



TOWN OF WARE

Planning & Community Development

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Planning Board

Meeting Minutes from
Wednesday, May 16, 2018
Board of Selectmen's Conference Room

- Planning Board members present:** Rick Starodoj (Chairman), Josh Kusnierz (Vice Chairman), Fred Urban, Joe Knight, Edward Murphy (Alternate)
- Planning Board members absent:** Chris DiMarzio (excused)
- Staff present:** Rubén Flores-Marzán, Director of Planning & Community Development
Judi Barnard-Mosso, Assistant to the Director
- Public:** (as taken from the sign in sheet and observation): Susie Gifford, Ed Switzer, Christina Sprankle (and minor child), Peter Engle, Colin Derhammer

Chairman R. Starodoj called the meeting to order at 7:03 p.m. Attendees said the Pledge of Allegiance.

1. Administrative

- a. Disburse Anti-Discriminatory/Harassment Policy, Conflict of Interest Law, and online Ethics Training – packets were distributed; they are due back to BOS by Friday, June 1.
- b. Approve minutes from May 2, 2018 – **Motion** by J. Knight to accept the minutes with slight revision. Seconded by J. Kusnierz. So voted 4/0/0.

2. **Public Hearing on SPR-2018-01 – Forefront Power, major site plan review for proposed ground-mounted solar facility at Robbins Road capped landfill (owner: Inhabitants of Ware)** – public hearing was continued from April 18.

- E. Switzer summarized project and the revision requests from the Planning Board; he showed a 3D rendering of the project from his laptop
- The Board is willing to include a condition that Forefront will mitigate the visual impact to all immediate abutters
- Brief discussion about road width and right of way
- S. Gifford from TRC reported that Tight & Bond completed their initial peer review; she will send those comments as well as DEP comments

Motion by J. Kusnierz to continue the hearing to the June 6 meeting. Seconded by J. Knight. So voted 4/0/0.

3. **Public Hearing on SPR-2018-02 Forefront Power, major site plan review for proposed ground-mounted solar facility at Banas Farm, Robbins Road (owner: Inhabitants of Ware)** – public hearing was continued from April 18.

- E. Switzer provided construction estimate for the decommissioning bond; agreed with Board to round up to \$300,000
- Project was heard by Conservation Commission May 9 with comment about work in the floodplain and will create an in-kind replacement; this will not impact the site plan before the PB
- Brief discussion about the decommissioning bond

Motion by J. Kusnierz to approve the site plan as addressed in the submittals, and under 7.4.7 and 4.8.3 of the bylaw with the following conditions:

1. Developer will be held to all applicable state and local requirements.
2. Any changes to the plans approved by this permit must be reviewed by the Director of Planning & Community Development (P&CD) prior to implementation, to determine if they constitute a significant change to require modifying the existing Major Site Plan Approval and additional public hearings.
3. Town of Ware officials (Town Manager and Planning Board via the P&CD Department) shall be notified by certified mail thirty (3) days prior to any change of ownership of the property/project, lease holder and/or plant operating company. Within thirty (3) days of such notice, the new party shall arrange to meet with the Planning Board to review the operating conditions of the Major Site Plan Approval.
4. All surety bonds and other financial and legal documents will be immediately updated at the time of transfer to reflect the new ownership or operating interests.

5. All applicable local, state, and federal permits and approvals must be in place prior to the start of construction and operations.
6. Applicant will comply with all laws, regulations, and requirements of the Town of Ware, Commonwealth of Massachusetts, and the United States of America, the strictest of which shall prevail.
7. The \$300,000 construction bond may be used for the decommissioning bond.
8. All plantings are to be maintained for the life of the solar project.
9. Hours of **operation** shall be 7:00 am to 7:00 pm Monday through Saturday, and 9:00 am to 7:00 pm on Sundays.
10. Hours of **construction and maintenance operation** shall be:
Monday through Friday: 7:00 AM to 5:00 PM
Saturday 8:00 AM to 1:00 PM
NO operations on Sunday; NO operation of machinery for warm up or maintenance outside of the above hours. NO construction operations to occur on New Year's Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. Emergency repairs and maintenance, including snow plowing, may occur at any time.

Seconded by J. Knight.

Roll call vote:

Rick Starodoj	AYE
Josh Kusnierz	AYE
Fred Urban	AYE
Joe Knight	AYE

So voted 4/0/0

4. **Public Hearing on SPR-2018-03, All Parts Racing, Gary Buelow, Major site plan review for additional parking, 55 East Street location** - Site Plan review was a condition of the 2016 Special Permit; this hearing was continued from May 2. The Board gave Mr. Buelow 30 days to provide a revised plan. This item was left on the agenda in case a revised plan was submitted before the 30th day (June 1, 2018).

Motion by J. Knight to continue the hearing to the June 6 meeting. Seconded by F. Urban. So voted unanimously.

5. **Public Hearing on amendments & modifications to SP-2017-05 and SPR-2017-03 Melink Solar Development, proposed ground-mounted solar** – this hearing was continued from May 2. J. Kusnierz recused himself from this hearing. E. Murphy was appointed to this hearing by the Chairman. Melink is amending their 2017 Special Permit to reduce the size of the solar array. P. Engel outlined the amendment and explained the changes since the first site plan; discussion with the PB:

- array will be farther away from Mr. Vecchione’s property
- FD commented that appropriate signage is required
- Plantings will be raised higher now
- Going from 1.3MW to 0.3 MW
- Increased green screening; will be 15’ spacing

Motion by E. Murphy to accept the proposed changes and the amendment to Special Permit SP-2017-05 and Site Plan SPR-2017-03 for Melink Solar’s project on Gilbertville Road with the following ADDITIONAL conditions:

1. Distance between planted screening trees on the Gilbertville Road frontage will be 15’ apart instead of the proposed 20’.
2. The southerly parcel boundary (abutter N/F Anair) will be a double row of staggered trees, similar to the northerly parcel boundary (abutter N/F Vecchione).
3. A revised plan will be submitted to the Planning Board before construction begins.

Seconded by J. Knight.

Roll call vote:

Rick Starodoj	AYE
Ed Murphy	AYE
Fred Urban	AYE
Joe Knight	AYE

So voted 4/0/0.

6. **Discussion & Updates**

- a. PVPC Delegate update – none at this time.

7. **Other**

- a. There was brief discussion about marijuana cafes (where you can consume on site). There has been no guidance from the state so the Board agreed to recommend to take no further action on marijuana cafes.
- b. There was brief discussion about Wildflower Drive. The PB would like the Town Manager to follow up with the bank (who owns the road) and to invite a bank representative to the July 18 PB meeting. There was also discussion about the developer, BelCo Construction, no longer owning the parcels, but they are considered to be in private ownership (owner is John Beltrandi) and therefore the homeowners association would be triggered. There was discussion about who is the right contact for the bank.

8. **Adjourn – Motion** by J. Knight to adjourn at 8:18 pm. Seconded by F. Urban.

Documents reviewed:

- May 2, 2018 minutes
- SPR-2018-01 – Forefront Power, major site plan review for proposed ground-mounted solar facility at Robbins Road (capped landfill)
- SPR-2018-02 Forefront Power, major site plan review for proposed ground-mounted solar facility at Robbins Road (Banas Farm)
- Amendment to Melink Solar Development (SP-2017-05 and SPR-2017-03) at Gilbertville Road

Documents received:

None

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

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