



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, January 15, 2019 at 7:00 PM

McCourt Social Hall, 157 Main Street Spencer, MA 01562
Memorial Town Hall

Planning Board Members Present: Chair Jonathan Viner, Vice Chair Jeff Butensky, Robert Ceppi, Shirley Shiver and Maria Reed

Planning Board Members Absent: None

Staff Present: Paul Dell'Aquila, Town Planner and Monica Santerre-Gervais, ODIS Senior Clerk

Staff Absent: None

1. Mr. Viner opened the meeting at 7:02pm

2. Adoption of Minutes: December 18, 2018

Mr. Butensky asked why the minutes were moved up on the agenda and Mr. Viner said he would like to refresh and review from the last meetings.

MOTION: Mr. Ceppi motioned to approve the minutes from 12/18/18

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 5-0

3. ANR: John Flint/ Taze Picard, 66 Bacon Hill Road/94 E. Charlton Road-Boundary Line Adjustment

Jason Dubois, DC Engineering, was present for the meeting.

Mr. Dell'Aquila mentioned that they received the plan last week and currently 94 East Charlton Road is developed with a 2,971 sq. ft., single-family home on 6.22 acres (R8-51-3), and adjacent 66 Bacon Hill Road is developed with a 2,759 sq. ft., single-family home on 5.35 acres (R8-29). The purpose of the plan is to create a new 0.6429-acre (Lot#66A) out of land owned by Picard and transfer it to Flint to create one contiguous parcel; and also to create a new 0.6429-acre (#94A) out of land owned by Flint and transfer it to Picard, to create one contiguous lot. Both lots are currently conforming for lot size in the RR zone, and both lots would remain the same size after the proposed action. Both lots are currently compliant in regards to frontage and setbacks, and would remain so after the proposed action. Mr. Viner wanted verification on when the ANR was accepted and who on the Planning Board got to review the plan before the meeting. Mr. Dell'Aquila said he received the plan on Tuesday and even though the deadline was Monday he was out sick and accepted it. Mr. Ceppi asked for clarification for the plan. Mr. Dubois came up to the Planning Boards to try and clarify the questions about the plan. Mr. Ceppi asked if the corner lot has anything to do with the lots and Mr.

Dubois said no. Mr. Butensky asked if there was a house on the lots and Mr. Dubois said yes and they are 110 ft. away from the lot line.

Mr. Ceppi asked why the whole road wasn't on the plan and Mr. Dubois said the scale would be too small and he put it on the locus. Mr. Ceppi asked if there were scale requirements for ANR's and Mr. Dubois said the Registry of Deeds requires a certain text size and if he reduced the scale size the text will not be compliant. Ms. Shiver said they should be able to see both lots with the square footage. Mr. Ceppi wanted to know if the Town of Spencer's bylaws have scale requirements for ANR's and Mr. Dell'Aquila read aloud a plan requirement bylaw. Mr. Ceppi said he wants to see the frontage or area of the lots. Mr. Dubois said around 6 acres. Mr. Viner said he needs to see the total area on the plan. Mr. Dell'Aquila said he reviewed the property cars and the sizes were compliant with what was needed for zoning. Mr. Dubois said that 66 Bacon Hill Road will have 5.37 acres and 94 E. Charlton Road will have 6.217 acres and the land is an equal swap. Mr. Ceppi said he does not believe the plan is complete and questioned if Mr. Dell'Aquila had time to review the plan and Mr. Dell'Aquila said he did. Ms. Shiver stated they need to see the lot sizes on the parcels. Mr. Butensky said it should show Bacon Hill Road. Mr. Ceppi recommended making it a 60 or 80 scale drawing. Mr. Dell'Aquila said if the Registry of Deeds requires a certain scale than we should adhere to that. Mr. Dubois repeated that it's not the scale size it's the text size. Multiple Planning Board members were dissatisfied with the plan and Mr. Ceppi requested that the applicant come back with a revised plan and possibly two separate plans. The applicant will return for the February 19, 2019 meeting.

4. Continued Special Permit – Applicant/Owner: James Caruso, Caruso Construction; Location: Intersection of Barclay Road and North Spencer Road, Spencer Assessor's Map R56-41 & R56-4-2. The applicant is requesting a Special Permit under Section 6.2.5 of the Spencer Zoning Bylaw to install a Common Driveway serving the two lots. The property is located within the Rural Residential zoning district.

James Caruso, Caruso Construction, was present for the meeting.

Mr. Dell'Aquila reviewed the past public meetings for this application and mentioned at the last meeting the request from the Planning Board members was to have the applicant return with an easement/maintenance agreement. Mr. Dell'Aquila sent Mr. Caruso some examples from a previous application and Mr. Caruso's attorneys revised the requirements to meet the board's requirements. Mr. Caruso added that he wanted to make sure the Planning Board received the new plans and easement/ agreement.

Mr. Viner asked if they received the letter from the engineer regarding his qualifications, Mr. Dell'Aquila said that the letter was handed out at a previous meeting and discussed. Mr. Shiver added that the Professional Engineer (PE) stamp is sufficient. Mr. Viner said he felt a Civil Engineer stamp met the requirements and he was looking for the PE's qualifications. Ms. Shiver responded that a PE meets the requirements of the bylaw and we want to change what we accept than the bylaw will need to be changed. MR. Dell'Aquila read aloud Zoning Bylaw section 7.4.4 Preparation of Plan subsection B. "Site Plans shall be submitted on 24 inch by 36 inch sheets and shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate." Mr. Viner asked if all the new material will be what's recorded and Mr. Dell'Aquila said that all the new material will supersede the original submitted documents. Mr. Viner asked if the ANR plan contains the same easement and Mr. Caruso said a separate easement was recorded.

Mr. Viner opened the meeting to the public and there were no comments.

MOTION: Ms. Shiver motioned to close the public hearing for the Common Driveway Special Permit.

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 5-0

MOTION: Ms. Shiver motioned to approve the Common Driveway Special Permit to James Caruso with the condition that the applicant must demonstrate that both this Special Permit and associated Declaration of Easement and Easement Plan have been recorded at the Worcester County Registry of Deeds prior to receiving a Certificate of Occupancy from ODIS.

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 5-0

5. Continued Major Site Plan Review/ Special Permit: Sunpin Solar Development, LLC; Owner: Peter and Carol Gaucher, Location: 22 Norcross Road; Spencer Assessor's Map R40-07. The applicant is requesting a Major Site Plan Review under Section 7.4 and Special Permit under Section 7.2 of the Spencer Zoning Bylaw Zoning to install a Solar Farm. The property is located within the Rural Residential zoning district.

Andrew Vardakis, AMEC, and Marsel Kamberaj, Sunpin Solar were present for the public hearing. Mr. Dell'Aquila reviewed the last meeting and discussed the peer review from Lenard Engineering. Additionally, it was discussed that Chief Parsons has concerns about a fire engine access to the rear transformer pad due to the sharp turnaround at the south westerly array. Also, there were concerns from Utilities and Facilities in regards with the driveway and the Conservation Commission meetings have been continued and the ANRAD has not been determined.

Mr. Vardakis discussed the peer review comments and said the Fire Truck concerns will be resolved by moving two transformers onto one array. Ultimately, they are revising the plans and the new plans include new layouts for the access road and the permits will be pulled with the Highway Department. Also, the calculations can start to begin for Stormwater Drainage. Mr. Vardakis asked if they would need to submit an ANR due to the house lot being on the parcel. Mr. Dell'Aquila responded that he spoke with the Zoning Enforcement Officer, William Klansek, and his determination is that only one primary use can be on one lot and the ANR would need to be submitted and approved before this application can be accepted. Mr. Vardakis asked how long it will take to approve an ANR and how that would affect the site plan approval. Mr. Dell'Aquila stated that they can submit the ANR by next month and the ANR should not hold up the site plan approval process. Mr. Viner said he would like to see that ANR reflected in a site survey. Mr. Vardakis asked about procedure and time for surveying and Mr. Dell'Aquila said there are guidelines and he can email it to him.

Mr. Vardakis reviewed the revised drawings submitted and discussed the cross section views and draft revised plans. Mr. Ceppi said he wants clarification on the cross section views on the plan. Ms. Shiver asked about the visual mitigation and Mr. Vardakis said that Lenard Engineering had some comments but that is still ongoing. Ms. Shiver she would like to see the visual mitigation plan. Ms. Shiver asked about the acoustical study and Mr. Dell'Aquila said that the applicant will need to submit one. Mr. Dell'Aquila asked that with the transformer change if there will be more wiring onsite and Mr. Kamberaj said it won't change anything because it will be underground and Mr. Vardakis stated that there were 100 string invertors. Mr. Viner stated his concern with the elevation of the parcel and wants to see proper mitigation around the arrays. Mr. Kamberaj explained that the northern east side is heavily vegetated and they can provide pictures to show different views.

Mr. Viner opened the meeting up to the public.

Matt Defosse, 7 Paul's Drive, asked to confirm the string invertors and asked how many panels. Mr. Kamberaj said 100 invertors and 20,800 panels.

Amy Yanover, 30 Norcross Road, asked for clarification of the Gaucher's home and the ANR. Mr. Viner answered that the home is considered a primary use and so is the solar farm, there can only be one primary use on the parcel, and therefore, the parcel will need to split up the property so they are not on the same parcel.

Tanya McAuley, 28 McCormick Road, wanted confirmation of the amount of tree clearing the applicant will be doing and Mr. Vardakis said 25-30 acres. Ms. McAuley asked what they did with the trees. Mr. Kamberaj said it may be up to the trees removal contractor or the homeowner. Ms. McAuley asked if they plan to do grubbing and what they did with the grubs and Mr. Kamberaj they will grub and they are unsure of the answer and asked why she was asking. Ms. McAuley said she mourns for the trees being removed.

Ms. Yanover asked about the property value of her home will be near the solar farm and thought it would change the zoning district. Mr. Ceppi stated that the solar farm will not change the zoning district and it will remain rural residential. Ms. Yanover asked about the noise that will come from the array. Mr. Dell'Aquila explained that the applicant must provide an acoustical analysis of the site and there are decibel ratings they can't go over. Mr. Vardakis said he has no experience with property values and Mr. Kamberaj there have been some studies done but he will need to look into it. Ms. Shiver asked if the land was being leased for the solar array and Mr. Kamberaj said yes. Also, they will decommission the project after completion, seal, and repair underground work. Mr. Dell'Aquila briefly discussed the submittal by Sunpin Solar in North Brookfield that is close to this project and is under review. Mr. Defosse wants the Planning Board to take the solar farms proximity into consideration and how it affects everything. Ms. Shiver said the solar farms are going where property owners make them available and some of them are in land lock. Mr. Ceppi noted that he wants to see a more definitive break down on the square footage.

Ms. Yanover asked about the width of the second access road. Mr. Vardakis answered 20 feet for a ladder truck. Ms. Yanover expressed concerns about Saw Mill Road and asked if the fire chief was ok with that dirt road. Mr. Vardakis answered they have a new perimeter road around

arrays and they can accommodate a pickup truck and showed on the map the new roads. M. Yanover is concerned about how close they were to the saw mill. Mr. Vardakis said that there is a new plan because there was a wetland added. Mr. Viner asked about the distance from the southwest line to the corner of the array and Mr. Vardakis said about 500-600 feet. Mr. Dell'Aquila recommended shaded or colored plans to show clearing and Mr. Vardakis said it will be added with the new plans. Mr. Viner asked about possible slope issues. Mr. Vardakis said there were and they discussed with the Fire Chief and avoided placing the array on those slopes, as well as, the perimeter road. The perimeter roads will be more than the 10 % slope, squeezing array to try and avoid the 15%, and Fire Chief ok with the submission. Mr. Dell'Aquila commented on the small amount of areas that have 15% or more and a waiver would need to be submitted to the Planning Board for those higher elevations. Mr. Vardakis stated that there are some areas they will try to smooth out and will look into the slopes. Mr. Viner asked if there anything in excess to 15%. Ms. Shiver asked if they had there cut and fill totals and Mr. Vardakis said not yet because they were waiting for the roadway design and that meeting happened today. Mr. Dell'Aquila read aloud the bylaw regarding no slopes over 15% to minimize erosion. There was discussion on the slopes and Mr. Viner said he will not approve a waiver for panels to be placed on an elevation over 15%. Mr. Defosse expressed concerns about the slopes and perimeter road. There was much discussion in regards to the new perimeter road because it was unclear if the road was still going around the whole arrays but it is not.

Mr. Viner asked about the racking and height. Mr. Vardakis said those will be on the new plan. Mr. Viner asked what the application of installation would be and Mr. Kamberaj answered pile driven. Mr. Viner asked who the Stormwater authority was and Mr. Dell'Aquila answered that the Planning Board will most likely be the Stormwater authority and it should be decided at the next Conservation Commission meeting. Mr. Viner asked if the Planning Board can make the Conservation Commission the Stormwater authority and Mr. Dell'Aquila said he can look into it. Me. Ceppi noted that he felt the Conservation Commission had more experience with Stormwater and Mr. Dell'Aquila said regardless who the authority is it will still have the same peer review.

MOTION: Ms. Shiver continued the meeting to February 19th, 2019.

SECOND: Mr. Ceppi

DISCUSSION: Mr. Viner wanted to confirm if Ms. Shiver is eligible to vote for this application

VOTE: 5-0

6. Town Planner Report/General Board Discussion

- **Bixby Bond Release-** Close to releasing surety bond but upon inspection found there were erosion issues on the depot trail connection and a cease and desist order was issued by the Conservation Commission.
- **E. Charlton Road/ Forestry Cutting-** The owner had a forestry plan but it expired in 2016. Currently, doing work and posting that they will be selling lots for a potential subdivision.

- **Solar-** Interconnection agreement submitted for the Landfill Solar and everyone thought it was interesting that the agreement was done before the Planning Board approved the plans.
- **Main Street Solar/ GH Wilson Solar-** Received the decommissioning bonds for the two solar farms. Mr. Viner felt the decommissioning bond is not ready for peer review. Ms. Shiver does not believe the salvage value should be included and Mr. Ceppi disagreed. Ms. Shiver stated the hourly wage should be prevailing wage. Mr. Dell'Aquila said the decommissioning bond can be reviewed every 5 years. Ms. Shiver felt an escrow with cash should be an option. There was much discussion in regards to what form of bond the Planning Board should accept. Mr. Viner discussed the missing language from ZPT Energy that states the bond can be used during construction if the project isn't being developed correctly or if the developer walks away.
- **Scenic Roads-** There is work being done on Borkum Road and E. Charlton road with replacing poles. The Board of Selectmen has notified that work being done on scenic roads such as tree work or stone walls on scenic roads will need to come before the Planning Board. There was discussion on what the Planning Board would want to see from the applicant.
- **General Board Discussion/Chair-** Mr. Viner asked for an update on Sunset/ Holmes and Mr. Dell'Aquila said that Jim Laney reached and is working with utilities and facilities but we don't have another mechanism to force him to do the road. Mr. Viner stated the bond for the road was expired. Mr. Dell'Aquila needs to reach out to Town Council. Mr. Viner stated that since the bond was not renewed it was grounds for the Planning Board to rescind the approval and wants to hold a public meeting. Ms. Shiver said that the Solar Farm took over phase II of the Sunset/Holmes subdivision. Mr. Viner said two of the lots make up the frontage for the solar farm. Mr. Dell'Aquila stated that it is not an accepted road and if we rescind than no one can finish the road. Ms. Shiver felt that the Planning Board should not rescind because it will just be another road that the Town will need to maintain. Mr. Viner explained that the road is in disrepair and wants to see the road in great condition before it is accepted. Mr. Dell'Aquila said that approval for the road would come from Utilities and Facilities. There was much discussion in regards to previous bonds, covenants, road issues, and road adoption approvals.

MOTION: Mr. Ceppi motioned to hold a public hearing for Sunset/Holmes

SECOND: Mr. Viner

DISCUSSION: Need to vote down before a new motion can be made

VOTE: 2-3 (denied)

MOTION: Mr. Butensky motioned to hold a public meeting for Sunset/Holmes as an agenda item and to invite Mr. Laney for the discussion

SECOND: Ms. Shiver seconded

DISCUSSION: Description on agenda and Mr. Dell'Aquila said status update on roadway and associated work. Mr. Viner said to invite ZPT because they are the listed applicant on the subdivision. Mr. Dell'Aquila will send them an invite.

VOTE: 5-0

- **Policy-** Mr. Viner discussed receiving everything prior to the meetings. It was discussed that an email is sent with all the documents except in most cases the ANR. Mr. Viner would like to see the ANR's before the meeting. Mr. Viner wants the option to pick up packets before the meetings. Split decisions on email and packet pick up and Mr. Dell'Aquila said it would be up to the Planning Board. Ms. Shiver and Mr. Ceppi are ok with emailed packets. Mr. Butensky and Mr. Viner would like copies beforehand. More discussion to take place at a later date.

MOTION: Mr. Ceppi motioned to adjourn the meeting at 9:16pm

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 5-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 2/19/2019

List of Documents used on January 15, 2019

Items sent to Planning Board prior to Meeting by email/ print outs:

- Agenda
- Memo emailed from Paul Dell'Aquila to Planning Board Dated 1/9/2019
- ANR- Bacon Hill/ E. Charlton Road application
- Updated declaration of easement plan for Caruso Construction Common Driveway
- Updated site plans for 20 Norcross Road Solar Farm and peer review
- Minutes: 12/18/2018
- Main Street Solar and GH Wilson Solar draft decommissioning plan
- Notice of Violation for 19 Bixby Road

Items submitted at the Meeting:

- ANR with Mylar- Bacon Hill/ E. Charlton Road
- Site plan for Solar Farm in North Brookfield