

Planning Board Public Hearing February 24 @ 6:04 p.m at RHConwell School

In Attendance

Bart Niswonger

Kathy Ford

Kate Bavelock

Nestor Mathews

Anna Maunz

Members of the Public at Town Meeting ~~Meeting~~ *Hearing.*

Bart Niswonger Introduces the Public Hearing on the bylaw amendments.
Any changes to articles can only be made at the Special Town Meeting.

Presenting Bylaw amendment Proposals: See power point presentation/ slides included.

Section 8.5 promotes solar - so these bylaws are meant to address that section.

Bart presents Citizen Petition Moratorium.

Discussion about Supreme Judicial Court Tracer Lanell Realty, LLC v City of Waltham (2022)

The planning board's approach has been to listen to what the town would like; to move forward with the moratorium.

Discussion about utilizing water ways and special areas of interest. See MAPS included

Definitions of Energy Storage System:

Add Section 8.8: Prohibits Large Capacity Energy Storage Systems in:

- All the places solar was prohibited
- Includes maps
- 300' setbacks from residential structures.

Changes in Site Plan Review Procedure- trying to open the 65 day window to help evaluate solar projects with a longer timeline. This mirrors the process for special permits.

Proposed changes:

A hearing must be opened within 65 days

Once the hearing is closed, a decision must be issued within 90 days.

Remove "deeming complete"

No explicit time limit on review

Open for Public Comments:

Krishna Gifford: Is the intent to have the town vote on all the items?

Bart: Site Plan review passes it then it all passes.

If the Citizen petition and the planning Board petitions pass - the most restrictive one would be the one that applies.

Michael Barbahen: The Waltham case was 2% most restrictive map 12% - do we know what the chance is that the 12% will pass?

Bart: The planning board used a lot of Hadley's bylaw in guidance. We don't know.

Michael Barbahen: In the change of procedure - is it possible to have large vs small?

Bart: That is the Planning Board's intent in the long run.

Bart: Discussing DOER - unclear what the landscape is for large scale solar in the future.

Would be helpful to have a breakdown to help understand what the bylaws mean.

Planning Board reason for moratorium.

If any of the moratoriums pass they will not affect the current projects.

Scott Smith: Being just a moratorium. We're not looking to pass a bylaw. Things don't move fast in government - we're asking for time.

Jim Downey: Asking for clarification about the moratorium not affecting projects that currently have applications in.

Bart: affirms answer. These changes to our zoning will have no impact on current projects.

Jim Downey: All this goes to the AG, if another application is brought to the town, what happens with the application process.

Bart: The solar companies are paying pretty close attention. If it passes town meeting and passes AG review it should revert back to the decision made tonight.

Helen Pollard: Subdivision application protects the setbacks but not the solar.

Jeffrey Blake: Town Council: Under Broken Stone Case - the Subdivision plan freezes the zoning. An ANR freezes the use. It's frozen for 8 years. That's why you see the solar companies doing this.

Helen: Requests that the planning board requests details of this case.

[:https://law.justia.com/cases/massachusetts/supreme-court/volumes/430/430mass637.html](https://law.justia.com/cases/massachusetts/supreme-court/volumes/430/430mass637.html)

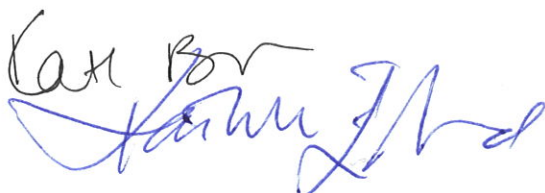
Jeffrey Blake: Broken Stone zoning freeze subdivision late 1990s.

Bart: Planning Board must have a public hearing about bylaw amendments. Our report must include recommendations

Kathy Ford moves to close the hearing

Nestor second.

Vote: Unanimous



Bart Entertains a motion on the first amendment: Citizen's Petition Moratorium on Solar and BESS

Kate moves that the planning board approve the Citizens petition **Article 6**

Kathy Ford seconds.

Discussion:

Kate Bavelock: In support of the citizens concern on safety and health for the town we the Planning Board recommend to pass Article 6

Vote: Unanimous Vote.

Article on Large Scale Ground Mounted Solar Photovoltaic Installations Moratorium in Limited Areas **8.5.7**

Kater Bavelock recommends that Planning Board recommends to pass Article 8.5.7

Nestor seconds

Discussion: In order to better protect our water and natural resources we recommend this moratorium to give us more time to develop maps and have discussion on passing more protective zoning.

Vote: Unanimous.

Article on Large Capacity Energy Storage Systems Moratorium in Limited Areas

Kate Bavelcock moves that the planning board recommends **Article 8.8** as follows Large Capacity Energy Storage Systems Moratorium in Limited Areas.

Kathy Ford second

Discussion: The planning board recommends this article in order to protect our vulnerable water resources and public safety with a temporary moratorium until we can pass more restrictive bylaws.

Vote: Unanimous

Revising the Site Plan Review Process

Kate Bavelock:**Article 9** to revise Site plant review procedure

Anna Maunz seconds

The planning board recommends this article to clarify and reform the site plan review process

Vote: Passes unanimously.

Kate Bavelock moves to adjourn at 6:48 p.m.

