



# Zoning Board of Appeals – Town of Spencer

## *Minutes*

Zoning Board of Appeals Meeting  
**Tuesday, June 26, 2012 at 7:15 PM**  
McCourt Social Hall  
Memorial Town Hall

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

Zoning Board Members Present: Allan Collette, Albert Drexler, Dee Kresco and Joanne Backus  
Chair

Zoning Board Member Absent: None

Staff present: Brynn Johnson, ODIS Clerk

Staff Absent: Michelle Buck, Town Planner

**1. Old Business: Special Permit Continued** – Applicant: Borrego Solar Systems, Inc. Project Location: 115 Wilson Street. The Applicant is requesting a Special Permit in accordance with Section 4.2.B.3 & 7.2 of the Spencer Zoning Bylaw to establish a large-scale ground mounted solar facility. The property is located within the Rural Residential Zoning District. Present representing the applicant were Roy Smith (Vice President RJ O’Connell & Assoc.), Charles Barbanti (Borrego Project Manager), Carl Wilson (land owner) and Jared Connell (Sr. Project Developer). This is a continued public hearing from May 15 and June 12, 2012.

Ms. Backus reopens the hearing. She explains the board went separately on a site walk to view the Hook property line at 59 Paxton Road to gain a better understanding of the proposed buffer. This was a site walk only; no issues were discussed at that time.

Ms. Kresco states after visiting the Hook property at 59 Paxton Road, she feels the proposed buffer is very narrow.

Mr. Collette asks how far from the Hook property will the array be. Mr. Smith explains with the 25 ft undisturbed buffer plus 15 ft supplemental evergreen screening and 50 ft of open space/gravel road the array distance from homes varies but is about 115 ft.

Ms. Backus opens the hearing to the public.

David Hook ,59 Paxton Road, asks how far apart the trees will be when planted. Mr. Smith says they will be Colorado Spruces staggered, planted 10 ft apart and will be 8-10 ft tall at planting. They have proposed planting 60 of these trees.

Ms. Kresco asks about the slope of the land. Mr. Smith explains the land behind Paxton Road slopes down away from Paxton Road. Ms. Kresco asks will Paxton Road abutters be able to see the far end of the array because of the way the land slopes, the line of screening trees will be lower than eye level. Mr. Smith says yes abutters will most likely be able to see the far/low end of the array.

David Padavano, 65 Paxton Road, feels because the land behind abutting homes on Paxton Road slopes downward, an earthen berm should be built. Then plant the supplemental evergreen screening on top of the berm so that rather than looking down onto the array, the evergreen screening would be eye level, thus ensuring views of the arrays are blocked.

Ted Goulet, 61 Paxton Road, also expresses concern of solar array views from his property. He would like a larger buffer.

Ms. Backus asks Borrego how they feel about the option of building a berm behind homes on Paxton Road. Mr. Connell says instead of a berm they are willing to plant 5 additional trees for each of the interested abutting properties. The trees can be planted in the back yard of interested abutting homes or on the Wilson property. This will help provide a better screening. The home owners can decide on an individual basis where they would want these additional trees planted, in their back yards or on Wilson's land.

Mr. Hook is concerned about the views from his home. He wants to know what the plan is for after the construction is complete if the proposed buffer and supplemental evergreen planting isn't enough to screen the view. Who can he complain to and how can he demand more trees be planted. He wants the board to go to each house after the array is built and decide how best to screen it on a case by case basis. Ms. Backus explains they cannot leave an open ended decision on the screening. They would have to work the details out before construction starts.

Mr. Collette asks the abutters if given the option would they rather a fence or trees for the screening. All the abutters present say they would rather trees.

Mr. Goulet asks if the trees die who will replace them. Mr. Smith states Borrego will replace and maintain the trees on the Wilson property as needed.

The Board discusses the adding of extra screening trees to some of the abutting properties. They feel the extra trees should be added after the construction is complete. So that abutters have time to decided if they need the extra screening and where they want them planted. They will have to work out the details to make this a condition.

Mr. Barbanti says they would want to plant the extra trees in the spring because it's better for the trees. The construction should take about 6 months so the timing of when the trees will be planted is depending on when they get the permits and are able to start building.

Mr. Connell says they could plant the supplemental evergreen screening as they go. Then the extra trees could be planted in spring after array is up and abutter's have had time to decide where they want the trees to go.

Mr. Drexler says they need to specify how many extra trees will be planted. They discuss and feel between 5 and 7 trees per property would be a fair amount.

Ms. Backus feels it would be better to give the abutters 1 year after completion of construction to decide where and if they want the extra trees planted.

Mr. Smith says they array should be in place by the end of this year. Ms. Backus says abutters would have 1 year from the point of completion to decide if they want the extra trees.

Mr. Padavano asks who he is to call when he wants the trees planted. Who is going to enforce this condition? The Board says they will have to work this detail out.

Ms. Backus states they need to decide which abutters need the extra trees. Mr. Collette states when he went on a site walk at the Hook property the the abutter at 57 Paxton Road told him he didn't have any concerns of the view from his yard. They discus and decide the only abutters that would be included in this condition would be the Hook, Mercier, Bouvier and Goulet properties because they have expressed concerns related to the views and narrow buffers.

Mr. Lacy asks the board to go through the mechanics of how this condition is going to work. He understands they have the 4 houses (Hook, Mercier, Bouvier and Goulet). They have the time frame (1 year from, completion). But what will the formality be, when and by whom will the property owner be notified. If it's a condition of the permit will they have to go through the Board? Mr. Lacy also states if a tree is planted on the abutter's property the tree will then become the owner's responsibility. Mr. Lacy wants to know if the Board is going at act as the intermediary between Borrego and the property owners. The Board says the Building Inspector would be the most likely contact person.

Mr. Lacy asks what Paxton Road house numbers would be included in this condition. Ms Buckus answers numbers 59, 61, 63 and 65 Paxton Road. Assessors Map (Bouvier R37-3-6) (Mercier R37-3-5) (Goulet R R37-3-4) and (Hook R37-3-3).

Mr. Lacy says the extra planting would have to be planted on the eastern side of the supplemental buffer toward Paxton Road away from the panels. No trees can be planted west of supplemental buffer because they will cast shadows on panels.

Ms. Backus and the Board want time to draft this new condition. Mr. Lacy says he will work with Michelle Buck, Town Planner, to work out the details of this new condition.

Mr. Collette asks if they should vote now and add in this condition. They discussed and feel this condition has too many details to work out before they can vote.

Mr. Lacy asks if the public hearing can be closed tonight. The abutters express they do not want the public hearing closed until they hear all the details of the new condition. The Board decides to continue the public hearing to July 10, 2012 to give time to work out the details and logistics of the added condition.

**MOTION:** Mr. Collette makes a motion to continue this hearing to July 10, 2012. Ms. Kresco seconds the motion. Vote is 3-0 in favor.

**Adjournment:** Mr. Collette makes a motion to adjourn. Ms. Kresco seconds the motion. Vote is 4-0 in favor. With no further discussion the meeting is adjourned at 8:20pm

Submitted By: Brynn Johnson, Junior Clerk ODIS

Approved by the Zoning Board of Appeals on \_\_\_\_July 10, 2012\_\_\_\_.

**List of Documents used on June 26 2012:**

Items mailed to ZBA members prior to meeting:

- Agenda
- Memo from Michelle Buck, Town Planner dated 6-21-12
- Equipment pad fencing hand out
- Special Permit Draft Decision for Borrego Solar 115 Wilson Street