

format issue  
pages 1 & 2

During the deliberation, the Planning Board examined the Town of Wareham's policy of not plowing private roads and considered the intricate relationship between HOAs, residents, and the town. M. Baptiste raised a pertinent question about whether the Town should conduct inspections to ensure HOAs were fulfilling their property maintenance obligations.

S. Quirk sought further information regarding relevant policy matters but concurred with the

The following record pertains to a meeting held by the Wareham Planning Board at 6:00PM local time. A video recording of this meeting is available for viewing. The record for the proceedings includes the videotape of the meeting, the resolutions passed, and any document presented during the course of the meeting.

ABSENT: -

**MOTION** – Move to put off any action whether recommend or not recommend Candle Paper Lane until further study.

consensus that the Town should not assume additional financial responsibilities, a view shared by J. Gleason. In light of these considerations, M. Baptiste proposed that the motion be reformulated to include a call for further study.

**MOTION** – Move to put off any action whether recommend or not recommend Candle Paper Lane until further study.

| MEMBER          | MOTION | SECOND | VOTE |
|-----------------|--------|--------|------|
| M. King (Chair) |        |        | AYE  |
| J. Gleason      |        | X      | AYE  |
| C. Schulz       |        |        | NAY  |
| S. Corbitt      |        |        | NAY  |
| S. Quirk        |        |        | AYE  |
| M. Baptiste     | X      |        | AYE  |

Seconded and passed without dissent. 4-2-0

### III. PUBLIC HEARINGS

Prior to the commencement of the public hearings, M. King deferred to C. Schulz for a point of order concerning the applications.

C. Schulz requested the opportunity to make separate statements in relation to the public hearings for application #11-23.<sup>1</sup> He proposed that the Planning Board establish its position, in accordance with a review conducted with the Town Attorney, that the historical treatment of solar applications has involved both Site Plan Review and Special Permit, as defined by Article 15. This implies that the Planning Board serves as the Site Plan Review authority and the Special Permit granting authority. C. Schulz clarified that he was operating within this framework. M. King and S. Quirk acknowledged that they had similar discussions with Town Council, and they intended to proceed with this understanding as they navigated the case.

For application #12-23, C. Schulz established that the applicant had filed for both Site Plan Review and Special Permit.<sup>2</sup> He further requested confirmation that the application stated Site Plan Review would be handled by the Planning Board and Special Permit by the Zoning Board. He then referred to the historical approach of the Planning Board, which had typically been considered the authority for both Site Plan Review and Special Permit. Additionally, he mentioned that there were uncertainties in the interpretation of the Bylaws concerning this application. He believed that the version of the Bylaws applicable to this case was the one published in April 2023, although the references in the documentation did not align with those Bylaws.

<sup>1</sup> #11-23, Site Plan Review Application. (2023, July 26).

<sup>2</sup> #12-23, Application for Site Plan Review. (2023, July 20).; and #12-23, Application for a Public Hearing for a Variance/Special Permit. (2023, July 20).

C. Schulz also noted that in April 2022, the town had adopted revised solar Bylaws that were significantly different from the previous Bylaws. These updated Bylaws were still under review by the Attorney General, and the town expected a ruling on them the following Monday.

M. King subsequently proceeded to read the appropriate notice of public hearings.

**MOTION** – Move to open the public hearing for #11-23 Wareham PV I, LLC – Site Plan Review – 0 Route 25.

| MEMBER          | MOTION | SECOND | VOTE |
|-----------------|--------|--------|------|
| M. King (Chair) |        |        | AYE  |
| J. Gleason      | X      |        | AYE  |
| C. Schulz       |        |        | AYE  |
| S. Corbitt      |        | X      | AYE  |
| S. Quirk        |        |        | AYE  |
| M. Baptiste     |        |        | AYE  |

Seconded and passed without dissent. 6-0-0

**1. #11-23 Wareham PV I, LLC – Site Plan Review – 0 Route 25**

Jon Klavens, Council to Applicant  
 Matt Thornton, Longroad Energy  
 Lindsey Kester, Longroad Energy  
 Sarah Ebaugh, Site Civil Engineer, VHB  
 Phil Cordero, Allen and Major Associates

C. Schulz posed a question to the applicant regarding the introduction letter, which made reference to both the 2019 and 2023 Bylaws.<sup>3</sup> The project concerns the construction of a large ground-mounted solar energy facility located at 0 Route 25. The 22.4-acre parcel, located within the R-130 Zoning District is currently vacant land.<sup>4</sup> M. King clarified that the applicants were present for a Site Plan Review Special Permit.<sup>5</sup>

The application, filed in June 2023, pertained to the same project, with the omission of the battery storage component. Given the significant time that had elapsed, S. Ebaugh proceeded to provide a concise overview of past actions. J. Klavens requested that the Planning Board vote to incorporate all documents and information from prior proceedings into the current proceedings. He noted that he had received peer-reviewed comments from Mr. Cordero and would be submitting responses shortly.<sup>6</sup>

S. Ebaugh then presented a summary of the existing Site Plan and design. The site in question is presently an undeveloped parcel of land. It is bordered by Route 25 to the south, encompassed by

<sup>3</sup> Wareham, MA, Zoning Bylaws. (2022, April 12).

<sup>4</sup> #11-23, Application for Site Plan Review. (2023, June 26).

<sup>5</sup> See: #11-23, Project Folder.; and #33-21, Project Folder for documents incorporated into the record.

<sup>6</sup> Allen & Major, Initial Peer Review. (2023, September 6).; and Capt. Christopher Smith, Wareham Fire Prevention WFD, Comments. (2023, September 9).; and WFD, Comments. (2023, September 14).

woodlands, wetland resource areas, and cranberry bogs to the east, adjacent to municipal buildings on the west, and surrounded by woodlands to the north. The southern section of the site is densely wooded, while the northern portion has already been significantly disturbed due to historical sand extraction activities, primarily resulting in exposed soil and sand. Access to the site is granted via an existing gravel access road with a curb cut along Charge Pond Road. This gravel road traverses the site, continuing eastward, and it falls within an established 20-foot wide access easement owned by the property owner and other adjacent property owners to the east of the site. This road is currently utilized by these property owners and their lessees for the maintenance and operation of existing cranberry bog activities and four previously approved large ground-mounted solar energy facilities sanctioned by the Town of Wareham.

The site would house solar panels, three small concrete pads for electrical equipment, and transformers to support the solar array. Two surface infiltration basins were included, along with a 20-foot-wide gravel access road traversing the site to the north and south points. The Fire Department had reviewed the two turnabouts on the access road and had provided a letter indicating no additional requirements at that time. A meadow mix with runoff characteristics similar to the existing forested land on the site would be planted. Drainage patterns on the site would remain similar to existing conditions, and there would be no import or export of soil on the site. Preliminary test pits had been conducted to ensure compliance with Massachusetts Standards, and this would continue during construction.<sup>7</sup>

Modifications to the Site Plan and stormwater report would be presented, with continued adherence to Stormwater Standards.

S. Quirk inquired whether it was the intention to place batteries on the pads designated for energy equipment, to which S. Ebaugh confirmed that indeed, the intention was to place transformers and equipment on these pads. Additionally, S. Quirk sought clarification on the extent of tree clearing, which S. Ebaugh stated amounted to 8.1 acres. She also raised a question regarding the status of the interconnection agreement, to which J. Klavens responded that no decision had been made by the DPU as of yet.

C. Schulz noted that the applicants were requesting a waiver from the 18-inch tree inventory requirement. He further observed that the applicant's decommissioning plan included a bond structured appropriately and that the applicant had committed to recycling removed panels.

M. King pointed out that the application stated the applicant reserved the right to revisit battery storage with the Planning Board at a later date. J. Klavens confirmed that he acknowledged that any addition of battery storage would require approval from the Planning Board.

J. Gleason delved into the topic of the pollinator mix, and S. Ebaugh noted it was specified under the general section of the application that six inches of loam would be provided for seeding. They also discussed additional plantings in other areas. J. Gleason expressed concerns regarding the composition of the pollinator mix, which S. Ebaugh agreed to further review.<sup>8</sup> C. Schulz inquired about concerns related to slope erosion, to which the representatives stated that it had been

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<sup>7</sup> #11-23, Stormwater Management Report. (2023, July 26).

<sup>8</sup> #33-21, Solar Site Seeding Protocol. (2023, April 4).; and #11-23, Site Plans. (2023 July 26), Sheet 2, for additional seeding protocol information.

stabilized. C. Schulz clarified that the slopes were all within the property and would be monitored and remediated as noted within the Site Maintenance plan.

J. Klavens then addressed the Peer Review comments. The Peer Review suggested that a stormwater management permit might be required by the Board of Health under the town's general Bylaw. J. Klavens noted that the Bylaw had an exception for projects engaged in a Site Plan review, which might exempt this project. He also suggested that an MS-4 Stormwater Management permit might be needed, but since the project was not connected to the Municipal Separate Storm Sewer System, the newer Bylaw might not apply.

M. Baptiste asked questions about the existing conditions of the site, to which S. Ebaugh noted that the northern side of the property would be planted with a pollinator mix.

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*Barry Cosgrove, Resident*

B. Cosgrove provided comments, requesting that the applicants respond if there is an exception to the Bylaw or if they are compliant, as per the Stormwater Management Permit. This was for documentation purposes. Regarding the MS-4, the applicant should also provide compliance documentation for the record.

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J. Gleason noted the presence of a second pair of gates on C203 and sought clarification on whether the Fire Department had any concerns about the different fence configuration. S. Ebaugh responded that the Fire Department was aware of the configuration, and the associated roadway had been discussed, acknowledging that a turnaround could be challenging. The Planning Board then requested that the Fire Department provide a written response confirming their approval of this aspect of the plan.

J. Klavens then raised the issue of the certification from a landscape architect, who had contributed to the modification of the Site Plan. However, due to the modest nature of the landscaping, there was no separate certification from the architect. The Planning Board requested that the architect provide the necessary certification.

The topic of the 18-inch tree waiver was subsequently discussed. This portion of the application had not changed in this iteration. M. King pointed out that the waiver had not been granted for the Fearing Hill project. C. Schulz expressed the view that the Bylaw did not grant the Planning Board authority to approve the waiver. A complete inventory of 18-inch trees on the property had not been conducted, but wetland scientists had provided notes from their site visits. The Planning Board requested that the applicants obtain a sampling of tree growth on the property, as they could not recall having granted this type of waiver in the past.

**MOTION** – Move to move all previous documentation be incorporated into record for this proceeding, including minutes, documents, references, citizens comments, notes, and recordings of the meetings where the matter was discussed.

| MEMBER          | MOTION | SECOND | VOTE |
|-----------------|--------|--------|------|
| M. King (Chair) |        |        | AYE  |
| J. Gleason      |        |        | AYE  |
| C. Schulz       | X      |        | AYE  |
| S. Corbitt      |        | X      | AYE  |
| S. Quirk        |        |        | AYE  |
| M. Baptiste     |        |        | AYE  |

Seconded and passed without dissent. 6-0-0

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*Kathy Pappalardo, Fearing Hill Road Resident*

K. Pappalardo pointed out that the Planning Board had previously denied 18-inch tree waivers and had also requested documentation of the value of lumber cleared. She clarified that the 8.1 acres included all clearing and roads. Furthermore, she established that no additional grading would be required.

*Barry Cosgrove, Blackmore Pond Resident*

B. Cosgrove expressed concern that no special permit application had been submitted, and he emphasized the necessity of filing a permit application before engaging in any discussion. M. King responded by noting that the Planning Board had already entered their intentions to act upon a Site Plan review and special permit into the record. He also raised the question of whether the town should conduct a comprehensive hydrology study.

S. Quirk then clarified a point made by B. Cosgrove, specifically regarding metrics being given in AC rather than DC. B. Cosgrove responded that this specification was included in a written NREL (National Renewable Energy Laboratory) document but assured that he would provide contact information to establish this specification.

S. Ebaugh then noted that residents were notified based on tax maps provided by the Assessor's Department, and documentation would be sent again to clarify any uncertainties.

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*Nancy McHale, Fearing Hill Road Resident*

N. McHale expressed her concern about the consultant conducting a peer review rather than a site review. She felt that a site visit would be in order. Furthermore, she noted that only one test pit had been tested, and she believed that more than one should be examined.

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**MOTION** – Move to move this public hearing to October 16, 2023.

| MEMBER          | MOTION | SECOND | VOTE |
|-----------------|--------|--------|------|
| M. King (Chair) |        |        | AYE  |
| J. Gleason      |        |        | AYE  |



|             |     |
|-------------|-----|
| C. Schulz   | AYE |
| S. Corbitt  | AYE |
| S. Quirk    | AYE |
| M. Baptiste | AYE |

Seconded and passed without dissent. 6-0-0

**2. #12-23 370 County Rd, LLC – Site Plan Review & Special Permit – 370 County Road**

Aaron Rudin, Prime Engineering

**MOTION** – M. King read the appropriate notice to open the public hearing for #12-23, concerning a proposal for a ground-mounted photovoltaic solar array at 370 County Road.

| MEMBER          | MOTION | SECOND | VOTE |
|-----------------|--------|--------|------|
| M. King (Chair) |        |        | AYE  |
| J. Gleason      |        |        | AYE  |
| C. Schulz       |        |        | AYE  |
| S. Corbitt      | X      |        | AYE  |
| S. Quirk        |        |        | AYE  |
| M. Baptiste     |        | X      | AYE  |

Seconded and passed without dissent. 6-0-0

S. Quirk questioned whether the Planning Board had been presented with a completed application, to which C. Schulz replied that the new standards could not be applied until the following week. S. Quirk voted on the motion with the understanding that further discussions would be held to address the application of the new Bylaw standards to the proposed project.<sup>9</sup>

A. Rudin summarized that the land would be leased from Strolling Tree Farm, and the lease had already been signed. The primary purpose of the meeting was to present the project and receive comments. He acknowledged that there had been comments from Allen & Major as well as the Fire Department.<sup>10</sup> The area in question was wooded, and a total of 9.67 acres would be cleared.

The project would utilize existing pathways and improve the roadways closer to the solar fields. To the north of the property is an existing solar array, and to the east is subdivided wooded land. To the south are cranberry bogs and several residential dwellings, while to the west are residential dwellings. The entryway on County Road is by an existing dwelling, and the driveway would be used to gain access to the array. The first 2.76-acre area to be used contains wetlands. The total clearing area would be 7.14 acres.

The property slopes downward and is higher than abutting properties. A. Rudin had conducted a site walk and provided photos. Grading and alterations would be made to direct stormwater to a

<sup>9</sup> See: #12-23, Project Folder.; and #12-23, Site Plan Review Application. (2023, July 26).; and #12-23, Special Permit Application. (2023, July 26).

<sup>10</sup> Allen & Major, Peer Review. (2023, September 9).; and Capt. Christopher Smith, Fire Presentation WFD, Comments. (2023, August 9).

retention basin. There is a proposed concrete pad, as the applicant plans to have a battery storage area. A catchment would be included, which would contain storage liquid, allowing for better containment response—approximately 1.5 times the battery capacity.<sup>11</sup> M. King requested that the representative review prior Planning Board comments and discussions on battery storage.

Discussion continued, and it was noted that stabilization would be added to the paved driveway. The driveway is owned by the property owner, from whom the applicant is leasing. Trenches would not be dug for an electric line; instead, risers would be added. A write-up would be done on Total Phosphorus Removal. Property line determination is in progress.

M. King noted that the Planning Board's position aligns with the NREL decommissioning guidelines, and the proposed bond is significantly lacking.<sup>12</sup> J. Gleason requested that blow-ups be outlined visually on the plans.

C. Schulz then provided comments, noting that batteries must be included as major components. He further requested that natural heritage and endangered species be addressed. He expressed interest in whether the Conservation Commission considered the property a wetlands resource area, which might be unwelcome for solar projects.

S. Quirk questioned if it would be necessary to conduct a geological study based on the property's location. C. Schulz agreed, given that further review would be required to determine the location of the aquifers. S. Quirk and M. Baptiste discussed buffers and ancient ways on the property. The Planning Board requested further information on the ancient ways on the property.<sup>13</sup>

The Planning Board encouraged the representative to meet further with the Planning Office.

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*Eric Lintala, Squirrel Island Road Resident*

E. Lintala noted that a major depression on the site abuts a solar project on the west side, and it would be an area of concern. Additionally, a brook goes south of the property into one of the largest blue heron rookeries he is aware of. He expressed that the property was a major forest, and cutting acres of prime forest was excessive. The project is not projected to have any impact on the town's fire protection system was noted, but battery fires are a separate issue. He strongly disagreed with the statement that the ecology of the area would not be negatively impacted. The environmental consulting statement from November 9, 2021, mentions numerous species. The report states that while the viewer does not show high-priority habitat areas, there is wildlife present. He expressed support for the detail that went into the prevention of hazardous materials and oil spills on the site during construction. Even a minor spill, such as a quarter of a gallon, would require documentation. There was no emergency response plan for putting out a lithium battery fire. He expected that this plan, and every plan that comes before the Planning Board, should also address it.<sup>14</sup>

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<sup>11</sup> #12-23, *Catchment Plans*. (2023, July 26); and *Catchment Plans*. (2023, August 9).

<sup>12</sup> See: NREL, *U.S. Solar System Decommissioning Policies*. (2022, June 23).

<sup>13</sup> See: Prime Engineering, *Impact Statement*. (2023, July 20).

<sup>14</sup> Referenced document presumed to be: Attachment G-1, *Impact Statement*. (2023, July 20).

*Patricia Zimmer, 370 County Road Resident*

P. Zimmer clarified that the screening from County Road would be set far back and not visible from the road. M. King responded that it would be addressed as the project moves forward.

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**MOTION** – Move to continue the public hearing until the first Planning Board meeting in January 2024, January 8<sup>th</sup>, 2024.

| MEMBER          | MOTION | SECOND | VOTE |
|-----------------|--------|--------|------|
| M. King (Chair) |        |        | AYE  |
| J. Gleason      |        |        | AYE  |
| C. Schulz       |        |        | AYE  |
| S. Corbitt      | X      |        | AYE  |
| S. Quirk        |        | X      | AYE  |
| M. Baptiste     |        |        | AYE  |

Seconded and passed without dissent. 6-0-0

#### IV. AJOURNMENT

**MOTION** – Move to adjourn.

WAREHAM TOWN CLERK  
2023 DEC 7 PM3:55

| MEMBER          | MOTION | SECOND | VOTE |
|-----------------|--------|--------|------|
| M. King (Chair) |        |        | AYE  |
| J. Gleason      |        |        | AYE  |
| C. Schulz       |        |        | AYE  |
| S. Corbitt      | X      |        | AYE  |
| S. Quirk        |        |        | AYE  |
| M. Baptiste     |        | X      | AYE  |

Seconded and passed without dissent. 6-0-0

The meeting was adjourned at approximately 8:23PM local time.



11/15/2023