

WAREHAM PLANNING BOARD MINUTES OF THE MEETING

Multi-Service Center
54 Marion Road, Wareham, MA 02571
Monday, March 4, 2024

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.

CALL TO ORDER

PRESENT:

M. King (Chair)
S. Quirk, Associate Member
C. Schulz
S. Corbitt

ALSO PRESENT:

Joshua Faherty, Conservation Administrator
Sonia Raposo, Wareham Principal Department Assistant
Dan Butler, Chairman of the William Redevelopment Authority

ABSENT:

M. Baptiste
J. Gleason

M. King: We do have a quorum.

PRELIMINARY 1:

M. King: Discussion regarding a change in the approval of payment of invoices submitted to the Planning Board.

M. King: Upon Ken Buckland's retirement, it has been proposed that the Planning Board assume the duties of reviewing and approving all invoices relating to the 53G accounts.

MOTION:

C. Schulz moved that the planning board re-assume authority for reviewing and approving invoices related to 53G accounts.

MEMBER	MOTION	SECOND	VOTE	ABSENT
M. King (Chair)			Aye	
C. Schulz	X		Aye	
S. Corbitt			Aye	
S. Quirk Associate Member ¹		X		
M. Baptiste				X
J. Gleason				X

PRELIMINARY 2:**M. King: The Planning Board's response to a letter on the Solar Farm MEPA review.**

With respect to the propped letter to be sent by the Planning Board in the case involving MEPA review of a solar farm in North Wareham, M. King and C. Schulz agreed that the Board's request for an extension of the public comment period was denied by the Applicant and a response must be filed by tomorrow according to the analyst reviewing the case. Therefore, the Board's response must be finalized during this meeting.

M. King proposed that The Board should weigh in on the letter's content and whether it is appropriate to sign on.

C. Schulz pointed out that the Solar Farm project does not meet the requirements of our zoning bylaws and is problematic regarding future battery solar storage. He asked whether the letter should reference this non-compliance.

S. Quirk suggested that as the case has not yet come before the Planning Board, the Board's response should be confined to the comments to the jurisdiction of the requesting office and made available to the public.

C. Shultz inquired about the Conservation Commission's involvement, especially regarding wetlands bylaws. J. Faherty of the Conservation Commission stated that the Commission's

¹ Ms Quirk voted as an associate on the basis that this is an administrative matter.

involvement would follow applicants filing with the Commission, and no MEPA response was planned at this time.

C. Schultz stated that at the appropriate time, the public needs to be aware that the Planning Board is well aware of its jurisdictional requirements and how the zoning bylaws may apply.

S. Quirk then read the proposed Board's executive Summary at the Chair's request. The excerpt read by S. Quirk is inserted below, and the draft letter is attached:

The WPB submits these comments to raise several questions about the ENF for the Secretary's consideration. In recent policy proposals, the Secretary has recognized the role of forested and natural lands in addressing climate change. The REDP proposes to clear 56 acres of forested land, some of it irreplaceable Pine Barrens habitat, for construction of the NWSP. The WPB questions whether this project is consonant with the Secretary's direction in preserving forested land for carbon storage and capture to address climate change.

Further, if ultimately approved the NWSP will join approximately 20 other approved and proposed solar projects in Wareham. The WPB believes it is essential to examine the cumulative impact of these projects on Wareham's local environment and resources and to determine whether the degree of solar development in Wareham, if continued by this project, will have an adverse impact on the Town.

This review is particularly important because of the proximity of the NWSP to eight environmental justice populations in Wareham and nearby Carver. As Mass Audubon has demonstrated in its recent study, *Growing Solar, Protecting Nature*,² large ground mounted solar development (and accompanying deforestation) has been concentrated in just a few areas of the state, with Plymouth County prominently among them. The WPB requests that the Secretary review this project to assure that environmental harms are not clustered in an area close to environmental justice populations.

Finally, the NWSP includes as one of its elements a sizable battery energy storage system ("BESS"). The ENF contains no discussion of the potential adverse effects of the BESS on the environment, notwithstanding risks known to be associated with such systems.

C. Shultz stated his concern about proposed mitigation and conservation offsets. None of the proposed mitigations or conservation offsets will occur in Wareham, but in other municipalities.

S. Quirk said she had considered including the fact that mitigation will occur outside of Wareham but did not include it because, based on the phone call conducted by the MEPA analyst, it was clear this point would be made by several people.

² [Growing Solar, Protecting Nature \(arcgis.com\)](https://arcgis.com)

S. Quirk expressed regret that there is no process for community involvement prior to a project coming before the Board to allow consensus to develop. C. Shultz pointed out that the Design Review Board will allow the community to shape the project.

The Board discussed the fact that there are eleven other solar arrays in the near vicinity.

M. King asked if there was a motion to accept the letter as written with the addition or the change of the number of arrays in the vicinity noted from 3 to 11.

Sam Corbett pointed out that the motion was a matter in which S. Quirk, Associate Member, should vote.

MOTION to accept The Planning Board's revised response to a letter on the Solar Farm review

MEMBER	MOTION	SECOND	VOTE	ABSENT
M. King (Chair)			AYE	
C. Schulz	X		AYE	
S. Corbitt		X	AYE	
Sherry Quirk, Associate Member ³			AYE	
M. Baptiste				X
J. Gleason				X

PRELIMINARY 3:

M. King stated that the Board should set a public hearing date for the Urban Renewal Plan ("URP") Review and decide whether a future joint hearing with the Select Board is warranted.

M. King introduced Dan Butler, chairman of the ^{Wareham} William Redevelopment Authority, and requested a quick overview of the status of the URP Review.

Butler stated that the WRA has been working on this urban renewal plan for nearly two years and is now substantially complete. Once submitted for final approval, the URP Plan

³ Ms Quirk voted as an associate on the basis that this is an administrative matter.

will allow the Authority to exercise the powers needed. Implementation of the plan required two prerequisites:

1. Approval by the Planning Board after a Public Meeting concerning the plan.
2. The Select Board conducts a public hearing and votes to approve and forward the plan to the State.

D. Butler suggested holding two separate Public Meetings rather than a joint One. Separate meetings would ensure more public awareness, and each meeting could focus on different aspects of the renewal plan.

M. King asked D. Butler about the urgency to complete these public hearings.

Butler replied that there was no deadline and added that although the draft is currently a draft, it has continued implementing certain aspects of the plan. For example, he can move forward on certain aspects of the Wareham Village District.

M. Schultz asked if the plan was only directed at the Downtown Redevelopment District and suggested publishing the URP on the town's website

M King suggested setting the date for the Planning Board's Public Hearing.

The Board agreed to set May 13, 2024, as the Planning Board's Public Hearing date. This hearing is to be separate from the Select Board's Public Meeting.

[NO VOTE REFLECTED IN THE MINUTES. FLAG THIS. WE MAY HAVE NEEDED ONE]

PRELIMINARY 4:

The Board will vote on Bay Point, Phase3 Covenant: the Release and Bond.

M. King stated that the vote follows lengthy discussions and some actions on both the part of the Planning Board and the Board of Selectmen and is instead of a tripartite agreement. He noted that the proponent has posted a bond. This is a form of surety in the amount of \$44,375.00, which is the agreed-upon number based on the review by Alan and Major. As the Board of Selectmen has approved the matter is now back before the Planning Board to vote to adopt and execute.

M. Schultz noted that Mr. Welch needs to file that agreement, and then the Planning Board can release the covenant and reminded the Board that the covenant covering Phase 3 is partial. The Board must release the remaining covenant and then institute the new surety, allowing the developers to get building permits.

M. King proposed that the Board vote to execute the Bond and release the covenant, having received an email confirmation from the select board chair confirming that it had been acted on and approved.

C. Schulz recommended that the confirmation be read into the record.

M. King read the email confirmation:

"So the undersigned, being the Planning Board of the Town of Wareham, hereby certify that Bay Point Club, LLC, aka Bay Point, LLC, care of Stone Street Corporation of 1275 Wampanoag Trail, suite 14, East Providence, Rhode Island, 02915. Holder of a covenant dated October 7, 2019, in the Town of William, Plymouth County, Massachusetts. Recorded with the Plymouth County Registry of Deeds in Book 49 445, page 180, and hereby acknowledges satisfaction of the terms therefor, releases the covenant and any right, title, and interest in lots one and two. Fronting on Beacon Street in Phase 3, designated on a plan entitled Modification to Special Use Permit and Site Plan Approval and Definitive Subdivision Plan Approval. Definitive plan submission for Bay Point Club mixed-use development."

MOTION: ;For the Board to accept bond number 315696 for \$44,375.00, which will be in place for two years.

MEMBER	MOTION	SECOND	VOTE	ABSENT
M. King (Chair)			AYE	
C. Schulz	X		AYE	
S. Corbitt		X	AYE	
S. Quirk ⁴			AYE	
M. Baptiste				X
J. Gleason				X

The board discussed and agreed on the next steps needed. Before the Bond is recorded at the Registry of Deeds, the updated completion bond with the bond number must be updated. The surety agreement was to be filed and posted with the town clerk. The tripartite covenant agreement must also be filed at the Registry of Deeds.

⁴ Ms Quirk noted her vote will count only if permitted.

C. Sultz requested Mr. Welsh answer questions that are not agenda items: Has the 53 G account been refunded for Phase 1 and Phase 2?

S. Raposo reported that the 53-G accounts must be replenished to pay an invoice from Allen and Major. Once the \$2,500.00 check is cleared, it will be sufficient to cover the invoice.

The Board discussed the need to maintain a viable 53-G balance in the future. To do so, Allen and Major's estimate of the timing and amount of future invoices is necessary, as well as an estimate of funds released on the schedule of values of Phase1 and 2.

MOTION: M. King entertained a motion to adjourn.

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

J. Gleason as clerk 3/25/24 with corrections to scanner's errors noted.

