

Wareham Solar By-Law Study Committee  
MINUTES OF THE MEETING  
Wednesday, December 1, 2021  
Place: Room 24  
54 Marion Road  
Wareham, MA 02571

**1. CALL MEETING TO ORDER**

The meeting was called to order by Chairperson McHale at 3:07 P.M.

**2. ROLL CALL**

Members Present: Nancy McHale (Chairperson)  
Carl Schulz (Clerk)  
Jacqui Nichols  
Christopher Conti  
Denise Wolk

Members Absent: Ronald Besse  
Linda Rinta

Also present: Ken Buckland, Director of Planning

Members discussed Mr. Besse's active membership on the committee as he has only been able to participate in one meeting.

**Action:** Chairperson McHale to speak with Ms. Slavin, Chair of the Conservation Committee.

**3. MINUTES TO APPROVE**

**MOTION:** Made and seconded to approve the Minutes of the November 17, 2021 meeting of the Solar By-Law Study Committee.

VOTE: (4-0-1)

**Action:** Mr. Schulz to forward a copy of the approved Minutes to the Town Clerk ([meetings@wareham.ma.us](mailto:meetings@wareham.ma.us)).

**4. STATUS OF SPECIAL SPRING TM ARTICLE 17 SOLAR BYLAW AMENDMENT**

Chairperson McHale reported that the Attorney General has requested a 30-day extension to complete her review of the bylaw. This means that we will not have a ruling until December 25<sup>th</sup> at the earliest.

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Members discussed how to proceed with the process and it was agreed that we should try and craft wording that could be quickly amended accounting for either outcome.

Members continued discussion noting reports that there is significant concern among communities about the bylaw and that there appears to be legislative action as well as judicial action in progress. It was agreed that, while we need to remain aware of this activity, no results are likely to be available in time for our task.

**5. DISCUSSION OF SITING CRITERIA**

Members continued discussion of siting criteria:

- Does the bylaw need to specify a minimum size which would help to communicate scale to the community?

June 12th amendment established that the project must be "... sited on a parcel of at least three (3) acres in size (no less than 130,680 square feet), and no more than ten (10) acres in size (no more than 435,680 square feet)".

Do we need a minimum size if we have defined the focus on large-scale ground mounted arrays and we establish effective setbacks and restrict siting in a residential neighborhood (needs to be defined; not a residential zone).

- Does the bylaw need to specify a maximum size?

June 12th amendment established that the project must be "... sited on a parcel of at least three (3) acres in size (no less than 130,680 square feet), and no more than ten (10) acres in size (no more than 435,680 square feet)".

10 acres maximum is overly restrictive for commercial projects. This was established in previous bylaw as a stop gap to allow time for review. We have the opportunity to revise.

Approaches will be required to mitigate the potential environmental damage for those cases requiring large-scale (40 -50 acres) of tree cutting if siting on larger than 10 acres sites is permitted.

- Siting criteria should push solar to "where it belongs".

Previously disturbed areas, sand pits, parking lots, roof tops, etc.

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It was discussed that siting in these areas is already allowed.

- Suggestion that we impose a maximum acreage for solar projects to balance impact on community with need to support solar. Establish a “Fair Share” objective / commitment / constraint.

This could work nicely as a way to move from the (assume it gets approved) restriction of 10 acres. New filings for zoning protection between now and approval of our new bylaw would be constrained by the 10 acre cap and would contribute to the new total area counted toward the total area cap.

Regardless, we need to help the community understand how filing for zoning protection works and address the perception that something untoward is happening.

Wareham is 46 sq miles in area which is about 29,000 acres. Currently, the 300+ acres of solar projects is a very small percentage. Members discussed setting a cap at about [ 2% = 596 acres or 3% = 870 acres ].

- Tree Cutting

June 12<sup>th</sup> amendment established that “The portion of the parcel used for solar generation facilities must have been previously cleared of trees for a period of at least five (5) years prior to the date of submission of the project for approval. “

This amendment was modified to 5-years from a previously approved Falmouth bylaw with a 2-year requirement.

Members discussed issues with implementation of the 5-year previously cut requirement:

- This would promote cutting trees 5-years ahead of a solar project and allowing the land to lie fallow. This does not seem an environmentally aligned outcome.
  - Impact to timber crops on farmland. Impact to farmland siting.
  - We do not have a good survey of forested land today and historically.
- Access to the site

Roads and access to the site needs to be adequate.

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- A glare impact should be included in siting criteria.
- How to we address solar over ponds?

**Note:** See Ken's summary of siting criteria attached.

**6. DISCUSSION OF MITIGATION**

Members continued discussion on ways to mitigate impacts of solar projects.

- How do we mitigate habitat destruction?
- Habitat fragmentation?
- How do we establish a value for habitat impact?
- Require setting aside land for conservation.
- Restoration of existing forests. Street tree plantings.
- Payment for timber value seems inadequate to compensate for large-scale tree cutting.

**7. REVIEW OF DRAFT BYLAW**

Throughout the meeting members of the Committee discussed changes and updates to the DRAFT.

- Dimensional restrictions. 20% coverage.
- Setback 200' ft.
- Dimensional separation from Residential Developments (needs definition).
- Protect wild life corridors.
- Screening with large variety of native plants; low and tall. Screening should provide visual screening year-round. Screening must reviewed and maintained for the life of the project.

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- Plant with native pollinators mix mowed twice a year (except agricultural use). No herbicides or pesticides. (Do we need to define a farm? Do we need to define agricultural use? Do we need to define / clarify if solar moves previously defined farmland out?)
- Discussed writing a fencing option that can be evaluated. Not require fencing where it is not needed or may be a detriment. This may make a project more environmentally friendly. Fencing should be permeable.
- Discussed writing the bylaw in such a way as to allow discretion when reviewing and approving the plan. Write performance standard to allow consideration of setbacks, fencing, residential density, wildlife corridors.

**8. PUBLIC COMMENT MEETING**

Agreed to use Ken's presentation to open the meeting.

**Action:** Chairperson McHale to call WCTV to arrange for recording the session.

**9. ADJOURNMENT**

**MOTION:** Motion made and seconded to adjourn the meeting at 5:10 PM.

**VOTE:** (5-0-0)

**10. NEXT MEETING**


Wednesday, December 8, 2021 [Public Comment Session]  
Place: Room 320  
48 Marion Road  
Wareham, MA 02571

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***Date Signed***

***By Carl Schulz, Jan 24, 2022 at 09:02***

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

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

Clerk Wareham Solar Study Committee

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

***Date Submitted***

***By Carl Schulz, Jan 24, 2022 at 09:02***