



TOWN OF WARE

Planning & Community Development

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Planning Board Minutes

March 16, 2016

Planning Board members present:	John Chabot (Alternate), Chris DiMarzio, Joe Knight, David P. Kopacz (7:07), Sr., Rick Starodoj (Chairman), Fred Urban
Planning Board members absent:	none
Staff present:	Karen Cullen, Director of Planning & Community Development Judi Mosso, Assistant to the Director
Public:	As taken from sign-in sheet and observation: Mary Dudula, Peter Dudula, Stu Longman, Pedro Rodriguez, David Thomas

Chairman R. Starodoj called the meeting to order at 7:05 p.m.

1. Administrative
 - a. Approve minutes from March 2, 2016 - Motion by F. Urban to table approving the minutes until next month. Agreed.
2. Seaboard Solar Progress update (SP-2013-02 and SP-2015-02)

Stu Longman, Pedro Rodriguez and David Thomas attended, representing Seaboard Solar, Mary and Peter Dudula are the property owners.

Mr. Longman spoke about the project: Seaboard Solar (SS) will begin next week, they have met with the Conservation Agent regarding erosion controls for current conditions. Mr. Longman presented three different timelines:

- 1.) Building the road and accessing upper levels (in West Brookfield) will be done at the same time, starting next week
- 2.) access road, then grading, then posts and foundation (mid-late April)
- 3.) grading, then drainage, then posts in 3 weeks

Ware is the first side to be built and the top of the West Brookfield site may be done at the same time. Post materials are available and ready (waiting in a warehouse). TerraSmart is to do the work – they were waiting for soil tests to be complete (completed ~2 weeks ago).

There was discussion about the surety bond. Mr. Longman stated that CNA (bonding agency) declined SS's request stating that: 1.) the amount of the bond was unusual (high), 2.) that there was no end date specified and no specific work defined, and 3.) it was an uncommon bond category. Mr. Longman did not call other banks. The more recent bonds the Board has seen were three-party agreements between the developer, Town and a bank for subdivision road construction.

C. DiMarzio expressed his disappointment in the lack of progress and bond information. He also stated that the Board could continue with project updates since the bond issue is almost moot at this point; possibly the Board and P&CD staff would need to assemble a bond package since SS is unable to do it.

J. Knight also expressed frustration that SS always seems to be behind the clock and updates are always "almost"s with no real progress.

There was brief discussion about the access road: from Ware to West Brookfield and back down; bank run gravel brought in from off site; road is for maintenance of the solar panels and site and for emergency vehicles.

S. Longman stated that it takes time to mobilize and perform the necessary remediation required by the Conservation Commission, build the road, grade the hillside and access the top. Work would not occur in 30 days, but possibly 60 days.

C. DiMarzio pointed out that Mr. Longman was contradicting himself: earlier he stated approximately 30 days (mid-end of April), and now he is stating 60 days (mid-end May).

S. Longman stated that there is one post machine but there would be many workers installing the racks. There will be work started but not a big production. Posts are driven between 4-8' deep depending upon soil conditions.

F. Urban stated that he is willing to wait one more month.

K. Cullen stated that activity needs to move forward and not at a slow pace. Mr. Longman agreed, citing the September deadline issued to SS.

R. Starodoj recommended a once a week e.mail update to the P&CD office.

M. Dudula stated that perhaps the Board could do something now to prevent any problems down the road, and she reiterated her statement of the previous meeting that she cannot afford to restore the site on her own.

Mr. Longman responded to requests for a written sequence of events (phasing plan) stating that it would take two weeks to get from Shawn. He could provide it to the Board at the next meeting or e.mail it if he receives it before then.

D. Kopacz inquired about a staging area, refueling site, construction and grading, working top-down and stabilization. Mr. Longman stated that Mike had that information and is not available tonight. He added the racks and panels will not be stored on site but will be brought in each day during installation, for security reasons. D. Kopacz said he believes the sequencing is important as it relates to the bond. Money can be released as phases are completed; it is optimal for work to be completed in phases.

R. Starodoj reiterated the fact that West Brookfield has a decommissioning bond in place.

K. Cullen stated that 2½ years ago, SS stated that Ware was to be completed first and would be operational, then the West Brookfield side; Ware was not identified as a staging area; sequencing must be identified first. She said in 2013 the project was presented as being independent of the West Brookfield site with the exception that access to the West Brookfield site would be through the Ware site.

There was discussion about “tying in” to the grid and if that requires a particular order. Mr. Longman stated that the power from the panels go through an inverter before it is sent to the main grid. Customarily everything is hooked up at once. It is SS’s intention at this time to have the arrays in both towns hooked up at the same time, as a single solar field.

Motion by C. DiMarzio to continue the grace period and postpone a decision on the surety bond for Seaboard Solar until the April 20, 2016 meeting. Seconded by F. Urban. So voted 5/0/0.

Later in the meeting there was further discussion about the road materials and size, conditions, property owner responsibility, phasing, amount of surety to also cover any conservation remediation and “stump dump” (the berm along Route 32), topographic conditions, and erosion controls. It was noted that after we have the surety it is up to the Building Inspector to determine if they are in violation of the SP.

3. Open Space & Recreation Plan – K. Cullen provided an update on the Plan. DCR requires the following boards to provide a “letter of review” before the plan is approved: Planning Board, Board of Selectmen, Conservation Commission, and the local regional planning agency (PVPC). Other boards and committees are not required to submit one but several have been asked (master plan steering committee, parks commissions, etc.). PVPC had prepared the plan under a DTLA agreement, and Karen prepared the maps as part of the agreement. Recently Karen found the work by PVPC to be inadequate and she spent time finalizing the plan to meet the requirements of DCR. D. Kopacz spoke against the plan, namely rushing document approval in order to apply for grants; purview of plan is the local Conservation Commission; private property and property rights should not be a focus of the plan; generic language which defines “open space”; document is written from an economic standpoint; good environmental programs should be sustainable; open space goals should be under local control and not spoon fed to the citizens.

R. Starodoj stated that a “letter of review” does not mean “approval” nor is it binding. There was discussion about the Forest Legacy Project. **Motion** by D. Kopacz to review the plan further before a letter is issued from the Planning Board and to discuss again at the April 6 meeting. Seconded by C. DiMarzio. So voted 5/0/0.

There was discussion about DCR’s proposal to release timber rattlesnakes at the Quabbin Reservoir.

4. Adjourn – **Motion** by C. DiMarzio to adjourn at 8:28 pm; seconded by J. Knight.

Documents reviewed:

Documents received at meeting:

Seaboard Solar
stabilization plan for current conditions

*Respectfully submitted by Judi Mosso
Assistant to the Director*

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