

Wareham Solar By-Law Study Committee
MINUTES OF THE MEETING
Wednesday, December 29, 2021
Place: **Room 27**
54 Marion Road
Wareham, MA 02571

1. CALL MEETING TO ORDER

The meeting was called to order by Chairperson McHale at 3:05 P.M.

2. ROLL CALL

Members Present: Nancy McHale (Chairperson)
Carl Schulz (Clerk)
Jacqui Nichols
Linda Rinta

Members Absent: Ronald Besse
Christopher Conti
Denise Wolk

Also present: Annie Hayes, Citizen

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
Minutes of the December 15, 2021 meeting
Minutes of the December 22, 2021 ZOOM workshop

4. DISCUSSION ON THE IMPACT OF THE AG ANNOUNCEMENT

The Committee discussed the impact of the delay in getting a ruling from the Attorney General on the June 12th amendment to Section 590 (the Town's Solar By-Law) which could come as late as March 30th.

The Committee discussed the idea of meeting with the Select Board to discuss the possibility of delaying the final product from the Committee until Fall Town Meeting.

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It was noted that the evolving DRAFT may not include the wording from the June 12th amendment thereby removing the dependency on the AG's ruling. The revised version, if approved, must be reviewed anyway. Some members were in favor of continuing to work towards proposing a meaningful by-law for Spring Town Meeting. It was remarked that earlier discussions had included the idea that this by-law may / will need to be improved incrementally over time to deal with evolving technology and legislation. There was some support for establishing strong siting criteria ASAP and making continued progress on the by-law.

Reasons supporting a delay discussed went beyond just the delay from the AG as members felt that we were "rushing" to produce a deliverable by a deadline. It seemed unlikely that we will have a final version of the by-law ready by Mid-January.

The Committee discussed the Mid-January date – it was roughly established based on the working assumption that the Planning Board would need to hold the Public Hearing before placing the by-law on the Warrant in Mid-February. It was noted that the need to hold the Public Hearing before placing the by-law on the warrant was somewhat "soft" (see discussion with Mr. Munise at the December 22nd meeting).

It was agreed that Ms. McHale should speak with the Select Board about our status and seek input about the schedule.

It was agreed that the Committee should continue working on the DRAFT; there was no agreement on the schedule for delivering a final recommendation.

5. COMMITTEE PROCESS

It was noted that attendance at the past couple of meetings has not been by the full Committee, further, Mr. Besse has only attended one meeting. Some members were concerned about moving forward without full input.

The question was raised asking if the meeting time was the problem. Up until this point no one has indicated that the time was an issue.

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6. CONTINUED WORK ON THE DRAFT BY-LAW

The Committee discussed that the shared Google Document was somewhat confusing and not easily worked with by all members. The growing edits and comments make the document hard to read.

Some members of the Committee felt that the outline document prepared by Mr. Buckland (distributed by email on 2021.12.20) was easier to work with.

It was agreed that the results captured in the outline will need to be integrated into a format / content similar to the current by-law (as reflected in the Google document). It was agreed that the process of integration would be a lot of work.

The Committee continued discussing how to establish mitigation for the environmental and “political” impacts of solar projects on the community.

It was agreed that projects permitted As-A-Right do not require mitigation.

The Committee discussed the difficulty of requiring land being put into conservation as a mitigation for Dual Use on a small tract size. The land may not be available or the impact to putting it into conservation could be an enormous burden. It was suggested that an agricultural restriction (on another part of the farm) could be used.

It was further discussed that if a DUAL USE project was approved there needs to be an agricultural restriction for the land under the solar array distinct from any set asides for mitigation.

The Committee noted that the cost of mitigation must be clear to all parties before the project is initiated. The approach must be firm and predictable. Not “wiggly”. Some members felt strongly that a fee (money) was not enough for mitigation – if we only use money the impact on forests will be enormous.

The Committee used the Blue Wave project as an example to focus the discussion. In general the Committee thinks that this is an example of the type of project that we should “encourage”. It was noted that the Blue Wave project did require some tree cutting. There were 37.5 acres of land under the solar array. The question was asked what would we require the project do? If we applied the, previously discussed, 4 to 1 ratio for mitigation and we assume that this project cut 10 acres of trees ... there would not be any place for the set aside. The proposed mitigation would prevent this project – a project which to all appearances is a good location

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and a good project. In this case it was discussed that funds could be put into a conservation fund – which brought the discussion back to how to establish of value for the mitigation.

The Committee discussed the time frames for any set asides – the impact of putting land into conservation in perpetuity as an off set for a 20 year project seemed to some to be onerous. It was noted that other towns (approved) by-laws have included set asides like those being discussed. Examples are Westport, Belchertown, and Palmer. The Committee reviewed the mitigation clause from Belchertown during the meeting – for Belchertown the 4 – 1 mitigation off set was only for the life of the solar project (not in perpetuity).

Some members of the Committee felt strongly that creating siteing requirements that never allowed another tree to be cut – that would be a good thing. We should be incenting site locations in industrial areas. We should be de-incenting solar projects in residential areas and / or that require tree cutting. It was noted that pushing large scale ground mounted solar into our industrial zones might be impractical and may have and adverse impact on the Town's efforts to establish new businesses within the district.

It was noted that any recommendation on the Solar By-Law and Dual Use in particular does not address or change the relevant Wet Land By-law. For clarification, we should add a specific reference to the Wet Land By-Law.

The Committee discussed incentives for siteing project in the industrial zone.

- Relief on setbacks seem to be reasonable. Would this only apply to ground mounted arrays?
- The Committee noted (again) that the current by-law allows for projects in the industrial areas – land owners are not taking advantage of the opportunity.
- The Town has limited or no ability to create financial incentives.

No firm decisions on the language for the by-law or siteing criteria were made. Discussion will continue. Open areas include:

- Dealing with small farms,
- Establishing a maximum project size,
- Establishing a cap for total solar projects,
- Setting a value for mitigation of habitat loss,

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- Establishing an offset for tree cutting,
- Creating a final draft of the by-law.

The Committee agreed that we should identify examples of “good” solar projects and use them as test cases when evaluating the recommended by-law.

7. PUBLIC COMMENT

Ms. Annie Hayes addressed the committee:

- Ms. Hayes wanted to know how the by-law revision would enable “stopping” solar development in town.
- Ms. Hayes recommended the town of Shrewsbury as a good example by focusing solar in all the “right” areas as well as incorporating an extensive energy audit.
- Ms. Hayes felt that conservation (of energy) was critical. People should be accountable for their energy consumption – that is why she is in favor of extensive roof top solar.
- Ms. Hayes felt that all new construction should require solar on the roof top.
- Ms. Hayes felt that watershed is a priority. What is the impact to the aquifer?
- Ms. Hayes felt that we need to consider what happens to the land after the end of the solar project. Developing homes on the property in the future will impact the environment.
- Ms. Hayes noted that forests are critical to carbon sequestration. If we cut forest now we will never get it back.
- Ms. Hayes suggested that we review the recommendations from COP 26 – there were significant statement about forest land.

8. COMMITTEE SCHEDULE

The Committee agreed that hearing from a Forrester would be helpful. The individual could help frame the discussion about offsets and mitigation value.

ACTION: Chairperson McHale to investigate having a Forrester address the Committee.

No firm decisions on the schedule were made.

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9. COMMITTEE PROCESS

The Committee discussed establishing a quorum for the Committee action.

MOTION: Motion made and seconded to establish a simple majority as a quorum for all Committee actions.

Motion passed (4-0-0)

10. ADJOURNMENT

MOTION: Motion made and seconded to adjourn the meeting at 5:15.

Motion passed (4-0-0)

11. NEXT MEETING

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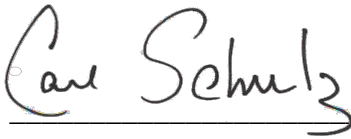
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Date Signed

By Carl Schulz, Jan 24, 2022 at 09:54

Date signed: _____

Attest:



Clerk Wareham Solar Study Committee

Date Submitted

By Carl Schulz, Jan 24, 2022 at 09:54

Date copy sent to Town Clerk: