



TOWN OF WARE

Planning & Community Development

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Planning Board

Meeting Minutes from
Wednesday, August 15, 2018
Board of Selectmen's Conference Room

- Planning Board members present:** Rick Starodoj (Chairman), Josh Kusnierz (Vice Chairman), Fred Urban, Joe Knight, Ed Murphy, Chris DiMarzio (7:08 pm)
- Planning Board members absent:** none
- 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): John Perry, Dynamic Energy Solutions, LLC; Paul Noble; Melissa Hutchins; Lewis Iadarola, ZBA; Greg Eaton, ZBA; Ed Berry; Rolf Siller; Cindy Siller; Chris Ryan, Meridian Solar; Keith Krucas, Board of Selectmen; Jennifer McMartin; Devin Peterson; Sarah Kohler, New Salem; LiMei Janik, Burlington, VT; Phil Hamel, ZBA; Paul Moryl; Bill Moryl

Chairman R. Starodoj called the meeting to order at 7:02 p.m. Attendees said the Pledge of Allegiance. Some items were taken out of order.

1. Administrative

a. Approve minutes from June 20, July 18, 2018

Motion by J. Kusnierz to accept the 6/20/2018 minutes as presented.

Seconded by F. Urban. So voted 5/0/0.

Motion by J. Kusnierz to accept the 7/18/2018 minutes as presented.

Seconded by F. Urban. So voted 5/0/0.

2. ANR-2018-03, Greenwich Rd; create 8 lots

Applicant David Lipinski; brief discussion about the ANR application; PB recognized sufficient frontage. **Motion** by J. Knight to approve the application and plan as presented. Seconded by J. Knight. So voted 5/0/0.

3. **ANR-2018-04, Palmer Rd; boundary line adjustment**

Applicant Bill Moryl; brief discussion about the ANR application. **Motion** by J. Knight to approve the application and plan as presented. Seconded by J. Kusnierz. So voted 5/0/0.

4. **7:20 Public Hearing on Special Permit SP-2018-02 & Site Plan review SPR-2018-05**

Ware Palmer Rd Solar, LLC, large ground-mounted solar facility. Public hearing opened at 7:20 pm. J. Knight read the legal notice into record. J. Perry of Dynamic Solutions presented the project proposal including: acreage, conservation issues, site access, stormwater drainage, grading, topography of the parcel, temporary truck pad during construction, underground electrical conduits, culverts. Associated costs is \$1 Million.

There was lengthy discussion about distance of project from abutters' properties. Several abutters spoke about the impact on their view. The Chairman stated that any property owner has a right to develop his/her property and that there is no guarantee that one's view from a property will not change. He also stated that it is the duty of the Board to condition projects to address abutters' concerns. The Chairman also stated that the area was originally fields as evidenced by the stone walls and have since filled in. New Salem resident spoke about clearing trees and cultural resources and read a statement about tree removal [document not submitted to the Board].

Board discussed: limit of project area and screenings, relocating panels, length of lease, projected start date, material of panels, SMART is a state-run, state-supported program. P&CD Director, Rubén Flores-Marzán provided data on total solar development in Ware: 0.02% of Ware's land is developed with solar. DOER's recommendation is to not cut forested areas for solar, but to place panels on parking lots and buildings.

Motion by J. Kusnierz to have the project move 100' in off the western boundary line and to continue to hearing to the September 5, 2018 meeting. Seconded by F. Urban. So voted 5/0/0.

5. **Discussion of possible zoning amendments** (topics include: Definitions of storage; Use Table; marijuana cultivation in RR zone; solar arrays on undeveloped lots). L. Iadarola spoke about the current bylaw and explained that he would like to see clarification on accessory uses and what constitutes a “mobile storage unit” and temporary storage. There was discussion about storage structures with wheels and the intention of the bylaw. Discussion will continue at the September 5 PB meeting.

Additional discussion later in the meeting: The Board discussed the possibility of allowing the cultivation of marijuana in the Rural Residential (RR) district. The Board has only recently heard from several Ware farmers and would like to try to address their concerns. Board would like to explore opportunity for farmers to have small grow facilities and discussed the following possible amendments:

- *Minimum lot size (5 acres?) / same at state regs*
- *Must be a farm registered with the state*
- *Amendment to affect the RR district only*
- *Allow cultivation in every zone*
- *Follow existing farms previously designated as such by the town*
- *5,000-10,000 sf buildings*
- *Prove amount of annual revenue*
- *Mandate that the parcel be owner-occupied*
- *Create provisions for hoop houses and lighting*

Rough timeline for additional discussions:

9/19/2018: firm up amendments

10/17/2018: hold public hearing

Board Chairman reiterated that the Town already has a bylaw amendment in place for marijuana retail sales and cultivation [AGO approved in July 2018] and that it is up to the state Cannabis Control Commission to regulate it.

6. **Public Hearing on SPR-2018-02, All Parts Racing**, (continued from April 18)

Gary Buelow, Major site plan review for additional parking at 55 East Street; Site Plan review was a condition of the 2016 Special Permit; Revised plan due to PB by June 1, 2018. The Board reviewed the plans that were submitted yesterday and noted the hand-drawn lighting placements. They also noted that the rain garden was supposed to be made into snow storage which was not reflected on the plan. The Board expressed their indignation with the fact that a professional plan was altered.

Board discussed possible rescinding the Special Permit (issued in 2016) based upon falsified plans. Per her phone call to the engineer, J. Mosso confirmed that the engineer did not make the lighting changes.

Motion by J. Kusnierz to rescind Special Permit SP-2015-03 and deny the site plan because the plan presented was falsified and altered without approval of the engineer. Seconded by J. Knight. So voted 4/0/1 (DiMarzio).

7. **Discussion & Updates**

- a. PVPC Delegate update – no update
- b. Wildflower Drive – no update from Town Manager

8. **Other** – none.

9. **Adjourn** – **Motion** by J. Kusnierz to adjourn at 9:32 pm. Seconded by F. Urban.

Documents reviewed:

- Minutes from June 20, 2018
- Minutes from July 18, 2018
- Greenwich Rd ANR
- Palmer Rd ANR
- Palmer Rd solar special permit application
- Palmer Rd solar site plan application
- Hand-revised site plan from APR

Documents received:

- Written statement from Sarah Kohler, New Salem, MA

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

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