



Zoning Board of Appeals – Town of Spencer

Minutes

Zoning Board of Appeals Meeting
Tuesday, July 10, 2012 at 7:15 PM
Conference Room A
Memorial Town Hall

The meeting was called to order at 7:20 p.m.

Zoning Board Members Present: Allan Collette, Dee Kresco and Joanne Backus Chair, Albert Drexler (note Mr. Drexler was 10 minutes late)

Zoning Board Member Absent: None

Staff present: Michelle Buck, Town Planner and Brynn Johnson, ODIS Clerk

1. Old Business:

A. 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) Jared Connell (Sr. Project Developer) and Scott Lacy (Prince Lobel). This is a continued public hearing from May 15, June 12 and June 26, 2012.

Mr. Smith hands out an updated plan. This plan shows updates made to basins # 1 and 2. Nothing major has been changed he just wanted the ZBA and Planning Board to have matching plans.

Ms. Backus asks the Board before they make a motion do they have any further question or concerns. There are none.

MOTION: Mr. Collette makes a motion to grant a Special Permit for Borrego solar a major utility of renewable energy at 115 Wilson Street Spencer MA. In accordance with section 4.2.B.3, 4.3.4 and 7.2 of the Spencer Zoning Bylaw as amended May 5, 2011.

Findings: After the public hearing, the Spencer Zoning Board of Appeals made the following findings as required by M.G.L. Chapter 40A, Sec. 9 and Section 7.2 of the Spencer, MA, and Zoning By-Laws:

1. That the proposed use is in harmony with the general purpose and intent of the zoning bylaw.

According to Section 1.1 of the Bylaw, the purpose of the Bylaw is promote the general welfare of the Town, protect the health and safety of its inhabitants, encourage the most appropriate use of land within the town, retain the natural resources, and protect, conserve and increase the value of property. Ground-mounted solar photovoltaic systems are an allowed use in the subject zoning district under the Bylaw upon the issuance of a special permit. The proposed solar facility is a passive use of the land that will not generate excessive or objectionable heat, smoke, light, glare, noxious fumes, pollution, or noise. It will be designed in accordance with applicable State and Federal Codes, and will help to preserve the remainder of the Wilson property.

2. That the proposed use will not create undue traffic congestion nor unduly impair pedestrian safety.

Once installed, the only traffic to the site will be infrequent trips made by maintenance and service technicians to inspect the installation. Accordingly, there will be no traffic generated by the project to affect existing traffic flow or impair pedestrian safety. The Board also finds parking to be sufficient to serve the proposed use as required under Section 6.1.1.H.

3. That the proposed use will not impair the integrity or character of the district or adjoining zones, nor will it be detrimental to the health, safety, or welfare of neighborhood or the Town

The proposed facility is a passive use of the land, which will not generate excessive or objectionable heat, smoke, light, glare, noxious fumes, pollution, or noise. It will be designed in accordance with applicable State and Federal Codes. There will be a twenty-five (25) foot undisturbed vegetative buffer zone along the property lines that abut the neighboring properties, supplemented by planting of evergreen trees, to screen the project from abutting property owners. As such, the project as conditioned will not be visually intrusive, nor will it affect the health, safety or welfare of the neighborhood or the Town.

Based on these findings, the Spencer Zoning Board of Appeals, as Special Permit Granting Authority pursuant to Section 7.2.1 of the Spencer Zoning Bylaw, voted 3-0 to approve the Special Permit as herein described, subject to the following conditions:

Conditions:

1. The project shall be limited in scope and use to what is described in the plans identified as sheets OSP – 1 (Overall Site Plan), and LP-1 (Landscape Plan) and the above summary and as conditioned herein. Any expansion of structures, additional structures, or change in use shall be subject to amendment of this approval. Additional permits and approvals may be necessary depending on the nature and scope of proposed changes.
2. Construction activities shall not commence until all required approvals and permits are obtained.

3. The project shall meet applicable industry standards and federal, state, and local requirements for construction of solar arrays.
4. Warning signage shall be installed in accordance with all applicable laws and regulations along the fence surrounding the project.
5. There shall be no permanent exterior lighting at the site (i.e lighting may only be used as necessary for emergency night repairs).
6. The applicant shall provide a soundproof barrier around three sides (north, east, and south sides) of the equipment pad for System #2 (the pad closest to Paxton Street). The barrier shall consist of metallic sound absorbing acoustic paneling as shown on plan submitted to the Board.
7. All access to the site for construction shall be via the temporary access road off Wilson Street.
8. Construction of transformers, inverters, arrays and fence surrounding the property shall be no higher than eleven (11) feet from the ground.
9. Within one (1) year after the construction of the ground-mounted solar facility, the property owners at 59, 61, 63 and 65 Paxton Road (Assessors Map 37, Parcels 3-3 through 3-6, respectively), who abut the project locus, may contact the Building Inspector and request that up to eight (8) additional Colorado Spruce and/or Colorado Blue Spruce trees (8' to 10' tall at installation) per abutting property (maximum of 32 additional trees) be planted to supplement the existing and proposed vegetative screening. The new trees can be planted on the project locus or on the respective property owner's abutting properties. If the new trees are located on the abutting properties, then the maintenance of the trees on said property will be the responsibility of the respective property owner. If the new trees are to be installed on the project locus, they may be installed between the property line separating the project locus and respective abutting property and the eastern edge of the supplemental buffer zone as shown on the landscaping plan (LP-1) that is incorporated by reference in this decision.

Ms. Kresco seconds the motion.

VOTE: is 3-0 in favor

Approval of Minutes: for June 12, 2012 and June 26, 2012

MOTION: Ms. Kresco makes a motion to approve the minutes for June 12, 2012. Mr. Collette seconds the motion. VOTE: is 4-0 in favor

MOTION: Mr. Kresco makes a motion to approve the minutes for June 26, 2012. Mr. Collette seconds the motion. VOTE: is 4-0 in favor.

Election of new ZBA Chair: Joanne Backus is resigning from the Board as of the end of this meeting July 10, 2012. The Board will need to elect a new Chair. Ms. Backus nominates Allan Collette as

Chair, the Board agrees. **MOTION:** Ms. Backus makes a motion to elect Mr. Collette as Chair. Ms. Kresco seconds the motion. **VOTE:** is 4-0 in favor.

Election of new ZBA Clerk: **MOTION:** Ms. Backus makes a motion to make Dee Kresco the clerk. Mr. Collette seconds the motion. **VOTE:** is 4-0 in favor.

Mr. Drexler will now be a full ZBA member, no longer the alternate member.

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 7:40pm

Submitted By: Brynn Johnson, ODIS Junior Clerk

Approved by the Zoning Board of Appeals on 8-14-2012.

List of Documents used on July 10, 2012:

Items mailed to ZBA members prior to meeting:

- Agenda
- Memo from Michelle Buck, Town Planner dated 7-05-12
- Special Permit Draft Decision for Borrego Solar 115 Wilson Street

Items submitted at meeting:

- Borrego Solar 115 Wilson Street revised plan dated 7-02-2012