

Wareham Solar By-Law Study Committee
MINUTES OF THE MEETING
Wednesday, December 15, 2021
Place: **Room 24**
54 Marion Road
Wareham, MA 02571

1. CALL MEETING TO ORDER

The meeting was called to order by Mr. Schulz at 3:05 P.M.

2. ROLL CALL

Members Present: Jacqui Nichols
Carl Schulz (Clerk)
Linda Rinta (arrived about 3:15)
Denise Wolk

Members Absent: Ronald Besse
Nancy McHale (Chairperson)
Christopher Conti

Also present: Ken Buckland, Director of Planning
Dave Pichette, Conservation Administrator

Members discussed quorum requirements for committee meetings. Mr. Buckland said that the Committee could establish its own. It was noted that the Committee never established a number. The Committee agreed that, as no votes or decisions were anticipated during this meeting, that they were comfortable moving the discussion forward.

ACTION: Committee should establish a quorum for future meetings.

3. MINUTES TO APPROVE

MOTION: Motion made and seconded to defer review of the minutes until the next meeting.

Motion passed (4-0-0)

.

Pending: Minutes of the December 1, 2021 meeting
Minutes of the December 8, 2021 meeting and public comment session

Wareham Solar By-Law Study Committee
MINUTES OF THE MEETING
Wednesday, December 15, 2021
Place: **Room 24**
54 Marion Road
Wareham, MA 02571

4. NEXT MEETING SCHEDULE

It was noted that the next meeting is scheduled for December 22, 2021. However, it was noted that Town Hall was closed on that date. All members present agreed to meet via ZOOM if necessary.

ACTION: Mr. Schulz to contact Chairperson McHale and confirm the intent to hold the meeting and work with her to set up a ZOOM call.

5. COMMITTEE COMMENTS

No *general* Comments were offered.

6. PUBLIC COMMENTS

No *general* Comments were offered.

7. DISCUSSION OF 12/8/21 PUBLIC COMMENT MEETING

Ms. Rinta arrived.

The Committee discussed Chairperson McHale's recommendation that we review the "Shutesbury Video" as part of the meeting. Members felt that they would rather view the video on their own rather than spend the time now.

ACTION: Mr. Schulz to share the link for the video.

Mr. David Pichette addressed the committee:

Mr. Pichette followed up on his question about whether the total acreage (approx. 533 acres) committed to solar projects presented at the public comment session included all "known" projects. Mr. Buckland clarified that the number (approx. 533 acres) only included those projects that have been permitted but did not include any projects that had filed for zoning protection.

He noted that the impact of these additional plans, which represent projects that can be built, on any cap under consideration must be taken into account.

Wareham Solar By-Law Study Committee
MINUTES OF THE MEETING
Wednesday, December 15, 2021
Place: **Room 24**
54 Marion Road
Wareham, MA 02571

It was further noted that the impact of these projects and the fact that they are beyond the scope of the June 12th amendment and any amendment from this Committee should be communicated to the Town so as to manage perceptions.

NOTE: All permitted plans (est. 6) and plans that have zoning protection (est. 4) will not be affected by any cap established in this bylaw)

The Committee reviewed the discussions around setting a cap that were held during the December 1st meeting. It was noted that setting a cap as a percentage of total acres, ranging from 1% to 3%, in Town was discussed at that time. A concern was raised that these numbers are completely arbitrary. It was further discussed that defining a “non-arbitrary” number may not be possible and other ways of (constraining, managing, controlling?) the impact of solar projects might be needed.

The Committee review the process of obtaining zoning freeze protections as well as the timing of additional steps that must be taken to protect that protection. This included filing Definitive Sub-Division Plans within (7) months of approval of a Preliminary Sub-Division plans.

Discussion continued on other ways to set a cap. All agreed with discussions at earlier meetings that setting a cap on the number of projects would not be effective as all projects are not the same size or impact to the community.

The Committee discussed and idea presented at the public comment session to limit new projects to existing disturbed areas within the transmission corridors in Town. This idea seemed to align with the fact that existing sitings seem to align with this concept. In general this seemed a good idea, however, several factors and considerations were raised about this approach:

- High-Tension transmission corridors may not represent good candidates as this is not where the interconnect for the large-scale ground mounted solar arrays being discussed. They connect to the regular pole mounted distribution network.
- The land under the High-Tension transmission corridors is subject to rights-of-way and easement agreements that may not be amendable to these projects.
- The land under the High-Tension transmission corridors is controlled by the Public Utility who may not have any interest in this type of solar project. Exploring this idea is beyond the scope of a Town bylaw.

Wareham Solar By-Law Study Committee
MINUTES OF THE MEETING
Wednesday, December 15, 2021
Place: **Room 24**
54 Marion Road
Wareham, MA 02571

The Committee discussed the importance of creating a bylaw that accommodates changes in future technology. Allow for changes in technology allowing for siting locations not currently practical.

The Committee discussed the potential unintended consequence of encouraging tree-cutting in anticipation of a future solar project. There was some thought that this might not actually occur.

Ms. Rinta stated her understanding that the committee was only going to taking an incremental approach to improving the by-law (adding some clarifying definitions and tweaking some criteria) rather than adding significant new criteria and constraints. Her concern is that we are still gathering new information and that we are rushing to meet a deadline. She suggested that we return to that focus and recommend that the Town undertake a comprehensive study before making substantive changes to the by-law.

There was a discussion about use of solar credits and the fact that other towns are getting credits for solar in our town. There was also some question about how this affects Green Community Designation.

A concern was expressed about expanding the scope of information gathering and addressing a broad scope of energy concerns is not possible within the Committee remit and time available. Items discussed included: the need for a comprehensive energy plan, the need for a forest management plan, a tree inventory, an assessment of the health of our existing forests ...

The Committee is still working on confirming their understanding of the difference between batteries as an accessory use, which is required under state law, and large-scale standalone battery storage systems.

The Committee embraced the idea, suggested by Ms. Rinta and supported by Mr. Buckland, that we produce and ancillary report to the Select Board with a recommendation that the Town create a "Renewable Energy Master Plan". Work on this report could proceed once any DRAFT by-law recommendation is submitted in early January for inclusion at the Spring Town meeting warrant. The by-laws, including the Solar by-law, that support this "Renewable Energy Master Plan" will need continued review and regular updates to keep pace with change.

The Committee discussed ways to meet the current objective while leaving open the need for continued review and update.

Wareham Solar By-Law Study Committee
MINUTES OF THE MEETING
Wednesday, December 15, 2021
Place: **Room 24**
54 Marion Road
Wareham, MA 02571

The Committee discussed the idea of success or failure of our work. There were several mutually-exclusive conflicting criteria discussed. Much of this discussion revolved around tree-cutting.

Follow-up: Can we get an assessment / summary of large-scale clear cutting that has occurred?

A brief summary of the Committee objectives was summarized in order to bring focus from the discussion:

- Produce an (updated, revised, improved) bylaw for Spring Town Meeting,
- That allows for properly sited Solar projects,
- That addresses community concerns about tree cutting,
- That can get passed by AG review,
- That balances the needs of land owners and the community.

Nothing more clear or succinct was stated and agreed to at the outset.

Tree cutting still seems to be a stumbling block. Siting criteria is still no firmly established.

Follow-up: The Committee needs to agree on what we are trying to accomplish (what is the outcome) and the success criteria.

An approach to defining the caps with set asides and performance criteria in a tiered structure was discussed as a way to proceed: Criteria for projects < 250kw – 1mw< and for project >1mw.

8. ADJOURNMENT

MOTION: Motion made and seconded to adjourn the meeting at 4:41.

Motion passed (5-0-0)

9. NEXT MEETING

Wednesday, December 22, 2021

Wareham Solar By-Law Study Committee
MINUTES OF THE MEETING
Wednesday, December 15, 2021
Place: **Room 24**
54 Marion Road
Wareham, MA 02571

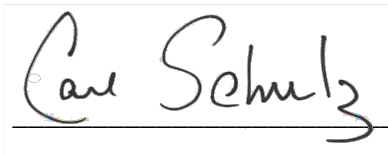
Place: **ZOOM**

Date Signed

By Carl Schulz, Jan 24, 2022 at 09:28

Date signed: _____

Attest: _____

A handwritten signature in black ink that reads "Carl Schulz". The signature is written in a cursive style and is positioned above a horizontal line.

Clerk Wareham Solar Study Committee

Date Submitted

By Carl Schulz, Jan 24, 2022 at 09:28

Date copy sent to Town Clerk: _____