



## Planning Board – Town of Spencer

### *Minutes*

#### Planning Board Meeting

**Tuesday, December 18, 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, 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 7:00pm, Mr. Viner started with the second agenda item because the applicant for the first agenda item was not present yet.**

**2. 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.**

Mr. Dell'Aquila mentioned that we received the revised plans late last week, there has not been a peer review completed yet, and Conservation still have not finalized the ANRAD. Additionally, Mr. Dell'Aquila was almost certain that the Planning Board will be the Stormwater issuing authority.

Andrew Vardakis, AMEC, and William Behling (arrived late), Sunpin Solar were present for the meeting. Mr. Vardakis mentioned that today Lucas Environmental and their scientist was onsite and there have been some minor changes. Mr. Vardakis was confident that they should close the ANRAD with Conservation next meeting with the changes. Mr. Vardakis discussed some of the changes such as a depression in the land had to have additional wetland flags, in the southern portion there was additional wetland flags added. Also, the perimeter access was modified to satisfy the Fire Chief's comments of not have the access road on slopes greater than 15 % and it is designed so they may have access throughout. Mr. Vardakis said they eliminated the wetland crossing and added a second access road showed on the screen computer generated renderings of what the solar field will look like. Also, Mr. Vardakis added that Conservation requested the scale on the plan go from 100 to 40.

Mr. Dell'Aquila said that Lenard Engineering will be the third party reviewer for the town and he has the latest copy for peer review and will include the Stormwater. Mr. Viner asked the width of the gravel access road and Mr. Vardakis said it was 20 feet and the turnaround can accommodate a fire truck, whereas, the perimeter is only 15 feet and can accommodate a pickup truck. The Fire Chief, Robert Parsons, wanted beginning access to be able to have a fire truck.

Mr. Dell'Aquila asked if Chief Parsons approved the rounded corners and Mr. Vardakis answered that he didn't think he was concerned. Mr. Dell'Aquila said in the past Chief Parsons did not accept the rounded corners so he wants verification. Additionally, Mr. Dell'Aquila asked if Utilities & Facilities have reviewed the two access roads and Mr. Vardakis said he will confirm with them.

Mr. Viner stated that they need to see a plan with the pre-existing conditions to include what will be cleared, the proposed footprint, and how much forested area that will be cleared. Mr. Vardakis said its 87 acres, 26 acres in the fenced area, with 29.2 acres of clearing. Mr. Viner stated that existing conditions must be showed and Mr. Vardakis asked if it be based on the Town of Spencer GIS and aerials and it is not surveyed. Mr. Dell'Aquila said that it could be similar to the diagram showing slope with shadings, but with an added table for calculations. Mr. Viner asked if the lot had frontage on N. Brookfield Road and Mr. Vardakis said yes a small piece to the North. Mr. Viner wants to put a restriction on clearing and coverage in regards to the Solar Use and doesn't be negated if frontage is on another area and splitting up the lot. Mr. Dell'Aquila said they can insert language or add a condition that no further development can happen on the parcel. Mr. Vardakis said he will need to discuss with the owner but doesn't think that will be a problem.

Open to the public:

Mr. Defosse, 7 Paul's Drive, would like to see the before photos before clearing and Mr. Vardakis does not have those but can get them. Mr. Ceppi how much is forested and Mr. Vardakis answered there was cutting but unsure of how much. Mr. Defosse expressed that the applicant does not have definitive answers when asked questions and asked the Planning Board members not to grant development on the slopes greater than 15%.

Amy Yanover, 30 Norcross Road, asked about lighting and poles on the access roads. Mr. Vardakis said there will be no lighting or poles on the access roads and the electrical is underground. Ms. Yanover asked how many feet from the access road to the solar array and will it be cleared. Mr. Vardakis was unsure the distance but said it will be primarily cleared. Ms. Yanover asked if there will be clearing after the tree line and Mr. Vardakis said a small amount on the western side. Ms. Yanover expressed drainage concerns because her property is at the bottom of the wetland. Mr. Vardakis explained that the Stormwater calculations have been submitted and will be reviewed by third party. Mr. Dell'Aquila responded that the applicant cannot create more runoff at any direction.

Stan Remiszewski, 57 North Brookfield Road, explained that he is an abutter to the North array and stated that at the last meeting he expressed concerns about the wildlife disruption and at the last meeting it was stated that fencing would be around each individual array. Mr. Vardakis said that the fence is only around each array not the whole site. Mr. Remiszewski encouraged the Planning Board to be careful because he knows the site well and there is a break in the wetland and the land turns into a valley. Mr. Viner stated that the contours on the plan shows evidence of what he was saying. Additionally, Mr. Remiszewski said that the renderings provided by the applicant are not accurate and said that Google Maps will show that.

Mr. Defosse asked how many transformers and invertors and Mr. Vardakis said there will be three transformers but was uncertain of the amount of invertors, however, he mentioned they would be string invertors and will run throughout the array. Mr. Defosse wanted an approximate number or guess and the applicant said he would need to get that answer. Mr. Defosse asked why the array is split into three separate arrays and Mr. Vardakis said they did that for environmental concerns and wetlands.

Tanya McCauley, 38 McCormick Road, stated there is a stone wall through the northern array and is that allowed. Mr. Viner said there were no restrictions in site development in the removals of stone walls. Ms. Shiver recommended the applicant do a visual mitigation for the abutters. Mr. Vardakis said they have not done one yet. Mr. Ceppi asked if the owner home is in the front property and Mr. Vardakis said yes. Mr. Remiszewski stated that the renderings don't show a lot of the abutters' properties and he felt his property is the closest to the array. Mr. Viner wanted to clarify that there is a house on the lot. Mr. Ceppi stated that there should only one primary use on the lot. Ms. Shiver stated there is a minimum amount of solar a resident can have and the lot will need an ANR. Mr. Dell'Aquila need not seem to agree. Ms. Shiver said they don't require a buffer around the array but there is a visual mitigation plan can be required. Mr. Viner would like visual mitigation from the road too.

Dave Meterville, 30 Norcross Road, Expressed that they are clearing land near his property and there has been clearing done already and he does not want to see the solar array. Mr. Dell'Aquila said the array doesn't need to be invisible just mitigated.

Mr. Remiszewski said the plan is not complete and there is a road that leads to the saw mill and it may be helpful. Mr. Viner asked if it is on existing wooded area and Mr. Remiszewski said yes. Mr. Viner recommended profile view from residences. Mr. Remiszewski said he can do 2D cross section and be more definitive. Mr. Dell'Aquila said he has models from previous projects.

Mr. Defosse stated that he has been to a lot of solar meetings and it is concerning that applicants can't answer basic questions. Mr. Dell'Aquila stated that the representative is not an electrical engineer. Mr. Defosse said that they should come with the answers for basic questions. Mr. Dell'Aquila stated that the applicant will provide the answer at the next meeting. There were some debates and Ms. Shiver called a point of order. Mr. Ceppi said it's hard to give answers at the beginning of projects.

**MOTION: Mr. Ceppi motioned to continue the public hearing until 1/15/2019**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**VOTE: 4-0 (Ms. Shiver abstained from voting because she was absent for the last meeting)**

**3. 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 this special permit has been continued since October, for the last meeting they did not have comments from the Fire Chief, but since then they have had definitive feedback from him and his acceptance with the location and slope of the driveway. However, it was pointed out today that additional language may need to be recorded. In 2016-2017 there was a common driveway permit and there was certain language to include with the deed and asked the applicant to declare some things such as easements, access, maintenance agreement (Mr. Dell'Aquila read aloud section 6.2.5 Common Driveways C. 2.D *requiring that the maintenance, operation, repair and reconstruction (including snow plowing and snow/ice removal) is the responsibility and liability of the property owners.*

Mr. Viner stated that there are certain standards for passing turnout and must be 20 feet and Mr. Caruso said there is plenty of room for passing. Mr. Viner said the maintenance agreement for common driveways to establish responsibilities. Ms. Shiver said it should be put into the deed. Mr. Caruso discussed scenarios from other projects in other towns. Mr. Dell'Aquila said the acknowledgment document that was submitted was an important step and Mr. Caruso said his lawyer can generate something but he is building now and would like to submit the other building permit for the other house. Mr. Dell'Aquila suggested adding a condition to the Certificate of Decision. All the Planning Board members agreed that a draft maintenance agreement be submitted for the review before they can decide on the Special Permit. Mr. Dell'Aquila read aloud section 6.2.5 Common Driveway E. Certification - *Prior to the issuance of any occupancy permits for any of the lots serviced by such common driveway, the applicant shall submit to the Planning Board, as-built construction plans, prepared and stamped by a registered professional engineer and a certified statement from a registered professional engineer that such common driveway was constructed in accordance with the approved plans.* Mr. Dell'Aquila said that the Planning Board will get the information anyway. Mr. Ceppi and Mr. Viner brought up another common driveway application that he felt a maintenance agreement was drafted and Mr. Dell'Aquila said he would look into it.

Open to the public: No comment

**MOTION: Mr. Ceppi motioned to continue to January 15, 2019 with the applicant submitting the maintenance agreement for the common driveway**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**VOTE: 4-0 (Ms. Shiver abstained from voting because she was absent for the last meeting)**

#### **4. Adoption of Minutes**

- **September 18, 2018 (Executive Session)** - it was discussed that at the November meeting these minutes get tabled until Ms. Shiver was present for comment. No comments or edits were discussed.

**MOTION: Mr. Butensky motioned to approve the minutes from September 18, 2018 executive session**

**SECOND: Mr. Ceppi**

**DISCUSSION: None**

**VOTE: 5-0**

- **November 20, 2018-** Mr. Viner asked if conditions needed to be added to minutes. It was discussed that Mr. Butensky asked the question before because they were added and were lengthy and Mr. Dell'Aquila said they do not need to be added and they are part of the record on the Certificate of Decisions.

**MOTION: Mr. Ceppi motioned to approve the minutes from November 20, 2018**

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 4-0 (Ms. Shiver abstained from voting because she was absent for the meeting)**

**5. Town Planner Report/General Board Discussion**

- **Bixby Bond Release-** Bond for trail connector was supposed to be an item tonight but on routine inspection with the Conservation Commission noticed erosion issues after the rainstorms. Bixby is addressing the issues and may be an agenda item next meeting
- **61A Paxton Road-** Last meeting there was an approved ANR. The land was under 61 A and the town has the right of first refusal and the Board of Selectmen will not be doing anything with the property.
- **Certificate of Completion for Solar Farms-** Mr. Dell'Aquila said that he reached out to Town Council in regards to Holmes Street for condition #38. Apparently, a document was recorded and signed by Ms. Reed, Mr. Ceppi, and Ms. Shiver and the notes on the document states the needed subdivision language. Town Council said that the document satisfies the condition. Mr. Dell'Aquila read aloud the email from Town Council dated 12/17/2018 in regards to Sunset/Holmes Solar Certificate of Completion. Furthermore, Mr. Dell'Aquila stated after his meeting with Jim Laney, 123 Kids, LLC, Sunset/ Holmes Subdivision, and he acknowledged that he is responsible for finishing the road. There was much discussion in regards to the subdivision and Mr. Dell' Aquila said they are separate projects. Mr. Viner said there was an amended subdivision decision. Mr. Ceppi said there are issues with the site and asked about the Bond. Mr. Dell'Aquila said that he and Conservation have been overseeing but the bond for the subdivision has expired. Mr. Ceppi was upset that the bond was expired and wants to see Mr. Laney update the bond.
- **Solar-** Mr. Viner had a disposition for having an escrow account instead of a bond for solar. Primarily because it cannot expire like the bonds and if the contractor goes under the bond may go with it. Mr. Dell'Aquila suggested having a construction bond to improve the solar process.

**MOTION: Mr. Ceppi motioned to adjourn the meeting at 9:07pm**

**SECOND: Mr. Butensky**

**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 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 12/11/2018
- Updated plans for Caruso Construction, N. Spencer Road, Common Driveway
- Updated Stormwater, narrative, site plan for 20 Norcross Road Solar Farm
- Minutes: 9/18/2018- Executive Session & 11/20/2018

**Items submitted at the Meeting:**

None