

Wareham Solar By-Law Study Committee
Minutes of the Meeting
Wednesday, February 2, 2022
Time: 4:00pm – 5:30pm
<https://us02web.zoom.us/j/86496957835>
Meeting ID: 864 9695 7835

1. CALL MEETING TO ORDER

The Meeting was called to order by Chairperson McHale at 4:03 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
Jim Eacobacci, ZBA Member

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 noted that Mr. Elkallassi would not be able to attend the meeting this week. Mr. Eacobacci would be attending this week to represent the ZBA. It is expected, pending approval by the Select Board, that Mr. Elkallassi would become the permanent member.

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5. MINUTES TO APPROVE

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

Minutes of the January 19, 2022 meeting

Motion passed (6-0-0)

Pending: Minutes of the January 26, 2022 meeting

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

Ms. Wolk facilitated the continued exercise from the January 26th meeting using the document that she had prepared.

Mr. Eacobacci had some comments on sections that were previously discussed. It was agreed to visit these at the end of the review.

Definitions

The first term discussed was “Previously Disturbed”:

- The Committee discussed if the term is used elsewhere in the by-law. This needs to be reviewed (see Article 12 and Article 16 from the Zoning By-law).
- Is the term used in the Wetlands by-law. Mr. Buckland reported that this is defined in that by-law; it depends on the context.
- The Committee reviewed some examples of what might be previously disturbed as a test: a lawn, a sand pit, etc.
- Is a parking lot previously disturbed?
- Should a previously disturbed area have been an **approved** disturbance. We do not want to allow “unapproved” (proper permissions, permits) alterations create a condition for compliance with the by-law.
- Use of subjective modifiers in the definition like “severely” and “heavily” create implementation issues. Need to use quantitative terms.

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The next term discussed was “Large-scale Ground-Mounted Solar Photovoltaic Installation”:

- The Committee agreed that this term applied to installations with greater than 250KW nameplate capacity.
- The Committee agreed that canopy installations are ground-mounted installations and fall under this definition.
- The Committee agreed that we may need to callout canopy arrays specifically if we wanted to make a distinction between types of ground-mounted solutions in order to carve out an exception with in a zoning district eg. If we prohibit ground-mounted arrays in the Commercial Zone we could create an exception for canopy installations over parking lots.
- It was noted that “Large-Scale Ground-Mounted Solar Array” is defined in the current by-laws under Article 16 and does include canopies.

The Committee has not reached agreement on Siting and the suggestion that we not allow solar in the Commercial Zones has not been decided.

The Committee agreed that we should be consistent in the definition of terms across by-laws.

The Committee understood that as we evolve the definition and use of terms we need to ensure that Article 3 – Use Table is updated appropriately.

Mitigation

The Committee noted that all Large-Scale Ground-Mounted Solar installations require a special permit. It was discussed that in reference to tree clearing on a area greater that 50,000 sq. ft. is specifically called out in a Town by-law as requiring a special permit from the Select Board. It was understood that the Special Permit for a Solar Installation would address this need and a separate special permit would not be required.

The Committee discussed creating a mitigation value of \$10,000 per acre of cleared trees (over 3 acres) be established to be paid into a fund to be created.

It was suggested that this value be increased to \$20,000.

It was noted that in many cases the appraised value of the land is less than \$10,000.

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It was noted that we do not require mitigation for tree cutting for other types of development. We need to remain mindful of the unintended consequences of our mitigation strategies.

The PILOT fees collected on some projects were discussed as a possible source of mitigation.

- State laws around PILOTs is changing. Not sure that we will be writing PILOT agreements in the future.
- Fees from PILOT agreements go to the Town and cannot be separated out into a special tree cutting mitigation fund.

It was noted that the SMART program includes an adder ... perhaps that concept could be adapted.

It was noted that if the by-law steps into the area of taxes we would need more information and guidance as we do not understand all of the ramifications.

Potential Incentives

The Committee reviewed ideas for incentives as listed in the document that Denise is maintaining.

It was noted that only item 1 on the list was a true zoning by-law.

It was questioned where items 2, 3, and 4 fit in the process do these occur? Who administers them? This is not part of the current Special Permitting Process.

Item 4 is not well understood.

Re: Item 5 – it was noted that the Planning Office has a grant to help home owners in need to understand how to add energy efficiency to their home.

General Comments

The question of siting solar arrays over cranberry bogs was discussed. It was noted that this is currently prohibited by the Town Wetland by-laws. This restriction is being tested in court.

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It was recommended that we clarify that the by-law related to large-scale ground mounted installations in all cases where the wording might be ambiguous.

It was recommended that we drop the restriction limiting installations to be north of Rt. 28.

It was recommended that we do not restrict solar arrays in a residential zone. It should be discouraged but there might be instances where it might make sense.

What was the purpose of the various setbacks? The goal is to reduce visibility – this can be accomplished through other means.

7. PUBLIC COMMENT

Ms. Tricia Wurts will submit her comments in writing.

8. PROJECT TIMELINE

Chairperson McHale reported that the Select Board had not yet published dates for submitting Warrant Articles. She has spoken with Chairman Whiteside about the possibility for submitting our article to the Special Town meeting thus allowing us more time to complete our work.

She noted that we have not heard from the AG on the previous amendment to Section 590 from the June 12, 2021 Town meeting.

9. ADJOURNMENT

MOTION: Motion made and seconded to adjourn the meeting at 5:33 pm.

Motion passed (6-0-0)

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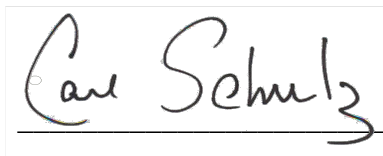
10. NEXT MEETING

Date: Wednesday, February 9, 2022
Time: 4:00 PM
Place: **ZOOM**

Date Signed

By Carl Schulz, Mar 30, 2022 at 14:52

Date signed: _____



Attest: _____

Clerk Wareham Solar Study Committee

Date Submitted

By Carl Schulz, Mar 30, 2022 at 14:52

Date copy sent to Town Clerk: _____