

**WAREHAM PLANNING BOARD  
MINUTES  
February 13, 2023 – 6:00 p.m.**

- I. **ROLL CALL:** The meeting was presented in the Multi-Service Center and via zoom as a hybrid meeting.

**Present:** Chairperson, Michael King, Mr. Corbitt, Mr. Schulz, Mr. Baptiste, Ms. Gleason and Associate member, Sherry Quirk

**Absent:** Mr. Schulz

5-1-0

Planning Director, Kenneth Buckland was also in attendance.

II. **PRELIMINARY BUSINESS:**

1. **Approval of Meeting Minutes: 1/9/23 & 1/23/2023**

Ms. Quirk made a motion to approve January 9, 2023, revised minutes as presented, and it was seconded by Mr. Baptiste. The motion passed unanimously. (5-0-0).

On the January 23, 2023 minutes, Ms. Quirk forwarded a slight revision to the Planning Office and it was corrected. Mr. King noted one typographical error. Ms. Quirk made a motion to approve the January 23, 2023, minutes as presented and was seconded by Mr. Baptiste. The motion passed with four in approval and one, Mr. Corbitt in opposition. (4-1-0)

2. **Decision and endorsement of Plans and Covenant: 19-22 Dos Amigos Realty, LLC – Lots 1010-a3 & 1010-D on Map 74 – Two lot Subdivision**

Mr. Corbitt made a motion to approve the decision and endorsement of the plans and covenant for 19-22 Dos Amigos Realty, LLC.

Mr. Baptiste asked if there was any information forwarded to the Planning Department regarding the documents they requested.

Ms. Quirk also said that their decision was going to be contingent upon the transaction with Eversource being documented in the covenant that it is going forward with Eversource. She stated she read the covenant but didn't feel it necessarily identified that information.

Mr. Corbitt withdrew his first motion and made a second motion that until such time that the documents that the Planning Board had requested at the January 23, 2023 meeting be forwarded to them and that the Eversource Covenant had the information they have requested that they would be not voting on this approval. The motion was seconded by Ms. Gleason and passed unanimously. (5-0-0)

Mr. Baptiste shared his frustration on the fact that people don't produce what they are required to and expect a vote.

### **3. Update on the Zoning By-Laws**

#### **i. Article 14 & 15 – Solar Energy By-Law Update (Carl Schulz)**

Mr. Buckland reviewed the updates on the by-laws.

Ms. Quirk stated they have exchanged some drafts and worked with a Real Estate Attorney to draft the by-law and they have shared it with Mr. Buckland. She said there are definite things that need to be worked out and discussions that need to be had among the board so that everyone is on the same page. She said that she feels it is unlikely to be available by Town Meeting, but they are committed to moving forward to completion for Fall Meeting.

Mr. Buckland recommended one article be produced for Article 14 & 15 and how site plan review should be available in relation to the Special Permit so it can go to the Spring Town Meeting.

Mr. Buckland stated that the public hearing is scheduled for February 27, 2023 to discuss these by-laws.

#### **ii. Article WV-1R – Downtown Revitalization (Jane Gleason)**

Ms. Gleason gave an overview of this bylaw. She said that Mr. Buckland has put together a first re-draft. She said there were still a couple of discussion points. She said they focused on design guidelines. Mr. King asked if the proposed article gives them strong control over what's going to happen down there.

Mr. Buckland said it puts the Planning Board in control of what is happening down there.

Ms. Gleason asked for a review of the site plan review statement made in one of the bylaws.

Mr. Buckland stated it was a change of use or change of area; stating anything more than 1,000 square feet would be under site plan review or change of use.

#### **iii. Articles for Public Hearing April 27 (Ken Buckland)**

Mr. Buckland reviewed this article and he doesn't think it needs to go forward other than the announcement in the newspaper, which allows them to cancel or postpone the article at that time.

### **4. For discussion and possible vote: Requests for Zoning Amendments**

#### **i. Article 9-Parking minimum of 5 spaces per lift or bay for motor vehicle service uses (by ZBA)**

Mr. Buckland reviewed the article proposed by the Zoning Board for this article.

Mr. Corbitt made a motion to move Article 9-Parking minimum of 5 spaces per lift or bay for Motor Vehicle Services asked by the ZBA for a public hearing to March 27, 2023 and was seconded by Ms. Quirk. The motion passed unanimously. (5-0-0)

**ii. *Table 320-Change Agriculture on less than 5 Acres to “N” in Commercial Districts and ‘SPZ’ in all others (by Building Commissioner)***

Mr. Buckland reviewed the request of the Building Commissioner on this request. He said the Building Commissioner has found on smaller lots people may have small farms that they are operating which may be causing complaints from neighbors.

The Planning Board stated they would not support this amendment.

**iii. *Article 6 – Add Maximum Dimension of 1000 SF for Accessory Buildings (by Building Commissioner)***

Mr. Buckland reviewed the amendment requested by the Building Commissioner for an accessory building be no more than 1,000 square feet; he said it's not necessarily the magic number.

Ms. Gleason stated again it may affect agriculture, whereas someone couldn't build a large barn. Discussion ensued.

Mr. Baptiste voiced that he was not in favor of supporting this amendment. The Planning Board stated they would not support this amendment.

**III. PUBLIC HEARINGS – NO NEW HEARINGS**

**IV. CONTINUED PUBLIC HEARINGS:**

**1. 33-21 Wareham PVI, LLC – 0 Route 25-Solar Energy Generation Facility**

Attorney Klaven was present for the applicant. Matt Thornton from Long Road Energy; Sarah Ebaugh from VHB. Attorney Galvin – for Mr. Fletcher, the property owner.

Attorney Klaven reviewed new information regarding the battery energy storage equipment, where it would be located, what capacity, and how it would be used; stating that it has been on the plan since the very beginning of the first application of September 2021. He stated they provided a bit more information on the plan for detail.

Ms. Ebaugh, Civil Engineer reviewed the calculations to add a bit more detail to the plans.

Attorney Klaven stated they updated the decommissioning plan.

Attorney Klaven gave a summary.

Mr. Baptiste asked a question in regard to if there will be excess battery storage on the grids.

Mr. Thornton stated they can't change the amount of storage on site. He said same information to you as well as on the application for interconnection, and there can't be any changes to that.

Ms. Quirk asked about the capacity of the battery storage and to where on the application it states that. She stated she has read some pieces of legislative material over the years and would agree that battery storage is part of a solar project. She also stated that it reads that it is for energy collected from the project, which imposes a limitation of what capacity of battery should be permissible. She said that battery storage is a big issue in the Town of Wareham and for the members.

A discussion of the capacity of the battery was had.

Mr. King thought that the Town of Wareham was being targeted for Solar Farms and felt that the Town was given up open space for these farms. He said they were concerned of the use of the product.

Mr. Baptiste stated his concern as a layperson was the battery storage on site.

Ms. Gleason said that the grid is being tasked more and more. She thought the battery storage for the grid is going to be more in demand.

Attorney Galvin for Mr. Fletcher said the board was speculating what they were doing; but he said they are not trying to build a battery storage facility; trying to build a facility that has battery that's actually less than the ability to generate the storage. He said they could condition it in the Special Permit.

Mr. Baptiste stated that he felt people, big corporations come in and are deceitful.

Attorney Galvin argued that he and his client didn't appreciate his comments. He said they are not proposing a battery facility, but a solar facility.

Mr. King asked a few questions on the decommissioning plan. He referred to a comment in regards to if a reduction of the financial decommissioning could take place, Mr. King advised he would like to add "as agreed upon by both parties."

Ms. Quirk asked about the monitoring wells and wanted to hear their 'why' of not providing the monitoring.

Attorney Klavin said they feel they have given enough evidence to suggest there is no risk to the ground water. He said they have provided written information to confirm.

Resident, Eric Lintala, 15 Squirrel Island Road read a statement in for the record. He reviewed the timeline of the proposed solar panels. He referred to a past letter the

applicants first submitted and gave his opinion. He agreed that water monitoring control should be in place. (1:22:00)

Resident, Kathleen Pappalardo, of 365 Fearing Hill Road shared her concern about the battery energy storage system. She asked about the two proposed and the sizes. (1:24:28)

Resident, Nancy McHale asked for clarification on where the energy would be coming from, if that was all solar? She also asked about the interconnecting system and asked if this was connected to the two-way system. Ms. McHale also asked the availability of a final plan for residents to review or the plan that the Planning Board to approve. (1:31:00)

Mr. King explained that the Planning Board reviews from multiple sources however a final plan would be submitted for final approval.

Via Zoom, George Edman, 64 Blackmore Pond Circle said he feels the applicant is not working well, not being flexible with the Town on the proposal. He, as a CPA gave reference to the decommissioning plan. As well as referencing the potential groundwater contamination. He asked the board to deny the application. (1:42:20)

Resident, Annie Hayes commented on the battery storage component. She asked about the applicant stating it was state-mandated, but she understood it as an option. Ms. Hayes also spoke about the panels in ten years going to a resale market. She said if replaced at that time would they be needing more battery storage at that time if the panels required more megawatts. (1:45:34)

Resident, Barry Cosgrove via Zoom asked that the minutes of these meetings incorporate the video to residents' notation. He asked the number of panels for this project. He thought the amount stated was only the modules. (1:52:03)

Attorney Klavin stated it was 607 panels.

Mr. Cosgrove referenced two points, in the paperwork that was handed out to the Board members, in the Town By-laws that did give the Planning Board the right to deny the site plan review.

Mr. Cosgrove stated they did not have an interconnection agreement as of yet. Mr. Cosgrove said that there are hanging their hat on section 593.4 of the Wareham Bylaws, regarding storage; however, the definition of storage is in the Town's Bylaw, 340 explaining the two types of storage. Mr. Cosgrove stated he believed there was information left out in the application and there are different documents that reference 1 and 2; and 1 and 2 in the same document. He gave information out of the SMART program, 'corporate welfare program' and not an obligation to have the battery solar system. He continued to share his concerns to the board.

Thomas Wright of Charge Pond Road was on via Zoom. He explained his background in education of a Ph.D. In Chemistry and stated he has worked on different battery projects for solar panels. He asked what type of batteries they were discussing. He said he is concerned also about groundwater, living so close to the proposed field. (2:10:40)

In closing, Attorney Klavin gave a summary of the project. He asked for a continuance based on the fact that Mr. Schulz was not present this evening. He said he thinks they are presenting a good project per the by-laws and would be satisfied with reasonable conditions on the project. Regarding the decommissioning bond, he said he would hope that in the future, they would be able to review the higher financial decommissioning bond.

Via Zoom, Resident, Jill Risgin, stated she was concerned that they didn't want to monitor the wells and didn't feel it was unreasonable. (2:22:49)

Tricia Wurts asked how many actual batteries were going to be on-site.

Mr. Thornton said he didn't know how many batteries and would follow up.

Ms. Quirk asked Attorney Klavin to clarify what she thought he said about agreeing to the higher decommissioning figures that the Board had recommended if later they could revisit.

Mr. Klaven said he sees two important elements and explained what they were. He said the first would be to revisit the financial assurance prior to construction and the second would be if a conversation with the town regarding appropriate financial assurance was appropriate, that the town have some expertise on that figure, and they would help pay for that.

Mr. Klaven said he is asking for the amount prior to construction because they are requesting a significantly higher amount than what their qualified engineers determined for the decommissioning plan.

Ms. Quirk questioned whether it would be wise for the board to hire a hydrogeologist to work for their board to assess their claims regarding monitoring of the wells.

Mr. Buckland stated they have also received testimony from a hydrogeologist on the impact downstream. He said that he was working against the proponent. Mr. King said the cost would fall on the applicant.

Mr. Thornton stated that any contamination in or around the solar panels is not something they would take lightly. He said they do not see this as a risk.

Mr. King asked if it would be better to strategically three monitoring wells that could identify the problem, if there was one, sooner than later. He explained another project agreed to go through monitoring and is a much smaller solar project than theirs.

Wrapping it up, Mr. King stated he hasn't heard anything staggeringly new in the last few meetings and asked if the board would like to close the public hearing.

Ms. Quirk said if they decided to bring in a hydrogeologist – to advise us if monitoring would or would not be appropriate for this site, she would want to keep the public hearing open.

Mr. Corbitt said he'd be willing to close the hearing and include a requirement condition for monitoring.

Ms. Quirk made a motion to February 27, 2023 at the applicant's request and was seconded by Ms. Gleason. The motion passed with one, Mr. Corbitt in opposition. (4-1-0)

V. **UPCOMING PLANNING BOARD SCHEDULE:**

1. **ADJOURNMENT**

Mr. Corbitt made a motion to adjourn and was seconded by Mr. Baptiste. The motion passed unanimously. (5-0-0).

Approved by Planning Board Clerk:  \_\_\_\_\_

Date submitted to Town Clerk: \_\_\_\_\_