



# TOWN OF WARE

Planning & Community Development  
126 Main Street, Ware, Massachusetts 01082  
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Planning Board

Meeting Minutes from

Thursday, March 12, 2020

Select Board Room, Town Hall

**Planning Board Members Present:**

Rick Starodoj (Chairman), Edward Murphy III, 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.

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**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 F. Urban to accept the minutes of February 20<sup>th</sup>. Second by E. Murphy. Approved by vote 3-0.

**ANR – GREENWICH PLAINS ROAD – CONRAD**

The applicant owns three parcels of land on Greenwich Road and would like to combine two of the parcels to build a barn. F. Urban made a motion to endorse the ANR as presented, seconded by E. Murphy and approved 3-0. The Director signed the plan on behalf of the Board.

**DISCUSSION**

**Quarry Street Extension.** Cathy Buelow-Cascio purchased the house at the end of Quarry Street – #70 Quarry Street. There is a right of way easement between 70 and 7 Quarry Street. She had a land survey conducted to determine where the edges of the property were, it was determined there is a non-existent road (a "paper road") that goes through her house. She paid \$700 for her plans to go to fall Town Meeting to have the road discontinued. She has contacted her attorney to determine who owns that right of way, but she will need to pay more money. The Planning Board had no concern with the discontinuance so long as Town Counsel was happy. The two property owners were provided a copy of the letter from Town Counsel. There is some leg work that needs to be



completed. The Director expressed concern that removing the "paper street" would remove both abutting properties of their frontage, creating non-conforming lots, which is not allowed. She also expressed that it is unknown who owns the property of the right of way easement between the properties. As presented, without knowing that piece of land, there is not anything the Town can do. Ms. Buelow-Cascio did not want to pay for any more research. Chairman stated that there is not anything the Board can do for her at this time. Town Counsel recommended working with the neighbors on this issue to determine who owns the land.

**Proposed Subdivision on Osborne Road.** The Director was contacted by Melink regarding the Estate Lot Osborne Road and the proposed solar development. A subdivision is defined by M.G.L. as two or more lots. This would change the estate lot and thus solar would be an allowed use. The applicant did not have any plans drafted at the time of the meeting.

## **PUBLIC HEARING**

**Public Hearing (Continued)**– The application of Ware Solar III LLC (c/o Melink Solar Development) for Special Permit (SP-2019-07) and Site Plan Review (SPR-2019-06) for a 4.2 MW ground-mounted solar energy facility approximately 14.5 acres. The proposed solar installation would commence upon completion of Earth Removal Permit SP-2008-04. Location is Parcel 35-0-12 owned by FT Smith Trucking & Excavating.

Chairman appointed J. Muche as an alternate.

Bertin Engineering presented the changes to the plans. The perimeter of the proposed solar has not changes. There is additional landscaping added to the southwest portion of the site – Swamp Oak and Western Red Cedar to be satisfactory for the New England Street. Drainage updates were completed based on the peer review comments. Battery storage will have a corresponding swale and detention basin.

Update on the earth removal operation. The land clearing will commence on the earth removal and the land will be brought down to grade. The total amount of earth removal has been reduced. There is some land work that needs to occur to smooth out the eastern grade create a smother slope for the solar array.

J. Chapman from Melink stated that the night before they went before Conservation Commission. There was concern of where one project ends and where the next begins, so it would be the intent of the applicant to complete an as-built plan before the solar installation.



T. Barnes, Conservation Commission, mentioned that it was also discussed that the project is over an aquifer. J. Chapman stated that they will work to make a containment area, with concrete pad with lip, for the battery storage container to prevent contamination. They acknowledge the concern and will work to address it. The Director had not drafted condition for this project, the revised plans were only received a few days prior and no decision is ready to be made at this time. She did mention that there were a few conditions that they will include: 1) having the as-built plan completed before construction commences, 2) battery storage containment 3) six-inch gap in the fence for wildlife habitat 3) earth removal will not occur adjacent to the road to maintain the existing buffer and 4) the same PILOT agreement language used in the previous project on Greenwich Plains Road will be considered.

Chairman asked if the capacity will change. J. Chapman stated if more efficient modules are available, they would be used but that would not change the footprint of the overall site. The projects are going before Conservation Commission and the applicant will need some time to address the concerns brought up by the commission.

The applicant updated the Board on the other two projects (Couture and Harder). J. Chapman stated that MassDEP attended the Conservation meeting the night before. The Couture project needed additional attention to examining the wetlands, which may change the layout of the project. They will meet again in May. The Harder project needs to focus on the subdivision and get that submitted to the Board. There is an outstanding violation that needs to be addressed for Conservation, pre-dating the solar application. It may take some time. The Director recommended submitting the subdivision first and then finishing the solar application. Chairman asked if the subdivision plan superseded the ANR which froze the zoning, and how this will impact the moratorium – does it start over and which regulations does the project fall under once the new bylaws are amended.

**Motion to continue the Couture Project to April 16<sup>th</sup>, and the Osborne Road and Couture to May 21<sup>st</sup> by E. Murphy. Second by F. Urban. No discussion. Voted 4-0.**

After a brief recess the meeting reconvened at 7:22. J. Muche did not rejoin the meeting.

**Zoning Bylaw Revisions. Solar. Continued from February 20.** 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)

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 hearings.



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

- P2. Site Control solar arrays already permitted as of "May 11, 2020"
- P2. Added "this setback reduction shall only be considered for interior parcel lines where both parcels are being proposed to be developed for a utility-scale facility."
- P2. Removed "appropriate" and inserted "legal"
- P4. Regarding 200' buffer adjacent wildlife habitat, after T. Smith's comments at the previous hearing adding: This dimensional setback may be reduced at the discretion of the PB, particularly in locations where the applicant can demonstrate that enforcing this setback would be a hardship to a proposed project and the Board can be shown there is sufficient protection of existing abutting wildlife habitat, such as in the RQ district."
- P7. Added "replacement of dead/diseased screening trees must be replaced with a tree of same or similar size in height, width, and condition as the other species in the screening buffer to maintain a continuous buffer."
- Discussion of access around the site. Director will add language to address an accessible path for an ATV 8' or 10'. Gravel or grass-style pavers would be suitable, but more than just grass.
- Discussion on how a parcel in a multi-property project would be addressed after the death or abandonment by the owner. The audience was able to add insight that the land will be left to a beneficiary as inheritance to someone. He or she that inherits the land will therefore inherit the solar array lease.
- Discussion of transfer of "open space rights" for the 50% open space. This would involve putting a permanent protection on land off site, within a certain radius of the project by a Conservation Restriction.

#### TOWN PLANNER UPDATE

- CPTC has been cancelled
- Complete Streets Prioritization Plan will go before the Board of Selectmen on March 17<sup>th</sup>. Deadline for submission to the state is April 1.

#### ADJOURN

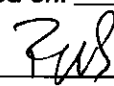

F. Urban made the motion to adjourn, E. Murphy seconded, no further discussion, All in Favor 3-0. Adjourned at 8:30 pm.

Next meeting is scheduled for March 19, 2020 at 7:00 pm.

Minutes from March 12, 2020

Respectfully submitted by,

Rebekah DeCoursey, Director

Minutes Approved on:	3/19/20
Starodaj	
Urban	
Kusnierz	
Knight	
Murphy	