



Zoning Board of Appeals – Town of Spencer

Minutes

Zoning Board of Appeals Meeting **Tuesday, January 12, 2016 at 6:00 PM** McCourt Social Hall Memorial Town Hall

Zoning Board Members Present: Dee Kresco, Allan Collette and Robert Emerson

Zoning Board Member Absent:

Staff present: Monica Santerre-Gervais, Clerk & Larry Smith, Town Planner

1. Open Meeting – Mr. Emerson opens the meeting at 6:16pm

2. Continued Variance: Nicola Viapiano/8 Laurel Lane

Ms. Kresco read aloud the description: Applicant/Owner: Nicola Viapiano. Location: 8 Laurel Lane, Spencer Assessor's Map U31-42. The applicant is requesting Special Permit under Sections 7.3 of the Spencer Zoning Bylaw applying for a variance in order to build a single family home on a non-conforming lot. The property is located within the lake residential zoning district.

Mr. Smith read aloud the Letter of Withdrawal that was submitted by the applicant. Mr. Collette asked why the applicant can now build on the lot. Mr. Smith answered that the applicant met with the Building Inspector and he determined that the lot it is a pre-existing non-conforming lot and the lot was a legal lot when it was created. Mr. Collette asked if any paperwork was submitted by the Building Inspector. Mr. Smith said no. Mr. Collette would like paperwork to back up decisions.

Original owner, Marian Cogswell, mentioned she was the original owner of the property in the 1970's. They were told that they had 3-4 years to build on the lot or they would lose the grandfathering. Ms. Cogswell mentioned that they did not realize they lost the grandfathering when they put it on the market and they sold the lot cheaper because they were told it was not a buildable lot. Mr. Smith said that at the time it was created the lot was a pre-existing non-conforming lot, zoning did change and was no longer in compliance, but if it had at least fifty feet of frontage, the lot size is 5,000 sqft and it is not held in common ownership, then it was grandfathered forever. Ms. Cogswell said that the position has changed hands and it is unfair that she was told different by Adam Gaudette and lost money on the land. Mr. Smith further explained that if a person had 5 lots under common ownership then they could sell 3 of those lots as buildable lots within 5 years or they would be combined. Mr. Collette asked when Ms. Cogswell spoke with the Building Inspector and she answered that she spoke with him when she received the notice. Mr. Smith asked if it was made with three lots and if Ms. Cogswell owns the abutting lots and she said yes. Mr. Smith said that may make a difference but the Building Inspector may not be aware of it. Ms. Cogswell answered that she explained that to the Building Inspector but now they have enough room and have an accepted septic plan and she really wants to see the new house plans. Mr. Smith said that the only recourse of action would be to appeal the building permit.

MOTION: Mr. Collette motioned to approve the Letter of Withdrawal submitted by Nicola Viapiano for the variance at 8 Laurel Lane.

SECOND: Ms. Kresco

DISCUSSION: None

VOTE: 3-0

3. Continued Special Permit: Paul Vandale/20 Sherwood Drive

Ms. Kresco read aloud the description: Applicant/Owner: Paul Vandale. Location: 20 Sherwood Drive, Spencer Assessor's Map R53-33. The applicant is requesting a Special Permit under Sections 4.2.A.6 of the Spencer Zoning Bylaw applying for an accessory apartment. The property is located within the rural residential zoning district.

Paul Vandale was present for the meeting. Mr. Vandale mentioned that when the home was built and he has lived there for 11 years. The home has an in-law apartment that was built with the home and it was for his father and his mother. Mr. Vandale's father had a heart attack and he is there 4-5 months out of the year to go to his doctor's appointments. The house is 4000 sqft and the in-law apartment is 1200 sqft, the in-law apartment has its own meter and access. Mr. Collette asked why he needs the permit now. Mr. Vandale said he would like the in-law apartment to be legal. Mr. Emerson asked if it is because he wants to sell the home and Mr. Vandale answered yes.

Mr. Smith read aloud the criteria for having an in-law apartment under the Town of Spencer's Zoning Bylaws:

4.8 Special Use Regulations

4.8.1 Accessory Apartments. Notwithstanding the minimum lot size requirements of this Zoning Bylaw, construction of an accessory apartment is allowed upon the granting of a special permit by the Zoning Board of Appeals, either within or attached to (by a completely enclosed breezeway type of structure), a new or existing detached single-family dwelling subject to the following requirements:

- A. The residence must be owner-occupied.
- B. There will be only one accessory apartment per residence.
- C. The outside appearance of the premises shall remain that of a single-family residence.
- D. The accessory apartment shall have its own separate entrances from the outside.
- E. There shall be at least one off-street parking space, but no more than two, provided for the accessory apartment.
- F. The accessory apartment shall have no more than one bedroom, plus its own complete kitchen and complete bath and toilet facilities.
- G. Size of the accessory apartment is to be limited to no larger than one-third of the floor space of living area of the residence but in no case larger than 700 square feet.

H. Any addition(s) to the single-family structure, whether or not the addition houses the accessory apartment, shall not increase the floor space of the living area of the existing structure by more than 700 square feet. (Amended 10/29/09 Article 2)

I. All applicable federal, state and local building and health codes must be satisfied including all bylaws of the Town of Spencer, including adequate provision for water supply and sewage disposal.

Mr. Smith noted that Mr. Vandale already mentioned that the in-law apartment is 1200 sqft and therefore doesn't meet the requirement. Mr. Vandale asked if the 700 sqft requirement could be waived. Mr. Smith said that he can try and get a variance from the Zoning Board of Appeals but variances are difficult to get. Mr. Emerson asked if there was internal access and Mr. Vandale said no. Ms. Kresco asked if the septic is approved to handle that many rooms. Mr. Vandale said the home has four bedrooms and the septic was designed for four bedrooms. Mr. Smith said the regulations are firm on the square footage being 700 and the in-law apartment was designed illegally. Mr. Vandale said the in-law was for his parents and he wanted to give them more space. Mr. Smith asked if he designed it and Mr. Vandale said he bought it and didn't know he needed to get the special permit. Mr. Collette recommended that Mr. Vandale meet with the building inspector and then possibly go for the variance after.

MOTION: Ms. Kresco motioned to continue the meeting to February 9, 2016.

SECOND: Mr. Collette

DISCUSSION: None

VOTE: 3-0

4. Special Permit: Jenner Renewable Holdings (Solar), Inc/Treadwell Drive

Meeting opened at 6:44 pm. Ms. Kresco read aloud the application description; Applicant: Jenner Renewable Holdings (Solar), Inc, Owner: Douglas Mullens. Location: Treadwell Drive, Spencer Assessor's Map R30/97&98. The applicant is requesting a Special Permit under Sections 4.2.B.3 of the Spencer Zoning Bylaw applying for a "major utilities" ground solar farm site. The property is located within the rural residential zoning district.

Hem Shanker, Jenner Renewable Consulting, and Frank Biccheri, Bertin Engineering, were present for the meeting. Mr. Shanker spoke about how the original Treadwell solar farm should be completed. The proposed application is for an adjacent solar facility to build by the end of 2016, they are planning on having the access road as the same as the original Solar Farm and will build a road between. They are looking to keep some trees for visibility, they will keep 100 feet away from the wetlands, and they will stay farther away from abutters. The original Treadwell Solar project had adequate frontage and Mr. Shanker felt they should not have a problem with frontage.

Mr. Emerson asked about the wetlands being marked on the plan. Mr. Shanker said they are shown and came up to point them out. Mr. Emerson asked about a proposed fence. Mr. Shanker replied they will be putting up a 7 foot fence as in accordance with electrical and building code. Mr. Emerson asked about drainage and the basin shown on the plan. Mr. Biccheri said they will be putting in three swales and it will be surface drainage. Mr. Emerson asked if they would be planting grass as a buffer. Mr. Biccheri said yes it's a solar mix they use. Mr. Shanker

mentioned they know they will have to go through the Planning Board and Conservation Commission and they have worked well together before and they followed in accordance with everything that was asked of them. Mr. Smith then explained to the abutters the process between the Special Permit and Site Plan Approval and what the boards review and approve.

Ms. Kresco asked about a new entrance and the access road. Mr. Shanker said it will be the same access as 22 Treadwell Drive and the same owner. Mr. Smith pointed out that on the plans there is a proposed access road that does not have adequate frontage. Mr. Shanker said they changed it since they submitted the application. Mr. Smith asked how long the construction would take and Mr. Shanker said a few months. Mr. Smith asked how many trips to the site would take place once the project is completed. Mr. Shanker mentioned that it could be up to 2-3 times per month because the panels are self sufficient. Mr. Smith asked about the buffers between clearings and occupied residential lots, what the distance is, and the impact. Mr. Biccheri said the closest to the lot line is 70 feet, panels are 300 feet, and woods clearing are 200 feet. Ms. Kresco asked what types of trees would be used. Mr. Biccheri said deciduous trees with some evergreens. Mr. Smith asked what the abutters will see once the leaves are off the trees. Mr. Biccheri said they will probably see the fence and they will most likely do landscaping in front of the fence to improve the area. Mr. Smith asked if there's a standard distance that if you're looking through a leafless forest would the trunks of the forest provide a screen. Mr. Biccheri answered that every site is different and depends on how thick it is.

Mr. Collette asked about the sun and what direction the panels would be facing and Mr. Biccheri answered northwest. Mr. Collette asked about the clearing and intent. Mr. Biccheri said they will be clearing trees but leaving the stumps. Mr. Collette asked if the trees would get in the way of the panels and Mr. Biccheri said no. Mr. Smith mentioned that the line of site was not that much, asked if the panels had to be that close to the abutters, and if they needed a minimum amount of panels to make the project financially viable. Mr. Shanker said yes they needed to go close to the abutters with the panels because they were avoiding the wetlands. Mr. Collette asked if the natural vegetation is staying and Mr. Biccheri answered yes. Mr. Emerson asked if they had a contingency plan if the proposed basin overflows. Mr. Biccheri said there is an emergency spillway to spill out into the road, a rip rap spillway, but is only conceptual right now. Mr. Collette asked how long the technology lasts. Mr. Shanker replied that they hope 50 years but may start to degrade after 25 years, could swap out for more efficient panels, but they continue to maintain with hopes they will last for the 50 years. Mr. Collette asked about changes in technology and if they would swap the panels. Mr. Shanker said they wouldn't consider swapping panels until the 25 year mark. Mr. Collette spoke about the technology changing in 20 years and the panels may not be around in 20 years. Mr. Shanker spoke about handing in a decommissioning plan, which, he's submitted in the past.

Mr. Smith asked about the difference in elevation between the low points of the homes and highest point to the project. Mr. Biccheri said a 40 foot rate change. Mr. Smith asked if there was any kind of evergreen they could plant around the rear property line where the homes are. Mr. Biccheri said they were planning on evergreens being planted in front of the fence. Mr. Smith asked what will be seen when you look up with a 40 foot incline. Mr. Biccheri said they would need to do a site section to give a more comprehensive answer. Mr. Smith asked what the highest point of the panel was from grade. Mr. Shanker said they could provide cross section plans. Mr. Emerson asked how they would collect energy. Mr. Shanker explained about the

panels and how the current comes from East Brookfield. Mr. Emerson opened the meeting to the public.

Joseph LaTour, 8 Treadwell Drive, stood up and addressed the Zoning Board of Appeals and applicant. Mr. LaTour hung up a plan and shows the wetland that the applicant doesn't show. He explained that there are no mature trees where the applicant had mentioned there would be, the biggest trees you can still see the panels, and all Mr. LaTour will see coming out of his home is a cascading sea of solar panels. Mr. LaTour quoted the Spencer, MA Zoning Bylaws 7.2.3

Findings, and Page 7-2, Article 7. Administration

The Special Permit Granting Authority may grant special permits for certain uses or structures as specified in the Use Table (Section 4.2) and elsewhere in this Bylaw. Before granting a special permit, the Special Permit Granting Authority, with due regard to the nature and condition of all adjacent structures and uses, shall find all of the following conditions to be fulfilled:

- C. 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 the neighborhood or the Town.

Mr. LaTour went on to explain that the character of the land and the neighborhood will change because this is a residential neighborhood. The proposed water diversion techniques will go to Mr. LaTour's pond and during spring it is already full. When the entire property fills up with water it's already 3ft deep, why can't they mitigate the water, cannot divert the water. Mr. LaTour said he did not receive notice about the first phase of Treadwell Solar Farm and should have. The animals are being diverted and are confused on his property. You can hear and feel the excavator, there is so much traffic on the road, all the abutters' lawns and driveways are ruined by the construction vehicles. What will happen with the panels after the 25 years? The character of the neighborhood is going to be ruined; Spencer, MA is a farming town, and these solar farms are ruining the land. Mr. LaTour continued to explain that all the trees are dead and fell over, and the tallest trees are his trees on his property. Mr. LaTour expressed confusion about the permitting process for the plan review process and believes that the process is being done wrong and the applicant doesn't have everything in order. Raised culvert for 25 year storm, explained that water rose and gets tons of extra water. Mr. LaTour mentioned that it took 2-2 ½ years to complete the construction of the first project. The road is a 20 mph road and the construction vehicles are making the road unsafe by zipping down the road and it is no longer safe for his children to play outside. This is going too far with adding this portion to the original solar farm.

Peter Strand, 6 Treadwell Terrace, there is over 100 acres of solar field between East Brookfield and Spencer, MA. Mr. Strand lives 600-700 ft away and he can see every panel, there are very few evergreens all deciduous, and he can see the whole hill. Also, Mr. Strand said that when the water runs through Mr. LaTour's property then the water will run into his property. Mr. Strand explained he moved to his house because it was peaceful and wooded but now the character of the neighborhood is being ruined because of the solar farms.

Ted Mullens mentioned that the abutters can always buy the property to avoid it. Mr. Mullens explained that the proposed property belongs to his brother, Douglas Mullens, and he argued that

the integrity of the neighborhoods character has already been affected by the previous solar project and they should allow this solar farm. Its renewable energy and the world needs it, it's a good thing, and the neighborhood has already been changed and it's too little and too late.

Mr. LaTour stated that the people who own the land and the panels are going to benefit and make money. However, he will never be able to sell his home because the property value will go down. The solar farm does not benefit the abutter or neighborhood and the 3.8 megawatts is not going to make a difference. Mr. LaTour mentioned putting solar farms where there is already cleared areas with electrical lines.

Mr. Mullens said that the neighborhood is already affected and it's done.

Audrey Roberts, 18 Treadwell Drive, because of the first solar farm her property suffers from wind damage and she has already gone through three storm doors. You cannot see the panels from her deck; however, if you look at the top of the fence you can see all the solar panels (Ms. Roberts's submitted pictures to the Zoning Board of Appeals). She continued that the fence is set up in a horrible way for snow, when the snow plow pushes all the snow up to her fence it comes through on the bottom and when all the snow melts she will get water in her home. Ms. Roberts mentioned that the trucks fly through at 5:30 am and they leave their trucks idling on her property until the gates are opened at 6:00 am and they start their construction with loud excavators and machinery (Ms. Roberts submitted pictures on the construction vehicles that she can see at her property). The construction has taken over 2 years because the project has changed ownership three times. Ms. Roberts let them know that if they allow this solar farm then she would have panels on all three sides of her home.

Mr. Collette asked if anymore panels need to go in for phase 1. Mr. Shanker said he was told all the panels are in and the construction was supposed to end by December 2015. Ms. Roberts said her home is older and now it is completely worthless because of the solar panels. In addition, teenagers try to break in to party and the solar farm is costing her money.

Mr. Shanker responded to some of the abutters concerns; he said they have to do a drainage plan that gets approved by the town. Also, they put money in a fund that is set aside to decommission the panels. Mr. Bicchieri spoke about the boundary line and there was much discussion about visual of the site. Mr. Strand asked if it mattered that the map and parcel advertised was wrong. Monica Santerre- Gervais said it was re-advertised in the Telegram and Gazette when Mr. Strand came to the Town Hall to point it out and the abutters got re-notified with the correction as well. The Zoning Board of Appeals was corrected with the map and parcel in that it should have been read as Spencer's Assessor's Map R30/52.

Mr. Emerson said that a site visit should be done with the Zoning Board of Appeals. Mr. Collette asked about the turnover in ownership of the solar farm. Mr. Shanker said Brett Chapman originally owned it but could not finance, Jenner Renewable Holdings bought and developed from Canada but it was hard to go through the banking process, sold to NewGen who has the capital. Currently, Jenner Renewable Holdings are the developer and will change ownership to NewGen. Mr. Smith explained it is not unusual for this to happen.

Mr. Collette would like to go to the site and asked if the setbacks were marked. Mr. Bicchieri

said no but they can meet onsite. Mr. Collette would like to see markings, where the fence will go, where the panels will go, and where it will start. Mr. LaTour and Mr. Collette spoke about property lines, wetlands, stone walls, and access through the cart path. The Zoning Board of Appeals discussed having the official onsite meeting, would like abutters, and applicants to be there and to do sooner than later. The onsite meeting was scheduled to take place on Saturday January 16th, 2016 at 10:00 am.

MOTION: Mr. Emerson motioned to continue the meeting to February 9th, 2016 to start at 7:15pm. The Zoning Board of Appeals will hold a walk thru onsite on Saturday January 16th, 2016 at 10:00 am.

SECOND: Mr. Collette

DISCUSSION: Mr. Emerson explained that the Zoning Board of Appeals needs to follow the open meeting law and they are not able to discuss amongst themselves.

VOTE: 3-0

5/6. Special Permit: 19 Woodchuck Lane & 48 Paxton Road were presented together.

The hearing was opened at 7:59 pm and Ms. Kresco read aloud both descriptions.

Special Permit - Applicant: ZPT Energy Solutions, LLC, Owner: Daniel Lemanger. Location: 19 Woodchuck Lane, Spencer Assessor's Map U16/54. The applicant is requesting a Special Permit under Sections 4.2.B.3 of the Spencer Zoning Bylaw applying for a "major utilities" ground solar farm site. The property is located within the suburban residential zoning district. Special Permit - Applicant: ZPT Energy Solutions, LLC, Owner: Blair Enterprises, LLC. Location: 48 Paxton Road, Spencer Assessor's Map U17/1&2. The applicant is requesting a Special Permit under Sections 4.2.B.3 of the Spencer Zoning Bylaw applying for a "major utilities" ground solar farm site. The property is located within the rural residential zoning district.

Brendan Gove, Manager of ZPT Energy Solutions, LLC, explained that it is two separate 2 megawatt solar facilities located off of Paxton Road. Mr. Gove went through frequent questions that he has received in the past such as hazardous materials and that the panels are only aluminum and have no hazardous materials, referenced from the Department of Energy. The electromagnetic frequency is the same as the car stereo (electrical waves). The noise-inverters, noise decibels are between 65-85 decibels, which, is as loud as a window air conditioner like a hum. Mr. Gove mentioned that there is a signed contract in place between the Spencer/East Brookfield School District and they intend to supply some of the electricity from the solar farms to the schools with a savings of \$95,000.00 on an annual basis and an additional tax income of \$15,000-20,000 per year.

William Hannigan, Hannigan Engineering, and his associate Chris Anderson were present at the meeting to discuss the site. Mr. Hannigan explained that at the first meeting with the Planning Board they had received feedback from the Planning Board and the abutters and have since made plan changes. Specifically, the access road located next to Mark Eckleberry's property, they pushed the access road to the other side of the home, and there will be gravel below with grass on top and will be maintained quarterly. The power poles will be relocated. The wetland delineation has been finalized with a 25 foot buffer from the wetlands. Mr. Hannigan said the main abutters are located on Paxton Road and they have concerns about screening and drainage.

Currently, the abutters have water issues already and they do not want to be affected more, the Conservation Commission, Town Planner, and Utilities and Facilities manager were notified. The DPW is looking into it but there is nothing blocking it but just the way the land is laid out. Mr. Hannigan went into detail about putting in stone swales to capture the water, emptied into detention basin, and an outlet into a level spreader. Also, Mr. Hannigan a 25 year storm and how they need to handle their responsibility to the site. The layout of the panels would be facing south, with a 20-30 ft berm, they will be 200 ft from the property line from the first panel, they will have limited clearing because they will keep the vegetative forest, will not have additional screening because the natural vegetation would be adequate, and the height of the panel at the low point is 2- 2 ½ ft off the ground at high point 7-7 1/2 ft off the ground.

Mr. Emerson said he is confused about the access to the lot. Mr. Hannigan said they will have one access road with an easement. Mr. Emerson if they have adequate frontage. Mr. Smith explained that there is a minimum frontage requirement for this use and the Building Inspector does not believe they have any frontage. Mr. Hannigan said it is a pre-existing non-conforming lot and the use should be allowed. Mr. Smith explained that a pre-existing lot is only for a single family home not for commercial use. Mr. Emerson asked if they would try for a variance. Mr. Smith said a variance was suggested but the applicant has not applied for one. Mr. Emerson asked about tearing down the home on the property so it can be the principle use. Mr. Gove said that decision has not been made and referenced exemptions according to Mass General Law chapter 40; section 3C, with respect to solar farms and how they cannot be unreasonably withheld in certain areas and frontage is not identified as long as the access is safe. Mr. Smith said this is all still being determined. Mr. Emerson asked about decibels and if the Conservation Commission was involved. Mr. Hannigan said they are working with the Conservation Commission and there meeting is on 1/13/16. Mr. Emerson asked if the home was in use and Mr. Hannigan said yes.

Mr. Emerson opened the hearing to abutter.

Steve Prouty, 335 Main Street, asked about where street are and where the building traffic will run through. Mr. Hannigan pointed out to Mr. Prouty where on the plan he is located and explained that the traffic will be on Paxton Road. Mr. Gove said they will not use Woodchuck Lane for construction traffic. Mr. Prouty asked how far behind Mr. Lemanger's house is the solar array and Mr. Hannigan said 200 ft from the backside of the home.

Mark Eckleberry, 44 Paxton Road, cannot understand why there is a meeting without having a finalized plan especially when the building inspector has told them they need to have another access. Also, he is concerned about pesticides that may be used and whether the trees will come down after approval. Mr. Hannigan explained that this is the process and the plans were changed because they received feedback from the Planning Board and abutters. Mr. Eckleberry asked about the trees from the school, he addressed that the road is small and school buses can't get down the road how would construction vehicles fit, and he was concerned about where the construction vehicles will park. Mr. Hannigan said they are still working on when they will be starting construction but the process could be up to six months. Mr. Gove said installing panels is two weeks; site prep would be a month or a month and a half, the inverters are two weeks, the timeframe should be 3 months but conservatively possibly 6 months. Mr. Collette asked if they were sure about the timeframe considering it took the previous solar company much longer. Mr.

Gove explained that they were putting solar panels on 15 acres where the previous hearing before them was 100 acres. In addition, Mr. Gove said they would complete construction around schools, drop/pickup times, etc. Mr. Hannigan explained that they could create a parking area on the access road to try and stay off the road because of the road size concern. Mr. Smith asked how wide would be the road. Mr. Hannigan said they were only going to make it 10 ft but will make it wider for the trucks to park.

Mr. Emerson commented that he was not happy about the access road because of how narrow the road is. Mr. Eckleberry thinks the timeframe is wrong. Mr. Emerson asked about the home being affected by the access road and whether the home was being rented. Mr. Eckleberry stated the person doing the project on Paxton Road it is his home. Mr. Gove explained that the intentions of Blair's property are not his issues and the construction should only be 3-6 months. Mr. Eckleberry mentioned the gate location and how there would be no room for construction vehicles to park on the road. Mr. Hannigan further explained that the gate would be up higher and there will not be any trucks waiting on lawns. They are eliminating the fence in the access road and the gate will only be at the solar panels. The fence will be six feet high with a 6 inch space on the bottom to allow habitat to go through. Mr. Gove also said they will develop a staging area. Mr. Eckleberry asked how many people max at one time and Mr. Gove answered the electrical crew is 35 guys. Mr. Eckleberry was concerned about all the guys being at the access road at one with vehicles and Mr. Gove said they would fit. Mr. Hannigan will address the construction was unaware of traffic and will work on it.

Mr. Collette mentioned that they have seen 5-7 solar farms and have become pretty familiar with what is required. Mr. Hannigan is working with the abutters to try and make things better. Mr. Eckleberry the house value was brought up at the Planning Board meeting and Mr. Gove said that for every person who doesn't want to be around solar farms someone else will and Mr. Eckleberry did some research and discovered that home values drop 5-7% and everyone make out but the abutters. Mr. Gove said they could offer electrical discounts to surrounding abutters. Mr. Collette said everyone has different prospective and items need to be worked out with building inspector and they can iron out the details.

Sheila Grant, 38 Paxton Road, asked about what the quarterly maintenance entailed. Mr. Gove said scheduled maintenance three times a year, before and after winter and once in the summer, they do not remove snow from the panels because it could damage the panels, they do use a low growth groundcover that is for solar, and they do not use pesticides. Ms. Grant is concerned with drainage and already has water problems. Mr. Hannigan said she is near a wetland and the water rises in that area and has a natural berm. Ms. Grant said she was not notified before. Ms. Santerre-Gervais answered that this was the meeting to express concerns and nothing is official. Ms. Grant did not get notified for the first meeting; however, the hearing notice and abutter notifications were re-posted and re-sent.

Mr. Gove mentioned how they design plans and how they hire engineers; they pay a town engineer to review in order to check wetlands and land delineations, stormwater, and basins. Mr. Collette asked about the total acreage and Mr. Hannigan said 15-16 acres. Mr. Collette asked about power generated and Mr. Gove said it is a 2 megawatt/ac solar facility and would be 7 million kilowatts hours per year and can be used for 160 homes. Mr. Collette asked about surrounding town and consumption. Mr. Gove said there will always be 5 times more draw than

any solar then they can install. Mr. Smith asked at the Planning Board meeting if they could do a cross section plan and Mr. Hannigan said they will have that for the next Planning board meeting. Ms. Grant asked if there will be a protective fence for the school. Mr. Hannigan responded that there will not be a fence on the access road. Ms. Grant was worried about runners at the school because she is a teacher there and it has happened.

Jeff Berthiaume asked again about the drainage and how the water will flow down to abutters. The wetlands behind him will not take a 25 year storm. He spoke about the pipe underground/under the street, so the wetlands can drain out. Apparently, the pipe was put in during the 1960's by the DPW to try and fix the water issues. Mr. Berthiaume is worried that there will be more water to come and he wants to be assured there will be proper drainage and he did not receive notice for the Conservation Commission meeting. Mr. Hannigan said certified mail went out and he will need to check on his notice. Also, Mr. Hannigan discussed more on the drainage with the rate of water and how they are working with Conservation Commission to deal with the drainage and they are working with the DPW. Mr. Berthiaume added that the frontage issues haven't been fixed and if the applicant is buying property on route 9. In addition, he added that Mr. Belanger's home is vacant, that home should be torn down, and use that for their access road. Currently, Mr. Belanger's vacant home was bought at \$90,000.00 and the town has restricted Mr. Belanger from renting out the home because it is not up to code. Mr. Berthiaume added that three abutters have offered to buy the land so that the access road is not near Mr. Eckleberry.

Mr. Collette announced that this hearing will need to be continued until the applicant has put everything together and finalized plans are completed. Mr. Gove said he would like a one month extension and to come to the next meeting. Mr. Prouty asked if the applicant has a contingency plan for the frontage and Mr. Gove answered that he could not say no or yes on the matter.

MOTION: Mr. Collette motioned to continue both hearings for ZPT Energy Solutions (Paxton Road & Woodchuck Lane) to February 9th, 2016 with the meeting starting at 7:15 pm.

SECOND: Ms. Kresco

DISCUSSION: None

VOTE: 3-0

7. Approval of Minutes:

- **November 10, 2015**

MOTION: Ms. Kresco motioned to accept the minutes as written.

SECOND: Mr. Collette

DISCUSSION: None

VOTE: 3-0

- **December 08, 2015**

MOTION: Ms. Kresco motioned to accept the minutes as written.

SECOND: Mr. Collette

DISCUSSION: Mr. Emerson was not present at the 12/8/2015 meeting to vote

VOTE: 2-0

8. Adjournment: with no further discussion the meeting is adjourned at 9:20 pm

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals on: **2/9/2016**

List of Documents used on January 12, 2016:

ZBA mailing

Items mailed to ZBA members prior to meeting:

- Agenda
- Minutes from 11/10/2015 and 12/08/2015
- Variance applications, plans, and notice of withdrawal for 8 Laurel Lane
- Special Permit application and plans for 20 Sherwood Drive
- Special Permit application and plans for solar farm on Treadwell Drive
- Special Permit application and plans for solar farm on Paxton Road
- Special Permit application and plans for solar farm on Woodchuck Lane

Items submitted to ZBA members at the meeting:

- Pictures submitted by abutter to Treadwell Solar Project