



# TOWN OF WARE

## Planning & Community Development

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## Planning Board

Meeting Minutes from

**Wednesday, June 5, 2019**

Great Hall, Town Hall

### Planning Board members present:

Rick Starodoj (Chair), Fred Urban, Joe Knight, Edward Murphy, Jennifer Muche (Alternate)  
Mr. Kusnierz has recused himself from the public hearing.

### Also present:

Town Representatives: Rebekah DeCoursey, Director of Planning & Community Development and Nicole Croteau, Assistant to the Director and John Davis, Piece David & Perritano LLP (Counsel)  
Applicant(s): Michael Melone, Allco Renewable, and James Martin, Attorney  
Public: Karen Brodeur, Bob Kobelia, CF, Kathleen Cronin, Clifford Heaton, Jodi Chartier, Alan Whitney, Keith Kruckus, Chris DiMarzio

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

Approve minutes from May 15, 2019 – Motion by F. Urban to accept the minutes. Second by J. Knight. No discussion. Voted 4-0-1(JM).

7:05 PM - Public Hearing for Special Permit (SP-2018-04) and Site Plan Review (SPR-2018-06) for a large ground-mounted solar energy facility located on property known as Yorkshire Estates, off Monson Turnpike Road.

Mr. Knight read the legal notice.

R. Starodoj spoke of the history of the project and stated that the public hearing tonight was only for the Special Permit (SP-2018-04) decision because the Site Plan Review (SPR-2018-06) was previously approved. R. Starodoj summarized the Order of Remand from Land Court. The Board has been issued the remand to reconsider their decision from last fall.

R. DeCoursey stated that J. Muche has filed a "Disclosure by Non-Elected Municipal Employee of Financial Interest and Determination by Appointing Authority as Required by G.L. c.268A, §1" and "Disclosure of Appearance of Conflict of Interest as Required by G.L. c.268A, § 23(b)(3)" with the Town Clerk.

M. Melone presented a slide show to the Board and public. Slides indicated the proposed site location of the arrays, basic project overview information and a Gypsy Moth Infestation sketch plan completed by Robert Kobelia, MALF#286.

M. Melone stated a proposed 16 Lot ANR plan will be submitted to the Board. The subdivision would be reconfigured, but not dissolved.

R. Starodoj asked if the proposed approved subdivision roadways would remain with the proposed 16 Lot ANR Plan.

M. Melone said there are 2 proposed roadways with the ANR plan, Road "A" and Road "B". He was unsure if there will be additional roadways for access around the solar arrays.

J. Knight had inquired about the Stormwater Drainage Report status. He has issues about the wetlands and the runoff and would feel more comfortable about the project once he reviewed the Stormwater Report.

M. Melone stated it was not finished and understands the urgency. He stated that construction wouldn't start without the Report being completed.

J. Knight had concern about moving a lot of material on/off the site and the runoff.

J. Muche asked if M. Melone had photos of what the arrays would look like.

M. Melone stated he had photos of other sites he could show from his phone after the meeting.

J. Muche asked what percentage of slope would the arrays be constructed at.

M. Melone replied up to 8% but every site is different.

R. DeCoursey stated she had slope concerns as well. Based upon the approved subdivision plans, there appears to be steep grades (approx. 15%) leading to concerns about the safety and slope stability during/after construction and stormwater concerns.

M. Melone stated if water runoff would be an issue then the Stormwater Report would address it.

R. Starodoj suggested it might be best to get a peer review for the Board and public concerns regarding stormwater issues.

M. Melone expressed his intentions to complete the Stormwater Report but doesn't want to pay for a 3<sup>rd</sup> party review until an approval with conditions would be issued.

J. Muche asked about the soil types (Categories C and D) and if construction can take place in those soils and asked if the site had ledge.

M. Melone was unsure.

R. DeCoursey asked if the plans were 100% completed.

M. Melone stated that if Stormwater comes back and revisions may be needed to address drainage then the plans could potentially change.

R. DeCoursey stated a number of concerns and asked for updated information regarding: updated wetland delineation reflected on the site plan, for fire department access the roads must not be more than 10% grade, and the site plan does not have current plans reflecting these changes. She stated she does not feel comfortable having the Board make a decision tonight. The plan Eco's is asking for a decision on at this public hearing, is not the same plan that was approved by Site Plan Review.

C. DiMarzio addressed the Board. He is a former Planning Board member and asked why is the Board currently entertaining the idea of the proposed 16 Lot ANR and not dissolving the subdivision.

Attorney Martin the intentions are to file the ANR and the ANR will supersede the subdivision.

C. DiMarzio wanted to clarify that the reconfiguration of 50/60 lots into 16 ANR lots will still have roads or are the roads going away.

Attorney Martin stated the subdivision roads to be Road "A" and Road "B".

K. Brodeur expressed concerns if there has been a more recent site walk and report completed regarding the Gypsy Moth because the one submitted was when completed when snow was on the ground and everything was dead. She stated that there has been new growth in the area and would like to have the site revisited.

B. Kobelia relied he has been on site four times and has been taking pictures and notes. During the site visit in early March and in early April noticed significant mortality on Monson Turnpike Road of White Oak trees. Some may be salvageable. He also made note that there is Emerald Ash Borer and should salvage Ash Trees for timber before it is too late. A Forest Cutting Plan was submitted to DCR.

J. Muche asked if a new wetland delineation plan has been prepared.

M. Melone said the plan has been submitted to Conservation Commission.

B. Kobelia said it wasn't provided to Planning Board but the Conservation Commission has it. Also stated there was a lot of stunk cabbage which means wetlands.

K. Cronin expressed issues with water concerns and the forestry cutting plan. She asked how many acres would be cut if Board does not approve the Special Permit.

M. Melone replied that there is minimal damage but it would be the same as the proposed subdivision, 55 acres.

K. Cronin asked how would the water runoff be stopped if Eco's would continue with the cutting plans.

M. Melone wasn't sure if the Forestry Tree Cutting Plan still needs to follow MassDEP Stormwater Bylaws/Regulations, but assumes if it is needed it would be to State Regulations.

K. Cronin said she represents about 200 homes around the area that form the Beaver Lake Club Corporation and would like to know the impact of the runoff will effect Beaver Lake. She has data from the past few years (10+) and BLCC has paid about \$10k for water treatment and is concerned if there is additional water runoff this will become a bigger issue.

B. Kobelia said Commonwealth requires "best management practices" for erosion control measures.

K. Cronin asked how much can be cut under the forestry plan.

B. Kobelia said he can take 100%, even within the buffer zone if the cutting plan is approved by DCR.

C. Heaton has two issues; 1) Size of project needs to have an independent review needed before the Board votes. 2) Decommissioning plan is needed now and not in years to come. Would like clarification on cost and the return on the land.

R. Starodoj stated the decommissioning bond is normally 1%-2% of the project cost.

J. Chartier stated concerns regarding the wildlife corridor. A Conservation Restriction was proposed on the northern portion of the site to protect this wildlife habitat area. She also stated she would like to know the decommissioning report with and without salvage.

M. Melone stated he was unsure of those numbers.

J. Chartier requested not to include salvage to protect decommissioning of the site.

M. Melone said this is to be determined. He will figure out the answers to the stormwater questions and the slopes.

Alan Whitney asked if there a third party verification of the Gypsy Moth report prepared.

R. Starodoj asked if the forestry plan had evaluated by DCR or UMass, and not just by Ecos' forester.

B. Kobelia stated the plan was given to the Conservation Commission and Doug Hutchinson at DCR. The Board will assume DCR is considered the 3<sup>rd</sup> party in this process.

K. Kruckus asked what is the percentage of the damage to Ash Tree and White Oak Tree. He stated if the area is filled with skunk cabbage then clearly its wetlands.

R. Starodoj said this is more of a Conservation issue and not Planning Board.

K. Cronin stated representatives from Eco's clearly came here unprepared to answer questions  
J. Chartier wants reassurance there will not be an increase in megawatts (MW) from what is proposed.

R. Starodoj stated plan changes need to be approved by appropriate Boards.

M. Melone provided the PCD Department a list of suggested conditions for the project before the meeting to the Planning Board Chair and PCD Director.

K. Brodeur asked Board why can't the Planning Board stick with original decision? Why are there so many changes from what was presented this fall?

R. Starodoj stated that in the list of proposed conditions from M. Melone, some original conditions were deleted. Some he agrees with and some disagrees. The list is not final. The Board will only vote on a final list.

K. Brodeur stated no one can answer Stormwater questions and she would like reassurance for stormwater measures. When can we get answers?

R. Starodoj stated the Board is trying their best in this process and have faith with the Board.

R. DeCoursey noted plans were submitted for a variance for the setbacks and was denied. The updated plans don't indicate property setback lines. She feels uncomfortable for the Board to make any decision tonight, because the plan they have is not accurate. It has issues relating to: wetlands, detention basins, parcel setbacks, Fire Department road design constraints. M. Melone was asked when will the Board see revised plans.

M. Melone said the stormwater needs to be completed first. When the ANR is prepared this will reconfigure the land and reflect the setback lines.

R. Starodoj asked for a proposed ANR Plan for visual reference and at least 3 to 4 days prior to the meeting in order to be able to review plans/information.

C. Heaton suggested to come with original proposal and conditions; suggested to falling back to original plan.

J. Muche asked if there will be a fence around the property or just the solar array.

M. Melone stated a large amount of forest will be cleared due to infestation. He doesn't know for sure, but a fence will be put in for security purposes.

R. Starodoj asked if a fence will be put around the inverters.

M. Melone stated he preferred not to answer.

J. Knight stated to M. Melone, you are not giving us answers. The trust level isn't strong. J. Knight reiterated he would like Stormwater Report and the applicant is just wasting time by not providing it.

J. Muche asked if there was a list of the changes they were not doing such as fencing and wildlife protection, to put all the differences in list form for the Board.

J. Davis stated there was a time frame deadline. The Board needed to open the hearing within a certain number of days. It was opened two weeks prior to that deadline. The Board needs to conclude the hearing within 30 days of today. Then the Board has until August 4<sup>th</sup> to discuss and then the decision will need to be filed to the Court within 10 days of August 4<sup>th</sup>.

R. Starodoj suggested the Public Hearing to be continued.

M. Malone asked for a list of questions from R. DeCoursey ASAP.

R. DeCoursey feels uncomfortable of what plan the Board should be using to make a decision upon.

M. Melone stated the Conservation Commission has the Stormwater plan.

R. DeCoursey expressed that the plan given for approval does not reflect in the Stormwater Report.

R. Starodoj asked for updated stormwater.

R. DeCoursey stated she received a quote from a third party engineer for peer review in the amount of \$4,000.00 and expressed Eco's should pay for it, per Town of Ware Zoning Bylaw requirements.

Attorney Martin asked if there is any money in the account from the permit filing fee to pay for this peer review.

R. DeCoursey stated that any peer review fee is separate than the filing fee and based upon a \$10M development and would be the best interest for Eco's to pay.

Attorney Martin stated the peer review can be calculated within the permit filing fee.

R. DeCoursey said she will look into it.

Motion to continue the public hearing by R. Starodoj, seconded by J. Knight. Vote 5 – 0.

M. Melone stated Christopher Little will be attending instead.




R. Starodoj stated he was disappointed some conditions were taken out from the original Special Permit decision. These will be reviewed at the next meeting.

Adjourn

Motion by E. Murphy to adjourn at 9:36 p.m., second J. Knight. Unanimous.

Minutes from June 5, 2019

Respectfully submitted by Nicole Croteau

Minutes Approved on:	7/17/19
Starodoj	
Kusnierz	
Urban	
Murphy	
Knight	
Muche	