



# TOWN OF WARE

## Planning & Community Development

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### Planning Board

Meeting Minutes from  
**Wednesday, October 4, 2017**  
Board of Selectmen's Conference Room

**Planning Board members present:** Rick Starodoj (Chairman), Josh Kusnierz, Fred Urban, David Kopacz, Sr., Edward Murphy (Alternate)

**Planning Board members absent:** none

**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): Phil Hamel, Melina Bourdeau (Press: *Ware River News*), Stuart Beckley, George Staiti, Martha Klassanos, Nancy Talbot, Paul Opalinski, John Carroll, Michael Fountain, Cynthia Henshaw, Austin Hugli, Cathy Cascio, Bill Blodgett, Denise Blodgett, Jerilyn Vadnais, Dennis Slattery, Frances Slattery, Kenneth Monette, Patricia Monette, Denis Ouimette, Joel Harder, Beatrice Barlow, William Barlow, Frances Marsden, Richard Boos, Charlotte Boos, Jeremy Chapman (Melink Solar Dev.)

Chairman R. Starodoj called the meeting to order at 7:01 p.m.

1. **7:00 p.m. Public Hearing on proposed Zoning Bylaw amendments** (Use Table, Marijuana dispensary and cultivation facilities) – The Chairman opened the public hearing at 7:03 and appointed Ed Murphy, Alternate to the hearing; legal ad was read into the minutes.

SUMMARY / MARIJUANA BYLAW

- R Flores-Marzan briefly summarized the state legislation timelines for medical and recreational sales and subsequent proposed amendments.
- PB is being proactive so that the Town has a say in regulations as opposed to being steered by private business.
- Chairman R. Starodoj: state ballot vote on November 8, 2016: 53.6% of votes statewide and 56.4% town-wide (72% of voters) approved recreational use.
- 2016 proposed town moratorium failed; PB did not want to ignore majority vote (only 1.4% of registered voters at town meeting)

#### PUBLIC COMMENTS

- Town Manager Stuart Beckley stated that this is an important bylaw for the town. He asked to consider density of shops and include churches in the section on separation.
- P. Hamel (ZBA, Ware resident) submitted an article (Marijuana and its insurance implications, 2017, *Butane-Propane News*). He stated that marijuana use will have far-reaching implications including how insurance is calculated. He spoke about the current opioid epidemic; legalizing marijuana places a focus on profit; unemployment will increase; will cost taxpayers; he opposed any retail sales in Ware; reported increase in motor vehicle accidents in Colorado (where it is legal).
- G. Staiti (ZBA, Ware resident) commended the PB for tackling this challenging topic and for providing the voters an amendment to address it.

#### PUBLIC COMMENTS / USE TABLE BYLAW

- Town Manager Stuart Beckley recognized the PB's desire to encourage economic growth. Encouraged any changes from a NO to a SP instead of straight to an allowed use. Disagreed with allowing some uses in some districts by right as it would not address topics such as parking requirements (cited hotel as an example). Potential to combine Industrial uses in the Highway Commercial sections of town. Any place where traffic, noise, odor, etc. are concerned, its use should remain SP and not allowed by right.
- Possibility of an East HC and West HC district; possible overlay district
- P. Opalinski stated that a hotel should be allowed by SP in DTC and MY districts. Hotel should be SP: if solar is allowed via SP then a hotel should be allowed in some districts via SP as well. Some business owners in the DTC district are not permitted for many uses that are in the MY district.
- J. Carroll stated that the PB should review plans for road construction.

#### The public hearing for proposed bylaw amendments closed at 7:33 p.m.

2. 7:30 p.m. Public Hearing on SP-2017-04 and SPR-2017-02, Melink Solar Development, proposed ground-mounted solar facility at [Upper Church Street](#), Joel Harder, owner

The Chairman opened the public hearing at 7:33 p.m. and appointed Ed Murphy, Alternate to the hearing; legal ad was read into the minutes. The Chairman reviewed procedure. (The Chairman paused at 8:06 p.m. to open the next public hearing (Gilbertville Road) and then resumed with this one).

#### APPLICANT'S SUMMARY

Peter Engle from Bertin Engineering presented the plan; site logged in 2015; 1/3 MW set back 300' from road; storm water calculations conducted; discussed grass plantings and screening. Ground cover will be seed mix; slope is 15-20%; SP application is for entire parcel; may split with an ANR in the future. Parcel is 17.5 acres and proposed array is 6.5 acres.

Property Owner J. Harder stated that the tree clearing was permitted by DCR's state forester; he plans to build small homes near the road; he has screening as part of the submitted plan.

#### PUBLIC COMMENTS

- P. Hamel asked how many solar arrays are allowed; spoke about multiple solar locations, tree removal in general; cell towers are limited so solar arrays should be too. (by state law, we cannot limit it); asked how a solar array in a residential area affects property values; can the PB ask for alternatives
- Jeremy Chapman of Melink Solar Development (applicant) provided information about what materials solar arrays are constructed from; small traces of lead in product; this is considered a "community shared solar plan" (i.e. SMART program w state credits)
- J. Harder (property owner) stated that trees were dead and needed to be removed. He removed trees with DCR approval (tree removal is not PB purview).
- D. Slattery (abutter) shared concerns about conservation and DEP approvals, wildlife and wetland impacts (was referred to the Conservation Commission), erosion; his view before the clearing was a vista and now view is upsetting; screening requirements will not help because his property is elevated; questioned health concerns over solar in residential district, trucks during construction; concerned for his home's value; provided negative effects of Electric and Magnetic Fields (EMFs)
- C. Henshaw (EQLT) inquired about visual impact and asked PB to consider additional screening for the rail trail and include plantings that are beneficial to pollinators; can the PB reduce the size of the array
- M. Klassanos (EQLT) inquired about the slope, regarding and stump grinding and ensuring erosion control
- P. Monette requested screening down the entire length of her property line (south side); asked if a tree falls, who is responsible; her research shows that property values drop 3% - 9% after a solar array is installed

- K. Monette stated that owner/applicant should not be allowed to profit from this project because Mr. Monette was not granted a Special Permit for an accessory apartment due to the potential to profit from it; solar should not be allowed in the Rural Residential district; opposed this project especially since this is a RR district and he should be allowed to enjoy his home; has concerns about converters; would like to see larger setbacks
- G. Staiti stated that the town will benefit from both property taxes (the land) as well as personal property (solar array)
- P. Opalinski stated that the bond should be examined closely and notice given to the town for any change of ownership
- J. Carroll stated that the solar array proposed for Robbins Road will receive state tax credits

#### BOARD DISCUSSION

- Windmills and solar are new energy source since nuclear power is obsolete; we still have energy demands
- Most solar is low impact, PB requires proper screening that is sustainable and site specific
- Would like to see utilities and service lines placed underground at the road; J. Chapman (applicant) agreed
- Solar setbacks are different from other setbacks
- PB is obligated to condition Special Permits in order to mitigate concerns
- Property owner/applicant are allowed to develop land and profit from the property
- PB would need substantial reasons to ask for an alternative plan; the PB can mitigate negative aspects of the project
- Some solar studies are required by the state
- In general, the state supports solar energy projects

**Motion** by F. Urban to continue the public hearing for SP-2017-04 and SPR-2017-02, Melink Solar Development (Upper Church Street) to the October 18 meeting at 7:05. Seconded by J. Kusnierz. So voted unanimously.

At 8:45 pm, the PB took a five minute recess. D. Kopacz left the meeting. PB reconvened at 8:50 pm.

3. **8:00 p.m. Public Hearing on SP-2017-05 and SPR-2017-03, Melink Solar Development, proposed ground-mounted solar facility at [Gilbertville Road](#), Joel Harder, owner**

The Chairman opened the public hearing at 8:06 p.m. After the break (above), the Chairman appointed Ed Murphy, Alternate to the hearing; legal ad was read into the minutes.

APPLICANT'S SUMMARY

- Peter Engle from Bertin Engineering presented the plan; there is a steep slope and they plan to cut into the land; rip rock and a stabilization blanket will be placed via machine; baffle dams will be installed to reduce stormwater runoff; western portion of project (~40%) is located in West Brookfield and applicant is seeking permits from that town as well; total project is 1.5 MW on 10 acres; about 10' of ledge; a geotechnical study may be needed; not familiar with well locations of nearby homes
- J. Harder stated that he will need to clear more trees if the project is approved

PUBLIC COMMENTS

- P. Hamel stated his concern about tree removal (in addition to the Nautilus Solar project nearby where trees were also cleared for a solar array)
- F. Marsden asked about setbacks, screening, and construction timeframe
- R. Boos (West Brookfield abutter) asked about likelihood of finding ledge when reducing the slope; no one has walked the site from west to east

BOARD DISCUSSION

- About a 30' cut at the top of slope; at town line, about 20' out
- A geotechnical study may be needed
- Possibly reduce earth removal from 290,000 cubic feet
- Tentative site visit scheduled for October 8; J. Kusnierz will be point person, coordinated via J. Mosso

**Motion** by J. Kusnierz to continue the public hearing for SP-2017-05 and SPR-2017-03, Melink Solar Development (Gilbertville Road) to the October 18 meeting at 7:40p. Seconded by E. Murphy. So voted unanimously.

4. Administrative

- a. Approve minutes from September 20, 2017 – tabled
- b. Review notices from abutting towns - none

5. Discussion & Updates

- a. Site Plan Review application for All Parts Racing (APR); rescind letter sent 9/11/2017 – Cathy Cascio submitted paperwork (not reviewed during meeting). At first glance the paperwork is insufficient.

- b. Nautilus Solar, screening update – J. Kusnierz reported that the screening (high end arborvitae) is in and Nautilus planted 3 more than suggested.
  - c. Subdivisions; winter plowing – Site visits scheduled for October 13, 9-11am.
6. **Other** (any discussion and action may be postponed until next meeting) – none.
7. **Adjourn – Motion** by J. Kusnierz to adjourn at 8:18 pm. Seconded by E. Murphy.

**Documents reviewed:**

- Zoning Bylaw amendments
- SP-2017-04 and SPR-2017-02, Melink Solar Development application (Upper Church St)
- SP-2017-05 and SPR-2017-03, Melink Solar Development (Gilbertville Rd)

**Documents received:**

Marijuana insurance article

<b>Minutes Approved on:</b> _____	
Starodoj	_____
DiMarzio	_____
Urban	_____
Kusnierz	_____
Kopacz	_____

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