



TOWN OF WARE

Planning & Community Development
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Planning Board

Meeting Minutes from
Thursday, October 1, 2020
Select Board Room, Town Hall

Planning Board Members Present: Rick Starodoj (Chairman), Josh Kusnierz, Ed Murphy III, Ken Crosby, Joseph Knight, and Jennifer Muche (Alternate)

Staff Present: Rebekah Cornell-Director; Jack Carolan-Assistant; Anna Marques-Building Inspector

Public in Attendance: Elio Qorri (Bertin Engineering), Tom Barnes, Carol Blackmer

PLEDGE OF ALLEGIANCE

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

ADMINISTRATIVE

- Approval of Minutes from September 3, 2020

Motion by J. Kusnierz to approve the minutes from September 3, 2020. Seconded by E. Murphy. All in favor. Approved 5-0

- ANR: 135 Greenwich Plains Road - Scott & Laurie Tetreault

Motion by J. Kusnierz to approve ANR 2020-07 as presented. Seconded by E. Murphy. All in favor. Approved 5-0

- ANR: Sczygiel Road - Estate of Sophie Makuch

Motion by J. Kusnierz to approve ANR 2020-08 as presented. Seconded by E. Murphy. All in favor. Approved 5-0

- ANR: Greenwich Road – Douglas R. Koczur

Motion by J. Kusnierz to approve ANR 2020-09 as presented. Seconded by E. Murphy. All in favor. Approved 5-0

PUBLIC HEARING

278 Osborne Road – Definitive Subdivision. Colin Derhammer of Ware Solar II, LLC c/o Melink Solar Development requesting approval for a Definitive Subdivision Plan. The applicant is proposing to divide an estate lot at 278 Osborne Road creating two parcels of land. Location is Parcel 40-14-9, owned by Joel Harder.

J. Kusnierz recused himself from the public hearing. J. Muche was appointed as alternate for the hearing.

R. Starodoj read the Public Hearing Legal Notice and opened the public hearing

Elio Qorri from Bertin Engineering virtually joined the hearing to speak on behalf of the applicant. He shared the plans with the board and discussed the existing conditions of the site. The subdivision proposed will create two lots known as lot A and lot B. Lot A would entirely be in the Ware while lot B would be in both Ware and Hardwick with access to the lot only in Ware.

C. Blackmer, abutter to the project, asked if the dry swale was located on the east or west side of the proposed roadway. E. Qorri confirmed that it would be on the west side. This would be adjacent to 276 Osborne Road which is C. Blackmer's property. C. Blackmer also raised concern over the arborvitaes located on both sides of the property line and how the dry swale would impact those. She also asked what the intended use of lot A would be and whether or not it is meant for houses. E. Qorri stated he could not speak to the intentions of the property owner but noted that lot A is primarily wetlands.

C. Blackmer felt that Town Counsel should review the proposed plan given that the lot is deeded as an estate lot. R. Starodoj noted that since there is sufficient frontage the subdivision meets the requirements. R. Cornell also noted that under the Subdivision Control Law, the applicant is allowed to subdivide an estate lot. There are no restrictions in M.G.L. or the Town's Zoning Bylaws to prohibit the applicant from doing so. C. Blackmer then asked if the proposed cul-de-sac would shrink the previously proposed solar field. E. Qorri confirmed that the solar field has been reduced a bit to accommodate the cul-de-sac.

E. Qorri acknowledged that BSC Group had reviewed the proposed plans and provide comments regarding drainage concerns which were shared with the Board.

K. Crosby asked what the slope was like at the point where the proposed roadway intersects Osborne Road. E. Qorri responded that it is a 4% slope at that point. R. Cornell asked if the arborvitaes running along 276 Osborne Roads property would need to be removed in order to make room for the dry swale. E. Qorri stated they would have to be removed but could be

replanted. R. Starodoj was concerned about disturbing the root structure of the arborvitae located on the Blackmer's property and wanted to know what would be done to mitigate damage. R. Starodoj also noted that the project is proposing a waiver for a 24 ft. wide road instead of the required 30 ft. width. He commented that there is a possibility of going down to a 20 ft. width if that could potentially protect the existing buffer of arborvitae.

K. Crosby asked what kind of maintenance vehicles would need to utilize the roadway. E. Qorri responded that it would primarily just be pickup trucks. K. Crosby also asked if there would be any way to flatten out the roadway where it meets Osborne Road. His concern was that trucks filled with heavy material/equipment could have a difficult time slowing down given the 4% slope. E. Qorri responded that flattening out the road could cause issues for the installation of the Cultec drainage systems. R. Starodoj also noted that a 4% slope should really have no impact on a pickup trucks ability to stop/slow down and it was unlikely larger vehicles would be using the road.

Motion by E. Murphy to continue the public hearing at 8 p.m. on Thursday, November 5, 2020. Seconded by K. Crosby. All in favor. Approved 5-0

J. Kusnierz rejoined the meeting

PUBLIC HEARINGS (both are continued until October 15th, 2020)

- Ware Solar III LLC (c/o Melink Solar Development) for Special Permit (SP-2019-07) and Site Plan Review (SPR-2019-06) for a 4.2MW ground-mounted solar energy facility approximately 14.5 acres on Greenwich Road, Location is Parcel 35-0-12, owned by F.T. Smith.
- Ware Solar IV LLC (c/o Melink Solar Development) for Special Permit (SP-2019-06) and Site Plan Review (SPR-2019-05) for a 1.5 MW large ground-mounted solar energy facility encompassing approximately 6.2 acres. Location is Parcel 40-0-79 owned by Richard & Edward Couture.

OLD/NEW BUSINESS

- Discussion of Solar Bylaw Amendments

R. Cornell introduced some proposed definitions for a freight and trucking terminal. Some definitions impose a weight limit while others specify the type of goods coming and going and whether or not they are considered finished goods. R. Starodoj commented that in previous discussions the term "transient" came up in terms of how long the goods and trucks are sitting in one place. R. Starodoj also noted that in regards to setting weight limits, which should come into play when deciding which zoning districts the freight and trucking terminals would be allowed in. There was also a discussion on how the term "salvage" should come into play when creating the definition.

R. Cornell also introduced the idea of allowing solar as an accessory use. One of the issues discussed is that the town only has one more available slot for a solar project. However, if it were allowed as an accessory use there could be more desired solar projects in town. Currently solar is only allowed as an accessory use in the Rural Business zoning district and R. Cornell proposed increasing which zoning districts it could be allowed in. J. Kusnierz felt strongly that it would be a bad idea to increase the amount of zoning districts where solar could be an accessory use.

R. Cornell proposed a definition for campground. R. Starodoj noted that RV's should be included in the definition and K. Crosby noted that time limits should also be included. The issue of occupancy was also raised given that some places allow you to leave your camper there year-round but you are not allowed to occupy it year-round and establish residency.

It was determined that these definitions would be cleaned up and passed on to the Select Board to start the public hearing process.

R. Starodoj brought up the ongoing solar cluster study that has been taking place. R. Cornell stated that she had recently been contacted by National Grid regarding their preliminary work on upgrading their sub-station in town. She was told this upgrade was this in the preliminary phase of planning and there was no timeline for the upgrades.

R. Cornell mentioned that one of the approved solar projects in town had reached out to see if the Planning Board would grant them any leeway regarding the color of the fencing that had been approved in the conditions for their Special Permit. The Board was in strong agreement to not allow the applicant to change the color of the fencing from earth tone to galvanized steel. The request came before the Board because the incorrect fence color was ordered.

R. Cornell also provided an update on the King Brook utility scale solar project. One of the property owners requested, through an attorney, that the Board not act on the application until the revised plans had been submitted because they do not want their property included in the project, which it was in the original plans. She stated that the solar company did regret their decision that they moved forward submitting the application before all the easements were finalized.

R. Starodoj addressed some of the misguided concerns that have been coming from certain Select Board members regarding the Planning Board acting on applications that are not 100% complete. He made sure to stress that it is not the Town Clerks responsibility to ensure an application is 100% complete before presenting it to the Planning Board. He wanted to clarify that applications coming in are part of an ongoing process where the applicant works with the pertinent Boards and Committees to work towards achieving completeness. There is no favoritism whatsoever that goes into the process like some members of the Select Board believe occurs.

R. Cornell brought up the proposed solar project for Monson Turnpike Road after recent incorrect statements on social media. The town has reached out to DCR regarding certain trust issues between the applicant and the town on this project, and DCR has been keeping a close eye on the project and work on the property. A. Marques provided an update on her conversation with DCR and the ongoing tree cutting that is part of the project. The forest cutting plan approved by DCR is only for the area of the property not included in the proposed solar project.

R. Cornell also addressed this incident that occurred on social media and wanted to provide the Board with a copy of the social media policy in order to avoid such situations in the future.

She also updated the board on the Flags of Hope project going on in town in lieu of the annual Domestic Violence Awareness Walk. The Flags of Hope project will be on rotating display around town several weekends in October and into November. Anyone is invited to create a flag and participate.

ADJOURN

Motion by E. Murphy to adjourn the meeting at 8:34 pm. Seconded by J. Kusnierz. All in favor. Approved 5-0

The next meeting is scheduled for Thursday October 15, 2020 at 7 pm.

Minutes from October 1, 2020

Respectfully submitted by,

Jack Carolan- Department Assistant

<i>Minutes Approved on:</i> _____
Starodoj _____
Kusnierz _____
Knight _____
Murphy _____
Crosby _____