



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 186 f. 413.967.9642

pcd@townofware.com

Planning Board Minutes

January 6, 2016

- Planning Board members present:** Rick Starodoj (Chairman), Fred Urban, Joe Knight, John Chabot (Alternate)
- Planning Board members absent:** Chris DiMarzio, David Kopacz, Sr.
- Staff present:** Karen Cullen, Director of Planning & Community Development
Judi Mosso, Assistant to the Director
- Public:** As taken from sign-in sheet and observation: David Thomas (Seaboard Solar), Gary Moulton, Paul Les

Chairman R. Starodoj called the meeting to order at 7:02 p.m.

1. Administrative
 - a. Approve minutes from December 2, 2015 - **Motion** by F. Urban to approve the minutes as presented, seconded by J. Knight. So voted 3/0/0.
2. Seaboard Solar progress update (SP-2013-02 and SP-2015-02) – David Thomas from Seaboard Solar (SS) had e.mailed, and also presented tonight, a project update dated January 4, 2016, a Letter of Intent for Purchase dated December 15, 2015, proposal for surveying services from Foresight Land Services, Inc. dated December 14, 2015, and a proposal for ground screw testing services from Terra Smart dated November 12, 2015. (All submissions are in the SP-2015-02 file).

Mr. Thomas stated that Seaboard Solar needed financing for the testing and they are selling the solar array development rights to True Green Capital (see signed Letter of Intent). Seaboard Solar would likely remain the contractor after the sale. Both SS and

True Green Capital (TGC) will attend future PB meetings when the project is discussed.

R. Starodoj stated that he expected to see actual construction at this point in time and not just foundation testing. Therefore, he is losing confidence in SS and would like a surety bond in place now so that in case construction of the arrays has not begun by June 30, 2016 the Board can call in the bond and start the reclamation process in time for grass to be well established before next winter. He also stated that once the Planning Board votes on pulling a bond, the funds would be due to the Town within five (5) business days.

K. Cullen had requested a cost estimate of site reclamation (loam, seed and berm clearing) but has not received a response. The PB discussed setting the surety between \$100,000 or \$200,000. Mr. Thomas asked that the Board put off requiring and setting the surety until March.

Motion by F. Urban to extend the grace period and postpone deciding on the surety bond for Seaboard Solar until the March 2, 2016 meeting, which, if required, shall be put in place by March 31, 2016 in an amount to be set March 2. Seconded by J. Knight. So voted 3/0/0.

3. Gary Moulton, River Road, possible agricultural exemption for earth removal - Gary Moulton and Paul Les discussed their current earth removal plans. The parcel (13-0-6) is mostly wooded with a small area cleared. Mr. Moulton and his brother Jeff would like to clear 10-15 acres of the 57-acre parcel, remove the gravel under an agricultural exemption, regrade that part of the site, and then grow hay on the resulting field. Details including the amount of gravel to be removed, a timeline, plan, or existing and future topography have not been established yet; Mr. Les must survey the land first and determine the depth to the water table, which will dictate the amount of material that can be removed.

There was discussion about: other gravel operations operating under an agricultural exemption including Kulas, Klassanos, and Campbell; those owners had evidence of a USDA grant or other documentation to support the agricultural claim; agricultural work vs. commercial gravel removal; and abutting parcels. K. Cullen will review the files to see what kind of USDA documents other owners had, and will review criteria for agricultural exemptions under state law and case law. She expressed concern that changing a wooded lot to a gravel pit to a hay field may not meet the criteria for

an agricultural exemption. If it does not meet the criteria, the work can still be done, but will require a special permit under the earth removal section of the zoning bylaw.

4. Adjourn – **Motion** by F. Urban to adjourn at 7:37 pm; seconded by J. Knight.

Documents reviewed:

December 2, 2015 minutes

Seaboard Solar

project update dated January 4, 2016

Letter of Intent for Purchase dated December 15, 2015

proposal from Foresight Land Services, Inc. dated December 14, 2015

proposal from Terra Smart dated November 12, 2015

Documents received at meeting:

None

*Respectfully submitted by Judi Mosso
Assistant to the Director*

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