



TOWN OF WARE

Planning & Community Development

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Planning Board

Meeting Minutes from

Thursday, January 16, 2020

Select Board Room, Town Hall

Planning Board Members Present:

Rick Starodoj (Chairman), Joshua Kusnierz, Joseph Knight, Fred Urban and Ed Murphy

Staff Present:

Rebekah DeCoursey, Director; Stuart Beckley, Town Manager; Anna Marques, Building Inspector

Public in Attendance:

Tom Barnes, Lewis Idarola, Philip Hamel, Jodi Chartier, Keith Kruckas

PLEDGE OF ALLEGIANCE

Chairman R. Starodoj called the meeting to order at 7:00 pm and the Board led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by F. Urban to approve the minutes as presented, Seconded by J. Knight. No discussion. All in Favor 5-0

PUBLIC HEARING – SOLAR BYLAW AMENDMENTS

7:00 Chairman opened the hearing and J. Knight read the legal ad. Chairman stated that this meeting was the first of more to come and informed the audience of the procedure when speaking.

R. DeCoursey stated that the research for the Bylaws as presented began back in June of 2019, comparing Ware's solar bylaws to other towns looking at this such as restrictions, location and value. Her overall observation from the solar project public hearings that have occurred over the past months is that people value the open space in the Town of Ware and it should be protected.

Each section was read and general discussion was made before proceeding to the next.

- Section A. Purpose shaped around Master Plan and Open Space Plan Goals. Removed the word "permanent" from permanent protection in 1 and 2.
- Section B. No new changes discussed.
- Section C.3. General Requirements - Site Control. The proposed bylaw included capping the number of large scale solar arrays at 16 was decreased to "15". There are currently 9 permitted large scale solar array with 3 in the permitting process. This bring the potential total to 12. The Director had drafted the bylaw to cap the total number at 16 because this seemed to be less "unreasonable" and would help avoid lawsuits. She also is aware of

two solar projects waiting for the moratorium to end or waiting on their interconnection approval before submitting applications. The discussion brought the cap on large scale solar arrays down to 15.

- Chairman asked about regulating solar canopies over parking areas. R. DeCoursey stated suggested the Town could make it by-right, and over a certain size need Site Plan Review.
- K. Kruckas stated he is aware that a 240+/- acres solar array is possibly in the future and felt it would be best to cap the number of arrays to 14.
- Chairman felt that the cap could be 15 and not unreasonable with what is permitted and with the preliminary proposed sites.
- J. Chartier stated that with the hydro power produced in town, and the water resource the Quabbin provides to Boston Ware should be able to reasonably limit the amount of solar in town.
- Section C.4. General Requirements – Required Documents.
 - M: Discussion of battery storage. This will be a new requirement with the SMART II program. Concerns were raised of battery storage being in a water supply area. Some towns are requiring paved aprons under battery storage. This topic is changing so quickly, the Director felt that leaving design concerns up to NFPA (Fire) and Electrical standards as they may change at any time would be valuable.
 - O: Glare Analysis. Technology has changed overtime with the development of the solar panels. Panels are design to absorb the light and not reflect it. Glare Studies are becoming less common due to these changes. Applicants will need to submit sight distance plans to verify that the glare, if any, won't be impact surrounding homes, business, traveled ways. Most of the recent applications submitted are with the arrays being on a tracking system (panels moving with the sun direction). If there is a problem/issue with glare, the panels are designed so you can stop them from tilting to a certain degree to address the glare.
 - T: Financial Surety. Concerns were brought up that years in the future when these projects need to be decommissioned, the funds won't be available to do so. Estimated decommissioning fees are calculated without solar panel salvage. The discussion recommended that all applicants have a cash bond to be sure the bond does not lapse in coverage. K. Kruckas expressed concerns over how bonds are tracked and how they are managed and if the Town has a say in it. R. DeCoursey stated that part of the standard conditions for solar arrays, it is a required that if the ownership of the project changes hands, it is required that the new owners are to meet with the PDC Department to review the requirements to keep the solar array activate and within compliance of the Decision. The requirement of submitting an annual report is also included in the bylaw.
- Other discussion topics:
 - Chairman asked if more of the electrical components could be underground and R. DeCoursey stated that it is not possible because of the Electrical Code. Some of the electrical components are required to be above ground.
 - Fence. A condition in all Special Permits address the requirement of having 6-inch gap at the bottom of the fence line to allow wildlife migration.

- C. Dimarzio stated that if our Zoning Bylaws require 50% preservation of Open Space for solar development, that it should be considered the requirement be applicable for any project such as for a subdivision or large commercial development.
- Section C.4. General Requirements – Dimensional Requirements.
 - Discussion of setback waivers. A. Marques stated she attended a National Grid conference and NGrid is more interested in larger arrays rather than the small 1-2MW. Therefore, if the interior setbacks of abutting developing lots could be waived to make a larger single array, this may be beneficial to the Town. Not everyone in the audience was in agreement. Chairman stated that if multiple lots are trying to create one larger project, the lots should be combined into one lot and the project should not cross parcel lines.
 - R. DeCoursey stated that a potential developer approached her for a large solar field along high voltage transmission line in the northern stretch of town. This is the direction that NGrid wants to go, larger arrays therefore it makes sense to consider adopting bylaws that would allow for this. She has researched utility-scale (looking at 20-30MW) and done GIS mapping to look at other developable land along the transmission lines. There is not another site as ideal as the one proposed.
- Section D – Design Standards
 - Tree pollarding shall not be allowed.
 - Historical Impacts. Discussion of how much should be regulated if a stonewall or foundation is located within a property. A Scenic Road Bylaw would protect the stonewalls on public property. Stonewalls should be protected, but to what extent on personal property was debatable – possibly only external stonewalls and not internal. Some areas of town are more historically significant than others.
 - Prime farmland. Discussion if the bylaw should restrict what a farmer should be able to do with their land. The current proposed bylaw would only allow prime farmland to be developed as dual use (solar and agriculture). They could sell it off for a subdivision, but they couldn't put up solar unless it was dual use for agriculture? Farms are important but are declining.
 - Access. 20' access road is wide; could this be less to reduce runoff concerns? Removed word "approved", plans will be reviewed by the Ware Fire Department. Other questions needed to be addressed by the Fire Chief at a later time.
- The Board ended the discussion after Design Standards.

On a **motion** from E. Murphy, seconded by J. Kusnierz and voted 5-0, the public hearing will be continued on Thursday, February 20, 2020 at 7:15pm.

TOWN PLANNER UPDATER

- ZBA vs Planning Board. Planning Board is currently being represented by Town Counsel. The attorneys will work out the paperwork. Mr. Andrews may need to wait a year before he can begin his project.

- If any other Zoning Bylaw changes come up, bring it to the Director’s attention. We may be able to fit in minor changes (definitions, for example) on Annual Town Meeting. It would be separate from the solar changes.
- Annual CTPC Training is Saturday, March 21st.

ADJOURN

J. Kusnierz made the motion to adjourn, E. Murphy seconded, no further discussion, All in Favor 4-0.
Adjourned at 9:00 pm.

Next meeting is scheduled for March 12, 2020 at 7:00 pm.

Minutes from February 6, 2020

Respectfully submitted by,

Rebekah DeCoursey, Director

<p>Minutes Approved on: _____</p> <p>Starodoj _____</p> <p>Urban _____</p> <p>Kusnierz _____</p> <p>Muche _____</p>
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