

**WAREHAM SOLAR BY-LAW STUDY COMMITTEE MINUTES**

**Wednesday, April 6, 2022**

**Time: 5:30pm Place: Rooms 24 Town Hall**

**Time 6:30pm Place: Room 27 Town Hall for Finance Committee meeting 54 Marion Rd,  
Wareham, MA 02571**

**1. CALL MEETING TO ORDER**

The Committee Meeting was called to order by Chairperson McHale at 5:45 PM.

**2. ROLL CALL**

Members Present: Nancy McHale (Chairperson)  
Carl Schulz (Clerk)  
Denise Wolk  
Jacqui Nichols  
Ronald Besse, ConCom rep

Members Absent: Jim Eacobacci, ZBA rep

Also present:

**3. MINUTES TO APPROVE**

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

Minutes of the February 16, 2022 meeting  
Motion passed (3-0-2)

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

Minutes of the February 23, 2022 meeting  
Motion passed (4-0-1)

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

Minutes of the March 2, 2022 meeting  
Motion passed (5-0-0)

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

Minutes of the March 9, 2022 meeting  
Motion passed (4-0-1)

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

Minutes of the March 23, 2022 meeting  
Motion passed (5-0-0)

Pending: Minutes of the March 16<sup>th</sup> meeting  
Minutes of the March 28<sup>th</sup> presentation to the Planning Board  
Minutes of the March 30<sup>th</sup> meeting  
Minutes of the April 5<sup>th</sup> presentation to the Select Board

## **4. PRELIMINARY BUSINESS**

The Committee discussed impressions and feedback from the presentation to the Select Board. Further discussions were held on how to tweak the presentation and messaging to the Finance Committee. It was agreed to try and reduce the density of the wording for the handout.

The Committee discussed open action items for Town Meeting:

- Ron and Denise to finalize the poster that will greet folks as they arrive at Town Meeting, and
- Chairperson McHale will send the PowerPoint to the Town Moderator by April 15<sup>th</sup>.

This portion of the meeting was adjourned at 6:19 and the members moved to the Finance Committee meeting room. Mr. Besse was not able to continue onto the Finance Committee meeting.

## **5. PRESENTATION TO THE FINANCE COMMITTEE**

The Solar By-Law Study Committee presentation began at about 9:00 minutes into the Finance Committee Meeting.

Chairperson McHale began by thanking the Finance Committee for offering us the opportunity to present the results of our work.

She then reviewed the work of the Committee and presented an overview of the proposed warrant articulated. The changes / updates to the current by-law were noted and an emphasis was made on how the proposed by-law protects the health,

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welfare and safety of the Town residents and the improved controls on future project to ensure the best siting in Town. Ms. McHale also reviewed how the proposed by-law enhances and expands the protections to environmentally sensitive areas, unique habitat and character of the Town.

Member Smith asked for a clarification on the acreage size for the projects. Chairperson McHale noted that the acreage would vary based on parcel specifics and the generation capacity. At the maximum of 5MW to estimated size including setbacks and buffers would be in the 12 – 15 acre range.

Member Smith asked if the by-law was written with the understanding of the Commonwealth's push for solar. Chairperson McHale noted our support for solar siting over parking lots and on rooftops – this is included as-of-right. Ms. Nichols noted that we tried to include some flexibility in the parcel size to allow for the increased screening and buffer requirements.

Ms. Nichols also noted that the Town revenue from solar projects is passive income over the 20-year life of the project.

The discussion continued to consider if the Town should be making changes to other by-laws in order to “require” this kind of siting. It was noted that those changes are beyond this by-law and would include changes to the building code.

Member Stefanski asked for a clarification on the existing projects. How many are approved? Mr. Schulz responded **[incorrectly]** that there are 19 projects which represent approximately 600 acres. **[The correct answer should have been 19 projects already built, 4 permitted (140Tihonet, 150 Tihonet, 27 Charge Pond & LSE Hydra) but not built, and 6 not permitted with 1 under DEP review (Rocky Maple) and 5 with freeze plans w approved subdivision plans (Maple Springs, 370 County Rd, 1-13 N. Carver Rd, Fearing Hill & Fletcher) for a grand total of 29 projects].**

Ms. Wolk emphasized the need to consider the by-law as living article. It will need to evolve as changes in the climate continues, the Commonwealth refines the laws, and the technology improves. She emphasized our attempts to balance the Commonwealth's goals for sources of alternative energy while protecting Wareham's unique.

Chairperson Pigeon asked about the technology life of the panels vs. the length of the lease. It was clarified that the decision on replacing the panels before the end

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of the lease was a financial decision to be made by the operator. Any work to replace the panels would fall under the operations and maintenance plan.

The discussion continued to what happens at the end-of-the-lease. Could the operator just walk away and abandon the site. Chairperson McHale pointed out the clause dealing with abandonment and decommission and noted that the Town will hold a 200% escrow to cover those eventualities. It was also noted that the decommissioning costs must be reviewed at least every 5-years to allow for improved information about the actual costs for decommissioning.

A question from an absent member was put forward about how the by-law will protect the Town health, safety, and welfare from the impact tree cutting and the loss of forest. Chairperson McHale noted that the Committee in crafting the by-law viewed loss of trees and forest as having a great impact on our aquifer. This was the reason behind our efforts to direct siting away from unique habitat over the aquifer.

Member Stefanski asked for a clarification on the use of BioMap2. Chairperson McHale noted that this was the Commonwealth's tool which showed critical and protected habitat, endangered species and other environmentally sensitive areas. The Committee used. "Green is a NOGO". The Committee used this information in designing siting criteria.

Chairperson Pigeon noted that warrant articles in the past have had issues with form and or structure. He noted that the Solar By-Law Committee had already reviewed the by-law with Attorney Bowen who has noted that the form should be acceptable.

### 6. NEXT MEETING

Date: Wednesday, April 13, 2022

Time: 4:00 PM

Place: **ZOOM**

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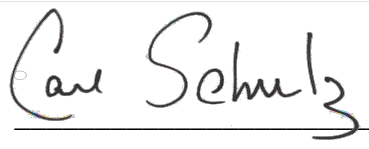
**Time 6:30pm Place: Room 27 Town Hall for Finance Committee meeting 54 Marion Rd,  
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***Date Signed***

***By Carl Schulz, Apr 27, 2022 at 10:49***

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

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

A handwritten signature in cursive script that reads "Carl Schulz". The signature is written in black ink on a white background. Below the signature is a horizontal line.

Clerk Wareham Solar Study Committee

***Date Submitted***

***By Carl Schulz, Apr 27, 2022 at 10:48***

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