



# TOWN OF WARE

## Planning & Community Development

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### Planning Board

Meeting Minutes from  
**Wednesday, July 19, 2017**

Board of Selectmen's Conference Room

- Planning Board members present:** Rick Starodoj (Chairman), Josh Kusnierz, Chris DiMarzio, Fred Urban
- 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): Alyssa Noyes, TRC Engineering; Ed Switzer, Forefront Solar, LLC; John Desmond; Paul Moryl; Stuart Beckley, Town Manager; Todd Marion; Juliet Caplinger, TRC Engineering; Paul Daley; Mary Daley; David Gauthier

Chairman R. Starodoj called the meeting to order at 7:05 p.m. Some items were taken out of order.

#### 1. Administrative

- a. Approve minutes from June 7, 2017 – Tabled.
- b. ANR applications, deed information & recording – The Assessor's office inquired about a 2008 ANR and if the lot was buildable or not. The assessment was based on the lot being buildable however the Building Inspector and P&CD staff concluded that it was not buildable. Current Board members who were on the 2008 Planning Board stated that indeed it was a buildable lot because at the time of issuance, there was sufficient frontage on an approved way (whether or not said way was/had been

accepted by the Town). J. Mosso will send memo to Assessor's and Building Inspector to that effect.

Part of the discussion above came about because the 2008 ANR was not recorded after it was approved. Some towns record ANRs as part of the approval process to ensure the fact. There was brief discussion about recording duties and increasing fees.

c. Review notices from abutting towns - Board members reviewed notices.

2. **SP-2017-02, Forefront Power, LLC, ground-mounted solar facility at 417 Belchertown Road, Canadian Tree Expert**

The Chairman opened the public hearing at 7:06; J. Kusnierz read the legal ad into the minutes; the Chairman then reviewed the procedure for the hearing.

Applicant presentation

Ed Switzer, Project Manager for Forefront Power (FFP), LLC provided a company overview, information on rural energy, and history of FFP's renewable energy projects. Mr. Switzer then described in detail their proposed project at 417 Belchertown Road:

- site selection – zoning, access, interconnectivity options, community, visual impacts, environmental constraints
- project parameters – array is 8.8 acres on 28.4 acre-parcel
- site layout – modules, fixed racking, access road, power inverter, fence height
- examples of similar projects, photos, and benefits of solar
- operations and maintenance (O&M) plan - 2-3 visits per year; a monitoring system will warn of reduced solar production which would trigger a site visit
- anticipated start date is early April 2018; waiting for state incentive program to begin

Questions from Abutters

- Stone basins will address any drainage needs
- Permitting stage with Conservation Commission: RDA has been submitted and their approval is independent from Planning Board approval

- MassDOT has basins that drain onto Mr. Daley's property (412 Belchertown Rd), expressed concern about his driveway and property flooding. He has heavy driveway use and his limited view must not be blocked during construction or maintenance. He inquired about vegetative screening. E. Switzer stated that the plan includes measures to decrease runoff; staging and parking is behind (easterly to) the road; screening is site-specific.
- Town Manager asked if FFP is leasing or purchasing the property. E. Switzer stated that they are leasing; FFP owns and operates the panels, and sells the power; no property boundary lines will change.
- Question regarding FFP; E. Switzer stated that they have 6 projects in the permitting phase in MA and 6-8 more being considered.
- Questions regarding how solar works, assembly of array, support depth, and placing solar on abutting properties

#### Planning Board discussion

The Board discussed the decommission surety and contingencies, inflation, and prevailing wage; building permit value is based on \$4,000,000 project cost. E. Switzer stated that FFP would be responsible for decommissioning and employing the bond. Brief discussion about view, site lines, and recommended height of screening. Maintenance activity will be during daylight hours with the exception of emergencies. Board reviewed all findings.

Possible conditions discussed were:

- PB reserves the right to conduct a site visit upon completion of project in order to determine necessary screenings and the developer agrees to abide by the PB's findings
- Hydroseeding will include a tackifier in order to ensure that the seed media adheres to the soil particles
- Seeding will take place by specific date
- Top soil will not be left without sedimentation controls for a period of longer than 6 months
- Developer will be held to state and local requirements

Board requested exact amount of surety and a 1-2 page narrative on project phases. **Motion** by C. DiMarzio to continue this hearing to the August 16, 2017 meeting date. Seconded by J. Kusnierz. So voted 4/0/0.

3. **Discussion & Updates**
  - a. Peter Gundacker re 54 East Street (Zoned I, motor vehicle sales not allowed). Mr. Gundacker was unable to attend tonight and expects to be at the August meeting.
4. **Site Plan Review application for All Parts Racing (APR)** – Jack Cascio has been in touch with staff regarding submitting an application. To date, nothing has been received. *(Update: a single page, incomplete, hand drawn plan was submitted 8/30/2017).*
5. **Subdivisions**
  - a. Coldbrook Drive – Todd Marion reported that an additional section of road has a guardrail now; Board wants large boulders closer together to close up gaps; Board agreed that fence on top of retaining wall was not necessary; streetlights have been installed but need to be connected to electricity; Mr. Marion is still preparing for fall town meeting; pins and bounds are set; any approval of an “as built” plan needs comment/approval from DPW.
  - b. Wildflower Drive – Due to the many questions about ownership, road, sidewalks, maintenance, etc. the Board felt that the Building Inspector should not issue any building permits until it is resolved. Discussion about original bond.
6. **Renewable Energy updates / Potential battery storage facility** – nothing at this time.
7. **Proposed Zoning updates** (Use Table; Use Variance option; Marijuana facilities; Primary and accessory uses) – Board discussed draft amendments
8. **Other** – The Board discussed a 2008 ANR on Hillside Drive. C. DiMarzio and R. Starodaj, who were on the Board at the time the ANR was approved, reiterated that indeed the lot is buildable because it has adequate frontage and is on an approved road (ownership of road is irrelevant).
9. **Adjourn – Motion** by J. Kusnierz to adjourn at 9:13 p.m., seconded by C. DiMarzio.

**Documents reviewed:**

- Town notices

- SP-2017-02, Forefront Power, LLC application
- Map around 54 East Street and related zoning districts
- Draft Use Table revision

**Documents received:**

none

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

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