



TOWN OF WARE

Planning & Community Development

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Planning Board

Meeting Minutes from

Wednesday, September 18, 2019

Select Board Room, Town Hall

Planning Board Members Present:

Rick Starodoj (Chairman), Fred Urban, Edward Murphy, Joe Knight, and Jennifer Muche (Alternate)

Staff Present:

Rebekah DeCoursey, Director of Planning & Community Development; and Nicole Croteau, Assistant to the Director

Public in Attendance:

Lynn Clark Lak, Bill Lak, Jodi Charter, Claudia Kadra, Calisto Bertin (Bertin Eng., Inc.), Jeremy Chapman (Melink Solar)

Pledge of Allegiance:

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

Administration:

- Meeting Minutes
Approve minutes from August 21, 2019. F. Urban made a motion to approve the minutes as presented. J. Knight second. Approved (4-0-1-E. Murphy absent).
- Town Planner Updates
R. DeCoursey updated the Board Members on general topics such as: the status of the proposed solar bylaws including a comparison chart was created of the surrounding communities in support of the solar bylaw research; draft in progress for Planning Board Rules and Regulations Bylaw; as well as creating an updated Subdivision Regulations based on information provided from PVPC Subdivision guidelines booklet.

E. Murphy arrived at 7:07 pm

ANR Plan – Dimo/the Estates of Wilfred A. Trombley, Jr. (ANR-2019-10): Walk-in application, reviewed by the Director before the meeting. Creating Lot 1A containing 5^{+/-} acres of land with the existing house, shed(s) with the required frontage along Babcock Tavern Road and the remaining 9⁺ acres to remain in the Estate of Wilfred A. Trombley Jr., having the required frontage along Old Belchertown Road. Both lots conform to current zoning bylaw requirements.

J. Knight recused himself.

F. Urban made a motion to approve the ANR plan as is; E. Murphy second. Approved 4-0-1 (J. Knight abstained)

R. DeCoursey endorsed the plan on behalf of the Board.

7:05 Public Hearing (continued from August 21, 2019): The application of Melink Solar Development for a Special Permit (SP-2019-04) and Site Plan Review (SPR-2019-03) for a large ground-mounted solar energy facility. The property is located at 45 Greenwich Plains Road.

Chairman appointed J. Muche as an alternate member. Chairman opened the public hearing for continuation and tabled discussion until E. Murphy arrived.

7:10 PM – Discussion started.

C. Bertin had submitted revised plans and documents and explained additional field work was completed in the upper field of the site to redefine the wetland crossing as shown on Sheet C3.2 of the set of plans presented.

C. Bertin continued to explain the details regarding the bridge:

- the width of the bridge will be widened to 20-feet
- wooden guiderails will be installed
- a larger diameter drainage pipes under and through the bridge will be installed
- a "Reno-Mattress" will also be installed as shown on the plans
- the broken existing asphalt will be removed and replaced with grass pavers
- construction of a stone swale leading back down the river to correct the existing erosion control issue will be completed

Test pits and percolation tests were finalized to confirm the location and depth of the drainage trenches within the arrays. These trenches with additional detention basins along the road will reduce the overall stormwater runoff for the 2, 10, 25, 100-year storms. This design will also compensate for the proposed tree cutting.

The proposed array will generate approximately 3.3[±] MW of solar energy.

Lynn Lak, Chairman of the Historical Commission, appreciates the Board's efforts but wanted to know how this affects a historical treasure (Ware Meeting House). Zoning Bylaw states solar should minimize historic, natural and scenic areas. Why would the Board approve this project and jeopardize this historic site?

Chairman stated in receiving the petition regarding such concerns; it wasn't taken lightly. The dam/bridge is being reinforced and personally feels this is a major improvement. In regards to the scenic aspect, it will be visible but there currently is not a view-shed bylaw.

B. Lak stated that Beaver Lake is in the process of repairing the spillway in accordance with a 500-year storm, why this is not required for the proposed site and protecting the Meeting House?

Chairman stated that the Meeting House has survived prior storms without any preventative measures.

J. Chartier stated 4.8.3 of the Bylaw regarding having commercial solar within a historical area.

E. Murphy stated that Mass General Law states we (the Board and/or Town) can't unreasonably regulate solar. The applicant is improving the dam and taking stormwater management into great consideration. Chairman stated that the Board is to evaluate and smooth things out so they work for everyone.

J. Chartier stated if a Scenic Bylaw was created then possibly eliminate solar from these roads.

J. Muche said if there could possibly be a no build line, meaning so many feet back from the designated scenic road would be protected (setback requirements).

R. DeCoursey stated the PCD is in the process of drafting a Scenic Road Bylaw and hopes to have it on the fall annual town meeting ballot.

Chairman stated can't protect the view from here to infinity but to make reasonable.

Chairman stated the applicant has presented a more development friendly plan than originally presented.

C. Kadra asked if the applicant thought about removing the dam and restored it to the natural flow?

C. Bertin stated that requires a whole stream flow study (Backwater Analysis) which is more intense and out of the scope of work. The dam currently restricts the flow and if removed there could possibly be flooding.

J. Chartier asked the Board if a surety bond or cash bond is required.

Chairman stated a surety bond and the amount will be based upon the building permit application (without salvage).

Motion to Close Public Hearing:

Chairman stated to closed the public hearing at 7:57 pm for the Board to deliberate.

E. Murphy made the motion to close the public hearing. F. Urban second. All in favor at 7:57 pm.

R. DeCoursey pointed out minor changes to the conditions since last reviewed by the Board:

Condition 15 – PILOT (Payment In Lieu of Taxes) Agreement. This cannot be regulated by a condition because approval of PILOT need Town Meeting approval. The applicant asked if there can be a separate agreement not listed in the Special Permit conditions. The Board and applicant agreed it would be best for the Attorneys to properly word this condition which protects the Town's best interest. The Director and the applicant will fine tune the wording before the Decision is filed.

Condition 16 – Regarding inspection of the dam/bridge by a Structural Engineer. The overall intention of the condition is fine although the applicant feels the Structural Engineer should be changed to just say Engineer. The Board agreed.

Condition 24 – Fencing details were confirmed and noted on the plan presented. Fencing facing Greenwich Plains Road (western side) and the eastern side will be earth tone in color.

Condition 25 – Addressing glare, including wording that that tilt of the panels can be adjusted if there is a detrimental glare. The Board wanted clarification on whom and how to file a complaint. This was clarified by R. DeCoursey that anyone can make a complaint by filing with the town Zoning Enforcement Officer. If there is a discrepancy, then the applicant will pay for an independent third party glare analysis to determine what action(s) will be completed. The Board agreed.

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Motion to Make a Decision:

Site Plan Review –

E. Murphy made the motion to approve the site plan and grant the Site Plan Approval, subject to the above-stated terms and conditions and as prior discussed; F. Urban seconded the motion: (Roll Call)

Richard Starodoj AYE
Fred Urban AYE
Edward Murphy, III AYE
Joseph Knight AYE
Jennifer Muche AYE

Site Plan Approval passes with vote 5-0.

Special Permit –

E. Murphy made the motion to approve the site plan and grant the Special Permit, subject to the above-stated terms and conditions and as prior discussed; F. Urban seconded the motion: (Roll Call)

Richard Starodoj AYE
Fred Urban AYE
Edward Murphy, III AYE
Joseph Knight AYE
Jennifer Muche AYE

Special Permit passes with the required super-majority vote 5-0.

No further discussion.

Adjourn:

F. Urban made a motion to adjourn; E. Murphy second, no discussion, all in favor.

Adjourned at 8:30 pm.

Minutes from September 18, 2019

Respectfully submitted by,

Nicole Croteau
Assistant to the Director

Minutes Approved on: 9/18/19
Starodoj [Signature]
Kusnierz [Signature]
Urban [Signature]
Murphy [Signature]
Knight [Signature]
Muche Jennifer L Muche