

**WARREN PLANNING BOARD  
MINUTES OF March 26, 2018**

**PRESENT:** Mr. William Ramsey: Chairman: Mrs. Susan Libby Vice-Chairmen; Mrs. Melissa Sepanek; Mr. Derick Veliz; Mr. Robert Souza

**Absent:** None

**ATTENDEE:** See List

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**Meeting was called to order at 7:15 PM**

**7:15pm- Public Hearing** on proposed Zoning Amendment for Annual Town Meeting to add to Section 15 Medical Marijuana Treatment Center to allow retail sales, processing, and cultivation.

Chairman Ramsey opened the Hearing explaining why the Board is proposing amending the Bylaw. The Town on November 8<sup>th</sup>, 2016 voted to Legalized Marijuana. The Board has been looking into how we can fit recreational marijuana into our Town.

The Town would be allowed to have Two Retail Stores. Owners of the West Warren Complex, LLC sent a letter to the Board that they are in support of recreational marijuana dispensaries and cultivation sites in the Mill Conversion Overlay District. In the Overlay District we have a Medical Marijuana Cultivation Sites and a Soil Manufacturing Facility going into the West Warren Complex. The Board held an Informational Meeting on March 12<sup>th</sup>, 2018, the Board had asked Mr. William Scanlan to put together a rough draft for the Board to review. During the discussion on March 12<sup>th</sup> the Board decided to allow One Retail Stores in the Commercial District and One in the Mill Overlay District.

Chairman Bill Ramsey asked Mr. Scanlan to present the proposed amendments.

Mr. William Scanlan presented the proposed amendments.

Section 15 Medical Marijuana Treatment Center to Section 15 Marijuana Establishments and Cultivation Sites.

Section 15.2 Special Permit and Site Plan Approval Required.

Add 15.1.1 Definition of Marijuana Establishment

Section 15.6 Cultivation in the Rural District.

Chairman Ramsey spoke with the Police Chief and he is in favor of this Bylaw since he will be responsible for the Security of the establishments. The Board of Health will also be very involved since they would be selling food products. A question was asked if it was the Towns Board of Health and Police Dept that will be Monitoring, Chairman Ramsey answered yes. Selectmen James Gagner added the State Cannabis Control Board will also be involved and set the standards.

Mr. Bill Scanlan added by not doing anything the Town opens itself up to retail shops opening anywhere in the Village or Commercial Districts but by putting a bylaw in place this will protect the Town.

Mrs. Sepanek & Mr. Souza stating since the Towns People voted yes, the Town cannot prohibit it. This is why the Board is proposing the amendments.

A question was asked who does the testing. Chairman Ramsey replied that there would be companies that would test for the owners at their expense.

The Town would have a Host agreement with the Establishments so the Town does not occur any costs. The Town will also receive up to 3% of their sales. If an agreement cannot be made the Cannabis Control Board can pull their permit. Selectmen Gagner stated when the BOS did the Host Agreement with the Medical Marijuana it was a little different because they were non-profit but the Select Board was working very closely with the Police Dept.

Mrs. Libby said she had read an article about how there will be New Companies opening that would test the products to ensure they are safe.

Selectmen Gagner said there will be all sorts of thing coming our way and with the Boards all working together we can protect the Town and make it safe.

A copy of the proposed Bylaw will be available in the Planning Board Office or The Town Clerks Office.

Selectmen James Gagner with the Board permission will put a copy on his Website.

The Board will hold another Public Hearing on April 23<sup>rd</sup> @ 7:15.

Comments can also be email to the office for the next Hearing.

A question was asked of Mr. Gagner if only the three Selectmen will decide the Host Agreement. Selectmen James Gagner said yes but any input would be welcome.

Mr. Ramsey added that the Board, Police Dept and Health Board will also have to agree and the Cannabis Control Board will have the final word.

At this time Mr. Ramsey ended the Public Hearing for the Cable Dept to set up for the next hearing.

While the Board waits we will move down the agenda to # 4, 5, & 6

Motion to approve and sign payroll for Kathleen Czub in the amount of \$213.73 and \$193.56 made by Mrs. Libby; second: Mrs. Sepanek– 5 yes

Motion to approve and sign invoice for Turley in the amount of \$111.69 made by Mr. Souza; second: Mrs. Libby- 5 yes

Motion to accept the Minutes from March 12, 2018 motion made by Mrs. Libby: second Mrs. Sepanek- 4 yes- 1 absent (Mr. Veliz)

**8:15 pm- Public Hearing** for proposed Zoning Amendment for Annual Town Meeting on Section 12 Solar Energy.

In the past few years we are seeing more and more Solar Facility being build and some neighborhoods are overwhelmed with Large Solar Facilities. We received a letter from the Neighbors on Little Rest Rd with their concern of so many on their street. We also received an email from Joyce Eichacker with concern on Solar Facility, Joyce also attached a document from a citizen from West Brookfield with concerns on decommissioning and hazards from the panels. West

Warren Planning Board Minutes of March 26, 2018

Brookfield put a hold on All solar projects until they can develop and implement bylaws to protect their Town and its citizens. We have had a Bylaw in place since 2012. At our February 26<sup>th</sup> Meeting the Board discussed some of the issues with the Solar Facilities. The Board asked Mr. William Scanlan to put together a rough draft on amending the bylaw to present at an informational meeting we had on March 12<sup>th</sup>.

Chairman Bill Ramsey asked Mr. Bill Scanlan to present the proposed amendments.

3.2 Schedule of Use Regulations to add Special Permit required for Large Solar Energy Facility Section 3.25.5 Adding Special Permit in the Rural District. When the Bylaw was written the Board didn't know what the impact would be to the Town. We have had impact in certain neighborhoods also visual impacted. This would give the Board more authority to make condition and pose conditions. The Board could say no if condition are not met.

Section 3.25.8 Battery Energy Storage Systems Special Permit required.

Battery Energy Storage Systems are now being propose with new Solar Facility Applicants. At our last meeting there was concerns if there were any hazards in the units, little is known about the Battery Storage Units. With the proposed amendment the Board would be able to regulate the size, where they go, what's in the battery storage boxes also add to section 12.3.2 adding # 10 requirement for material safety data sheets for the systems components.

Mr. Scanlan proposed changing Section 12.3.5 .1 Setback from 25 feet to 100 feet in all districts and 12.3.5 .2 from 50 feet to 150 feet.

At the meeting on March 12<sup>th</sup> the Board felt that 100ft in the Village Districts would not allow home owners to put solar on their properties for their own use since lots are smaller. The Board made the motion.

Motion made to approve section 13.3.5.1 a 25-foot setback in the Village District and 100-foot setbacks in Rural, Residential and Commercial Districts Motion made by Mr. Souza; second Mrs. Libby- 4 yes- 1 absent (Mr. Veliz).

Motion made to approve section 13.3.5.2 a 150-foot natural buffer Motion made by Mrs. Libby; second Mr. Souza-4 yes- 1 absent (Mr. Veliz)

This would help to screen the abutters of the visual site and noise impact.

A question was asked what would happen if a Solar Company got two neighbors together and straddle the bounties line taking two small solar farms creating a large Solar Facility. Chairman and Vice Chairmen answered that can't happen because by definition a small solar farm is for non-commercial use if you put two together it would become commercial use.

A question was asked if we needed the last part of Section 12.3.5.2 the Natural Buffer for large Solar Projects. If the applicant establishes that the visual buffer would have a detrimental effect on the project the Board could waiver this requirement. Mrs. Sepanek answered if there is no one around and it would not impact anybody and they don't have a 150' buffer we could waiver this requirement. Mr. Ramsey and Mrs. Libby added that's with a Special Permit we can deny it. Mrs. Sepanek brought up what if we take out the ability to generate power and just have if say a detrimental effect. The Board thought this would be a good idea.

A question was asked if we check frontage for each property. The answer is yes frontage is always considered.

A member of the Conservation Commission brought up 787 Little Rest Rd. They had met with the applicant about a proposed solar project the information they were giving was not acceptable they will continue the project when the applicant is ready to proceed. The applicant has not come back to continue hearing so they are taking steps to close the hearing and have them start all over again. The Planning Board had schedule a Public Hearing for the applicant February 12<sup>th</sup>, 2018. They did not attend and asked for a continuous. The Board has not heard from them since either. Abutters had concern they had heard that the applicants are talking with the owners of a land lock piece of land that abuts to 787 Little Rest Road. They have not presented the project to us yet so we do not know what they are proposing at this time.

One comment back to Conservation was that we have a contract with Graves Engineering and in the contract, we can request Graves to have Site Visit to observe construction. Planning will do the peer review and Conservation will do the storm water review at the applicant expense.

Mr. Ramsey explain the reason for the Bylaw is to protect the Town and properties. With the Towns support the Planning Board and Conservation are trying to protect the Town.

Mr. Ramsey wanted to Thank Mr. Scanlan for his work on helping to amend the bylaws and the Towns people for coming to our meeting or watching on TV.

Mr. Souza wanted everyone to know on the Marijuana Bylaw when you are talking to your neighbors or your friends that they are not voting to have it in our Town that the Town had already voted yes to Marijuana this amendment is to protect the Town.

With no further questions the motion was made.

Motion made to continue Public Hearings on Section 15 Medical Marijuana Treatment Center and Section 12 Solar Energy till April 23, 2018 made by Mr. Souza; second: Mrs. Libby- 5 yes

Next Meeting Date April 9, 2018 @ 7:15.

Motion to Adjourn made by Mrs. Libby; second: Mr. Souza– 5 yes @ 8:50

Respectfully submitted,

Kathleen M Czub  
Secretary

Date Approved