

WAREHAM PLANNING BOARD
MINUTES OF THE MEETING
Multi-Service Center
54 Marion Road, Wareham, MA 02571
Monday, September 18, 2023

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.

I. CALL TO ORDER

Chair King opened the meeting and proceeded to call the roll.

PRESENT MEMBERS: Michael King, Chair
Carl Schulz
Jane Gleason
Mike Baptiste
Sherry Quirk, Associate Member
Sam Corbitt

ALSO PRESENT: Kenneth Buckland, Director of Planning and Community
Development

ABSENT: -

II. CONTINUED PUBLIC HEARINGS¹

- 1. Zoning Bylaw Article 3: Updates to section 320, 330, and 340 to be consistent with changes to Site Plan and Special Permit, amendments to Solar by-law, amendments to Wireless Communications Bylaw, and a new battery storage [BESS] by-law.**

The Article, "Use Regulations," serves as a roadmap for the land use permitting process. The discussed updates primarily pertain to clarifying the understanding of the requirement for Site Plan review and Special Permit for large-scale ground-mounted solar arrays in the districts where they are allowed. If approved, the battery Bylaw would mirror the regulations applied to large ground-mounted solar arrays, subjecting them to Site Plan review and Special Permits as well.²

CS and SQ further noted that as drafted presently the articles, specifically Section 597, address batteries as an accessory to solar projects. It was then recommended to add a section which mirrors the section on large ground-mounted solar arrays that ensures that batteries are subject to

¹ See: Proposed Articles: Drafts & Planning Board Revisions. Wareham.ma.us.

² Proposed Articles, Article 3: Use Regulations: Sections 320, 330 and 340.

the same requirements in the same districts. Additionally, an update to Article 5, which would provide for collocating antennas in units in town would require an update to the Article 3 table.

MOTION – Move to recommend for approval by the Planning Board to town Meeting for Zoning Bylaw Article 3 section 320, 330, and 340 to be consistent with changes to Site Plan and Special Permit, amendments to Solar by-law, amendments to Wireless Communications Bylaw, and a new battery storage [BESS] bylaw.

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

Seconded and passed without dissent. 6-0-0

MOTION – Move to close the public hearing for Zoning Bylaw Article 3: Updates to section 320, 330, and 340 to be consistent with changes to Site Plan and Special Permit, amendments to Solar by-law, amendments to Wireless Communications Bylaw, and a new battery storage [BESS] by-law.

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

Seconded and passed without dissent. 6-0-0

CS noted that updates to Article 3 are grouped with other amendments.

2. Zoning Bylaw Article 5: Amendments to Section 590, also adding a new section dealing with battery storage [BESS].

S. Quirk noted that the solar Bylaw is still under the attorney general's review. The reviewed Bylaw intended to separate Site Plan review and Special Permit processes, aimed at improving clarity. The Bylaw also includes clarifications regarding battery storage. Additional language has been added to address the protection of the aquifer and the environment.

There were also new provisions related to surety bonds. Applicants would then be required to demonstrate that they have appropriate state authorizations for certain environmental, endangered animal, historic, and cultural reviews. Furthermore, the Bylaw includes language regarding interconnection, necessitating applicants to prove their ability to safely interconnect with the grid. A small typographical error was also corrected.

S. Quirk then summarized the path going forward and mentioned the Alternative Energy Committee constituted by the Select Board, and she asked for volunteers to participate in this committee.

MOTION – Move to continue the public hearing on Zoning Bylaw Article 5, also adding a new section on battery storage, until October 16, 2023.

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

Seconded and passed without dissent. 6-0-0

3. Zoning Bylaw Article 12: Remove section 1216.9 which excludes Special Permit from all of Article 12.

The Article, “Performance Standards,” deals with performance standards and outlines how the town should be guided or constrained by these standards³. It also describes certain exemptions or exclusions from these performance standards. The proposed section to be deleted exempts Special Permit projects from the criteria found within Zoning Bylaws in Article 12. Doing so would make all Special Permit projects conform to the standards within Article 12 or take other relevant action.

Upon review, it was found to be inappropriate to exclude certain aspects of the Article from Special Permits while simultaneously requiring Special Permits for other parts of the Article. Therefore, C. Schulz recommended deleting the relevant section to ensure consistency and coherence in the Article.⁴

MOTION – Move to recommend approval of the deletion of section 1216.9 of Zoning Bylaw Article 12: Remove section 1216.9 which excludes Special Permit from all of Article 12.

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

Seconded and passed without dissent. 6-0-0

³ Proposed Articles, Delete Zoning By-Law Section 1216.9.

⁴ Proposed Articles, By-laws for 1216.9 and 540. (2023, August 14).

MOTION – Move to correct Scrivener’s errors.

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

Seconded and passed without dissent. 6-0-0

4. Zoning Bylaw Article 14: Re-write so that it focuses only on the administrative process for Land Use permitting.

Julie Moran, Resident

S. Quirk introduced J. Moran, who applied her expertise in the drafting and refinement of the Bylaw. J. Moran summarized the goals of the Bylaw revisions. The first goal was to clarify the land use permits and emphasize the town's expectations. The organization of concepts was aimed at adding clarity to the process and allowing more technical requirements to be moved to the Rules and Regulations.⁵

Key enhancements encompassed clarifications regarding the definition of a complete application. Furthermore, the provisions regarding performance guarantees underwent an expansion from covenants to incorporate bonds and letters of credit, accompanied by comprehensive details on the process of releasing security. The considerations related to review requirements also saw significant expansion. Notably, it was indicated that a design review office or board might be established in the future, requiring a zoning conformance review to become an integral part of the permitting process. As part of this process, a report assessing compliance with design criteria would be included. Additionally, the Planning Board retained the discretion to hire an external consultant for the thorough review of specific aspects of an application, primarily those pertaining to Article 15.

C. Schulz stated that he did not believe any of the requirements had been materially changed. The process for approving applications would remain fully open. S. Quirk acknowledged that the Zoning Bylaw was a work in progress, and collaboration was encouraged. J. Gleason clarified that the Conservation Commissions comments were included.

MOTION – Move to recommend the adoption Zoning Bylaw Zoning Bylaw Article 14: Re-write to focus only on the administrative process for Land Use permitting.

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

⁵ Proposed Articles, Article 14: Administration.

C. Schulz	X	AYE
S. Corbitt		AYE
S. Quirk	X	AYE
M. Baptiste		AYE

Seconded and passed without dissent. 6-0-0

5. Zoning Bylaw Article 15: Re-write so that it explains Land Use permit reviews and criteria for decisions.

MOTION – Move to continue the public hearing on Zoning Bylaw Article 15: Re-write so that it explains Land Use permit reviews and criteria for decisions, until October 16, 2023.

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

Seconded and passed without dissent. 6-0-0

The motion was rescinded, with the intent to continue Articles at the end of the meeting.

6. Zoning Bylaw Article 16: Update to certain definitions, including terms included in other proposed Bylaws.

J. Gleason suggested adding a section on abbreviations. Modifications to Article 16, “Definitions,” included further definition of terms.⁶

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Jim Menise, Cranberry Highway Resident

J. Menise requested clarification on Article 3, Section 340—which is a definition of use in tables within the Article.

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The Planning Board engaged in a brief discussion regarding the working state of the Article and the amendment process.

MOTION – Move to recommend approval of Zoning Bylaw Article 16: Update to certain definitions, including terms included in other proposed Bylaws.

MEMBER	MOTION	SECOND	VOTE
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⁶ Proposed Articles, Article 16: Update to certain definitions, including terms included in other proposed Bylaws.

M. King (Chair)		AYE
J. Gleason		AYE
C. Schulz	X	AYE
S. Corbitt		AYE
S. Quirk	X	AYE
M. Baptiste		AYE

Seconded and passed without dissent. 6-0-0

7. Zoning Bylaw Article 5, Section 540 [and Article 3] Wireless Communications; Colocation on cell towers by-law.

Following discussion of Article 16, the discussion on Article 15 was revisited. K. Buckland summarized that the modifications allowed the town to put repeated on top of 10-foot cell towers. The owner would be required to provide the space as a public service to the town.⁷

MOTION – Move to recommend the approval of Zoning Bylaw Article 5, Section 540 [and Article 3] Wireless Communications, Colocation on cell towers by-law.

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

MOTION – Move to continue the public hearing on these Articles until October 16th, 2023.

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

The Planning Board then discussed a revised Bylaw, drafted via citizen's initiative. Copies of the revised Bylaw would be distributed to the Planning Board. Two petitions were drafted—the first pertaining to accessory apartments and the other for separate units in a principal structure.

III. AJOURNMENT

⁷ Proposed Articles: Article 540: Wireless Communications.

MOTION – Move to adjourn.

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

The meeting was adjourned at approximately 7:04PM local time.

[Signature] as Secretary
11/13/2023

WAREHAM TOWN CLERK
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