



# TOWN OF WARE

## Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

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## Planning Board

Meeting Minutes from

Thursday, February 20, 2020

Select Board Room, Town Hall

### Planning Board Members Present:

Rick Starodoj (Chairman), Joshua Kusnierz, Joseph Knight, Fred Urban, and Jennifer Muche (Alternate)

### Staff Present:

Rebekah DeCoursey, Director; Anna Marques, Building Inspector; Stuart Beckley, Town Manager

### Public in Attendance:

Tom Barnes, David Berson, Jay Gagliarducci, Keith Kruckus, Claudia & Jim Kadra, Jodi Chartier, Terry Smith, Bill Moryl, and others on sign in sheet.

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF MINUTES

Motion by J. Kusnierz to accept the minutes of January 16<sup>th</sup> and February 6<sup>th</sup>. Second by J. Knight. Approved by vote 5-0.

### PUBLIC HEARINGS

Extension of Special Permit. SP-2020-01. Greenwich Road Realty, LLC is requesting an extension of SP-2019-01 for an earth removal operation under §4.8.5 of the Zoning Bylaw. The project is located at Parcel ID 35-12-1 on Greenwich Road.

J. Knight read the legal notice. F. Urban recused himself from the public hearing. Chairman appointed J. Muche as an alternate.

J. Gagliarducci of Greenwich Road Realty, LLC and D. Berson of Bacon & Wilson Law represented the applicant. Per Ware Zoning Bylaw, a Special Permit for earth removal is required to be renewed on a yearly basis. The applicant is asking for said renewal at this time. J. Kusnierz asked if there have been any complaints about the earth removal operation. R. DeCoursey submitted the renewal application to all pertinent departments. No concerns or items of complaints were brought to her attention. A member of the audience inquired about the site layout of the operation and was provided with a copy of the site plan on file. R.

DeCoursey recommended the Board approve the request for Extension of Time SP-2020-01 with the same conditions as approval SP-2019-01. Chairman closed the public hearing. Motion by J. Kusnierz to approve the Extension of Time SP-2020-01 for earth removal operation to Greenwich Road Realty, LLC with the conditions of SP-2019-01. Seconded by J. Knight. No discussion. Roll call vote passes 4-0:

R. Starodoj     aye  
J. Kusnierz     aye  
J. Knight        aye  
J. Mucche       aye

F. Urban rejoined the Board.

**Zoning Bylaw Revisions. Solar. Continued from January 16.** The purpose of this hearing is to consider amendments to the Town of Ware Zoning Bylaw. Topics proposed to be amended include definitions (§2.2), and Solar Energy Facilities (§4.8.3)

T. Smith stated that he felt the Town was wasting resources by allowing the current solar projects to submit their Special Permit applications. The state guidelines on applying for the SMART energy program require that applicants need their interconnection agreement before they can file for their permits. National Grid has been hosting meetings with stakeholders to discuss the capacity of the grid system statewide. The final results of that study have not come out yet. T. Smith strongly urged town officials to go to the meetings to be better informed. J. Kusnierz and S. Beckley stated they will attend the next meeting in Marlborough on March 19<sup>th</sup>.

The Board continued discussion on the solar bylaw revisions. R. DeCoursey presented the draft that included the changes that had been discussed at the previous hearing. Changes included reducing total number of large scale solar arrays to 15, allowing parking lot canopy installation by right, removing and adding language to clarify wording, removing sections to give more flexibility for historic sites and prime farmland as discussed at the public hearing on January 16<sup>th</sup>, and adding a section under Site Control. The section added under Site Control is "Utility-Scale Solar Facility" to address large projects over 15mw in size and along a transmission line. The previous draft has language to address utility-scale solar projects scattered throughout the bylaw and now it is consolidated into one section.

Discussion of the utility scale solar arrays ensued. Considerations included:

- Total number allowed, if limiting it at one (1) utility-scale solar facility would invite lawsuits.

- Setbacks between property lines. For utility scale solar, it would be beneficial to the applicant to have reduced setbacks. The Board stated that they have increased the setbacks elsewhere.
- Mr. Beckley made several suggestions to the utility-scale solar language.
- Ms. Eskett expressed that it sounds as if the Board is doing everything in their power to not allow utility-scale solar. She stated this could be huge to the Town and asked the Board why they would deny this potential revenue to the Town.
- A resident of Fischerdick stated that the Board seems to not want to see that amount of land cleared, but it's private property. He doesn't want to see burned out buildings on Main Street with plywood, and in the paper see the Town called a slum town, and he doesn't like seeing that.
- J. Chartier. The potential project that has been a point of discussion is on private property with residents on board, but there is a lot of environmental impacts to consider, including King Brook cold water habitat.
- J. Knight stated we still have time to finalize the language. There has been good discussion through this process that is not taken lightly by him.
- Chairman reminded the room that it is impossible to create a bylaw that makes everyone happy. His feeling is that if no one leaves the room happy, then the Board has done their job well.
- Mr. Bergeron stated the state has held up his solar project at Canadian Tree from moving forward, but it still will be installed. As for solar project in general, he felt that the owner of a property should have more of a say in what they can do with their property than an abutter.
- T. Smith stated a potential utility-scale project is unlike any other the Town has seen and has a lot of potential. He has heard this is the way solar development is going, and felt it was good that town officials took time to take a look at the land to educate themselves.
- Draft bylaw has changed financial surety to require a cash bond, not a surety bond.
- Fire Chief Gagnon answered questions from the Board and the audience regarding fire safety concerns of battery storage. Access roads size and slope were also discussed. Chairman mentioned a study on batteries he had found, and R. DeCoursey will share it with the Fire Chief. A. Marques discussed the fire suppression system that she had seen at a battery facility in Sterling. Discussion of an impervious containment area was had.
- J. Kusnierz suggested any dead or diseased trees be replaced of a specimen of similar size.
- J. Chartier asked if something to protect the town of Clause 45, removing the facilities from taxation. R. DeCoursey stated that language has been crafted to

include a condition that applications must submit paperwork to enter a PILOT agreement with the town.

- The Board finished reviewing the draft bylaw revisions.

The Director read the language of the solar moratorium that was approved at the March 11, 2019 town meeting into the record.

J. Kusnierz announced that Fred Urban is retiring and there is an opening on the Planning Board in the upcoming election. If anyone is interested in giving back to the Town, this is a great opportunity. Each member brings their own knowledge to the table.

**ADJOURN**

J. Kusnierz made the motion to adjourn, J. Knight seconded, no further discussion, All in Favor 4-0. Adjourned at 9:34 pm.

Next meeting is scheduled for March 12, 2020 at 7:00 pm.

Minutes from February 20, 2020

Respectfully submitted by,

Rebekah DeCoursey, Director

|                      |                    |
|----------------------|--------------------|
| Minutes Approved on: | <u>3/12/20</u>     |
| Starodoj             | <u>RYS</u>         |
| Urban                | <u>[Signature]</u> |
| Kusnierz             | _____              |
| Knight               | _____              |
| Murphy               | <u>[Signature]</u> |