

Wareham Solar By-Law Study Committee  
Minutes of the Meeting  
Wednesday, January 26, 2022  
**Time: 4:00pm – 5:30pm**  
<https://us02web.zoom.us/j/86496957835>  
**Meeting ID: 864 9695 7835**

**1. CALL MEETING TO ORDER**

The Workshop was called to order by Chairperson McHale at 4:01 P.M.

**2. ROLL CALL**

Members Present: Nancy McHale (Chairperson)  
Carl Schulz (Clerk)  
Jacqui Nichols  
Linda Rinta  
Denise Wolk  
Ronald Besse

Members Absent:

Also present: Ken Buckland, Director of Planning  
Elise Leduc-Fleming, Executive Director Wareham Land Trust  
Tricia Wurts, Citizen  
Linda Scharf, Citizen  
Annie Hayes, Citizen  
Nazih Elkallassi, Chair ZBA

**3. ZOOM PROTOCOL**

Chairperson McHale reviewed the operating protocols for our ZOOM meetings to ensure an orderly exchange:

- Please use the “RAISE HAND” tool to request to speak
- Please speak one-at-a-time

**4. BOARD MEMBERSHIP UPDATE**

Chairperson McHale notified the Committee that member Chris Conti has resigned. Chairperson McHale contacted the Wareham Zoning Board of Appeals (ZBA) to determine if they would like to submit a replacement member.

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**5. MINUTES TO APPROVE**

**MOTION:** Motion made and seconded to approve the minutes of:

Minutes of the January 5, 2022 meeting  
Minutes of the January 12, 2022 meeting

Motion passed (5-0-0)

Pending: Minutes of the January 19, 2022 meeting

**6. “POST-IT-NOTE” CONSENSUS BUILDING EXERCISE**

Ms. Wolk facilitated the exercise. She shared a document that she had prepared by organizing and summarizing the input from Committee members that had been submitted via email since the January 19<sup>th</sup> meeting.

Ms. Wolk summarized the objectives of the exercise:

- To agree on definitions of key components of the by-law,
- To facilitate reaching agreement on siting locations and criteria, setbacks, mitigation, and incentives,

At the end of the review today we should be able to identify areas of agreement, areas where work remains, and next steps.

Ms. Wolk shared an outline document that organized the feedback. Please refer to the document for the details. A summary of the discussion follows:

**Siting**

The summary presented a (3) tier approach to discussing sizing. These (3) tiers have been discussed in earlier meetings. The Committee discussed whether there was agreement that we wanted to use this approach for setting sizing requirements. No decision was made.

**#1 PV Arrays Less than 250KW [Tier 1]**

The Committee members generally agreed that PV arrays of this size should be allowed as-of-right in all zoning districts in Town.

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#2 PV Arrays between 250KW and 1MW [Tier 2]

The Committee members agreed that PV arrays of this size should be identified as “MEDIUM” scale arrays and would be allowed under Special Permit in certain areas.

The Committee discussed in which zones these size (ground-mounted) arrays would be permitted. Concern was raised about allowing arrays in the CG, CS, IND, or CR zones as this use would take away from the land available to site other businesses.

The Committee also discussed considerations and concerns about siting these arrays in the R-45 and R-60 districts; it was noted that siting ground-mounted solar arrays is not currently allowed in the R-45 district.

It was suggested that, even though Section 590 is / has been focused on large-scale (greater than 250KW) ground-mounted solar arrays that it might be more clear if wording was added that discussed roof-top and canopy structures and noting that they can be deployed in all zoning districts as-of-right.

The Committee discussed the minimum and maximum parcel size for this tier.

The need to define the term “project parcel” used in the outline was identified. Does it refer to the entire solar project or just the area under an array (“size within the fence”).

It was noted that a 1MW array would require about 3 acres under the array but double that to account for setbacks, buffers, access road and accessory use structures.

The Committee discussed the value of / need to set minimum and maximum parcel sizes. It was noted that setting a maximum KW rating when combined with buffers, and setbacks will limit the parcel size. A concern was raised that the general citizen would not understand that relationship and would relate better to a lot size restriction.

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### #3 PV Arrays greater than 1MW [Tier 3]

The Committee discussed setting a maximum parcel size of 25 acres. There were a variety of thoughts on the maximum ranging from decreasing to 15 acres to removing the restriction. The Makepeace projects have been much larger than 25 acres but most of the other projects would have fit well within that cap. For sizing it was noted that a 5MW array would require about 10 acres for the area itself about 10 acres for the buffer, and 5 acres for accessory use.

The Committee discussed restricting these projects to the R-60 and R-130 zone north of Rt. 28 and further restricting it within certain overlay districts. No general agreement was reached on restricting sites to north of Rt. 28 as well and not agreeing with restricting siting within the called out overlay districts (Flood Plain, Ground Water Protection, and Zone II Well Head Protection).

**ACTION:** Carl to send out sections of Zoning maps so that these siting requirements could be visualized.

It was noted that the Committee should be approaching ground-mounted solar arrays as a tool and a good thing when properly sited. It was also noted that many of the restrictions we are placing on solar projects are not applied to other types of development. We should remember that solar projects have a constrained life-cycle – usually 20 years allowing us to recover the land and reconsider the use. Other types of development do not have the same life-cycle.

### #4 Required separation

The Committee discussed setting a minimum setback of 75 feet from the property line in a residential district. The Committee discussed the impact of various setback restrictions on a lot and the restrictions it would create because of the amount of land that would be taken out of the project as well as the impact on irregularly shaped lots.

Key considerations with setbacks are visibility and glare.

For commercial districts it was generally agreed that a 25 foot minimum setback would be sufficient.

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## Restrictions and Limits

The Committee discussed ideas on setting restrictions:

- Setting a percentage of property restriction on tree cutting on previously undisturbed land. It was noted that “previously undisturbed” must be very clearly defined.
- Setting an overall cap on total acreage that could be used for solar in town. The percentage used to set the cap should be considered in light of currently deployed and planned projects.

The Committee discussed the concern that we are placing restrictions and limitations on solar development projects that are not applied to any other kind of development project in Town. That seems to be an unfair burden and in fact could result in less desirable kinds of development.

**ACTION:** Denise to clean-up the document and share with the Committee

## 7. PROJECT TIMELINE

Chairperson McHale reported that the Select Board had not yet published dates for submitting Warrant Articles.

She noted that while we are making good progress we may need to request an extension. Members felt that it was important to keep making progress with the intention to have a by-law for Spring Town Meeting even if it needs further improvement.

**ACTION:** Denise will begin integrating concepts from the “post-it” exercise and the Outline into the Google Document.

## 8. PUBLIC COMMENT

Ms. Tricia Wurts provided comments:

- She reminded the Committee that we must answer the question for the citizens – “What’s in it for them”. She noted that the discussions so far do

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not seem to provide anything unless they have property that they want to develop for Solar.

- She suggested the need to provide community education sessions on solar.
- She noted that Banks may not want to grant homeowners a mortgage if the property is located near a solar array.

Ms. Leduc-Fleming provided comments:

- She noted that a possible way to clarify the 40% tree clearing restriction would be to apply a cap.
- She noted that the concerns expressed that setback and other restrictions limit the lots where solar could be deployed may not be a bad thing.
- She suggested that the Committee consider keeping the 2% cap to prevent any further ground-mounted solar arrays within Town.

**9. ADJOURNMENT**

**MOTION:** Motion made and seconded to adjourn the meeting at 5:39 pm.

Motion passed (6-0-0)

**10. NEXT MEETING**

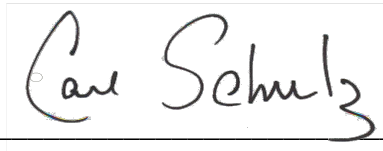
Date: Wednesday, February 2, 2022  
Time: 4:00 PM  
Place: **ZOOM**

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***Date Signed***

***By Carl Schulz, Feb 16, 2022 at 13:07***

Date signed: \_\_\_\_\_



Attest: \_\_\_\_\_

Clerk Wareham Solar Study Committee

***Date Submitted***

***By Carl Schulz, Feb 16, 2022 at 13:07***

Date copy sent to Town Clerk: \_\_\_\_\_