

Planning Board Meeting

February 24, 2026 . 5:57 PM . ID: 845552877

Transcript

00:01 - 00:04

[speaker unknown]

This conference will now be recorded.

00:05 - 00:07

R. H. Conwell School

Ok, I think that means we're ready to start.

00:11 - 00:15

R. H. Conwell School

So sorry, we're technologically advanced here.

00:15 - 00:18

R. H. Conwell School

So I can't see anybody who's there.

00:18 - 00:19

R. H. Conwell School

You're good watching the crowd.

00:20 - 00:21

R. H. Conwell School

Somebody puts their hand up.

00:21 - 00:22

R. H. Conwell School

Ok.

00:23 - 00:25

R. H. Conwell School

All right, so welcome all.

00:25 - 00:30

R. H. Conwell School

Thanks for coming out on a slightly snowier than yesterday or the day before day.

00:34 - 00:37

R. H. Conwell School

So we're here for a planning board hearing.

00:37 - 00:41

R. H. Conwell School

It starts at six, at 6.05, it's the 24th.

00:41 - 00:46

R. H. Conwell School

We're here to present and hear comments on four by-law amendments.

00:46 - 00:49

R. H. Conwell School

A hearing is required for all by-law amendments.

00:51 - 00:56

R. H. Conwell School

I just want to be clear, this hearing is about the amendments, not any specific project.

00:57 - 01:00

R. H. Conwell School

So comments should be about the amendments.

01:01 - 01:04

R. H. Conwell School

Normally the planning board brings bylaw amendments to annual town meeting.

01:05 - 01:15

R. H. Conwell School

We're here at a special town meeting because a citizen's petition requested one to address a proposed bylaw amendment, specifically a moratorium on large scale solar and battery installations.

01:16 - 01:58

R. H. Conwell School

It was our feeling, the planning board, that most people would be familiar with the issues and therefore we could save everyone a night out by holding the hearing and the special town meeting on the same night but it does mean that we're limited on time so we're going to wrap up the hearing within an hour i think i'm going to try to stop it at quarter of um that should allow some time for comments but if you don't get to say whatever you want to say in the hearing you can speak in town meeting uh additionally any changes to the proposed amendments can only happen by amending the articles in town meeting so basic rules for a hearing any hearing please wait to speak until I recognize you.

01:58 - 02:01

R. H. Conwell School

When you speak, please stand, state your name and address.

02:01 - 02:03

R. H. Conwell School

Don't be afraid of the mic, use the mic.

02:05 - 02:09

R. H. Conwell School

Please address your comments and questions to me as chair of the planning board.

02:09 - 02:13

R. H. Conwell School

In case of questions that might be answered tight, I'll either answer them or ask others

to answer.

02:14 - 02:15

R. H. Conwell School

Please be polite.

02:16 - 02:19

R. H. Conwell School

Please wait for all to have been heard before you ask to speak again.

02:19 - 02:21

R. H. Conwell School

Please refrain from clapping or booing.

02:22 - 02:24

R. H. Conwell School

Please refrain from personal threats or attacks.

02:24 - 02:25

R. H. Conwell School

Use the mic.

02:27 - 02:52

R. H. Conwell School

We're gonna wrap up as I said a quarter of when the planning board closes the hearing we the planning board need to discuss and vote on whether to recommend each article it's a legal requirement if we don't do it town meeting can't consider the amendments so we just need that time to do that okay so that's that was the fun start Charlie and I are gonna work together on this PowerPoint.

02:54 - 02:56

R. H. Conwell School

But he's got the first slide.

02:56 - 02:56

R. H. Conwell School

So let's go to the next slide.

02:58 - 02:59

R. H. Conwell School

So let's see.

03:00 - 03:04

R. H. Conwell School

Today we're here for four amendments.

03:04 - 03:05

R. H. Conwell School

There we go.

03:05 - 03:07

R. H. Conwell School

There are four proposed amendments.

03:07 - 03:09

R. H. Conwell School

And I'm gonna have to clean up my screen so I can see.

03:11 - 03:20

R. H. Conwell School

There's a moratorium on large-scale ground-mounted solar photovoltaic installations and battery energy storage systems that was proposed by a citizen's petition.

03:20 - 03:22

R. H. Conwell School

That's one.

03:22 - 03:28

R. H. Conwell School

Two is a moratorium on large-scale solar in sensitive areas proposed by the Planning

Board.

03:29 - 03:36

R. H. Conwell School

Three is a definition and moratorium on energy storage systems in sensitive areas proposed by the Planning Board.

03:36 - 03:42

R. H. Conwell School

And four is a revision of the Site Plan Review Procedure, also something the Planning board brought forward.

03:44 - 03:51

R. H. Conwell School

Just as a, you know, oh, I'm getting, my screen is shifting.

03:51 - 03:54

R. H. Conwell School

Sorry, I just started so they could see it.

03:54 - 03:55

R. H. Conwell School

Ah, great.

03:57 - 04:06

R. H. Conwell School

Zoning bylaw changes require a public hearing, that's why we're here, and they require a two-thirds vote at town meeting, which will be starting at seven.

04:06 - 04:35

R. H. Conwell School

I just want mentioned that section 8.5 in our bylaws promotes large-scale solar that's the word in our bylaws they promotes large-scale solar and that section was passed in 2017 tonight's amendments are mostly related to solar and energy storage and they're sort of addressing that bylaw section but that bylaw section is there.

04:35 - 04:36

R. H. Conwell School

And it was passed in 2017.

04:38 - 04:39

R. H. Conwell School

Ok, next slide.

04:43 - 04:58

R. H. Conwell School

So the citizens petition, the moratorium language presented by the folks collecting signatures, and therefore people who signed the petition, what they were signing is language.

04:58 - 04:59

R. H. Conwell School

The language is in green.

05:00 - 05:21

R. H. Conwell School

No board, commission, or official of the town Worthington shall accept, process, or act upon any application for a special permit, site plan approval, building permit, or any other permit or approval related to the construction or installation of a large-scale ground-mounted solar photovoltaic or battery energy storage system greater than 600 kilowatts.

05:21 - 05:23

R. H. Conwell School

It's a temporary moratorium.

05:23 - 05:37

R. H. Conwell School

It goes until June 30th, 2027, unless town meeting changes that date or passes an amendment, which makes it irrelevant.

05:38 - 05:48

R. H. Conwell School

So effectively, this moratorium presented on the citizens petition is a complete prohibition on solar development in Worthington, if only temporary.

05:49 - 05:50

R. H. Conwell School

Next slide.

05:53 - 06:16

R. H. Conwell School

In 2022, the Supreme Judicial Court issued a decision in the Tracer Lane versus the City of Waltham case where they found that Waltham's quote outright ban of large scale solar energy systems in all but one to 2% of Waltham's land area is impermissible under mass general law chapter 40A.

06:17 - 06:18

R. H. Conwell School

Section three, paragraph nine.

06:18 - 06:24

R. H. Conwell School

This has caused a lot of people angst.

06:25 - 06:39

R. H. Conwell School

Many towns have put forward moratoriums in the last two years, wanting to slow down the process of approving solar projects, wanting to have a pause because they're overwhelmed.

06:39 - 06:52

R. H. Conwell School

And the Attorney General's office has consistently denied those moratoriums because they are broad prohibitions, albeit temporary.

06:53 - 06:55

R. H. Conwell School

They prohibit solar throughout the town.

06:56 - 07:02

R. H. Conwell School

And since the Supreme Judicial Court said that if you deny it in all but one to two percent, that's not permissible.

07:03 - 07:06

R. H. Conwell School

Then if you deny it in 100 percent, that's also impermissible.

07:06 - 07:13

R. H. Conwell School

So the AG's office has been very clear that if you're going to go for everything, we're going to say no, because of this court decision.

07:15 - 07:19

R. H. Conwell School

So it's very consistent, and it's what it is.

07:20 - 07:22

R. H. Conwell School

So the planning board, next slide.

07:25 - 07:30

R. H. Conwell School

We heard that 258 people were willing to sign a petition.

07:31 - 07:44

R. H. Conwell School

The planning board, I think, I'll speak for myself, but I think the board would agree that we tend to be interested in hearing people's, what they want to change in terms of the

bylaws and working with them to develop things that work.

07:44 - 07:49

R. H. Conwell School

We've done this in the last few years in a bunch of instances and we bring them to town meeting.

07:49 - 07:55

R. H. Conwell School

And if town meeting approves, then that's to see the town.

07:55 - 07:58

R. H. Conwell School

So we heard that a bunch of people were interested in a moratorium.

07:58 - 08:05

R. H. Conwell School

So we would like to assist in that, but we're pretty confident.

08:05 - 08:21

R. H. Conwell School

Well at least we have a fairly high level of concern that the moratorium as presented on the citizens petition is unlikely to pass AG's review because it is a general prohibition within the town.

08:22 - 08:33

R. H. Conwell School

So we thought well how can we sort of try to address the concerns raised by folks while having something that might pass AG's review.

08:34 - 08:36

R. H. Conwell School

We don't know if it will or not, but we try.

08:37 - 08:44

R. H. Conwell School

So of the four amendments, we just considered the first one, the citizen petition.

08:44 - 08:48

R. H. Conwell School

The next two are from the planning board and they're both moratoriums.

08:48 - 08:53

R. H. Conwell School

One is on large scale solar projects and the other one is on energy storage systems.

08:53 - 08:57

R. H. Conwell School

We split the two issues into two different moratoriums.

08:57 - 09:00

R. H. Conwell School

We'll sort of get to why we did that, but we did it intentionally.

09:02 - 09:12

R. H. Conwell School

And part of it is because solar is typically considered less of a risk than energy storage systems, specifically batteries.

09:14 - 09:20

R. H. Conwell School

And so if it's less of a risk, then maybe the regulation shouldn't be as tight.

09:21 - 09:23

R. H. Conwell School

So we split them into two.

09:23 - 09:33

R. H. Conwell School

And then we looked at what sort of sensitive areas we might restrict either solar or

energy storage or both.

09:34 - 09:36

R. H. Conwell School

The first one was pretty clear to us, water.

09:37 - 09:39

R. H. Conwell School

Water is something people have expressed a lot of concern about.

09:40 - 09:52

R. H. Conwell School

We have, you know, the earlier I cited chapter 40A, section nine, or section three, paragraph nine.

09:52 - 09:56

R. H. Conwell School

That has, it's a little short paragraph that was passed in the eighties.

09:56 - 10:06

R. H. Conwell School

It's in mass general law, and it says that towns can't regulate solar, I'm paraphrasing, can't regulate solar except to address health, safety, and welfare.

10:07 - 10:11

R. H. Conwell School

And so water is clearly a health issue.

10:11 - 10:13

R. H. Conwell School

If it's polluted, that's an issue.

10:13 - 10:15

R. H. Conwell School

There's probably a safety issue there too.

10:16 - 10:21

R. H. Conwell School

So it's clearly an issue or a resource that we both have and that we should protect.

10:23 - 10:24

R. H. Conwell School

So Sensitive areas for water.

10:25 - 10:26

R. H. Conwell School

We've got a town water supply.

10:26 - 10:40

R. H. Conwell School

We've got private wells that are public water supplies The Westfield River is considered an outstanding resource water meaning it it meets the standards for the cleanest and most pristine water in the state And it feeds large water supplies downstream.

10:40 - 11:02

R. H. Conwell School

So it's something worth considering protecting So water was fairly easy the second is sensitive areas is what I'm calling it There are areas that are identified by the state, and back in the early 2000s, the state started working with Nature Conservancy to develop a map called Biomap.

11:02 - 11:10

R. H. Conwell School

Their most recent version is Biomap 3, and it identifies areas of special concern, environmental concern.

11:10 - 11:11

R. H. Conwell School

They're sensitive areas.

11:11 - 11:13

R. H. Conwell School

There are two levels.

11:14 - 11:19

R. H. Conwell School

There's core habitat and critical natural landscapes.

11:20 - 11:40

R. H. Conwell School

It happens that solar is complicated, but one of the ways the state encourages development in places that it would like is to offer incentives to the developers, and the developers don't get incentives, and I say that maybe I'm speaking a little.

11:40 - 11:55

R. H. Conwell School

There may be cases where developers could get incentives if they build in the core habitat or the natural, sorry, the critical natural landscapes, but it's harder, right?

11:55 - 12:05

R. H. Conwell School

So they're clearly areas that the state identified as particularly sensitive and areas that it would appear the state doesn't really want solar to be because they don't offer incentives.

12:05 - 12:12

R. H. Conwell School

So that felt like another category of area that we could reasonably regulate.

12:13 - 12:14

R. H. Conwell School

We'll see.

12:14 - 12:15

R. H. Conwell School

I don't know.

12:15 - 12:16

R. H. Conwell School

No one's tried it.

12:16 - 12:18

R. H. Conwell School

But it was worth a shot.

12:19 - 12:21

R. H. Conwell School

So next slide.

12:24 - 12:29

R. H. Conwell School

So the planning board solar moratorium is going to be to add a section 8.57.

12:29 - 12:30

R. H. Conwell School

You all have the text.

12:30 - 12:37

R. H. Conwell School

Hopefully, it's both in the planning board handout and in the warrant.

12:38 - 12:41

R. H. Conwell School

Generally speaking, it's temporary.

12:41 - 12:45

R. H. Conwell School

It expires June 30th, 2027, so it's about 18 months.

12:46 - 12:49

R. H. Conwell School

And it prohibits large scale solar in the Worthington Water Supply District.

12:49 - 12:54

R. H. Conwell School

The floodplain, which is very small, it's right along the Westfield.

12:54 - 12:56

R. H. Conwell School

The Westfield River Protection District, also very small.

12:58 - 13:01

R. H. Conwell School

But that district is defined in our bylaws.

13:02 - 13:05

R. H. Conwell School

The Westfield River watershed, designated as outstanding resource water.

13:06 - 13:13

R. H. Conwell School

The Biomap 3 core habitat, And then what are called interim wellhead protection areas around all public water supplies.

13:13 - 13:20

R. H. Conwell School

And those are just fairly small areas around any well that serves as a public water supply.

13:22 - 13:24

R. H. Conwell School

So there's a map.

13:24 - 13:26

R. H. Conwell School

We've got maps on the wall.

13:26 - 13:27

R. H. Conwell School

We've got maps in your handout.

13:28 - 13:33

R. H. Conwell School

And if Charlie moves to the next slide, because I forgot that I'm not controlling it, there's the map.

13:34 - 13:46

R. H. Conwell School

So the stuff that's outlined in green with the green hash mark, that's all things that are protected by the, where solar would not be allowed under this moratorium.

13:47 - 13:50

R. H. Conwell School

It represents about 53% of the town.

13:50 - 13:54

R. H. Conwell School

So about 47% of the town, you could build large scale solar.

13:56 - 14:09

R. H. Conwell School

This, I'm gonna keep moving because I'm moving slowly, but I just wanna mention that there are other ways Ways that, there are other kinds of protection.

14:09 - 14:11

R. H. Conwell School

There's a section of protected in other ways.

14:11 - 14:18

R. H. Conwell School

There's APR land, which is the big yellow spots are protected because they have an APR on them.

14:18 - 14:22

R. H. Conwell School

There's the conservation restriction or a CR.

14:23 - 14:27

R. H. Conwell School

Those are land use protections that may or may not allow solar.

14:27 - 14:34

R. H. Conwell School

They don't, APRs don't currently at least not to, if you're gonna, you can't only build 200% of what you use.

14:35 - 14:39

R. H. Conwell School

Waterways and wetlands are also protected, but those aren't sort of things we're looking at.

14:39 - 14:49

R. H. Conwell School

But I think it's important to sort of get a sense that just because the green line, you know, because you're not in the green line doesn't mean you can necessarily build solar.

14:49 - 14:57

R. H. Conwell School

The Jones lot is an APR land and currently couldn't build large scale solar, but not because of any zoning.

14:59 - 15:06

R. H. Conwell School

Okay, so then we move on to the next slide, and this now is the third article.

15:06 - 15:08

R. H. Conwell School

So the moratorium on energy storage.

15:09 - 15:11

R. H. Conwell School

So this article has two pieces.

15:11 - 15:14

R. H. Conwell School

First we define what an energy storage system is.

15:15 - 15:16

R. H. Conwell School

I'm not going to read it.

15:17 - 15:23

R. H. Conwell School

It's meant to be broader than batteries, but it's also we're defining small capacity versus large capacity.

15:23 - 15:27

R. H. Conwell School

Small capacity is meant to be residential size.

15:28 - 15:36

R. H. Conwell School

Large capacity is bigger than residential, but we're putting an ultimate cap of five megawatts, which is quite large.

15:37 - 15:42

R. H. Conwell School

I mean, there are significantly larger ones out there, but it's big for a town of Worthington.

15:43 - 15:51

R. H. Conwell School

So that's the area that we're really shooting for, is that bigger than residential, not huge, but substantial.

15:52 - 15:53

R. H. Conwell School

All right, next slide.

15:55 - 15:56

R. H. Conwell School

So we add the definition.

15:57 - 16:02

R. H. Conwell School

We also add section 8.8, which is just about large energy storage systems.

16:02 - 16:03

R. H. Conwell School

It's just the moratorium.

16:03 - 16:04

R. H. Conwell School

Again, it's temporary.

16:04 - 16:06

R. H. Conwell School

It expires in about 18 months.

16:06 - 16:09

R. H. Conwell School

And it would prohibit large capacity energy storage systems.

16:10 - 16:21

R. H. Conwell School

So bigger than 150 kilowatt everywhere that solar was prohibited, plus the biomass wildlife, the Biomap 3 critical natural landscapes areas, which is a bunch.

16:22 - 16:27

R. H. Conwell School

And then also within 300 feet of residences and structures where the public congregates.

16:27 - 16:29

R. H. Conwell School

And that really is a fire concern.

16:29 - 16:33

R. H. Conwell School

So that's why it's there.

16:33 - 16:44

R. H. Conwell School

So the reason there are three maps and not two is because that 300 foot setback is just feels different to me than the other ones are landscape features.

16:44 - 16:51

R. H. Conwell School

The 300-foot setback is based on structures and where they are and that could change because somebody could build a new house.

16:51 - 16:56

R. H. Conwell School

So if we go look at the next slide, we see the first map doesn't have the 300-foot setbacks.

16:56 - 16:57

R. H. Conwell School

It's just the landscape features.

16:58 - 17:13

R. H. Conwell School

And you can see that we've moved from protecting 47% of the town to protecting 78% of the town because that critical natural landscape, which is that sort of pink color, orangey pinky color, is significant.

17:13 - 17:15

R. H. Conwell School

It's a big chunk of the town.

17:17 - 17:26

R. H. Conwell School

All right, so then the next slide is the map showing if you include the 300 foot setbacks, and I just have to say this is an illustration.

17:27 - 17:36

R. H. Conwell School

It is a 300 foot setback around every structure in town, not just residential or structures where people congregate.

17:36 - 17:40

R. H. Conwell School

That's because that's what we could do in the mapping, but it's Worthington.

17:40 - 17:46

R. H. Conwell School

There aren't that many structures that aren't residential or people don't congregate, except for barns maybe, which are close to residences.

17:47 - 17:50

R. H. Conwell School

So it gives you an idea, it's not 100% accurate.

17:51 - 17:59

R. H. Conwell School

And you see that now there's fairly little left of the town where you could actually build solar, it's about 13%.

17:59 - 18:03

R. H. Conwell School

And that doesn't account for APR water wetlands.

18:04 - 18:06

R. H. Conwell School

So we don't have that number, but.

18:08 - 18:10

R. H. Conwell School

Okay, so those are the solar moratorium.

18:10 - 18:12

R. H. Conwell School

There are three of them.

18:13 - 18:17

R. H. Conwell School

The citizen's petition, planning board solar version, planning board energy storage system.

18:18 - 18:19

R. H. Conwell School

Now next slide.

18:22 - 18:28

R. H. Conwell School

The fourth amendment that we're proposing is to change the site plan review procedure.

18:29 - 18:43

R. H. Conwell School

Site plan review is a mechanism where in Worthington it doesn't apply very often because it's really about larger projects.

18:44 - 18:48

R. H. Conwell School

And so most single-family houses, they're allowed by right.

18:49 - 18:51

R. H. Conwell School

There's a site plan review is not required.

18:51 - 19:02

R. H. Conwell School

But if your single-family house is over 10,000 square feet, then you need to have site plan review, which means you come to the planning board and we have a conversation about what you're trying to do.

19:02 - 19:07

R. H. Conwell School

And we consider what impacts you might have on your neighbors or how you might address things.

19:08 - 19:18

R. H. Conwell School

It doesn't happen very often or it didn't until ADU's accessory dwelling unit started because they, our bylaw allowed them by right with site plan review.

19:19 - 19:23

R. H. Conwell School

And so then the planning board had to figure out a bunch of procedures for how to do

site plan review.

19:23 - 19:26

R. H. Conwell School

And we did it for ADU's and it worked well.

19:26 - 19:30

R. H. Conwell School

And then the state changed the law and now ADU's are allowed by right throughout the state.

19:31 - 19:33

R. H. Conwell School

So we don't see them anymore.

19:35 - 19:43

R. H. Conwell School

However, the procedure that exists in our bylaws, It worked, I think, for a bunch of years.

19:44 - 19:45

R. H. Conwell School

It has sort of three steps.

19:46 - 19:51

R. H. Conwell School

Planning board receives an application and then has to deem it complete, which is fairly vague.

19:51 - 19:55

R. H. Conwell School

Once they deem the application complete, they have to issue a decision within 65 days.

19:56 - 20:04

R. H. Conwell School

And if no decision is issued, the application is approved constructively, which means whatever was submitted, that's what's approved.

20:04 - 20:11

R. H. Conwell School

So, I think that made sense when the only thing coming were residential projects, basically.

20:11 - 20:18

R. H. Conwell School

Because if the planning board failed to act, because a bunch of volunteers and they didn't feel like it, the project can move forward.

20:18 - 20:22

R. H. Conwell School

So it's fair, fair, or at least it benefits the applicant.

20:23 - 20:33

R. H. Conwell School

However, looking at solar, that 65-day sort of window to evaluate a project is really tight, and it puts a lot of strain on the planning board.

20:35 - 20:38

R. H. Conwell School

So this is why we're proposing to change it.

20:39 - 20:40

R. H. Conwell School

Next slide.

20:41 - 20:51

R. H. Conwell School

So the procedure we're proposing is that when we receive an application, we have to open a hearing within 65 days.

20:52 - 20:57

R. H. Conwell School

And then once the hearing is closed, a decision must be issued within 90 days.

20:57 - 21:00

R. H. Conwell School

But there's no comment about what happens while that hearing is open.

21:00 - 21:03

R. H. Conwell School

And as many of you are aware, hearings can be continued.

21:04 - 21:07

R. H. Conwell School

So in effect, you've got to open it within 65 days.

21:07 - 21:09

R. H. Conwell School

Great, we can do that.

21:09 - 21:18

R. H. Conwell School

But once it's opened, if the project is really complicated and needs continuation, then you can extend that timeline for whatever it takes for that project.

21:19 - 21:25

R. H. Conwell School

There's no sort of limit on the review period.

21:27 - 21:30

R. H. Conwell School

Additionally, we get rid of this notion of deeming it complete.

21:31 - 21:34

R. H. Conwell School

Most larger towns have a professional planning staff.

21:34 - 21:40

R. H. Conwell School

And the notion of deeming complete is the applicant gives an application to a professional planner.

21:40 - 21:41

R. H. Conwell School

They review it.

21:41 - 21:42

R. H. Conwell School

They check the boxes.

21:42 - 21:43

R. H. Conwell School

Does it make sense?

21:43 - 21:47

R. H. Conwell School

And once they've seen that it was complete, they hand it to the planning board for review.

21:47 - 21:49

R. H. Conwell School

We don't have a professional planner.

21:49 - 21:50

R. H. Conwell School

We're a planning board.

21:50 - 21:53

R. H. Conwell School

So we end up reviewing it to see if it's complete and then handing it to ourselves.

21:54 - 21:55

R. H. Conwell School

It's vague.

21:55 - 21:55

R. H. Conwell School

It's confusing.

21:55 - 21:59

R. H. Conwell School

And it definitely caused confusion in this fall.

22:01 - 22:08

R. H. Conwell School

From the applicant's perspective, the public hearing is a pretty common format for larger projects.

22:10 - 22:12

R. H. Conwell School

So it's familiar for them.

22:12 - 22:22

R. H. Conwell School

However, it doesn't allow the project to move forward if the planning board is unresponsive, which for little residential projects might be kind of a pain if the planning board decides not to show up for a while.

22:23 - 22:24

R. H. Conwell School

So there is a downside.

22:24 - 22:30

R. H. Conwell School

But I think on our side, you know, the planning board, this is something we could put together fairly quickly.

22:30 - 22:36

R. H. Conwell School

It mirrors the process for special permits in Worthington.

22:36 - 22:39

R. H. Conwell School

So it's it's sort of a makes things more consistent.

22:39 - 22:47

R. H. Conwell School

It has this drawback for small residential smaller residential projects, except there aren't really that many small residential projects.

22:47 - 22:58

R. H. Conwell School

So we want to look into how can we make sure it doesn't get hung up, but it didn't feel like a priority right now, because it only applies to large residential projects.

23:00 - 23:02

R. H. Conwell School

So that's what I have to say on the slides.

23:03 - 23:07

R. H. Conwell School

That's introducing these amendments.

23:09 - 23:11

R. H. Conwell School

This is the hearing.

23:11 - 23:12

R. H. Conwell School

It's now 6.30.

23:13 - 23:15

R. H. Conwell School

The point of a hearing is to get public feedback.

23:16 - 23:36

R. H. Conwell School

So we want to open it up for comments with the caveat that we are going to not have very much time for comments but hopefully that's okay because you can make the comments in the town meeting which will be immediately followed so if anyone has comments feel free.

23:52 - 24:05

R. H. Conwell School

Hi Krishna Gifford 219 River Road I just have a procedural question is the intent of the four more for languages to have us vote on them all?

24:06 - 24:08

R. H. Conwell School

Or is it sequential?

24:08 - 24:11

R. H. Conwell School

If the first one doesn't pass, we go to the second one, et cetera.

24:12 - 24:13

R. H. Conwell School

If you could just clarify that, that'd be great.

24:13 - 24:14

R. H. Conwell School

That's an excellent question.

24:15 - 24:15

R. H. Conwell School

So we.

24:20 - 24:31

R. H. Conwell School

Somewhat that's up to Kevin, but as moderator, but the idea from the planning board's perspective is that if, so site plan review, going to treat a little bit differently.

24:32 - 24:33

R. H. Conwell School

If it passes, it passes.

24:33 - 24:33

R. H. Conwell School

If it doesn't, it doesn't.

24:33 - 24:36

R. H. Conwell School

It has no real bearing on the other three.

24:37 - 24:40

R. H. Conwell School

The citizens petition is this sort of full prohibition.

24:41 - 24:49

R. H. Conwell School

If it were to pass and the planning board versions pass, they would all get submitted to the AG for review.

24:50 - 24:54

R. H. Conwell School

If the AG's office shoots one or the other one down, well, that's what it is.

24:54 - 24:59

R. H. Conwell School

If the AG's is let's all of them go through, then all of them get put into our bylaws.

24:59 - 25:04

R. H. Conwell School

And the most constrictive, the most restrictive one would be the one that applies.

25:05 - 25:15

R. H. Conwell School

So if both the planning board moratoriums and the citizens petition moratoriums passed town meeting and passed the AG's review, then the citizens petition would be the one that's in effect.

25:20 - 25:21

R. H. Conwell School

Michael Barbahan, West Street.

25:22 - 25:23

R. H. Conwell School

Two quick questions.

25:23 - 25:30

R. H. Conwell School

One, you said the Waltham case was like 2%, but our most restrictive map you said was like 12 percent.

25:30 - 25:32

R. H. Conwell School

Do you have any sense that 12 percent might pass?

25:34 - 25:44

R. H. Conwell School

So that's one of the reasons we split the two is to try to see what so batteries have been treated differently than solar.

25:44 - 25:55

R. H. Conwell School

We were looking a lot at the Hadley bylaws which they amended in well they amended them in 2024 and then they the AG's office approved the amendments in 2025.

25:56 - 26:01

R. H. Conwell School

And in that, their change, they did a 300-foot setback.

26:01 - 26:04

R. H. Conwell School

They excluded batteries from their aquifer regions.

26:06 - 26:12

R. H. Conwell School

I don't know what percentage of the town that meant batteries weren't allowed in, but it was definitely different than solar.

26:13 - 26:19

R. H. Conwell School

And so, you know, part of this is we don't know what they're going to say and we'll try it.

26:19 - 26:21

R. H. Conwell School

They may shoot it down for that reason.

26:21 - 26:22

R. H. Conwell School

I don't know.

26:22 - 26:39

R. H. Conwell School

The other question was In the change in procedure is it possible to say Whether it's a large versus small or or residential versus commercial and have slightly different rules I think that's probably where we're going to go.

26:39 - 26:42

R. H. Conwell School

It just it was a question of time and brainpower.

26:48 - 27:10

R. H. Conwell School

And so While you are thinking of your next question I forgot to say one other reason that the Planning Board wanted to move forward with these moratoriums, particularly the ones where, well, any of them, the DOER, Department of Energy Resources, sort of governs the world of clean energy.

27:11 - 27:17

R. H. Conwell School

They both, well, they've changed their regulations a lot in the last year.

27:18 - 27:24

R. H. Conwell School

Some percentage of them are still out for public comment or have come back from public comment or in draft form.

27:24 - 27:30

R. H. Conwell School

It's really unclear quite what the landscape is for large scale solar moving forward.

27:32 - 27:35

R. H. Conwell School

The incentive structure has changed, it's complicated.

27:35 - 27:44

R. H. Conwell School

And so one of the reasons the planning board would be happy to have an 18 month break is to understand what those changes meant and figure out how to respond to them.

27:45 - 27:50

R. H. Conwell School

There's a bunch of model bylaws that have been, the DOER has put out, we'd love to take a look at those.

27:51 - 27:53

R. H. Conwell School

They might make sense for us or not.

27:53 - 28:00

R. H. Conwell School

So there is a sort of a pure planning reason for these moratoriums that make sense.

28:02 - 28:21

R. H. Conwell School

And the other comment I'll make is that whatever, if any of these moratoriums pass, if they pass AG's review, they will not apply to projects that are currently in of the planning board or any projects that have had a preliminary plan of subdivision applied on their applied for on their property.

28:45 - 29:06

R. H. Conwell School

Scott smith 85 huntington road um i have a question on being as it's just a moratorium for a year and a half roughly um We're not looking to pass a bylaw.

29:06 - 29:15

R. H. Conwell School

So hopefully the attorney general or the DOG, whatever, sees that exactly what you just said.

29:15 - 29:28

R. H. Conwell School

We need some time to evaluate, so, well, it's just, you know, things don't move fast in government to begin with.

29:28 - 29:31

R. H. Conwell School

So, you know, we're asking for time.

29:32 - 29:33

R. H. Conwell School

Thank you.

29:37 - 29:39

R. H. Conwell School

Yeah, I hear you.

29:39 - 29:47

R. H. Conwell School

I just know that a whole series of towns put forward moratoriums where they said that we just want time.

29:47 - 29:47

R. H. Conwell School

It's temporary.

29:48 - 29:51

R. H. Conwell School

And the AG's office said yes, but and rejected them.

29:51 - 29:54

R. H. Conwell School

So that's just what it is.

30:03 - 30:05

R. H. Conwell School

Jim Downey, Cummington Road.

30:05 - 30:08

R. H. Conwell School

So Bart, can you just clarify the last point you made?

30:09 - 30:23

R. H. Conwell School

So irrespective of the resolution on the moratorium, the moratoriums are not going to apply to the one pending application and possibly second application that has already been received by the town.

30:23 - 30:24

R. H. Conwell School

Is that correct?

30:24 - 30:24

R. H. Conwell School

Yes.

30:25 - 30:28

R. H. Conwell School

So there's an application for a large scale solar at 190 Ridge Road.

30:29 - 30:30

R. H. Conwell School

That application has been submitted.

30:31 - 30:34

R. H. Conwell School

Nothing we do here tonight will have any impact on that.

30:34 - 30:48

R. H. Conwell School

Additionally, there was a preliminary plan for subdivision submitted for 105 Old Post Road and nothing we do here tonight will have any impact.

30:49 - 30:54

R. H. Conwell School

That sounds like a subdivision, but actually its intent is to free zoning on that lot.

30:54 - 31:04

R. H. Conwell School

So whatever zoning existed, I forget when it came in, but January 24th or something like that, that is the zoning that we'll carry forward.

31:06 - 31:11

R. H. Conwell School

So these changes to our zoning will not have any impact on any project on that piece of land.

31:11 - 31:12

R. H. Conwell School

So thank you.

31:12 - 31:13

R. H. Conwell School

That's clear.

31:14 - 31:22

R. H. Conwell School

The second part of the question is then, and maybe this is for town council, but so all this goes to the AG.

31:22 - 31:25

R. H. Conwell School

The AG does their analysis, their review.

31:26 - 31:28

R. H. Conwell School

Another application is received by the town.

31:30 - 31:48

R. H. Conwell School

Does that terminate or or sort of stop the consideration of the third application until we get a response from the AG or are we going to be in this sort of thing where we could get 10 more applications because these companies realize the window is now closing?

31:52 - 32:04

R. H. Conwell School

So I think that the reason we received the preliminary plan for subdivision is that they knew that there was a hearing and therefore and town meeting regarding moratorium.

32:04 - 32:08

R. H. Conwell School

So they're paying pretty close, anyone who has any interest is paying pretty close attention.

32:09 - 32:14

R. H. Conwell School

We got two preliminary plans of subdivision, one for one any Ridge Road, one for one of five old post road.

32:14 - 32:15

R. H. Conwell School

We didn't get any others.

32:17 - 32:28

R. H. Conwell School

As far as the moratorium, if it passes town meeting and it passes AG's review, I believe, and we can get town council to confirm that it takes effect when town meeting, at the town meeting vote, that date.

32:28 - 32:29

R. H. Conwell School

So tonight.

32:31 - 32:45

R. H. Conwell School

So if someone you know a month from now submits an application and we haven't heard back from the AG's office which is very likely because it's usually six months or so, there's this limbo period where we don't know.

32:46 - 32:48

R. H. Conwell School

Any action is suspended though.

32:48 - 32:48

R. H. Conwell School

Is it?

32:48 - 32:49

R. H. Conwell School

I don't know.

32:49 - 32:55

R. H. Conwell School

I think realistically no applicant puts it in because it's why would they waste their time?

32:57 - 33:00

R. H. Conwell School

They're comes back, so there's not much point on their part.

33:02 - 33:03

R. H. Conwell School

Okay, thank you.

33:09 - 33:13

R. H. Conwell School

Hey, Helen Sharon Pollard, 343 Huntington Road.

33:13 - 33:29

R. H. Conwell School

Bart, I don't think you're correct on the applicant for subdivision keeping zoning in place, because that would mean that every A &R in town, every single person that had a house in town would be able to put up solar.

33:29 - 33:39

R. H. Conwell School

I believe what that application does is that it protects the setbacks at the town of Zoni, but not the solar.

33:39 - 33:41

R. H. Conwell School

You'd need an application in for that.

33:42 - 33:46

R. H. Conwell School

That's based on the research that I've done, but I would...

33:54 - 33:55

R. H. Conwell School

Do you want to finish your question?

33:56 - 33:59

R. H. Conwell School

No, I'm happy to hear the answer in the retort.

33:59 - 34:01

R. H. Conwell School

Sure, under...

34:02 - 34:06

R. H. Conwell School

Hello, good evening everybody.

34:06 - 34:07

R. H. Conwell School

My name is Jeffrey Blake.

34:07 - 34:09

R. H. Conwell School

Here with KP Law, your town council.

34:10 - 34:21

R. H. Conwell School

Under the Broken Stone case and a variety of other cases, if a preliminary subdivision plan is filed prior to the adoption of zoning, it freezes the zoning.

34:21 - 34:24

R. H. Conwell School

An ANR freezes the use.

34:24 - 34:26

R. H. Conwell School

An ANR plan freezes use.

34:26 - 34:37

R. H. Conwell School

The zoning is frozen under a preliminary subdivision plan and then ultimately what would have to be, I think they got eight months to file the definitive, that would be eight years frozen.

34:37 - 34:41

R. H. Conwell School

That's the zoning that is in effect at the time.

34:42 - 34:44

R. H. Conwell School

So that's why you see these solar companies do it.

34:44 - 34:46

R. H. Conwell School

They do it all the time.

34:46 - 34:52

R. H. Conwell School

When towns try to put in moratorium, you'll see sub-division, preliminary subdivision plans filed.

34:53 - 34:59

R. H. Conwell School

And then if the moratorium is approved by the AG, they'll file their definitive.

35:00 - 35:08

R. H. Conwell School

The moratorium, short-term moratorium will go through and they still have the zoning that they need to move forward with their projects.

35:08 - 35:12

R. H. Conwell School

Could you please give me the case law again?

35:12 - 35:14

R. H. Conwell School

I told you Broken Stone is the big case on that.

35:14 - 35:15

R. H. Conwell School

And when was that?

35:18 - 35:20

R. H. Conwell School

Jesus, you're testing me.

35:20 - 35:25

R. H. Conwell School

It was before I got at the firm, so I'm going to say late 90s.

35:26 - 35:34

R. H. Conwell School

Broken Stone, that's the big one on the effect of a preliminary and then ultimately a definitive subdivision plan.

35:34 - 35:43

R. H. Conwell School

So it's, as a lay person, it can be hard to research legal cases because the language models and so on don't go into that.

35:44 - 35:49

R. H. Conwell School

Is it possible that you could find the link for that and provide it to the planning board so that they could provide it to the council members?

35:50 - 36:02

R. H. Conwell School

I probably can if the planning board wishes, I certainly can, and if you wanted to, you could probably just search broken stone, zoning freeze, subdivision, and I'll bet you it'll come up on Google.

36:02 - 36:08

R. H. Conwell School

Yeah, maybe um, may I ask the Planning Board just to put that request in for us?

36:10 - 36:11

R. H. Conwell School

Thank you very much.

36:21 - 36:27

R. H. Conwell School

All right, I'm not seeing a lot of excitement about another comment or question.

36:27 - 36:32

R. H. Conwell School

So I think we should just go ahead and close our hearing and vote.

36:33 - 36:38

R. H. Conwell School

So just to, sorry everyone's on the same page.

36:38 - 36:45

R. H. Conwell School

Um, the requirement is the planning board must hold a hearing for any proposed bylaw amendment.

36:45 - 36:50

R. H. Conwell School

And then the, the amendment is considered at town meeting.

36:50 - 36:59

R. H. Conwell School

If the town meeting is within 21 days of the hearing, then the planning board has to make a report at town meeting.

37:00 - 37:01

R. H. Conwell School

It's going to be oral tonight.

37:02 - 37:06

R. H. Conwell School

And so we need to close our hearing and then we'll vote.

37:06 - 37:14

R. H. Conwell School

Our report has to include recommendations, whether we recommend or don't recommend on each of the articles, and just a little bit of why.

37:15 - 37:18

R. H. Conwell School

So I would entertain a motion to close the hearing.

37:21 - 37:23

R. H. Conwell School

I move to close the hearing.

37:25 - 37:28

R. H. Conwell School

Nester seconds, thank you, all in favor?

37:28 - 37:30

R. H. Conwell School

Hi, great, that's a unanimous closing.

37:34 - 37:37

R. H. Conwell School

All right, so I think we should take them in order.

37:38 - 38:07

R. H. Conwell School

Unfortunately I don't remember the numbers for the which articles which but the the citizens petition so is everyone I guess on the planning board clear what we're doing we need to we need to just go through each one and and whether we recommend or don't recommend so I guess I would entertain a motion on the first can we get a you.

38:25 - 38:27

R. H. Conwell School

Don't get to vote until the town meeting it's just us now.

38:30 - 38:58

R. H. Conwell School

So we're looking at the citizens petition to recommend or not recommend I move that

the Planning Board recommends the citizens petition the passage of the citizens petition article six do I have a second I'll second Kathy seconds any discussion I think I mean it's it feels a little silly but what I'd love is like the one-liner of why.

39:03 - 39:26

R. H. Conwell School

In support of the citizens concerns on the safety and health of these of solar large-scale solar facilities the planning board would is an agreement to recommend the citizens petition fantastic thank you is Are there any other questions?

39:27 - 39:28

R. H. Conwell School

Ok, discussion.

39:29 - 39:32

R. H. Conwell School

Hearing none, let's go to a vote.

39:32 - 39:33

R. H. Conwell School

All those in favor?

39:34 - 39:34

R. H. Conwell School

Aye.

39:34 - 39:35

R. H. Conwell School

Aye.

39:35 - 39:36

R. H. Conwell School

And another unanimous.

39:36 - 39:37

R. H. Conwell School

Excellent.

39:39 - 39:49

R. H. Conwell School

All right, the second, the article on large-scale ground-mounted solar moratorium in limited areas.

39:49 - 39:53

R. H. Conwell School

That's our solar moratorium adding section 857.

39:53 - 39:54

R. H. Conwell School

Do I have a motion?

39:55 - 40:06

R. H. Conwell School

I make a motion that the planning board recommends Article 7, a moratorium on large-scale solar facilities in sensitive areas.

40:09 - 40:10

R. H. Conwell School

Nester seconds, great.

40:11 - 40:13

R. H. Conwell School

Discussion, maybe the one-liner.

40:15 - 40:31

R. H. Conwell School

In order to better protect our sensitive water and natural resources, we recommend this moratorium to give us more planning time to finalize maps and more protective zoning.

40:32 - 40:33

R. H. Conwell School

Thank you.

40:35 - 40:37

R. H. Conwell School

No further discussion?

40:38 - 40:40

R. H. Conwell School

Hearing none, all those in favor?

40:41 - 40:43

R. H. Conwell School

Aye, that's unanimous again.

40:44 - 40:50

R. H. Conwell School

The third one, the energy storage moratorium in limited areas.

40:52 - 41:05

R. H. Conwell School

I move that the Planning Board recommends to the special town meeting the passage of Article 8, a moratorium on large capacity energy storage systems in sensitive areas.

41:11 - 41:12

R. H. Conwell School

I second, yes.

41:14 - 41:15

R. H. Conwell School

Discussion?

41:15 - 41:16

R. H. Conwell School

You up for it, Kate?

41:17 - 41:17

R. H. Conwell School

Well, sure.

41:22 - 41:27

R. H. Conwell School

Thank you for taking the notes, Anna, because we are going to have to do a written version.

41:46 - 42:14

R. H. Conwell School

The planning board recommends this article in order to protect our vulnerable water resources, our vulnerable natural resources and public safety for purposes of a temporary moratorium until we can pass more restrictive zoning bylaws.

42:16 - 42:17

R. H. Conwell School

Thank you.

42:17 - 42:18

R. H. Conwell School

Further discussion?

42:19 - 42:21

R. H. Conwell School

Hearing none, vote to vote.

42:21 - 42:21

R. H. Conwell School

All in favor?

42:22 - 42:22

R. H. Conwell School

Aye.

42:23 - 42:23

R. H. Conwell School

Aye.

42:23 - 42:24

R. H. Conwell School

Pass unanimously.

42:25 - 42:25

R. H. Conwell School

All right.

42:25 - 42:27

R. H. Conwell School

Last one.

42:28 - 42:30

R. H. Conwell School

Revising site plan review major.

42:39 - 42:47

R. H. Conwell School

I move that the Planning Board recommends to the Special Town Meeting Article 9 to revise Site Plan Review Procedure.

42:48 - 42:52

R. H. Conwell School

Do I have a second and a second?

42:54 - 42:55

[speaker unknown]

Discussion?

42:58 - 43:37

R. H. Conwell School

The Planning Board recommends this article to clarify and improve the Site Plan Review process thank you for the discussion hearing none go to vote all in favor aye great passed unanimously thank you all right that's the end of our uh portion of this evening so thank you all we will adjourn any vote board