



TOWN OF WARE

Planning & Community Development

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Planning Board Minutes

March 2, 2016

Planning Board members present:	John Chabot (Alternate), Chris DiMarzio, Joe Knight, David P. Kopacz, 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 7:04 p.m.

1. Administrative
 - a. Approve minutes from February 17, 2016 - Motion by F. Urban to approve the minutes as presented, seconded by D. Kopacz. So voted 5/0/0.
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) is in the final stages of selling the development rights and intend to begin the project in two months. The MA Department of Energy Resources (DOER) has given SS an August 31, 2016 deadline to have the project mechanically complete. Therefore SS is working to meet that deadline. They expect to receive construction drawings this week.

Pedro Rodriguez (SS) distributed the following:

- a. 1/12/2016 letter to SS from TerraSmart re ground screw field test report
- b. 1/22/2016 proposal response to SS from Borrego Solar for installation
- c. 1/29/2016 electrical bid response from Griffin Electric (\$2,629,000)
- d. Undated site stabilization quote from Ciesla Construction Corp. (\$107,606)

Board members expressed their lack of confidence in the project citing a consistent pattern of delays, project components falling through, apparent rate of staff turnover, and ongoing negotiations of which they were only recently made aware.

Mr. Longman stated that negotiations and financing take time and that the project is not guaranteed until it's finished. A lot of money has already been invested and expects to see progress in 60-90 days.

Board members spoke about other solar projects which have been started and finished since the SS site has been cleared; the timeframe is not that long.

Mr. Longman stated that SS has invested one million dollars for the project as well as \$500,000 for utility work and they have no intention of abandoning the project. He also said that they are maintaining the property as required.

C. DiMarzio questioned why the site work had been done and then everything stopped. Mr. Longman said that Solar City had defaulted on their contract with Seaboard Solar, and the problems resulting from that were not resolved until November of 2015. He said that during the time they were trying to resolve the problems with Solar City, SS was not allowed to go onto the site. He added that it took a long time because the negotiations with Solar City kept falling apart.

D. Kopacz said he had gone out to do a site visit today and found problems with the erosion control, including a significant amount of water flowing from the West Brookfield side down to the resource area. He added he thinks it is reasonable for the Planning Board to be concerned about this site. He also added there had been a minor fuel spill on the site which he worked with SS to clean up and that is no longer an issue.

Mary Dudula stated that she is confident that the project will be completed, that SS pays their rent regularly and on time. She also stated that she cannot personally afford to reclaim the site should that become necessary.

R. Starodoj stated that he has heard enough concerns expressed by the Board that he believes there should be a surety in place. Based on the estimate submitted by the applicant tonight, it should be \$107,000 or \$108,000.

A discussion between the Board and the applicant on the ability of SS to obtain a bond ensued. SS maintains they will have to do this as a cash bond and that is too much of a burden to take on. SS reiterated they are moving forward with the project and they don't believe a surety for site reclamation is necessary. The Board said they have gotten burned in the past in cases where bonds were insufficient or non-existent. SS stated they have all of their (construction) financing in place now and will be building the array whether they have a buyer or not; their plan is to sell the development rights to another company (to replace the role Solar City originally had).

After additional discussion, it was left that Mr. Longman would contact Karen Cullen to get information on past sureties provided to the town, then he would provide information to her on his research on getting a bond and Karen would send it to the Board and the discussion will continue on March 16th.

Motion by J. Knight to extend the grace period and postpone a decision on the surety bond for Seaboard Solar until the March 16, 2016 meeting. Seconded by F. Urban. So voted 5/0/0.

3. Adjourn – **Motion** by D. Kopacz to adjourn at 7:57 pm; seconded by F. Urban.

Documents reviewed:

February 17, 2016 minutes

Documents received at meeting:

Seaboard Solar

- TerraSmart letter dated 1/12/2016
- Borrego Solar proposal dated 1/22/2016
- Griffin Electric bid dated 1/29/2016
- Ciesla Construction Corp. quote, undated

*Respectfully submitted by Judi Mosso
Assistant to the Director*

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