panels would be erected within 35 feet of my property. This proposal is detrimental to the neighborhood; and would be injurious to those whose residences are adjacent to the site.

1. **This proposal by the Town of Concord to clear cut this wooded area and permanently destroy a pristine wooded area in order to erect solar panels, was developed hastily, after another proposal for solar panels failed at a previous hearing. To drastically change the use of this land and to drastically alter this land, a zoning variance should be required.**

- a. I purchased my home at 168 Skyline Drive on November 24, 2015. I have not received any notice from the Town of Concord, Pulte Homes or anyone else of this proposal. I only learned of the proposal from my neighbors.

- b. Erecting solar panels so close to a neighborhood appears to be a change of use, requiring a zoning variance. The Town of Concord should be required to seek a zoning variance for such a drastic change of use of this land, that is, to destroy/clear cut woodland and construct solar panels on this wooded land.
 - c. It appears that this proposal was developed hastily, in order to qualify for credits for the use of solar energy, without consideration of the wildlife, residents, and their neighborhoods.
 - d. It appears that the energy to be generated from the solar panels is not necessary to expand the water treatment facility. It also appears that the energy that would be generated would only be equivalent to 25% of the energy required for the plant, and that actual energy would not be used for this project, but for other purposes for the Town of Concord.
2. **The Town of Concord's proposal plans to install solar panels in an area of land that is currently a wooded area, would destroy a wildlife habitat, and drastically alter an area that is used for recreation and general enjoyment of the environment.**
- a. My property directly abuts this wooded area, I can attest to seeing wildlife in this area. I see wildlife everyday as I look out my back window, I have seen deer, a variety of birds, including a hawk. This area is directly adjacent to the Nagog Pond, it is only natural that there would be wildlife. Some specifics:
 - b. At the January 25, 2016 hearing on this subject, Ms. Carolyn Kiely stated objections and indicated there is wildlife in this wooded area. It appeared at that hearing that the representatives of the Town of Concord were not familiar with the wooded area on which they propose to build a solar array.
 - c. When they described the topography of the land, during the hearing, they were inaccurate in their description.
 - d. It appeared that this proposal to move solar panels to this wooded area was developed quickly, without study and without following the state regulation that applies.
 - e. My property directly abuts this wooded area, I can attest to seeing many people who walk the path that goes through this area. It is unclear from this proposal what would happen to this path.
3. **The proposed solar panel array would be erected within 30-35 feet of my property line, this would be detrimental and injurious to my neighborhood and my family.**
- a. My property directly abuts this proposed field of solar panels. This proposed plan would be detrimental and injurious to the neighborhood in which it is to take place, see Section 10.3.5.3.
 - b. There would be harmful glare from the array of solar panels which would face directly at my home.
 - c. This glare would be directed at my two story home. The presentation by the Town of Concord did not acknowledge or address how it would mitigate this glare. A physician who testified at the hearing stated that the glare from the panels can easily result in retina damage and blindness. Residents whose homes abut this area would have constant glare. This glare would make our homes uninhabitable, or at the very least,

require us to remain indoors with drapes closed all day. This glare would be dangerous to any visitors to our property. Please look at the proposed map to see how close these panels would be to our homes.

- d. It does not appear that the proposed landscaping plan is viable to protect nearby receptors from danger, harm, or nuisance that may result from reflective or solar glare of photovoltaic panels.
- e. As mentioned, I purchased my home on November 24, 2015. The clear-cutting of the wooded area combined with an installation of solar panels would substantially reduce the value of my property, and at the worst, no one would want to buy it. The property could become uninhabitable due to ongoing solar glare. Losing real estate value is injurious to the property owners who are residents of Acton.
- f. The proposed solar panels could be injurious to those who encounter the glare. A physician testified at the hearing that the glare from the panels could cause retina damage and blindness.

4. The proposed plan calls for a 20 foot buffer of trees. This plan does not appear to be well thought out and does not include enough detail to ensure that it would be viable.

The proposal calls for a 20 foot wide buffer that would begin at the property line and will include plantings of “select coniferous and deciduous trees.” At the hearing, the representatives of the Town of Concord were asked about the landscape plan and what types of plants would be planted. One representative stated that rhododendron would be planted. No other details were provided. It appeared that there is no real plan for this buffer to become a viable buffer that would obscure the panels from view. It appears that an unsightly area would be left. Consider the following:

- a. This 20 foot wide buffer would be planted on the clear-cut land. It is a given that there would be stumps, weeds, poison ivy, oak, etc., after the woodland is clear-cut. This itself would be unsightly, and there is no mention of how it would be maintained.
- b. Behind the 20 foot wide buffer would be an 8 foot fence that would be covered with a tarp, likely black in color. As I understand it, the tarp is to be placed over the fence to obscure the view of the panels from residents and those who walk the path, and likely for some level of security.
- c. This 20 foot wide buffer is at the top of a hill, facing south. An area that has been clear cut, on the top of a hill would have no shade. And, sun would be reflected off the tarp onto the plantings, that would create more heat. It is difficult to grow new trees and shrubs in the day-to-day heat of direct sun with additional reflection from a tarp. Rhododendron could not survive in that setting. What plantings could survive in that setting?
- d. The Town of Concord offered no specific plan for how many trees / shrubs, etc. would be planted, or how they would propose to water those plantings in order for them to survive. Where would the water come from to water the plants? Who would be responsible for that watering?
- e. There are watering restrictions in the Town of Acton. Would the water come from the Town of Acton? Would those restrictions be observed? Or, would the water to water the new plantings come from the Nagog Pond? How much water would be lost in

evaporation? How would the water get to the landscaping area? Who would maintain this 20 foot wide landscaping? Would dead shrubs and trees be removed?

- f. It seems absurd to clear cut trees and then expose new plants to direct sun with no plan of how this would proceed and be maintained. And, it is more absurd to create a need for water that would evaporate in order to expand a water treatment plant.

5. **The proposed solar panel array would not provide any benefit to the energy needs of the surrounding area or neighborhood.**

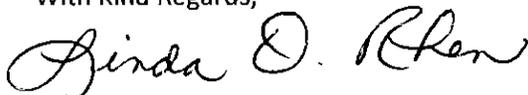
- a. Homes in my neighborhood, in Acton, would not receive water from the proposed water treatment plan expansion.
- b. Water from the Town of Acton would be needed to ensure the growth of the proposed landscaping that would replace the wooded area that would be clear-cut for this project.
- c. The project would deplete energy resources in the Town of Acton.

6. **There has been NO archaeological study of the portion of the land that encompasses part of the project discussed in EEA #15446.** And, no archaeological study is proposed. The information shared by the Town of Concord at the January 25, 2016 hearing before the Acton Board of Selectmen did not meet the requirements for an archaeological study, as per Massachusetts statute. Concord has argued that no further investigations are recommended. Their proposal does not meet the requirements of Massachusetts statute. You have already received detailed comments on this point from Carolyn Kiely, Esq., who submitted these comments on behalf of Quail Ridge residents.

This proposal to expand the water treatment plant, clear-cut a wooded area, and place an array of solar panels is detrimental to wildlife, and detrimental and injurious to residents and neighborhoods. Please stop this proposal from moving forward.

I appreciate the opportunity to comment. Please contact me if you have any questions. And, please stop by to see for yourself the type of damage that would occur to a wooded area under this proposal, and how close the solar panels would be placed to our homes.

With Kind Regards,



Linda O. Rhen,
Resident of Quail Ridge