



TOWN OF WARE

Planning & Community Development

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Planning Board

Meeting Minutes from
Wednesday, October 18, 2017
Board of Selectmen's Conference Room

- Planning Board members present:** Rick Starodoj (Chairman), Josh Kusnierz, Fred Urban, Edward Murphy (Alternate), Chris DiMarzio (7:13 pm)
- Planning Board members absent:** David Kopacz, Sr.
- Staff present:** Rubén Flores-Marzán, Director of Planning & Community Development
Judi Mosso, Assistant to the Director
- Public:** (as taken from the sign in sheet and observation): Joseph S. Vecchione, Melina Bourdeau (Press: *Ware River News*), Stuart Beckley, Martha Klassanos, Jerilyn Vadnais, Dennis Slattery, Patricia Monette, Joel Harder, William Barlow, Frances Marsden, Jeremy Chapman (Melink Solar Dev.), Peter Engle (Bertin Eng.)

Chairman R. Starodoj called the meeting to order at 7:00 p.m. and stated that the meeting was being audiotaped. Attendees said the Pledge of Allegiance. Some agenda items were taken out of order.

1. **ANR-2017-04, George E. Chrabaszcz**, Belchertown Road – The Board reviewed the plans and discussed the boundary line adjustment creating a conforming lot. **Motion** by F. Urban to endorse the plan as presented. Seconded by J. Kusnierz. So voted 4/0/0.
2. **Proposed Zoning Bylaw amendments** (Use Table, Marijuana dispensary and cultivation facilities), Public hearing held October 4, 2017; now closed. The Board reviewed each

item, discussed comments received at the public hearing, and made some changes to the proposed amendment.

3. **SP-2017-04 and SPR-2017-02 - Melink Solar Development**, proposed ground-mounted solar facility at ***Upper Church Street***, hearing was continued from October 4. Board members assigned to this case: Rick Starodaj, Fred Urban, Josh Kusnierz, Ed Murphy (Alternate). The Chairman informed the applicant that we have 4 members hearing the application tonight, applicant was favorable to moving forward with the discussion. The Board reviewed the revised plans, highest point of panel is less than 10", asked for driveway and utility poles to be moved as far north as possible: at least 2 widths of the current road and at least even with the northern property line. Melink may not need all 6 poles but they will confirm that with National Grid. There was discussion about the following: fence, signage, and road safety, possible language in a deed restriction to maintain trees at the southern portion of the property or condition that plants be maintained for the life of the solar project; preferred plants for screening, additional plants along fence line.

The hearing was suspended in order to open the next hearing at 7:40 pm.

Further possible conditions: Stumps will be removed and southern screening will be planted before work starts, there will be no continuous lighting, hours of operation giving consideration to Mrs. Monette's evening work schedule, encourage communication for scheduling (except for emergency repairs and plowing), state permits. Mr. Chapman of Melink was agreeable to confirming construction schedules with abutters. Chairman referred to state publication "Clean Energy Results" booklet.

Mr. Slattery asked who would be responsible if the solar array caused him health problems.

Motion by J. Kusnierz to continue the hearing to November 1, 2017 at 7:10 pm.
Seconded by F. Urban. So voted 4/0/0.

4. **SP-2017-05 and SPR-2017-03 - Melink Solar Development**, proposed ground-mounted solar facility at ***Gilbertville Road***, Continued from October 4. Board members assigned to this case: Rick Starodaj, Fred Urban, Josh Kusnierz, Ed Murphy (Alternate). Hearing was opened at 7:40 then suspended to return to the Upper Church Street hearing. The Chairman informed the applicant that we have 4

members hearing the application tonight, applicant was favorable to moving forward with the discussion. Hearing reconvened at 7:55 pm. Highest point of retaining wall is 25' but there is no structural design for it. Mr. Vecchione stated that the project negatively impacts his secluded property and questioned the impact and safety of blasting near residential homes. Chairman suggested more natural materials for the wall components in order to make it as aesthetically pleasing as possible. Chairman also referred to MA DOT requirements for blasting and 527 CMR fire codes, and Facts About Blasting for MA Property Owners.

Engineer is to find exact location of Mr. Vecchione's well. Power poles should move away from Mr. & Mrs. Anair's home; land must be maintained at the road, catch basins must be cleared to ensure proper drainage, recommended continuing the hearing so a structural engineer can be consulted. Board is considering a peer review for the wall design.

Motion by F. Urban to continue the hearing until November 1 at 7:30 pm. Seconded by J. Kusnierz. So voted 4/0/0.

At 8:22 pm, the PB took a brief recess. PB meeting reconvened at 8:29 pm.

5. **Tom Hogan, P.E., Doucet & Associates, Monson Turnpike Road subdivision** – Mr. Doucet presented a brief history of the subdivision and a new idea for solar array: individual array on each subdivided parcel. Owners want to partner with renewable energy company ECOS Energy out of MN.

Proposed project details:

- ECOS would maintain ownership
- Private, gravel road only; no road built
- No infrastructure built
- Stormwater provisions would be updated
- No residential use
- After solar is decommissioned, property would "revert" back to subdivision, then public improvements made
- Useful life of array ~30-40 years
- 1 "project" but multiple parcels
- ~10 MW project
- Must occur on lots that were subdivided by a particular date (according to the project proponents)

The Board reviewed a plan of the subdivision with a solar array overlay on the parcels.

Discussion

- Need for multiple setback variances for many parcels but no actual residential use
- 1 “project” but multiple parcels
- Visual impacts
- Taxes paid on individual lots (same as now)
- Grid tie-in at Coffey Hill Road
- Should be **either** solar **or** residential not both
- Would need building permits for each lot but it’s being proposed as a single project
- Better to just rescind the subdivision since we cannot predict land use trends and future regulations
- Development vs. open space
- Would be a maze of fencing for wildlife
- Would be creating non-conforming lots
- Asked for clarification about “occurring on lots that were subdivided by a particular date”; cite regulations if applicable
- Noted 2015 Dept. of Energy p. 4 that solar use should be compatible to the area and discouraged significant tree cutting.

Mr. Doucet will follow up with the Board at a later date.

6. Administrative

- a. Approve minutes from September 20 and October 4, 2017 – **Motion** by J. Kusnierz to accept minutes from September 20 and October 4, 2017 as presented. Seconded by F. Urban. So voted 5/0/0.
- b. Review notices from abutting towns – notices were reviewed.

7. Discussion & Updates

- a. Site Plan Review application for All Parts Racing (APR) – Submission from Kathy Cascio on October 4 on behalf of Gary Buelow is unacceptable. **Motion** by J. Kusnierz to rescind SP-2016-02. Seconded by C. DiMarzio. After further discussion, the motion failed. Board asked J. Mosso to contact him offering guidance on what exactly is required for a complete application. Also to note that given the extensive timelines and detailed guidance the Town has provided, as well as the great latitude we have shown, the entire Board was

disappointed with his level of effort and lack of completeness of this submission. Staff will also research method for rescinding Special Permit.

- b. Subdivisions; winter plowing – Some members went on inspection on October 13. J. Mosso will notify owners and will invite them to the November 1 meeting for further discussion.

8. Other – none.

9. Adjourn – **Motion** by F. Urban to adjourn at 10:01 pm. Seconded by J. Kusnierz.

Documents reviewed:

- Zoning Bylaw amendments
- SP-2017-04 and SPR-2017-02, Melink Solar Development (Upper Church St)
- SP-2017-05 and SPR-2017-03, Melink Solar Development (Gilbertville Rd)
- “Clean Energy Results” booklet
- 527 CMR Board of Fire Prevention Regulations
- Facts About Blasting for MA Property Owners
- MA Highway Requirements for Blasting Adjacent to State Highways

Documents received:

Minutes Approved on: _____	
Starodoj	_____
DiMarzio	_____
Urban	_____
Kusnierz	_____
Kopacz	_____

*Respectfully submitted by
Judith P. B. Mosso, MPA
Assistant to the Director*