

Zoning Board of Appeals – Town of Spencer

Minutes



Regular Zoning Board Meeting
Tuesday, April 10, 2012 7:15 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:15 p.m.

Zoning Board Members Present: Chair Joanne Backus, Delores Kresco, and Albert Drexler, Alternate.

Zoning Board Member Absent: Allan Collette.

Staff present: Michelle Buck, Town Planner

New Business:

A. 7:15PM - Public Hearing, Special Permit

Timothy Ahearn, 49 Lake Shore Drive, Spencer. The applicant is requesting a Special Permit to construct an accessory garage on a non-conforming parcel across the street from a residence.

Ms. Kresco read the details of the application for the record.

Mr. Ahearn explains his plans for the proposed new garage. The primary issue is setback. He submitted two photographs of the existing garage.

Ms. Backus asked how far the existing shed is from the front lot line? Mr. Ahearn says that it's 1 ½ feet (same as proposed).

Mr. Drexler asks if the road is private, and if the owners own to the center of the road? Mr. Ahearn says yes.

Mr. Drexler asks about the location of the well.

Ms. Kresco asks for clarification on the location of the garage doors (i.e. which way does the garage face?). Mr. Ahearn shows the Board the location of doors on the plan.

Mr. Drexler asks Mr. Ahearn to confirm that the garage is only for personal use (not commercial). Mr. Ahearn confirms.

Ms. Kresco asks about the 2nd floor. Mr. Ahearn states that it is a storage loft, salt-box style.

Ms. Backus asks if the garage is for storage only. Will the garage have water? Mr. Ahearn states that the garage will have a faucet and hose, but no bathroom. Mr. Ahearn submits a diagram of the proposed garage.

Ms. Backus asked if there are any questions from the board. She asks is there a Motion to close this discussion.

MOTION: Mr. Drexler made a motion to approve the application for a garage for Mr. Ahern as shown on the plans submitted. The reason for the approval is the proposed use is in harmony with the general purpose and intent of the zoning by-laws. The proposed use will not create traffic or impair pedestrian safety. The proposed use will not impair the integrity or character of the adjoining zones. Nor will it be detrimental to the house safety or welfare of the neighborhood. The motion was seconded by Ms. Kresco.

VOTE: (3-0 in favor)

B. 7:30 - Public Hearing, Special Permit

CTC Electric, LLC, North Brookfield Road, Spencer. The applicant is requesting a Special Permit to establish a large scale ground mounted solar facility. Present representing the applicant were Serge Weiss (COO of CTC Electric), John Henry (O'reilly Talbot & Okun Associates, Inc.), Scott Fisher (Centerstone Partners, LLC) and Attorney Ellen Freyman (Shatz, Schwartz and Fentin, P.C.)

Mr. Fisher from CTC electric explains the plan for the proposed solar farm. He states that setbacks are over 200 feet. Arrays are about 3 feet off the ground, extending to about 11 feet in height. He also states that there is no noise, sound, odor, hazardous materials, or traffic impacts. The site will only be visited occasionally for mowing and snow clearing.

Ms. Backus asked how long it would take to construct. Mr. Fisher explains it would take about 3 months. They are hoping to start this summer if all goes as planned.

Mr. Drexler asked the applicant to explain the property line and buffer zone. Mr. Henry explains that they plan on leaving a line of trees to buffer the farm. The buffer is widest (50 feet) on the southern boundary because of abutters.

Ms. Backus notes that trees are cleared to within 5 – 10 feet of property lines in certain places along the other property lines. Mr. Henry notes that the natural tree line will remain along the road.

Mr. Drexler asked which direction the panels will face. Mr. Henry states that they will face south, and that they will be surrounded by an 8' chain link fence. A Knox Box will be provided.

Mr. Drexler asks if the panels are reflective, will there be glare? Mr. Fisher states that the panels are designed to absorb light. Mr. Weiss notes that the 31 degree angle of the panels is designed to have the panels face the sun directly, not at an angle.

Mr. Drexler asked about noise. Mr. Weiss explains the inverters and transformers make a humming noise that is similar to an idling car.

Ms. Backus asks about the location of the transformers. Mr. Henry identifies the location of the transformers on the plan.

Mr. Drexler asks how the applicant proposes to get rid of panels if the project is abandoned. Mr. Fisher states that it is not like housing. If the solar project is financed, it will be built. Financing requires bonds to ensure completion of project.

Ms. Backus opened the hearing up to the public at this time.

Mr. Perron, 18 North Brookfield Road, expressed concern about what this solar farm will do to his property value. Mr. Fisher explains the solar panels will be set back almost 300 feet from the road. They will add plants to screen the fence if requested.

Mr. Perron asked about grading. Mr. Weiss stated that there will be minimal grading, and only as needed to address stormwater drainage. It's not practical to level the site; it would be cost prohibitive. Mr. Perron states that he is opposed to the project.

Ms. Backus asks if the hedge shown on the plan will be provided. Mr. Weiss says not unless it is requested by the Board. Board members indicated that they would want at least what is shown on the plans submitted.

Ms. Day, 22 North Brookfield Road, asked what the fence will look like and if they would be using the existing access. The applicant explains the fence would be 8 feet high chain link with a 16 foot wide gate; the existing access point will be used.

Mr. Letendre, 23 North Brookfield Road, asked the applicant to explain the access road in more detail. Mr. Henry explains the access road (that trees will not be cleared west of the access drive). Mr. Letendre also asked about water runoff. Mr. Henry explains they will comply with the Massachusetts Stormwater standards. They will make sure the pre-development runoff does not exceed the post-development runoff, and will submit a full report to the Planning Board.

Mr. Letendre asks if they will take into account the Spring thaw? Mr. Henry states that they will use a swale or other techniques, depending on their full analysis, to address Stormwater. They don't want to bother abutters. No detention basins are planned at this time; infiltration will be handled on-site.

Ms. Buck explained that the applicant will have to submit a full stormwater report to the Planning Board as part of their Site Plan Review application.

Mr. Drexler asked the applicant to confirm that there is no impervious surface. This was confirmed by the applicant.

The Board asked the applicant if the property outline has been staked yet. It has not been staked as of yet.

Mr. Bousquet, 5 Pauls Drive, asked if the tree line buffer could be larger to save more trees. Mr. Henry explains they are leaving a 50 foot buffer on the side of Pauls Drive. Mr. Fisher states that they cannot increase the buffer because the trees would cast shadows on the solar panels. Mr. Weiss states that they are proposing to remove the minimum to eliminate shading, based on the shortest day of the year. Mr. Bousquet states that he bought his property because it was adjacent to woods. He wants a greater buffer with more trees.

Mr. Bemis, 24 North Brookfield Road, expresses concern about the noise level. Mr. Bemis also expressed concern about the buffer (too narrow) and 8 foot tall chain link fence being an eyesore. Mr. Weiss explains the transformers will only make noise when the sun is shining and they will be putting the transformers away from abutters to reduce any noise. Mr. Bemis suggests a black vinyl-coated fence and additional screening along the road. He does not support the project as proposed.

Mr. Drexler commented on the transformers. He states that he has a transformer about 30 feet from his house and he can't hear it.

Ms. Backus asked if there are any other questions. Mr. Drexler asked if they can make the buffer a little wider on the side of Mr. Letendre's property (by removing some of the panels) because the buffer on this side is the smallest. The applicant will review this request.

Ms. Backus asks if the access road will be paved. The applicant states that only the apron will be paved.

Mr. Drexler reiterates his request to widen the buffer. Mr. Weiss doesn't agree that this should be a concern; he doesn't think it would be helpful to widen the buffer in this area.

Mr. Letendre asks about the open area surrounding the panels, will the land be stripped? Mr. Weiss says the land will be maintained as meadow.

Mr. Bemis states that although solar panels may not be considered impervious, they still have the potential to concentrate runoff, similar to a gutter. Mr. Weiss states that the land under the panels will be grass/meadow and that Mr. Henry will address stormwater issues.

Mr. Letendre asks if natural vegetation will remain. Mr. Weiss states that they will leave dirt, which will eventually fill in with weeds. They don't typically plant vegetation.

Mr. Bemis states that he doesn't like the approach of just letting weeds grow. Mr. Weiss indicates that they prefer to allow indigenous vegetation to fill in.

Mr. Bemis states frustration that he had a lot of difficulty with the Town [with permitting] for only a 45,000 s.f. greenhouse, and it appears that this project will have an easier review.

Mr. Backus wants to continue this meeting. She would like to visit a working solar farm to hear the noise from the transformers. Mr. Drexler notes that he'd like the site to be staked for a site walk. The Board will visit the site individually only to view the property and make observations.

MOTION: Mr. Drexler made a motion to continue the public hearing to Wednesday, April 25, 2012 at 7:15 PM. Ms. Kresco seconded the motion.

VOTE: (3-0 in favor)

Old Business: None

Approval of Minutes: Minutes for December 15, 2011.

MOTION: Ms. Kresco made a motion to approve the minutes for December 15, 2011. Mr. Drexler seconded the motion

VOTE: (3-0 in favor)

With no further discussion, Ms. Kresco made a motion to adjourn the meeting at 8:50PM Mr. Drexler seconded the motion and the vote was 3-0 in favor.

Submitted By:

Brynn Johnson, Junior Clerk ODIS

Approved by the Zoning Board of Appeals on _____6/12/2012_____.

List of Documents used on April 10, 2012:

Items mailed to ZBA members prior to meeting:

- Memo from Michelle Buck, Town Planner dated 4/10/2012
- Minutes from 12/15/2012 ZBA meeting
- Letter from Mr. Toomey dated 3/37/2012
- Agenda
- CTC Solar Packet
- Ahearn Packet
- Memo From Margaret Washburn regarding 49 Lakeshore Drive dated 02/27/2012
- Copy of decision on prior solar farm (103 North Spencer Road)

Items submitted at meeting:

- Prints of two photographs of existing Ahearn garage on Lake Shore Drive.
- Diagram showing design of proposed garage on Lake Shore Drive (saltbox 3 bay with loft)