

**WAREHAM PLANNING BOARD**  
**MINUTES OF THE MEETING**  
**Multi-Service Center**  
**54 Marion Road, Wareham, MA 02571**  
**Monday, June 26, 2023**

5.1.0

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. PRELIMINARY BUSINESS**

**1. 33-21 Wareham PV 1, LLC - 0 Route 25 – Withdrawal of Application**

Jon Klaven, Esq., Klavens Law Group  
Lindsey Kester, Longroad Energy

J. Klaven provided a summary of the previous actions taken by the Planning Board regarding the project, which involved reconsidering the disapproval of the project after conducting further investigation into battery storage.<sup>1</sup> J. Klaven mentioned that, if approved, the applicant would prefer to withdraw their current application without prejudice to allow for the submission of a new application focused solely on a solar project. The new application would be identical to the previous one, except for the exclusion of the battery storage component.<sup>2</sup>

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<sup>1</sup> See: #33-21, Project Folder.

<sup>2</sup> Request to Withdraw. (2023, June 21).

The applicant had submitted a letter to the Planning Board, providing additional details on how the project could proceed without the inclusion of battery storage.<sup>3</sup> They had prepared an application with the Department of Energy Resources to seek an exception, and J. Klaven expressed confidence that it would be granted. If battery storage were to be added to the project in the future, it would require approval from the Planning Board as a modification.

C. Schulz asked K. Buckland about the version of the By-Laws that would apply to the resubmitted application, to which K. Buckland responded that it would be subject to the 2019 version.

S. Quirk clarified that if battery storage were to be added later, it would be brought before the Planning Board for approval, as they are the original permit issuer. She expressed appreciation for the removal of the battery storage component.

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Barry Cosgrove, Resident

B. Cosgrove stated that a new public hearing required proper notice. A brief discussion ensued regarding the process of notice and details of opening a new public hearing.

Nancy McHale, Resident

N. McHale stated that she had never seen a project presented to the Planning Board solely for the batteries, and wanted to clarify that adding batteries would indeed constitute a modification.

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**MOTION** – Move to close the public hearing on 33-21 Wareham PV 1, LLC - 0 Route 25 – Withdrawal of Application, with the understanding that the applicant has requested the application be withdrawn without prejudice.

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 accept the withdrawal application for 33-21 Wareham PV 1, LLC - 0 Route 25 without prejudice.

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

<sup>3</sup> Presumed to be: [Applicant Letter to the Planning Board](#). (2023, April 27).

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

Seconded and passed without dissent. 6-0-0

2. **7-20 Borrego Solar Systems, Inc. – 27 Charge Pond Road – New Leaf [Borrego] Extension of time SPR/Special Permit**
3. **9-20 Borrego Solar Systems, Inc. - 150 Tihonet Road – New Leaf [Borrego] Extension of time SPR/Special Permit**

Gregory Sampson, Esq., Sullivan & Worcester

The following discussion pertained to both #7-20 and #9-20.<sup>4</sup>

S. Quirk expressed her appreciation for the information provided on battery safety and presented several articles to both the representatives and the Planning Board as references. In her research, she discovered that a significant amount of water is required in the event of a fire involving batteries, and she highlighted concerns about the potential toxicity of the air and water. She also mentioned the insurance risks associated with battery storage. S. Quirk raised questions about the preventive measures and safeguards that could be implemented and whether it would be worthwhile to wait for further research and information.

C. Schulz then mentioned that the Fire Department had responded, indicating that the first responder to a fire incident would make the decision on how to handle the situation. He inquired whether they had experience assisting town fire departments in developing fire response plans and if they would be willing to do so in Wareham.

S. Quirk added to the discussion with questions about how to mitigate the runoff of fire water and its potential toxic effects. M. King then informed the attendees that he had received a response from the Wareham Fire Department addressing these questions. He proceeded to read the letter into the record.<sup>5</sup>

*Dear Chairman King,*

*I am writing to you as a follow-up to our discussion regarding potential hazards relating to Solar and Energy Storage Facilities. The topic of fire suppression tactics has been debated lately because of the potential for hazardous water runoff. Unfortunately, we cannot provide a specific fire suppression tactical plan for these EMS facilities. It would be at the discretion of the Officer in Charge to mitigate the hazard in the safest manner possible. These tactics may range from trying to extinguish the fire to letting the storage container burn and just monitoring to ensure that the fire does not spread.*

<sup>4</sup> See: #9-20, [Project Folder](#); #7-20, [Project Folder](#).

<sup>5</sup> Wareham Fire Department, [Letter to Planning Board, Re: Energy Storage Systems](#). (2023, June 26).

*Please feel free to contact our office if any of the planning board members have any additional questions regarding this matter. We would be happy to attend a meeting to answer any possible questions that may arise.*

*Respectfully  
Captain Christopher Smith  
Fire Prevention*

G. Sampson stated a written response would be provided in addition to setting up a meeting with the Fire Department. J. Gleason further questioned what the resultant would be in the event of water contamination, and how it would be disposed of.

^  
Byproduct

**4. Bay Pointe Club, LLC. – 19 Bay Pointe Drive – Subcommittee Report**

C. Schulz addressed the frustrations with communication and process by announcing his appointment to a subcommittee aimed at facilitating discussions. He summarized a meeting he had with T. Faye on June 19, 2023, and outlined the measures taken to improve communication. It was decided that if T. Faye presented updated diagrams, either he or a representative from his engineering firm should be present, along with the consultant engineer, to minimize miscommunications.

The Approval Not Required application for properties on Onset Avenue had been withdrawn. However, the ANR application for Bay Pointe Drive was approved with the requirement of a minor modification to the Site Plan Special Permit. T. Faye would need to update the drawings accordingly.

Regarding the project phases, T. Faye confirmed that all work associated with Phase I had been completed or moved to Phase II, which is reflected in the updated Phase II plan. K. Buckland had received the subsequent request, and the Town Engineer would review Phase I and provide a report to the Planning Board.

K. Buckland mentioned that Phil Cotero, the Consulting Engineer, required an as-built plan.

S. Corbitt and M. King emphasized that the Town Consulting Engineer should prepare a list following the Phase I inspection. The Planning Board would then require any unfinished items not included in Phase II to be completed before further requests can be made.

Regarding Phase II, C. Schulz explained that T. Faye wished to update the schedule of values and subsequent release. Phase II is under a tripartite agreement until August 2024. As for Phase III, it is currently under the covenant, and T. Faye requested to convert it into a tripartite agreement. This would involve T. Faye preparing a schedule of values, which would be approved by the Town Consulting Engineer, leading to the release of the covenant. Once this occurs, properties could begin to be sold.

Regarding Phase IV, which constituted a major modification to the Site Plan Special Permit rather than a subdivision, C. Schulz clarified that there was no covenant involved. The applicant

would need to file a minor modification to the Special Permit Site Plan review to transfer ownership from Windward Pines to Stonestreet.

~

*George Salem, President Bay Pointe Village Condominiums*

G. Salem raised concerns about the property abutting Cahooten Road and reported property damage on the land. The damage included approximately 17 hedges being damaged, frontage being dug up, and a streetlight being removed. G. Salem expressed frustration over the lack of communication regarding these actions and mentioned that he had been working with an attorney to seek restitution for the damages.

K. Buckland confirmed that the Planning Office had received communications from G. Salem's attorney.

*Resident, 39 Bay Pointe Drive*

The resident stated that the as-built plan is critical, given that many of his shutoffs are presently buried.

## **5. PowerPoint Presentation – Battery Storage**

S. Quirk delivered a PowerPoint presentation on Battery and Energy Storage during the meeting. She mentioned that she, along with C. Schulz, had conducted research with the aim of developing specific standards to be incorporated into a By-Law. She highlighted that the state of New York had already developed a conditional By-Law, as had the towns of Medway and Carver in Massachusetts. The battery power projects in Medway and Carver are currently being reviewed by the state's Department of Public Utilities to determine if they will override local zoning regulations.

S. Quirk emphasized that the size of the battery does not eliminate the risk of thermal runaway, and the regulatory process has not yet caught up with the advancements in technology and the deployment of relevant energy storage systems.

She then proceeded to review the Carver By-Law, which categorizes batteries based on their size. Carver has implemented setbacks of 300 feet from residential units and 150 feet from water sources for battery installations. The By-Law also mandates mitigation measures for incidents, proof of liability insurance, and the submission of decommissioning plans. Additionally, S. Quirk mentioned NFPA 855, which establishes a comprehensive framework for bringing batteries online, including the development of emergency operations plans and other necessary procedures as determined by individual towns.<sup>6</sup>

S. Quirk highlighted that facilities must be approved in accordance with UL 9540, which mandates testing of battery facilities to ensure safe design and operation.<sup>7</sup>

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<sup>6</sup> NFPA 855, [Standard for the Installation of Stationary Energy Storage Systems](#). (2023).

<sup>7</sup> UL Solutions, [Industrial Battery and Energy Storage Services](#).

She proceeded to summarize the primary issues surrounding battery storage, which included concerns related to firewater runoff, air quality, the evolving nature of technology, addressing decommissioning costs, potential liabilities, and meeting legal requirements.

S. Quirk expressed her support for holding a public hearing to discuss the drafting and issuance of a battery storage By-Law. She hoped to develop and present a relevant By-Law proposal during the Fall Town Meeting. She emphasized that the town's health and safety were of utmost importance and should be the main focus when considering battery storage regulations.

### III. CONTINUED PUBLIC HEARINGS

#### 1. 12-22 Wareham MA 3, LLC. — 91 & 101 Fearing Hill Road - Site Plan Review— Map 91 & 71, Lot(s) 1000 & 1007 - proposing Ground-mounted Solar Energy Generation Facility (Requesting Continuance to 8/28/23)

M. King noted that the applicant had requested the continuance due to legal reasons.<sup>8</sup>

**MOTION** – Move to accept the request for 12-22 Wareham MA 3, LLC. — 91 & 101 Fearing Hill Road - Site Plan Review— Map 91 & 71, Lot(s) 1000 & 1007 - proposing Ground-mounted Solar Energy Generation Facility (Requesting Continuance to 8/28/23) to continue to August 28, 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

### IV. OTHER BUSINESS

**MOTION** – Move to reappoint Sam Corbitt as the Planning Board representative to the Capital Planning Committee.

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

<sup>8</sup> Request to Continue. (2023, June 21).

Seconded and passed without dissent. 6-0-0

**MOTION** – Move to reappoint Mike Baptiste to the Planning Board for another three-year term.

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

Seconded and passed without dissent. 6-0-0

**MOTION** – Move to reappoint Sherry Quirk as associate member to the Planning Board for another one-year term.

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

Seconded and passed without dissent. 5-0-1

## V. AJOURNMENT

**MOTION** – Move to adjourn.

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 7:57PM local time.

WAREHAM TOWN CLERK  
2023 AUG 29 PM12:35

*[Signature]* as Clerk 8/14/2023