



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 186 pcd@townofware.com

Planning Board

Meeting Minutes from
Wednesday, June 20, 2018
Board of Selectmen's Conference Room

- Planning Board members present:** Rick Starodoj (Chairman), Josh Kusnierz (Vice Chairman), Fred Urban, Chris DiMarzio, Edward Murphy (Alternate)
- Planning Board members absent:** Joe Knight
- Staff present:** Rubén Flores-Marzán, Director of Planning & Community Development
Judi Barnard Mosso, Assistant to the Director
- Public:** (as taken from the sign in sheet and observation): Ed Switzer, Forefront Power

Chairman R. Starodoj called the meeting to order at 7:04 p.m. Attendees said the Pledge of Allegiance.

1. **Administrative**

- a. Approve minutes from June 6, 2018 – Motion by F. Urban to accept the minutes as presented. Seconded by C. DiMarzio. So voted 4/0/0.

2. **Public Hearing on SPR-2018-01 (continued from April 18)**

Forefront Power, major site plan review for proposed ground-mounted solar facility at Robbins Road capped landfill (owner: Inhabitants of Ware); E. Switzer presented the revised plans per Board comments (paper copies will be overnighted). Conditions were discussed. **Motion** by C. DiMarzio to approve the site plan as revised with the following findings and conditions:

Findings:

1. After the public hearing duly noticed and held, the Ware Planning Board found, as required by MGL Chapter 40 A., Sec. 9, that the proposal is consistent with the terms of section 7.2.4 and 7.4.7 of the Ware, Massachusetts Zoning Bylaws. These findings are based on the documents presented:
 - Forefront (TRC), Proposed Solar Array at Landfill, Rev. date 6/20/2018
 - Site Plan Review application

2. The proposal is compatible with existing uses and other uses permitted by right in the zone
3. The proposal is suitably located in the neighborhood in which it is proposed
4. The proposed use is in harmony with the general purposes and intent of the bylaw, meets the regulations for the zoning district in which the use is located and complies with all applicable regulations listed therein.
5. The proposal will not constitute a substantial inconvenience or hazard to abutters, vehicles or pedestrians
6. The proposal will not constitute a nuisance due to air and water pollution, flood, noise, dust, vibration, lights, or visually offensive structures and accessories

Conditions:

1. Developer will be held to all applicable state and local requirements
2. In the event of a contradiction or ambiguity, the Post-Closure Use Permit (PCUP), approvals, and lease terms set forth by MA Department of Environmental Protection and the Quabbin Health District shall prevail
3. Any changes to the plans approved by this permit must be reviewed by the Director of Planning & Community Development (P&CD) prior to implementation, to determine if they constitute a significant change to require modifying the existing Major Site Plan Approval and additional public hearings
4. Town of Ware officials (Town Manager, and Planning Board via the P&CD Department) shall be notified by certified mail thirty (30) days prior to any change of ownership of the property/project, lease holder and/or plant operating company. Within thirty (30) days of such notice, the new party shall arrange to meet with the Planning Board to review the operating conditions of the Major Site Plan Approval.
5. All surety bonds and other financial and legal documents will be immediately updated at the time of transfer to reflect the new ownership or operating interests.
6. All applicable local, state, and federal permits and approvals must be in place prior to the start of construction and operations.
7. All work must be completed within 1 year of the approval date by the Board or an extension request must be filed at least 30 days prior to the end of the 1 year period, with such extension approval not to be unreasonably withheld or delayed if the Applicant can demonstrate that such extension was required as a direct result of the timeline of the Department of Energy Resources for the Solar Massachusetts Renewable Target (SMART) Program.
8. Applicant will comply with all laws, regulations, and requirements of the Town of Ware, Commonwealth of Massachusetts, and the United States of America, the strictest of which shall prevail.
9. The Special Permit is not valid until 1.) recorded at the Hampshire District Registry of Deeds and 2.) a certified copy of the recording is provided to the P&CD department. A complete copy of the final permit package, including a reduced size copy of the Site Plan, must be recorded with the permit
10. The Special Permit must be recorded at the Hampshire District Registry of Deeds within 30 days after the appeal period has ended, or 30 days after the decision on any appeal, or the permit shall become void
11. The \$500,000 construction bond may be used for the decommissioning bond
12. Prior to the start of construction, a performance and decommissioning surety bond in the amount of \$500,000 (and per the language in the lease, Exhibit D, Page 17, section (d) shall be issued, with the property owner (TOWN) named as the beneficiary. The purpose of this bond is to ensure adequate financial resources to restore the project area to a stable condition should construction not be completed. Upon satisfactory

- completion of construction, the construction bond will be released but the decommissioning bond in the amount of \$500,000 must simultaneously replace it.
- a. Satisfactory completion of construction shall be a project that has all major components in place, all site work completed and all construction permits (conservation, building, electrical, etc.) properly closed out or in compliance with all regulations and requirements.
13. The Ware Planning Board reserves the right to review the project one year after construction is completed
 14. Glare impacting any abutters or the travelling public shall be mitigated by the applicant (or current operator) in cooperation with state and local officials
 15. No continuously-on lights should be present. Motion detector lights at gate and equipment are permitted, provided they can be prevented from mis-cycling caused by wildlife.
 16. All equipment refueling should occur off of the actual capped landfill. A spill kit including adsorbents must be present at the site at all times for all equipment.
 17. Operators must be trained to report and respond to fuel, lubricant, or other releases. A reportable spill is typically a release of 10 or more gallons of a material. Check the pertinent MassDEP reportable quantities list for applicable substances. When in doubt, contact the Ware Fire Department.
 18. All plantings are to be maintained for the life of the solar project.
 19. Applicant will mitigate the visual impact to all immediate abutters as mutually agreed upon between the applicant and abutter
 20. All fencing, gates, etc. shall be a dark, earth tone color such as dark green, black, dark red, etc.
 21. In no case shall the project operator allow the site to cause excessive runoff to create a dangerous condition along the roadway, outside of extraordinary storm conditions as evidenced by similar issues in the adjacent areas.
 22. Hours of operation shall be 7:00 am to 7:00 pm Monday through Saturday, and 9:00 am to 7:00 pm on Sundays.
 23. Hours of construction and maintenance operation shall be:
Monday through Friday: 7:00 AM to 5:00 PM
Saturday 8:00 AM to 1:00 PM
 NO operations on Sunday; NO operation of machinery for warm up or maintenance outside of the above hours. NO construction operations to occur on New Year’s Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. Emergency repairs and maintenance, including snow plowing, may occur at any time.

Seconded by F. Urban.

Roll call vote:

Rick Starodoj	AYE
Josh Kusnierz	AYE
Fred Urban	AYE
Chris DiMarzio	AYE

So voted 4/0/0

3. Discussion & Updates

- a. PVPC Delegate update – no update

- b. Wildflower Drive – no update.
- c. Marijuana-related items – no update from Attorney General’s Office re bylaw approval.
- d. Melink Solar Upper Church, Notice of Intent to Assign Project Company – Melink plans to sell/reassign the solar projects on Upper Church Street and Gilbertville Rd. Melink has requested a letter stating that the Board is amenable to different investors (i.e. one project sold to one investor and the other project sold to a different one). There was discussion about solar and its popularity.

4. Other – none.

5. Adjourn – Motion by J. Kusnierz to adjourn at 8:02 pm. Seconded by J. Knight.

Documents reviewed:

- June 6, 2018 minutes
- Major site plan review (SPR-2018-01) for Forefront Power, solar on capped landfill
- Request from Donna Jones of Melink Solar re multiple investors

Documents received:

none

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

Respectfully submitted by
Judith P. B. Mosso, MPA
Assistant to the Director