

Worthington Planning Board Meeting 12/11/2025

In-person Attendance:

Bart Niswonger
Kate Bavelock
Nestor Matthews
Anna Maunz
Aaron Simms
Tim Sena
Catherine Rude-Sena
Jay Dreshnack
Steve Strom
Penny Molyneux
Jim Molyneux
Julian Traista
Joa Agnello-Traista
Elene Allee
Emily Larabee
Jack Gill
Kevin O'Connor
Vinta
Deb Phillips
Cathy Pease
Ann Lagoy
Matthew Lagoy
David Parrish-Hill
Jennifer Parrish- Hill
Trip Shaw
Stephen Coyne
Bobby Scott
Jenny Maas
Michele Dody
Brian Schick
Gabriel Unger
Julia Sharon
Michael J. Dondiego
Stephanie Sabor

Virtual Attendants:

Debbie Dreshnack
Liese
Kelly Wolf
Charley Rose
Morgan
Jeffrey Blake (Town Counsel)
Richard Mansfield
Brie
Helen Pollard
Kathy Ford
David Pollard
Deen
Ted Hauer (Blue Wave Counsel)
Walter Fritz
Allison
Julie Grome
Amy Wang
Krishna Gifford
Steven Lipsitz
Tad Heuer
Liese
Morgan
Olivia
Jhon
Julie Woodruff

Intro to Meeting:

Bart discusses difference between a public hearing and a public meeting. *This is a public meeting.

Agenda

- Conflict of interest disclosure:**

Bart contacted Town Counsel

He is submitting a public disclosure from State ethics commission:

Bart has no relationship with the owner

Bart's Statement:

Conflict of interest statement

During the public hearing we opened November 20, someone questioned whether I should recuse myself due to a conflict of interest.

I am not a lawyer, so I called the State Ethics Commission to understand how to address this concern.

State law (chapter 268A, section 23(B) subsection 3) covers conflict of interest for municipal employees, which includes elected folks such as myself.

In cases where a reasonable person may conclude that a public employee may be improperly influenced, that public employee must disclose the details of the situation. I have submitted a disclosure to the town clerk, as required, and I am making a public disclosure here.

To quote the disclosure form provided by the State Ethics Commission:

Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.

I am publicly disclosing the facts about this relationship or affiliation to dispel the appearance of a conflict of interest.

As you know, a dual-use “agrovoltaic” large scale ground mounted solar installation has been proposed for 190 Ridge Road in what is today a hay field. I am the chair of the Planning Board which must consider an application for Special Permit and Site Plan Review for the proposed solar installation.

I have no relationship with the applicant, Blue Wave Solar, or any other solar developer. However, I am a farmer, owning and operating Kinne Brook Farm. We make hay on land we own and land we lease, as well as purchase hay. In previous years I have purchased hay from the field in which this proposed array would be sited, and from the landowner, Tim Sena.

The Planning Board is tasked with approving or denying the application for Special Permit and considering the application for Site Plan Review. The decisions of the Planning Board are critical to the project moving forward.

I, as Kinne Brook Farm, aim to produce all the hay our cows consume. We have purchased hay in one of the last three years. There are several sources of hay in

Worthington. Over the last 10-15 years we have purchased hay from Tom Brisson, Tim Sena, Karen and Jeff Rida, Ryan Rida, and others.

What land we own is over 4 miles from the subject property: any changes to use of the subject property are unlikely to affect our property values. The hay supply in Worthington is robust: any changes to productivity of the subject hay field is unlikely to affect the value of hay for us or anyone else in town. The value of our primary product, beef, is minimally affected by the cost of any hay we purchase, which in itself is a small percentage of the hay we feed.

Taking into account the facts that I have just disclosed, I feel that I can perform my official duties objectively and fairly.

Steve Coyne: Question about any intentions about Bart's intention on Solar developing land he owns

Bart Response: No

No other Questions in regard to a conflict of interest.

Gabrielle Unger: Question about Town Council's conflict of interest

Bart response: This motion is not on the agenda, we will see if we can get to it

- **Discussion of large scale solar project proposed for 190 Ridge Road**
- **Proposed agreement to combine Site Plan Review and Special Permit processes**

Bart goes over Site Plan Review Process: 65 days

Special Permit: Longer time line

Kate asks about Special Permit time line because 30 days is not enough of a time line.

Aaron Simms: After application is distributed. Have a month from the time of notification.

Nestor responds with concern that we would still need more than 30 days. Example; due to a study being done to check in. That we would need additional time.

Jeff Blake: They wouldn't re-file the application so we would still have enough time

Aaron Simms agrees that it they will change the time line to 65 days.

The agreement has to be filed with the town clerk: Agreed amendment to 65 Days

Emily Larabee: Curious why the board is willing to start the clock without all the information.

How does starting the clock benefit Blue Wave and benefit the clock for the board

I don't believe that the timeline should start.

Bart: The point of this agreement is to get rid of the idea of the clock - so that we can have more time to explore.

We are deeming this complete due to the checklist being completed. If we deem this application not complete when it is complete then Blue Wave can sue.

Lots of problems with the application, this is not the forum or the mechanism to gather this information.

-Can we legally ask for more information without deeming this complete.

This is not the forum to ask for those questions.

Aaron Simms: They went through the checklist. They are working through the answers for compiling the answers to the questions.

Everything has been given to deem the application complete.

Town Counsel Response:

Checklist complete: doesn't mean that we cannot ask for more information.

At some point the application must be deemed complete. If at some point we don't deem the application complete than we can be taken to court.

I don't see a downside to the town deeming the application complete. If there is reasonable information that is needed and it wasn't provided then that may be the process for a site plan denial.

Helen Pollard: Question about 35 day clock
Input from Board of Health and Fire Department are critical.

Bart responds: Trying to Merge the timelines for Special Permit and Site Plan Review. The Special Permit Hearing was continued to January 8th. The goal is for Site Plan Review to be merged into that hearing.

Nestor Responds: For Site Plan Review after the plan is deemed complete than the boards have officially 35 days.

Kate Bavelock: Very offended by the suggestion that we would proceed at all without the input of the Board of Health and Fire Department

Trip Shaw: Addressing Tim and Cathy: doesn't want to see all of the fields filled up with Solar.

Industrial Solar by right - how was it sold at town meeting?

Should have been more of a special meeting.

If it was voted as not by-right to Industrial Solar Community.

Bart: Addresses large scale ground mounted solar installations in 2017
- there weren't battery storage issues in 2017 or an understanding of what large solar looked like.

Solar is a protected use by state in MA. Question about what is the line in the state? 80% too much?

Kate Bavelock: Second half of the agenda: Bylaw is problematic and doesn't have enough regulations around it.

Steve Coyne: Why is the ZBA not handling this? Zoning Board should have started from Day 1.

Town Counsel: Water Protection Overlay district means that the Planning Board is the committee. Planning Board handles this.

Bart: Water Supply Protection goes to special permit review.

David Parrish Hill: Agreement with Blue Wave. Merging two time lines?

65 days to issue a decision. Merging two time lines - so that both are being considered - they are much less limited.

If they decided to merge everything out of the water supply district then you no longer need the special permit.

-Questions about Environmental application
-Question about water supply protection district

Emily Larabee: If board deems it complete, and the board has questions then Blue Wave says no they don't want to what happens?

Kate Bavelock responds that Town Counsel has already given us this information- but this would be reasons for denial.

Emily: Would you be willing to get a second legal opinion.
We would be happy to - but if there was a resource for that.

Town Counsel:

Blue Wave will not pay for a second opinion
Our legal costs are not covered under 53G

Kate Bavelock: We should go through the items in the checklist.
We are all concerned about the health and safety of our community. We have been trying to secure a contract with an engineer. The engineer will be helping us.

Gabrielle Unger: Bylaw: if it doesn't explicitly say Solar with Battery then why are we able to accept it.

Answer: Large Scale solar by right: Can we lease it to another entity?

Concern about ownership.

Do we actually have a platform to negotiate.

Aaron Simms: Believes that yes we do.

Bart: Agreement has two paragraphs: 65 days agreed to.

Aaron: Open hearing, we can ask for a continuance. with the idea that the site plan review is also continued.

Multiple issues would be continued in the same hearing. Need to be in writing for law purposes.

Agreements need to be filed with Town Clerk. Both continuance and date of closing need to be filed with the Clerk.

Emily: Question about Decommissioning Bond can the amount be increased

Fire Chief: Mike Dondiego:

Question: Is it just the Planning Board who has the opportunity to say that this application is complete?

Yes.

When does Blue Wave have a direct conversation with Fire Chief?

Aaron says this is not part of site plan review but the following step.

Aaron: If a reviewer find a problem than we have to fix it.

Gabriel Unger asks:

Does it go back to the incomplete phase?

No

Question about burms:

Questions about how to address concerns.

- **Determination of completeness of the Site Plan Review application**

Town Counsel: This is just a bureaucratic step as part of the process. There is a profound misunderstanding of this process.

Kate Would like to go through Checklist: Request for putting into language #17: Method and Location of Waste Disposal During Construction. Disposal of hazardous materials. : In their plan

18. Fire Protection Measure: Monitoring systems

Location of fire suppression system - is clearly located on the site
Bart would like to ask: What is your plan for fire fighting?

Fire Chief can only talk from a residential perspective:

Needs to catch up with code for batteries in an open air environment.

There is a lot of leg work that needs to happen here. He's been calling department of fire services so he can become more educated about this process.

Gabrielle: Question about Blue Wave considering project without the battery

Aaron: Unfortunately the battery has been in the plan from the beginning.

Tim Sena: This is Farming under Solar Panels. So there will be farming and chemicals still.

Kate asks if Aaron would be able to provide statistics on how often emergency services are needed to be called for BESS Solar systems for similar project. State or National figure.

Fire Chief: Can't predict battery storage information

Can you give us the three leading battery technologies of today.
And then the statistics on those three technologies.

Aaron responds that they will come with that material.

Most likely it will be a lithium ion battery.

The reason they don't want to provide the specific battery is because they don't know the battery they're going to be installing - so they can give all the information when its final.

Asking to delay agreement until it has been submitted to town clerk and receive more information on Point 22.

Meeting Next Tuesday

-Waste Disposal Language

-Emergency Services

Conversation with Fire Chief: Mike Dondiego:

Applicant will work on an Emergency Response Plan

Questions about timing and timeline. No timeline for questions.

When are other boards officially notified?

Trying to understand more clearly the timelines

How do the boards respond? Where is the flexibility in there.

Bart: Special Permit Application has to be shared upon receipt. Which we did.

Rest of departments get notified once the application is complete.

The idea is to merge the timelines to give everyone enough time.

Initial set of questions should be in by Next hearing is January 8th

Aaron Simms says they will go until the questions are answered.

Bart: Technical review to help with answering questions (an engineer).

Bart will get the Fire Chief a hard copy.

- **Proposals for Technical Review of application**

- **Discussion of potential bylaw changes**

- **Possible solar moratorium petition:**

- A citizen Petition circulating to request a special town meeting for a possible solar moratorium petition.

- Special Town Meeting

Bart has concerns about the moratorium petition
Our bylaws need to be updated.

As soon as Blandford discussed a moratorium Solar companies will submit a preliminary subdivision plan - the zoning on that parcel is frozen for 3 years.

Bart would rather us change the bylaws, so the bylaws can apply to their projects.

A developer will see it as a defensive act if they know a moratorium is coming so they can have more options

Kate asks: Why is it a “Subdivision plan”

Town Counsel: A subdivision plan is anything that includes dividing 1 lot into 2 or more lots. They will do that for the purpose of freezing their zoning.

Solar companies use it as a mechanism to freeze zoning and freeze it for 8 years.

Kate asks: is it the owner of the land that files this or the person who they are leasing the land to?

Town Counsel: The Solar company can still do the application
This does not happen just with solar, but they see it all the time with bylaw changes.

Bart: We have no control over the petition act of the moratorium. He is personally worried about it.

We have no control over what the moratorium is. The language that is on the petition has to be the exact language that is proposed. The petition currently is very broad. In the past the AG's office has refused similar language on a petition.

Do we have interest in developing alternative moratorium language, that would then actually pass the AG review.

Planning Board can always propose by law amendments.

Kate Bavelock says she supports a moratorium

Do we spend the most time on our bylaws

Or the moratorium language

Nestor: We would all want a moratorium that would be approved by the AG office. If it takes more time and research, I believe we should do that.

The strongest cases for a moratorium surrounds health and safety.

Questions for Trip around the Water Conservation District from Kate:

Trip would defer to John, the water conservation district is a possible abutter. John believed that the water department would not have much input.

The moratorium does not apply to 190 Ridge road

Moratorium Language can be amended at Town Meeting in any way that people want to.

Helen: Doing amendments on the floor of town meeting. Possibility of changing the language of the warrant

2 warrants both pass: how does it work for the AG's office?

Usually you adopt one

They could both go to AG's office
Kate suggests proposing bylaw language.

Helen: Planning board could suggest language there would be no conflict of interest.

Talking about language around the Moratorium to be discussed further on January 6th.

Bart: Taking advantage of maps to research the water supply and the westfield river.

Hadley's zoning bylaws - restricts large battery storage areas to places not over the aquifer.

Hadley's by-law amendments passed the AG
Since 1/2 the town is over the water supply - Bart thinks that should be possible.

Round I: Water Supply and Bio Map : Starting point of how to exclude solar batteries from some part of the town

Hadley: prohibits solar 300' from a residential site. Amendment that passed was about Energy Storage - which is what Worthington is needing as well.

If you combine the two maps you are able to protect over 63% of the town of Worthington from large scale batteries.

Town's can't prohibit Solar in 98% of the town.

One of the reasons to put a moratorium together is to test the % number.

Gives us information about what can pass and what can't pass.

Bart: Email Hadley about why batteries are a threat and solar is not in the amendments.

The current projects would not be excluded while using Bart's map.

Kate Bavelock: The agrovoltaic exemptions were not anticipated as written in our bylaws.

Bart: Our Bylaws needed to be amended

Catherine Sena: Is the monetary benefit to the town going to be mentioned at all?

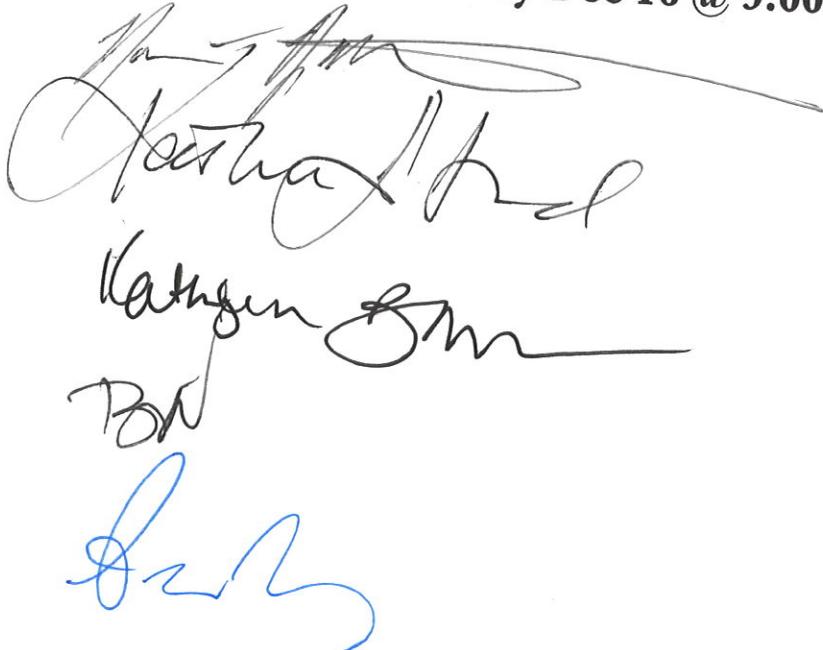
The role of a hearing is to bring information to the table.

What about 3.10 CMR22.21: Bans or restricts land uses which contaminate drinking water (IN town bylaws).

January 6th 9 am meeting.

- **Alternate solar moratorium language**
- **Changes to the Site Plan Review process**
- **Other business**
- **Approval of past minutes**

Meeting Next Tuesday Dec 16 @ 9:00 A.m.



Handwritten signatures of meeting attendees, including Kate Bavelock, Catherine Sena, and Bart, are written in black ink. Below these, there is a blue signature, likely belonging to the scribe or recorder of the meeting notes.