



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

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Planning Board

Meeting Minutes from

Thursday, March 19, 2020

Select Board Room, Town Hall

Planning Board Members Present:

Rick Starodoj (Chairman), Edward Murphy III, Josh Kusnierz, Joseph Knight (virtual)

Staff Present:

Rebekah DeCoursey, Director

Public in Attendance (virtual):

Thomas Barnes, Jodi Chartier, Claudia Kadra

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 March 12th. Second by E. Murphy. Approved by vote 3-0.

ANR – Gould Road- On behalf of Janet L. LaRose and Hugo R. Blanco

J. Kusnierz made a motion to endorse the ANR as presented, seconded by E. Murphy, and approved 4-0. The Director signed the plan on behalf of the Board.

PUBLIC HEARING

(Continued) 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).

R. DeCoursey initiated a discussion on the topic of the transfer of land rights related to if a solar developer were to protect open space somewhere else in town, the 50% open space requirement could be waived. However, when drafting this section. R. DeCoursey could not find a way in which it would not be abused, and developers would be able to clear cut entire lots. Because the purpose of the solar bylaws is to protect solar abutters and preserve the rural character of town, this language was not included.

R. DeCoursey led another discussion related to access to solar energy facilities. The section in the draft bylaw on access states that "main access roads shall be at least twelve (12) feet wide

to provide adequate access to all main controls, battery storage, or other appurtenant structures” and “adequate access must be provided between the solar collectors and perimeter fence in a width of at least eight (8) feet. This shall be a material other than grass, such as drive-on pavers with gravel or grass fill, or gravel.”

Claudia asked a question related to whether or not the 8-foot-wide access area needed to be on the interior or exterior of the fence. R. DeCoursey responded saying it needed to be located on the interior of the fence.

Tom then asked if Chief Gagnon approved the access road width within the interior of the fence which led to a discussion on why the access road would be located inside the fence. J. Kusnierz then raised the possibility of increasing the width from eight (8) feet to ten (10) feet which was unanimously agreed upon.

R. DeCoursey stated that the section of the draft bylaw on Maintenance was expanded upon to include a section on dead/dying trees which states “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.”

Chairman raised the point of changing the language in section B of the draft bylaw from “... may require site plan review” to “...will require site plan review.” Also noted that the battery storage containment issue is still being looked at and will be dealt with on a case by case basis during the permitting review process.

A question was raised by Jodie wondering if bylaws included language preventing approved solar facilities from continuously expand through purchasing adjacent properties and using them for solar. R. DeCoursey stated this issue is addressed in the Utility Scale solar bylaw but not the large-scale solar array bylaw. Board responded by stating that this did not necessarily need to be included in the bylaw because any new solar array would need to go through the boards review and permitting process. It was also stated that nothing precludes someone from increasing their solar capacity as long as they do not increase their footprint.

R. DeCoursey stated that any new solar project would need to comply with the 50% open space requirement and 100-foot buffer. A 200-foot buffer is required along scenic byways, DCR land, Mass Wildlife land, and Chapter land. It would be too much of a hardship for most parcels in tow to comply with a 200-foot setback and would be considered unreasonable.

Tom raised a question on how many solar sites will be allowed in total within the town. Current draft bylaw stated that there could be 15 non-utility scale solar sites and 1 utility scale solar site. After a discussion, the determination was made to lower the number to 14 non-utility scale solar sites.

R. DeCoursey discussed changes to definitions including defining transmission grid that utility scale projects will tap into. Removed transmission grid and replaced with high voltage transmission line. A question was then raised asking if a utility connection agreement would be required before the board would look at the plans however there is no way to enforce that.

Tom raised a concern related to the potential utility scale solar project and the fact that the property owner was not participating in the SMART program and instead going forward without the states backing. The chairman pointed out that the project is still technically unofficial and does not currently constitute a project. This led to a further discussion on the current market conditions given the current pandemic and the fact it could cause some projects to go on hold. Chairman expressed that he would not be upset to see less solar projects in town from a business and revenue generating standpoint.

Motion by J. Kusnierz to approve proposed zoning amendments include definitions (§2.2), and Solar Energy Facilities (§4.8.3) to go on to Town Meeting. Seconded by E. Murphy. No discussion.

Roll call vote:

Richard	Aye
Edward	Aye
Josh	Aye
Joe	Aye

Motion by J. Kusnierz to close the public hearing on 3/19/2020 at 7:40 pm. Seconded by E. Murphy. No additional comment. Approved 4-0.

Discussion- Other zoning bylaw changes and definitions for annual town meeting.

R. DeCoursey discussed additional definitions including freight trucking terminals, campgrounds, and the definition of the town boundary. Including definitions for food trucks was also raised board including the fact that there are currently not any regulations on where they can park. Food trucks are regulated by the Board of Health.

Town Planner Update-

- Discussion on changes to the Open Meeting Law during the state mandated shutdown. The town hall is continually working on making town business accessible and efficient despite town hall being closed to the public. Bills can be paid through the drop box or mailed in. Some license deadlines have been extended such as dog licenses.
- RFP for the Millyard grant went out which would include a study of the underground conditions of the millyard.
- Curaleaf opened over the weekend. B'Leaf Wellness is still going through the Cannabis Control Commission.
- Cedarbrook Living is scheduled to open this summer and will create 70-90 jobs when at full capacity.

- Western Mass. Economic Development Conference is scheduled for May and the town has several parcels to bring to their attention such as one across from the High School and another by Lowes and Walmart.

Chairman raised an inquiry from a neighbor of the Church St. project wondering if the developer would be required to perform stump removal before being allowed to open/operate. Comment from Jodie was also made stating the desire to see a YMCA or some other youth space in town. Chairman then stated that with the potential for stimulus money given the pandemic, it would be good for the town to have potential projects in the pipeline to take advantage of that money.

Chairman made the decision to cancel the 4/2/20 planning board meeting with the next meeting being 4/16/20, pending the state of emergency shut down.

Adjourn

Motion by J. Kusnierz to adjourn the meeting. Seconded by E. Murphy. No further discussion. Approved 3-0. Adjourned at 8 pm.

Next meeting scheduled for 4/16/20

Minutes from March 19, 2020
Respectfully submitted by,

Jack Carolan, Department Assistant

<i>Minutes Approved on:</i> <u>5/21/20</u>	
Starodoj	<u><i>RWS</i></u>
Urban	_____
Kusnierz	<u><i>[Signature]</i></u>
Knight	_____
Murphy	_____