



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Monday, September 18, 2018 at 7:00 PM

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

Planning Board Members Present: Chair Robert Ceppi, Jonathan Viner, Shirley Shiver, Jeff Butensky, 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. Ceppi opened the meeting at 7:00pm

2. Public Hearing Continuation – Continued Minor Site Plan Review- Applicant: Jeremy Ahearn (Ahearn Equipment, Inc), Location: 460 Main Street; Spencer Assessor's Map R34-08. The applicant is requesting a minor site plan review under section 7.4 of the Spencer Zoning Bylaw for pavement improvements. The property is located in the Commercial Zoning district.

Mr. Dell'Aquila explained that the applicant is working with the Town Water because of the water easement impact and will require some revisions and is requesting to continue until the November meeting.

MOTION: Ms. Shiver

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 5-0

3. Major Site Plan Review/ Special Permit – Applicant: James Schwartz, Independence Solar, LLC; Owner: Adgalanis Professional Services LLC, Location: 20 McCormick Road; Spencer Assessor's Map R44-10. 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.

4. Major Site Plan Review/ Special Permit – Applicant: James Schwartz, Independence Solar, LLC; Owner: Adgalanis Professional Services LLC, Location: 32 McCormick Road; Spencer Assessor's Map R47-18. 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.

Items 3 & 4 were presented together.

George Smith Landcraft Corp, Rebecca Baptista, Silva Engineering, and James Schwartz, Independence solar, were present for the meeting. Mr. Dell'Aquila briefly discussed that that new plans were submitted with revisions after the applicant received feedback from the Conservation Commission and Third Party review. There are new driveway locations, reconfigured the access road per the Fire Department, and now further away from the abutter at 28 McCormick Road.

Mr. Smith said they received many comments from the Conservation Commission and has been reflected on the new plans and there will be another revision due to additional comments and they are hoping to be done on October 1st. Mr. Smith went into more detail about the new locations for the driveways, discussed they are now 630 feet away from 28 McCormick Road abutter, and adding two barn swallow roosts. They have offered the 67 acres to the Common Ground Land Trust and they have 2 years to buy, but they do not plan to develop on the land and it will be open space. Mr. Smith said they are trying to keep the existing turf, only disturbing 30 acres of field, and working the perimeter to get to the 10 % slope on access required by Fire Department. Also, the stormwater plan is being edited through the Conservation Commission.

Mr. Dell'Aquila asked about the fencing. Mr. Schwartz said it would be a 7 foot fence with a 6 inch gap underneath. Mr. Dell'Aquila said in the Graves Engineering they proposed barbed wire on the top and it is not consistent with our other projects and other project call for a 6 inch fence with a 6 inch gap. Mr. Smith said 7 feet is now code and Mr. Schwartz thought that the higher fence is around the higher voltage area. Mr. Ceppi said he would like to meet the required code for the fence and Mr. Dell'Aquila said there are no specifics in the current zoning code.

Mr. Dell'Aquila asked about the construction sequencing and Mr. Smith said he is drafting a plan and they are just waiting for comments from Margaret Washburn. Mr. Dell'Aquila said that the Planning Board will wait for the Conservations actions before they make their ruling. Additionally, Mr. Dell'Aquila asked the applicant if they will need a waiver for the 15% slope waiver and they will. On a side note, Mr. Dell'Aquila, stated that Ms. Washburn provided comments on continuous waivers for slope and the need to revise the bylaw. Mr. Ceppi said every site is different and currently what we have is a good guideline. Mr. Viner stated that the intent is to avoid grading the site. Mr. Smith discussed spots where grading is difficult and having to cut the embankment to round out the access road. Mr. Dell'Aquila said they want to respect the Fire Departments comments. Mr. Schwartz said the areas over 15 % are in the fields with existing turf.

Mr. Ceppi opened the meeting to the public:

Matt Defosse, 7 Paul's Drive, asked about the grade and where will there be grade over 15% and the applicant showed the spots that would have grades higher than 10%. Mr. Defosse quoted the Solar Bylaw and asked if the Planning Board will accept the waiver for the slope. Mr. Ceppi said it is under consideration. Mr. Dell'Aquila stated that in the Solar Bylaw the applicant has the right to request the waiver. Mr. Defosse asked Mr. Schwartz why other solar companies buy and sell once the project is approved. Mr. Schwartz said he can't speak for other companies but their company will be the developer and the contractor from start to finish. Some developers will get the early entitlements and then sell.

Ms. Baptista discussed they already requested the 3-1 for the basins, the 4% cross slopes, and 10% grade for the perimeter. Also, she will be having a sit down meeting with Ms. Washburn to go over everything.

Mr. Viner asked the setback for clearing limits and Mr. Dell'Aquila said there was nothing in the Solar Bylaw. Mr. Ceppi said there might be something in the clearing section. Mr. White discussed what was being cleared near the setbacks. Mr. Viner said he wanted to see if they are allowed to clear in the setback. Mr. Dell'Aquila said it is not clear.

Robert Laprade, 35 McCormick Road, asked about who supervises the condition of the road and who is held responsible if they damage the road. Mr. Smith said that after meeting with the highway department they suggested taking pictures before so they have something to compare to, there is no waiting on the road, and there is an area on the access road for the delivery trucks. Mr. Dell'Aquila said there was a condition for the Paxton/ Woodchuck Solar where they would repair any damages to the road.

Mr. Viner asked about the PLS stamp for property lines and Ms. Baptista said yes.

MOTION: Ms. Shiver motioned to continue the Major Site Plan Review/ Special Permit for 20 McCormick Road until October 16, 2018

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 5-0

MOTION: Ms. Shiver motioned to continue the Major Site Plan Review/ Special Permit for 32 McCormick Road until October 16, 2018

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 5-0

5. Adoption of Minutes

- **8/13/2018-** During the 8/13/18 meeting the recorder died out half way through the meeting and Mr. Dell'Aquila had to complete the minutes from what he remembered and from his notes. Ms. Shiver recalled adding more trees to the conditions and Mr. Dell'Aquila said that it was listed a condition in the decision.

MOTION: Ms. Shiver motioned to approve the minutes for 8/13/2018 as submitted

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 4-0 (Mr. Butensky was absent)

- **8/21/2018-** Mr. Viner asked the minutes be revised to add the statement that the applicant did not want to answer a question (page 2) the clerk will review the recording. Also, Mr. Viner

wanted the addition of the comment made by the Ernest Mello “You’re a Hero.” Mr. Butensky confirmed that the applicant said that so the clerk will review the recording.

MOTION: Ms. Shiver motioned to table the approval of the minutes for 8/21/2018 until the next meeting

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 5-0

MOTION: Ms. Shiver

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 3-0 (Mr. Viner abstained)

6. Town Planner

- **Executive Session after the meeting for legal discussion**
- **Delegate Officers of the Planning Board**

Mr. Butensky nominated Mr. Ceppi for chair

Ms. Shiver nominated Mr. Viner for chair

Mr. Butensky rescinded his nomination

Ms. Shiver nominated Mr. Butensky for Vice Chair

Mr. Viner and Mr. Butensky accepted the nominations

MOTION: Ms. Shiver motioned to appoint Mr. Viner as the new Chair for the Planning Board and Mr. Butensky as the new Vice Chair for the Planning Board

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 5-0

- **CMRPC Delegate**

Ms. Shiver said she would continue being the CMRPC Delegate if none else wanted it.

Mr. Butensky nominated Ms. Shiver to be reappointed as the CMRPC Delegate and Ms. Shiver accepted

MOTION: Mr. Butensky motioned to reappoint Ms. Shiver as the CMRPC Delegate

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 5-0

- **Economic Development Committee**

Mr. Dell’Aquila discussed the EDC and the need for a member from the Planning Board.

Ms. Shiver volunteered. Additionally, the Building Reuse Committee is still ongoing and

Mr. Viner volunteered to attend.

MOTION: Ms. Shiver motioned to adjourn meeting at 7:48pm and to continue with an executive session closed to the public

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 5-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 10/16/2018

List of Documents used on September 18, 2018

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

- Agenda
- Memo emailed from Paul Dell'Aquila to Planning Board Dated 9/11/2018
- Continuation for Ahern Equipment until November 2018 Meeting
- Revised plans and cover letter for 20 McCormick Road
- Revised plans and cover letter for 32 McCormick Road
- Minutes from 8/13/2018 and 8/21/2018 meeting
- CMRPC Delegate appointment sheet
- CMRPC costs
- Asbuilts third party reviews from Graves Engineering for Conservation Commission and Planning Board in regards to Paxton/ Woodchuck Solar and Holmes Street Solar.

Items submitted at the Meeting:

None