



# 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

April 20, 2016

- Planning Board members present:** Rick Starodoj (Chairman), Joe Knight, David P. Kopacz, Sr., Fred Urban, Chris DiMarzio
- Planning Board members absent:** John Chabot (Alternate)
- Staff present:** Karen Cullen, Director of Planning & Community Development  
Judi Mosso, Assistant to the Director
- Public:** As taken from sign-in sheet: Mary Dudula, Peter Dudula, Pedro Rodriguez, Stu Longman

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

### 1. Administrative

- a. Reorganize Board – Town elections were held on April 11 and Rick Starodoj was reelected to the Board.
  - i. **Motion** by F. Urban to appoint R. Starodoj as Chairman; J. Knight seconded; so voted 5/0/0.
  - ii. **Motion** by F. Urban to appoint C. DiMarzio as Vice Chairman; J. Knight seconded; so voted 5/0/0.
  - iii. **Motion** by F. Urban to appoint J. Knight as Clerk; C. DiMarzio seconded; so voted 5/0/0.
- b. Approve minutes from April 6, 2016 - **Motion** by F. Urban to approve the minutes as submitted; C. DiMarzio seconded; so voted 5/0/0.

2. Seaboard Solar, Continued discussion about progress and surety  
General Contractor, Mike Ciesla spoke to the Board via cell phone (on speaker).

- M. Ciesla stated he intends to begin the project in about a week (4/27) and will start first on the detention ponds and stabilization, working the Ware and West Brookfield sides at the same time. Stated that this work and the seeding and landscaping will take “a few months”. An optimistic time line is one month for cleaning the site, stabilization, detention ponds and berm clean up.
- R. Starodoj reminded him that the berm had too much debris and that it must not just be covered over with soil. SP-2015-02 (which extended SP-2013-02) condition #2 states: “the earthen berm along Gilbertville Road (Route 32) shall be free of stumps and other debris and shall consist solely of earth material and soil sufficient for the growth of plant materials of the sizes and types indicated in the plans (buffer plantings to consist of ten spruce trees, mountain laurel and wildflower mix).”
- In response to an inquiry about the surety bond, M. Ciesla stated that from his experience, securing construction bonds is a long and difficult process and that experienced companies remain in that “mode”.
- Confirmed that crew will be 2-3 people. S. Longman stated that rough grading on both sides (Ware and West Brookfield) would be a few months. Also confirmed that the detention basin will be moved as final part of the project.
- S. Longman stated that they were granted an extension until November. [*Ed note: assume this refers to the August 31, 2016 deadline given to Seaboard Solar by the MA DOER to have the project mechanically complete; see March 2, 2016 minutes.*]

Next, Shawn Brazo, President of Seaboard Solar, spoke to the Board via cell phone (on speaker).

- Stated that he is finalizing purchase orders for materials including foundations and approximately 20,000 panels (install rate: 400 panels/day = approximately 2 months for installation).
- In about 3 weeks, the electrical installer will dig trenches for and install conduit which will take about 4-5 weeks to complete; Ware will be the staging site.

Comments, Questions, and Discussion:

- R. Starodoj noted that he still has concerns about the stabilization, that this discussion has been continuing for over a year, the Board has explored as many avenues as they could, now the stabilization is delayed another year during

which a lot of negative things could happen including total failure of the site. He is inclined to require the surety.

- S. Longman protested the surety stating it was not in the Town's Zoning Bylaw, that it was not necessary, and that the Town would be getting a decommissioning bond at the end of the project.
- R. Starodoj reminded Mr. Longman of the Board's authority, that requiring surety bonds has nothing to do with the bylaw, and quoted condition #10 from the 2015 Extension Decision: "A review of this project shall take place at a Planning Board meeting in October 2015 and the Planning Board reserves the right to require, at that time, that a bond or suitable surety be established for the remediation of the disturbed area of the site (topsoil and vegetative cover) if steps have not been taken to construct this project by that time". He stated that the Board has been trying to work with Seaboard Solar for seven months and with no progress on the site by now, the Board would be remiss if the surety was not in place.
- S. Longman protested the surety stating that it holds up work. Various Board members spoke in support of the surety. There was discussion about releasing it in phases.

**Motion** by C. DiMarzio to exercise condition #10 from the SP-2015-02 Decision and require a cash surety for site remediation in the amount of \$60,000, to be released in the following phases, as each is approved by the Ware Planning Board:

1. **\$20,000** to be released upon completion of the basin, berm and rough grading to the satisfaction of the Board;
2. **\$25,000** to be released after starting the installation of the solar panel foundations on either side of the solar field (Ware or West Brookfield side);
3. **\$15,000** to be released once the final grading and seeding has taken place on the Ware side, to the satisfaction of the Board.

Seconded by J. Knight. So voted 5/0/0.

The Board agreed to allow Seaboard Solar ten business days (instead of 5 as had been discussed at previous meetings) to deliver the surety check (Wednesday, May 4).

3. Open Space & Recreation Plan – The Board discussed the Plan and the Action Plan; the Board needs to write a letter of review which goes into the plan before it is submitted to DCR.

- D. Kopacz stated that there are contradictions and assumptions in the wording of the Plan and that it does not mention educating and working with private

property owners. He spoke about discrepancies, making economic comparisons during different economic climates, that the Plan is a veiled regulation and is fear mongering about explosive development.

- The Board discussed FROSD, development, subdivisions and infrastructure costs, considering natural resources when planning future land use.
- K. Cullen stated that the Plan is likely based upon previous plans and that many parts of it may be in response to DCR’s guidelines, which are very specific in terms of what needs to be included in the plan.

**Motion** by C. DiMarzio for J. Mosso to compose a letter of review to include the following:

1. The Board reviewed the Plan
2. The Board supports the Plan in general
3. The Board warns future Boards to review future proposed blanket protections in detail, especially where perpetual conservation is a factor
4. Any actions regarding land protection should be made on a case-by-case basis.

Seconded by F. Urban. So voted 4/1/0.

4. Adjourn – **Motion** by F. Urban to adjourn at 9:10 pm; seconded by J. Knight.

**Documents reviewed at meeting:**

- Minutes for April 6, 2016
- Decision on Special Permit 2013-02
- Decision on Special Permit 2015-02
- Open Space and Recreation Plan and Action Plan

**Documents received at meeting:**

none

*Respectfully submitted by Judi Mosso  
Assistant to the Director*

<b>Minutes Approved on:</b> _____	
Starodoj	_____
DiMarzio	_____
Urban	_____
Kopacz	_____
Knight	_____