



# TOWN OF WARE

## Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 120

### Planning Board

Meeting Minutes from

**Wednesday, March 30, 2022**

Selectmen's Conference Room, Town Hall

#### Planning Board Members in Attendance:

Josh Kusnierz (Chairman)  
Rick Starodoj (Vice-Chairman)  
Joseph Knight - Remote  
Ed Murphy, III - Remote

#### Staff Members in Attendance:

Rob Watchilla (PCD Dept. Director)  
Laura White (Admin. Assistant to PCD Dept.)

#### Members of the Public in Attendance:

John Soper - Remote  
Richard Roznoy  
Steven Pikul

---

### PLEDGE OF ALLEGIANCE

Chairman J. Kusnierz called the meeting to order at 7:19pm and led the Board in the Pledge of Allegiance.

### ADMINISTRATIVE

#### Approval of Planning Board meeting minutes from March 17, 2022.

**Motion** made by R. Starodoj to approve meeting minutes from March 17<sup>th</sup>. Seconded by E. Murphy.

J. Kusnierz	Abstained
R. Starodoj	Aye
E. Murphy	Aye
J. Knight	Aye
K. Crosby	-Absent-

**Three in favor, one abstention. Approved 3/0/2.**

### OLD BUSINESS

#### Preliminary Subdivision Review - 45 Greenwich Plains Road (Continued discussion from March 3<sup>rd</sup> and March 17<sup>th</sup> meetings)

S. Pikul addressed changes made to the preliminary subdivision plans. In response to concerns from Conservation Agent, John Prenosil, the preliminary plans now show wetland resource boundaries. In response to concerns from the Planning Board, the plans now show the property being divided into two lots, instead of the three originally proposed.

R. Watchilla read the opinion of Town Counsel, which stated, the permit holder should request a modification to the existing special permit to show the changes in lot lines and lot size. Town Counsel also referenced General Condition #8 which states, “[a]ny changes to the plans approved by the permit must be reviewed by the Director of Planning and Community Development (PCD), prior to implementation, to determine if they constitute a significant change and require additional Planning Board approvals.” In the opinion of Town Counsel, the modification to the special permit is not necessary for the Planning Board to make a determination on the preliminary subdivision plan.

R. Watchilla agreed with the opinion of Town Counsel and informed Mr. Pikul he will need to request a modification of approval for the special permit prior to the construction of the solar array, but he has until September 11, 2022 to submit the definitive subdivision plans.

S. Pikul requested to retract all waivers previously requested, as they will no longer be applicable to the updated preliminary subdivision plans.

**Motion** made by R. Starodoj to approve preliminary subdivision plans for 45 Greenwich Plains Road. Seconded by E. Murphy.

J. Kusnierz	Aye
R. Starodoj	Aye
E. Murphy	Aye
J. Knight	Aye
K. Crosby	-Absent-

**All in favor. Approved 4/0/1.**

## **NEW BUSINESS**

### **Battery Storage Moratorium**

R. Watchilla informed the Board the advice from Town Counsel was to add “Part H: Temporary Moratorium on the Siting of Large-Scale Solar Battery Storage Facilities” to §4.8.3 of the Town Bylaw to establish a moratorium, while the Town considers appropriate zoning measures. The proposed Part H would state:

#### *“1. PURPOSE*

*The Town of Ware recently has been the target of interest for the construction of large-scale solar battery storage facilities. The regulation of large-scale solar battery storage facilities raises complex legal, planning, and public safety issues, and the Town needs time to study and consider their regulation and address these issues.*

*The Town intends to adopt a temporary zoning moratorium on the use of land and structures in the Town for large-scale solar energy facilities so as to allow the Town to address the effects of such structures and uses in the Town, and to enact bylaws in a manner consistent with sound land use planning goals and objectives. During the moratorium, the Town will undertake a planning process to evaluate the impacts of large-scale solar battery storage facilities on the health, safety and welfare of Town residents and to consider appropriate amendments to its Zoning Bylaw to address said impacts, in accordance with state and federal law.*

## 2. DEFINITION

*A "large-scale solar battery storage facility" shall mean a facility, including all structures and components used in connection therewith, used to store energy produced by a solar system or systems having a total rated nameplate capacity of greater than 100kW, whether such facility may be accessory to other use, including a solar system, or is a separate land use*

## 3. TEMPORARY MORATORIUM

*For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for large-scale solar battery storage facilities in Town. The moratorium shall be in effect through June 30, 2023, or the date on which the Town adopts amendments to the Zoning Bylaw regulating large-scale solar battery storage facilities, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw relative to large-scale solar battery storage facilities are needed or desirable to allow for and regulate such use consistent with protecting the Town's natural resources and furthering its planning goals."*

**Motion** made by R. Starodoj to send the proposed bylaw amendments to the Board of Selectmen.  
Seconded by E. Murphy.

J. Kusnierz	Aye
R. Starodoj	Aye
E. Murphy	Aye
J. Knight	Aye
K. Crosby	-Absent-

**All in favor. Approved 4/0/1.**

## Subdivision Regulations

R. Watchilla informed the Board the last time the Subdivision Regulations were updated was May 6, 1987.

The Board agreed to discuss updating the current regulations during one of the meetings in May 2022.

## TOWN PLANNER UPDATE

### Mass Central Rail Trail

R. Watchilla informed the Board bids for phase II of Ware portion of Mass Central Rail Trail are being accepted until Thursday, April 7<sup>th</sup> at 12pm, with bid openings immediately after.

### Zoning Bylaw Public Hearing

The Public Hearing for the Zoning Bylaw changes will take place Thursday, April 7<sup>th</sup> at 7:05pm, during the Planning Board Meeting.



## Open Space and Recreation Plan

R. Watchilla informed the Board the PCD Department will be making updates to the Town Open Space and Recreation Plan over the next several months. The PCD Department Director will be looking to put together the Open Space and Recreation Committee again to help with these updates.

## ADJOURN

**Motion** made by R. Starodoj to adjourn the meeting at 7:54pm. Seconded by E. Murphy.

J. Kusnierz	Aye
R. Starodoj	Aye
E. Murphy	Aye
J. Knight	Aye
K. Crosby	-Absent-

**All in favor. Approved 4/0/1.**


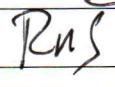


## NEXT PLANNING BOARD MEETING DATE:

**Thursday, April 7<sup>th</sup> at 7:00pm.**

Minutes from March 30, 2022

Respectfully submitted by,

Laura White  
Administrative Assistant  
Planning & Community Development

Minutes Approved on:	4/7/2022
Kusnierz	
Starodoj	
Knight	
Murphy	
Crosby	