



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, November 20, 2018 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, and Maria Reed

Planning Board Members Absent: Shirley Shiver

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

Staff Absent: None

1. Mr. Viner opened the meeting at 7:06pm

2. ANR: 77 Paxton Road, James Berthiaume, Boundary Line Adjustment-

James Berthiaume, 77 Paxton Road was present for the meeting.

Mr. Dell'Aquila explained that the applicant wants to obtain a 31,685 square foot parcel ("Parcel B") carved from an adjacent 31-acre parcel owned by Carl & Constance Leinonen (R37-9). The applicant's existing lot is approximately 33,100 square feet (0.76 acres), which is legal, non-conforming under current zoning, which requires 60,000 square feet in the RR zone. Considering that adjacent land held in common ownership is considered one for zoning purposes, obtaining this the new parcel would make the applicant's existing property legal, conforming with regard to lot size.

Mr. Berthiaume said that he has been working with Attorney Phil Stoddard. Mr. Ceppi said that he had an issue with the language in the notes section and there should be a dash line to separate the two parcels. Mr. Berthiaume said that Mr. Stoddard told him he could not combine unless he owned both parcels. Mr. Viner said that by law it automatically will be combined under common ownership.

MOTION: Mr. Ceppi motioned to endorse the plan as submitted

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 4-0

3. Continued Minor Site Plan Review- Applicant: Jeremy Ahern (Ahern 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.

The applicant requested a continuance until February 2019. Mr. Dell'Aquila said they are still working out issues with the Conservation Commission and Utilities and Facilities in regards to the location of the water easements for the property.

MOTION: Mr. Ceppi motioned to continue to February 19, 2019

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 4-0

4. Continued 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.

5. Continued 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.

*****20 and 32 McCormick Solar Farms were presented together*****

George Smith Landcraft Corp and James Schwartz, Independence solar, were present for the meeting. Mr. Dell'Aquila explained that the Conservation Commission approved them on 10/25/2018 and there are no remaining questions for the applicant.

Mr. Dell'Aquila mentioned there are draft conditions in the Planning Board member's packet to discuss.

In regards to Condition 39, the Certificate of Occupancy from the building inspector has been questioned by the applicants that the Solar Farms do not get occupied and are not habitable. After speaking with the Building Inspector, add a sentence stating, "In the Town of Spencer Solar Projects are not habitable structures and the Building Inspector will still issue a Certificate of Occupancy that signifies the project is ready for commercial use." Mr. Ceppi said it's similar to a project completion certificate. Mr. Dell'Aquila responded that the project completion certificate comes from the Planning Boards conditions and the Certificate of Occupancy would be that the project has met all requirements including Conservation Commission, Utilities and Facilities, and other departments have had all their final sign offs.

Mr. Viner opened the meeting up to the Public.

Richard Standish, 17 McCormick Road, wanted the applicant to discuss the project and wanted more information. Mr. Smith reviewed the site plan for the abutter for 23 and 32 McCormick Road Solar Farms and discussed this is the fourth or fifth meeting. Mr. Smith mentioned there were plans in the back and would provide anyone who wanted a smaller copy.

MOTION: Mr. Ceppi motioned to close the public hearing for 20 and 32 McCormick Solar Farms.

SECOND: Mr. Butensky

DISCUSSION: There was much discussion in regards to the decommissioning bond and that both solar farms together would equal \$401,611.00. Mr. Dell'Aquila commented that Graves Engineering was satisfied with the decommissioning bond amount. Mr. Viner said it was based on the amount of return not based on wattage. Mr. Schwartz said 63% would be for larger parcel (20 McCormick) and 37% on smaller parcel (32 McCormick). The numbers will be 32 McCormick Road will = \$152,612.18 and 20 McCormick Road will = \$248,998.82. Mr. Dell'Aquila said they will be treated as one management property. Mr. Ceppi asked if there was a bond for Conservation Commission. Mr. Dell'Aquila took the number from the approved order of conditions. Mr. Viner asked what the language was in the order of conditions for Conservation. Mr. Smith said detentions basins and silt fencing. Mr. Viner asked about the grading and Mr. Smith said there in minimal site grading and that will be planted with alfalfa after cutting. Mr. Viner asked if the grading goes toward the Stormwater approval and Mr. Schwartz said its small and more of the detention basin and access road. Mr. Ceppi asked if there is any communication that needs to take place with National Grid and Mr. Dell'Aquila said the applicant is required to provide the interconnection agreement once it is executed with National Grid. Mr. Ceppi said he wants to make certain that the connection does not go on until after all the final sign offs. Mr. Dell'Aquila said the ODIS department will know when the Wiring Inspector will do his final inspection. Mr. Viner asked about item 15 in the conditions and is it part of the order of conditions. Mr. Dell'Aquila stated the Planning Board is not the Stormwater authority we address that Stormwater is being handled by Conservation. Mr. Viner wanted to address the release of the bonds and there was much discussion in regards to the Stormwater bond and Mr. Dell'Aquila mentioned that he could reach out to the Conservation Commission with the Planning Boards suggestions. Mr. Viner wanted to see an additional bond for items in the project such as roads, grading, and fence because there should be more bonds in place in case the applicant walk away from the project. Mr. Smith mentioned the performance bond with the contractor that covers those items. There was much more deliberation in regards to what the decommissioning bond covers and it was decided that condition number 36 will add further language to what the decommissioning bond will cover. Mr. Viner asked about item number 39 in conditions for the \$300.00 fine and Mr. Dell'Aquila said that number is the current bylaw violation fee. Mr. Ceppi suggested saying current/ mixable allowable zoning violation fee just in case the fee amount increases. Mr. Viner asked about the acoustical study and Mr. Dell'Aquila said they asked for a waiver and it is condition number 14.

VOTE: 4-0

MOTION: Mr. Ceppi motioned to approve the Special Permit and Major Site Plan Review for 20 McCormick Road Solar array with drafted and reviewed conditions.

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 4-0

MOTION: Mr. Butensky motioned to approve the Special Permit and Major Site Plan Review for 32 McCormick Road Solar array with drafted and reviewed conditions.

SECOND: Ms. Reed

DISCUSSION: Mr. Dell'Aquila will circulate the draft conditions before the next meeting
VOTE: 4-0

6. 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.

Mr. Dell'Aquila explained that at the last meeting the applicant did not submit a full set with the slopes and there was an outstanding peer review fee and since the last meeting Mr. Caruso has submitted the correct plans and paid the fee. However, the fire chief, Mr. Parsons, said he still has additional questions on the plan. Mr. Ceppi asked when the Fire Chief received the plans and Mr. Dell'Aquila said that he received the plans last week. Ryan Gauvin, Environmental Design, was present for the meeting to represent Mr. Caruso and Mr. Dell'Aquila suggested that they touch base with the fire chief and see what his issues are. Mr. Viner asked about the letter from the original engineer, Doug Best, and Mr. Dell'Aquila said the letter was provided and dated 12/8/2008 and read the letter aloud. Mr. Viner stated his concerns with Mr. Best being a Mechanical Engineer and Mr. Gauvin said they he was working as a Mechanical Engineer and got that stamp and in Connecticut there is no separate designation.

MOTION: Mr. Ceppi motioned to continue the public hearing until to December 18, 2018

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 4-0

7. Major Site Plan Review/ Special Permit Applicant: 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 William Behling, Sunpin Solar were present for the meeting. Mr. Dell'Aquila reviewed the initial tech review that took place with Margaret Washburn from the Conservation Commission and peer review started last week.

Mr. Vardakis reviewed the site plan and application. The proposed solar array will be on an 87 acre parcel, the current plan that was submitted will be changed in order to avoid all the wetlands and stay out of the wetlands buffer, therefore, instead of one large system there will be three systems on the parcel and each will have their own transformer that has one interconnection point. Additionally, the access road will need to be changed and possibly put towards the west. The fire chief asked for a perimeter road and that will be added to the new plan. Furthermore, an

ANRAD has been submitted with the Conservation Commission to confirm the wetlands delineation. The Stormwater has not been finalized or the trees to be removed. There will be grass under the panels and if needed Stormwater basins will be added, as well as, erosion and sediment controls around each array. Each array will have its own fence that will be 7 feet high.

Mr. Viner asked if it's just one parcel and Mr. Vardakis said yes the parcel is less than 90 acres. Mr. Viner asked the percent of clearing and Mr. Vardakis said between 20-25 percent will be cleared. Mr. Viner asked if there would be just one interconnection and Mr. Vardakis said three transformers and one interconnection. Mr. Viner asked about the credit of entity and Mr. Behling said they are trying to get into the SMART Program with a 5 MW cap. Mr. Dell'Aquila asked about detention basins and Mr. Vardakis said they are unsure at this point because the Stormwater report is not finalized yet. Mr. Dell'Aquila stated that based on the revisions the Planning Board will most likely be the Stormwater authority. Mr. Viner asked the applicant if the Highway Department has accepted the additional driveway. Mr. Vardakis said he may need a waiver. Mr. Dell'Aquila stated that Utilities and Facilities prefer only one curb cut so additional comments will be likely. Mr. Ceppi asked what the slopes are on the site. Mr. Vardakis said some of the slopes are 15% or greater, there are some steeper sections, but they are trying to avoid those areas. The Spencer Zoning Bylaw was mentioned with slope requirements and Mr. Dell'Aquila recommended discussing those slopes with the Fire Chief.

Mr. Viner opened the meeting to the public:

Tony Daldo, 59 North Brookfield Road, asked if this project will be more on Norcross Road and Mr. Vardakis answered the project is on North side of Norcross Road. Mr. Viner suggested the applicant to bring a cross section plan so the line of site can be seen.

Tatyana McAuley, 28 McCormick Road, asked why the access road is 20 feet wide when the public road she lives on is only 17 feet wide. Mr. Dell'Aquila said it's a standard for roads, the average car is 8 feet wide, the road she lives on is an older road, and it is what the Fire Chief has requested. Ms. McAuley how many acres were going to get cut and grubbed and Mr. Vardakis said around 20 acres to 25 acres and the stumps will remain outside the fence and inside the fence they will be grounded or removed. Mr. Viner said 29.3 acres for tree clearing limit but Mr. Vardakis said the plan is being revised so it's not a definitive number Ms. McAuley what type of panels and invertor they will be using and Mr. Vardakis said they have not made their final decision for panels but will most using string invertors. Ms. McAuley asked how they determine their decision if it's based off of price, noise level, or efficiency. McAuley asked if there would be three transformers and Mr. Vardakis said there will be three transformers with an underground conduit that has one interconnection.

Stan Remiszewski, 57 North Brookfield Road, had a copy of the application binder and referenced section 3.A.4.4. quoted that they are allowed 40,000 square feet for mobilization lay down but it is not reflected on the site plan and section 6B gives them unrestricted tree removal at tenants discretions and references section 3.A.3 but it does not mention tree removal in that section. In Section 5A any permit use is allowed by the tenant but feels the town should restrict to only solar array. Mr. Dell'Aquila wanted clarification on where the abutter was referencing in the application narrative. Ms. McAuley wanted to know what documents they were talking about. Mr. Dell'Aquila stated that this is an agreement between the land owner and developer

and the town does not get involved. Mr. Viner stated that all the conditions the Planning Board puts in place supersede the agreement. Also, Mr. Remiszewski said he was the closest to the array and where is the setback from his property line and what to expect. Mr. Dell'Aquila said they need to be a certain distance away from the property line and the applicant needs to do a better job showing a line of site from the abutting properties and whether or not additional screening is needed. Mr. Remiszewski asked if the applicant is proposing lighting and Mr. Viner said according to the narrative there isn't any lighting. Mr. Remiszewski raised concerns about his well and being at the same elevation as the wetlands on site and wants to know if that will affect him and the 5 Mile River. Mr. Dell'Aquila answered that the applicant is revising the plans to avoid the wetlands and the buffer but they still need to submit a Stormwater plan to avoid water runoff into wetlands and off site. Additionally, Mr. Remiszewski feels the wildlife will be affected because of this solar array and he is concerned with the fence plan. Mr. Dell'Aquila said they require the fence to have 6 inch clearance so small critters can still navigate through the site. Mr. Vardakis explained there will be three separate arrays, with three separate fences, not a continuing fence.

Mr. Daldo said he still wants a setback number from his property. Mr. Dell'Aquila said in the Rural Residential area the setback is 55' front and 25' side and rear. Mr. Daldo said if the array comes down the hill he wants to know what will be proposed for screening. Mr. Vardakis said there is no proposed work in his direction. Mr. Daldo asked about the tree line and Mr. Ceppi said the Planning Board does require a tree line.

Matt Defosse, 7 Paul's Drive, stated that there are a large amount of solar farms in the area and they are blocking off areas of wildlife and cutting down numerous trees. He feels the aquifer is in danger and wants the Planning Board to look at the proximity of the solar farms and the Planning Board should stop allowing waivers.

Mr. Dell'Aquila reviewed with the applicant that the ANRAD needs to be submitted and reviewed, once the ANRAD is figured out then they will need to finish the Stormwater report, based on some feedback they will need to speak to the Fire Chief, and peer review is underway. Mr. Dell'Aquila suggests waiting for all feedback before revising the plans. There was some discussion as to when the applicant would want to come back before the Planning Board.

Mr. Daldo stated that he has water runoff now and with this solar array there may be more water on his property and when the project will start. Mr. Vardakis said they are unclear on the start date and discussed the nulls on the property that will not affect the run off. Mr. Viner asked if there was a foundation proposed with the panels and Mr. Vardakis said screw in proposed on plan. Mr. Ceppi asked if there was ledge and Mr. Vardakis said they haven't run into any yet. Ms. McAuley asked if it was sold or leased land and Mr. Vardakis said leased.

MOTION: Mr. Ceppi motioned to continue the public hearing until 12/18/18

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 4-0

8. Major Site Plan Review/ Special Permit- Applicant: Ernest Mello, ZPT Energy Solutions II, LLC; Owner: Scott and Joyce Cycz, Location: 17 GH Wilson Road; Spencer Assessor's Map R17 - Lot 16 & Lot 9. 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.

Ernie Mello and Guy Winter, ZPT Energy, were present for the meeting.

Mr. Dell'Aquila reviewed that the Special Permit for this projects was denied by a 3-1 vote at the August 21 meeting, as four affirmative votes are needed to grant a Special Permit. The applicant subsequently appealed the decisions. After numerous discussions thereafter, Town Counsel Stan Weinberg and the applicant's lawyer George Kiritsy agreed to have the case remanded back to the Board without any judgement from the court. Because of the agreement, this is procedurally a new application, thus all Planning Board members are eligible to vote on the matter. Also, as part of the agreement to remand, the applicant agreed to perform an acoustical analysis, which they have provided.

Mr. Mello reviewed the project and mentioned that there haven't been any revisions to the plans, peer review was concluded, and it's a 52.5 acre lot with 22.9 acres proposed to be cleared. There will be an 18 ft. wide gravel access road, there are wetlands on the site that they have received approvals from the Conservation Commission and have their Order of Conditions. There will be some detention basins and there will not be a need for additional screening because of the location of the array that the visual impact will be negligible.

Mr. Mello reviewed the submitted acoustical study and their best guess considering they would need to do more research once the array is operational and the noise will not go over the 10 decibel threshold. Mr. Dell'Aquila recommended similar language readings after the construction of the solar array. Mr. Ceppi suggested doing a sound study now because the loss of the trees will affect the sound later. Mr. Winters commented that virtually nothing will be heard from the property line. Mr. Ceppi wants the applicant to walk the site and get different readings. Mr. Winter said it could be added as a condition. There was much discussion on when to measure the sound and to do pre and pot construction sound, as well as, to include car noise and the applicant to propose the method.

Mr. Winters discussed the issues with abandoning language that is in there bonds that after 90 days the Town of Spencer has the authority to use the bond towards the decommissioning of the site. Mr. Winters touched upon the Solar Arrays that were turned on without Certificates of Completion and apologized. Furthermore, he explained that when the Electrical Inspector comes out to do his final inspection the site needs to be turned on and those projects stayed on, going forward, it will not happen again and the array will be shut down after the inspection. Mr. Dell'Aquila said there will be a better procedure going forward, such as, more coordination with the office. Mr. Dell'Aquila was unsure if Conservation set a Stormwater Bond figure and if it should be added to the decision. Mr. Dell'Aquila stated that the decommissioning bond figure would be determined but issued before construction. Mr. Ceppi asked what if the number is not agreed upon and Mr. Dell'Aquila answered that it will need to get agreed upon before the building permit is issued and it will go through peer review. Mr. Viner asked if there was a delivery route already planned out and Mr. Mello stated that was already done and they have a phasing plan that they completed with Margaret Washburn.

Mr. Viner opened the hearing to the public.

Ms. McAuley asked to discuss the noise from the Holmes Street solar farms and Mr. Mello said the inverters would be different than Holmes Street and an acoustical study would be completed. Paula Orcutt, 29 McCormick Road, asked about the inverters and Mr. Mello said string invertors. Ms. McAuley asked if they were central locators and Mr. Winter said two. Ms. McAuley stated that tonight 43 acres are going to be deforested because of solar farms. Mr. Viner asked for the amount of forested land that would be disturbed and Mr. Mello repeated 20.9 acres cleared and the whole parcel is 52 acres and they will stay under the 50% clearing regulation.

MOTION: Mr. Butensky motioned to close the hearing

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 4-0

MOTION: Mr. Ceppi motioned to approve the Special Permit and Site Plan Review for 17 GH Wilson Road with discussed conditions

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 4-0

9. Major Site Plan Review/ Special Permit- Applicant: Ernest Mello, ZPT Energy Solutions II, LLC; Owner: Main Street Realty Trust, Location: behind 369 Main Street; Spencer Assessor's Map R35-1-3. 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 Commercial zoning district.

Ernie Mello and Guy Winter, ZPT Energy, were present for the meeting.

Mr. Dell'Aquila reviewed that the Special Permit for this projects was denied by a 3-1 vote at the August 21 meeting, as four affirmative votes are needed to grant a Special Permit. The applicant subsequently appealed the decisions. After numerous discussions thereafter, Town Counsel Stan Weinberg and the applicant's lawyer George Kiritsy agreed to have the case remanded back to the Board without any judgement from the court. Because of the agreement, this is procedurally a new application, thus all Planning Board members are eligible to vote on the matter. Also, as part of the agreement to remand, the applicant agreed to perform an acoustical analysis, which they have provided.

Mr. Viner asked to confirm the plan revision date and confirmed it was revised plan date of July 03, 2018. The ANR that protected the use of the project was discussed. Mr. Mello reviewed the site plan for the solar farm and that the parcel is 16.5 acres and they will clear 7.7 acres with an 18 ft. access road, reviewed they have satisfied the peer review comments, and touched base on the ANR that froze the use. Mr. Mello discussed there acoustical study they will submit and do like the GH Wilson application and there will be some small plantings onsite. Mr. Dell'Aquila said that the acoustical study will be different from GH Wilson but will be added to the conditions. Mr. Viner asked about the driveway entrance to reflect the level area and Mr. Mello said yes and it was revised for the 180 U-turn and addressed additional concerns. Mr. Viner wanted clarification on the previous ANR that

never any deeds executed towards it and Mr. Mello said the land conveyance never went through and the 2016 plan provided the freeze. Mr. Mello said that the 2017 was endorsed but it does not unfreeze the 2016 plan. Mr. Ceppi asked about any time limit the applicant has after the ANR is approved and Mr. Dell'Aquila said there are no time limits. Mr. Viner said the 2017 ANR plan was recorded but not attached to any deed and asked if the Planning Board should ask if they should look into rescinding the 2017 ANR plan. Mr. Dell'Aquila said he would have to look into possibly being rescinded. Mr. Winters said they can speak to their lawyers so they won't use the plan. It was discussed that a condition could be made that the 2017 ANR is not valid and based on 2016 ANR and Mr. Viner said not approving unless they rescind the ANR. Brendan Gove, President of ZPT Energy, said he has seen they are bond to not create a circumstance where it's non-conforming to bylaws and feels the Planning Board is covered by general law. Mr. Ceppi asked why the ANR was done and Mr. Dell'Aquila explained that the 2016 ANR created the frontage they needed for a previous solar farm. Mr. Gove said the 2017 ANR did not work out in a business/ commercial way.

Mr. Viner opened the meeting up to the public:

Ms. Orchid said she retired from the veterinary hospital at that location and asked about the pond because she said the pond gets so high it could fold and would cause more water in the building and flood the driveway. Mr. Mello said there goal is not to create more water and Mr. Winters said they went through Conservation for Stormwater review and they have procedures in place to try and avoid any issues. Ms. Orchid said other Solar Farms have great plans go through peer review and they have runoff and flooding. Mr. Winters said there general liability insurance will cover the issues. Mr. Dell'Aquila said there is a Stormwater bond, an operation and maintenance agreement, there will be ongoing monitoring, and it there will be zoning violation fees if non-compliant. Mr. Dell'Aquila stated that the Holmes Street solar array does not have its certificate of completion and the applicant has been onsite to direct neighboring concerns and Conservation and Mr. Dell'Aquila working onsite. Additionally, Richard Kirk, 22 Holmes Street, stopped by the office and said the drainage is better.

Mr. Defosse asked what the cost is from start to finish for the solar arrays. Mr. Gove said he was unsure.

MOTION: Mr. Butensky motioned to close the hearing

SECOND: Mr. Ceppi

DISCUSSION: Mr. Viner said he still had an outstanding concern is about submitting an 81x plan to combine the two parcels, Mr. Gove stated they were all owned by three separate people , and Mr. Viner said they were listed under his trust. Mr. Dell'Aquila stated that Attorney George Kiritey argued that they are under common ownership. Mr. Gove said he misunderstood and there is no issue with combining. Mr. Viner stated that is can be argued that the applicant doesn't have the use without frontage and if it is not specified as one lot that they don't join out of zoning purposes. Mr. Mello said the attorney argued that because they are abutting parcels and under the same control that they combined for zoning. Mr. Winter said to make a condition and/ or get legal opinion on the 81x and combining of the lots. Mr. Gove said it will not make the property non-conforming. Mr. Viner stated it's not in common ownership. It was stated that prior to issuing the building permit, a condition under pre-construction, that the applicant is to provide zoning clarification for the two parcels in ownership.

VOTE: 4-0

MOTION: Mr. Butensky motioned to approve the Special Permit and Site Plan Review for 0 Main Street Solar array with discussed conditions and note the plan revision date of 7/3/18

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 4-0

10. Adoption of Minutes

- **October 16, 2018**

MOTION: Mr. Ceppi motioned to approve the minutes from 10/16/2018

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 4-0

11. Town Planner Report/General Board Discussion

- Next Meeting Caruso Common Driveway and Norcross Road Solar Farm
- ZPT Certificates of Completion (3) - Holmes Street sill has questions but Paxton/Woodchuck complete. Mr. Dell'Aquila to meet with Jim Laney the previous owner of Holmes Street. Mr. Viner officially recommends that Conservation keep the bond for Holmes Street to ensure that issues are kept at bay. Also, would like to issue a cease and desist order for Holmes Street solar.
- Special Meeting scheduled on 11/27/2018 is cancelled

MOTION: Mr. Ceppi motioned to adjourn the meeting at 10:42pm

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 4-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 12/18/2018

List of Documents used on November 20, 2018

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

- Agenda
- Memo emailed from Paul Dell'Aquila to Planning Board Dated 10/10/2018
- ANR, 77 Paxton Road,
- Continuation Form for Ahearn Equipment until February 2019
- SP/ Major Site Plan: updated narrative, comments, and plans 20 McCormick Road
- SP/ Major Site Plan: updated narrative, comments, and plans 32 McCormick Road
- Updated plans for Caruso Construction, N. Spencer Road, Common Driveway
- SP/ Major Site Plan: Application, narrative, site plan for 20 Norcross Road Solar Farm
- SP/ Major Site Plan: Acoustic Study 17 GH Wilson Road

- SP/ Major Site Plan: Acoustic Study Main Street Solar (behind 369 Main Street)
- Minutes: 10/16/2018

Items submitted at the Meeting:

- Draft Decision with draft conditions for 20 McCormick Solar
- Draft Decision with draft conditions for 32 McCormick Solar
- Draft Decision with draft conditions for 17 GH Wilson Solar
- Draft Decision with draft conditions for Main Street Solar (behind 369 Main Street)