



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, June 20, 2017 at 7:00 PM

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

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

Planning Board Members Absent: None

Staff Present: Paul Dell'Aquila, Town Planner

Staff Absent: Monica Santerre-Gervais, ODIS Clerk

1) Mr. Ceppi opens the meeting at 7:07pm.

2) ANR- 117 West Main Street

Applicant/Owner: Hark Properties, LLC (Klem's)

Location: 117 West Main Street, Spencer Assessor's Map R29-9, R29-10 & R29-11

Mr. Dell'Aquila explained the applicant submitted an ANR for a lot line adjustment for the above-referenced lots in order to create a single lot and to make the Klem's building compliant with local zoning requirements as relates to setbacks. The ANR plan as submitted complies with the requirements of Spencer's Subdivision Regulations.

Mr. Viner asked for clarity on note #2 on the plan submitted. The Brian Andrews, Andrews Surveying and Engineering, noted that it was a typo and should say parcel A, parcel 9, and parcel 10 at the end of the note; Mr. Andrews fixed the note on the mylar.

MOTION: Ms. Shiver motioned to endorse the plan with the changes on note #2

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

3) Continued Public Hearing/ Special Permit –N. Brookfield Solar Farm

Applicants/Owners: Tom Li/ Sunpin Solar Development, Location: North Brookfield Road, Spencer Assessor's Map R39/14. The applicant is requesting to amend a Special Permit under Section 7.2, 4.2.B.3, and 4.8.9 Of the Spencer Zoning Bylaw to increase megawatt solar farm from 2 MW to 4.7 MW. The property is located within the Rural Residential zoning district.

Joseph Bartzis, Sunpin Solar, asked the board to put his hearing until the end of the agenda because his engineer was running late due to a flight delay.

4) Chapter 61A Land Release-50 Donnelly Road

Mr. Dell'Aquila explained that the Board of Selectmen already met in regards to this and took action, therefore, the Planning Board members do not need to take any action for this item.

5) Minutes – 5/16/2017

MOTION: Ms. Shiver motioned to approve the minutes for 5/16/2017 as submitted

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

6) Town Planner Report/ General Board Discussion

- Site Inspection for New England Gateway Automotive- Mr. Dell'Aquila and Margaret Washburn went to the site to inspect and everything met the conservation standards. Mr. Viner asked if the pavement they required them to remove had been removed and Mr. Dell'Aquila said he believed everything to be all set.
- Mr. Dell'Aquila discussed some Bixby changes

The rest of the items will be discussed at the end of the meeting.

Continued Public Hearing/ Special Permit –N. Brookfield Solar Farm

Mr. Ceppi reopened the hearing 7:23pm.

Mr. Dell'Aquila made a brief statement in regards to the recent issues with the postal service in regards to placing agendas in mailboxes without postage.

Mr. Bartzis introduced himself as Business Development Manager for Sunpin and spoke about his educational background. Sunpin is based out of Los Angeles, California but has history in solar development in the Northeast specifically in Massachusetts. Mr. Bartzis discussed the last meeting and taking the abutters and Planning Board members concerns in order to revise the plans. Some changes discussed are making the plan smaller, less clearing by roughly an acre and no grading or topsoil. Mr. Bartzis discussed the waiver for the slope and showed that only 2 acres would be over the 15% slope limitation. In addition, Mr. Bartzis said they have revised the vegetation plan to allow natural growth with minimal maintenance, plant northern corridor with indigenous plants and deciduous trees on a per acre basis, and 50 shrubs per acre. Also, Mr. Bartzis discussed the benefits of the solar farm; over 20 years there would be \$650,000-\$800,000 tax revenue with 50% going into the general fund and the other 50% into schools, the project will have the ability to create 30 jobs and the work would be given to local contractors, the solar farm will provide clean energy to 431 homes for 20 years, which, will help stabilize electrical prices in MA, reduction of blackouts and mitigate alternative land use, will not create undo traffic, and Sunpin to allow access to schools for students to study renewable energy. Mr. Bartzis said they tried to have an open house to explain the project and meet with abutters and only one abutter showed up.

John Henry, Beta Group, is the Civil Engineer on the project and showed up after the hearing started.

Mr. Ceppi asked if the improvements are from the original plan or last meetings plan and Mr. Bartzis said the 2012 plan with no cuts or grading. Ms. Shiver asked what waivers are being requested and Mr. Bartzis said the 50% grade slope restriction. Mr. Dell'Aquila asked if there were any more waivers and Mr. Bartzis said the clearing of forest would still need a waiver. Mr. Viner asked about the May 13th, 2017 memo with the tree clearing and tree buffer and Mr. Bartzis said some changes have been made in regards to the memo. Mr. Viner asked if the whole site would still be cleared and Mr. Bartzis said in 2012 it was 23 ½ acres but now 22 ¾ acres. Ms. Shiver said it would be 22 ¾ acres instead of 34 acres. Mr. Viner asked about the area buffer and Mr. Bartzis said 8 acres is already cleared and the area buffer would be 3.5 to 4.25. Mr. Viner stated it would be 30 acres of cleared space and John Henry, Beta Group, said yes. Ms. Shiver asked if the megawatts for the solar farm would still be 4.7 and Mr. Bartzis said no they downsized to 3.4MW. Mr. Ceppi asked if the array is the same size and the panels are more efficient and Mr. Bartzis said yes the panels are more efficient and the foot plan increased 15%. Mr. Ceppi discussed why the applicant has to come back for the waivers due to the bylaw change and mentioned they lowered the height of the panels to meet the standards of the bylaw requirements. Mr. Henry said the plans dated 6/14/17 have a typo with the panel height and will decrease the panel height. Mr. Dell'Aquila asked if the access road has been moved and Mr. Bartzis said it was moved to the east side to allow a turnaround, the fence was moved to be closer to the arrays. Mr. Henry said the access road had to be changed for the utility company. Ms. Shiver asked how the panels will be installed and Mr. Bartzis said they will be screwed in. Ms. Shiver asked if the only disturbance would be the detention basins for drainage and Mr. Bartzis said yes. Mr. Ceppi asked if the access road would be paved and Mr. Bartzis said no it will be processed gravel, Mr. Henry said the apron would be paved. Ms. Shiver asked about the 100 trees/ 100 shrubs plan. Mr. Henry said it would be a native species. Mr. Dell'Aquila said the Conservation Commission has the list for appropriate trees and shrubs.

Mr. Ceppi opened the meeting to the public at 7:53 pm.

Al Letendre, 23 N. Brookfield Road, asked about the grade for the access road. Mr. Henry said the grade is 4-5%. Mr. Letendre said the grade looks like a high hill. Mr. Letendre asked if the applicant meets the Fire Department needs and Mr. Dell'Aquila said yes. Mr. Letendre asked for clarification of what's being cleared and Mr. Henry said 8 acres already cleared and they would like to clear out another 22 ¾ acres. Mr. Bartzis said they added an additional buffer to Mr. Letendre's so now there is a 160 feet buffer. Mr. Letendre mentioned the line of site with all the trees being cleared and felt the new solar bylaw isn't being met. Ms. Shiver mentioned there is a new plan. Mr. Ceppi mentioned that the Special Permit approved in 2012 is more clearing and the applicant is trying to clear less and add more screening for abutters. Mr. Letendre believed the Planning Board should set a precedent with the new bylaw. Mr. Ceppi said the plan was already approved and any new applications will have to meet the new solar bylaw. Mr. Henry discussed improvements and design requirements. Mr. Letendre asked if the applicant is stumping and Mr. Henry said yes they would have to because of the panels but a stormwater plan has to be put in place but they will clear and restore to prevent issues. Mr. Shiver asked what stumping entails and Mr. Henry explained that an excavator would pull out the stumps and then fills the hole.

Kyle Martin, 35 Woodside Road, mentioned that 2012 plan was already approved and there is nothing can be done. Ms. Shiver said it was approved in 2012 and the applicant can go off the approved plan but are trying to revise.

Michael Engel, 13 Paul's Drive, mentioned he is still concerned with the line of site from the south, asked if money is really going to Spencer, asked why this is not considered a new project, and mentioned the new bylaws and the waivers don't comply. Mr. Engel went on to say that this is an economic liability and the applicant is clearing too many trees in a rural residential area. Mr. Ceppi explained a subdivision could go in, the 2012 special permit for use was approved, and this is not a new plan it's a revision. Mr. Henry said there are 75-100 ft trees, the elevation is 800, the screen will go downhill, and it will be 740 in the southeast corner. Mr. Dell'Aquila said that the question on the impact of property values is unclear and no planner can show a study on home values but unsure at this time. Ms. Reed said she spoke to appraisers and the screening is important and if the solar farm is poorly screened it could decrease the value but solar farms are new and there is no evidence of a decrease in home values.

Matt Blanchard, 5 Paul's Drive, upset that he did not receive a notification and he moved into the home in October 2016 and chose his area in Spencer because of the atmosphere and will move if the solar farm is approved. Mr. Blanchard felt that the town was setting a bad precedent, the project requires too many waivers, and he knows several other departments do not agree with the project. Mr. Henry said he understands the sensitivity of visibility and they will try to enhance the project better but a 25-50ft buffer will remain in place. Mr. Blanchard said he has a well near the site and is worried about contaminants and Mr. Bartzis said the panels do not have hazardous materials. Mr. Dell'Aquila responded to some of Mr. Blanchard's questions; first, a notice was mailed but due to Mr. Blanchard moving in the assessor may still have the last owners' information and if the mail is being forwarded then the previous owner is not sending the notices back and two notices were placed in the Spencer New Leader. Secondly, there was a tech review meeting with all departments and some boards were not in favor to the previous plan but they have not seen the revisions.

Matt Defosse, 7 Paul's Drive, passed out pictures to the Planning Board depicting six solar farms in Spencer and the issues they have with drainage and screening issues. Mr. Defosse explained the previous applicant did a better job reaching out to abutters and giving them information and he is not impressed with Sunpin. Mr. Defosse went through a list of issues:

- 1) The 2012 plan from CTC is much clearer than Sunpin's is.
 - 2) The 2012 permit- wants the legality of the 2012 Special Permit to be looked into because it was not recorded with the registry of deeds.
- Mr. Dell'Aquila responded that the Special Permit was granted and a permit extension act was passed and allowed more time for the applicant to record, the applicant has until May 2018, and was not recorded because of the current process.
- 3) The project does not meet the solar bylaw and discussed waivers.
 - 4) Solar is common and the applicant benefits by not notifying abutters and keeps the plans quiet so the projects will go forward. Solar companies buy cheap land, all the paperwork is similar, goes against Conservation Commission, to the East and the South of the property there are aquifers, deviates from the rural atmosphere, there is a well in the northeast corner, removing

trees increases ground water and winds, believes the towns drinking water may get polluted and wants to know who would be held accountable.

5) The solar panels heights are stated to be 10ft and on the plan has a different size, applicant isn't clear on how many acres they are clearing, the megawatt size is not clear, there are slope issues, the stumping will disrupt the land, believes there will be fire dangers, concerned about snow and run off, and the landfill wording in the application is an issue.

Mr. Dell'Aquila responded that since his time being here he feels the applicant did try to reach out to the abutters. Mr. Defosse objects to what Mr. Dell'Aquila said because he feels offering food is not a positive thing. Mr. Bartzis responded and said that he offered business cards and held a presentation in order to obtain feedback and meet with abutters. Additionally, Mr. Bartzis said that the project is now 75 feet farther away from Mr. Defosse home with the new plan.

Sheila Smith, 7 Paul's Drive, is concerned about the buffer from the edge of her property. Mr. Bartzis answered 50 feet. Ms. Smith mentions she is offended by the applicant because he mentioned the land could be a Muslim cemetery or low income housing. Additionally, Ms. Smith mentions the Department of Energy Resources (DOER) discouraging solar in residential areas and read aloud solar regulations and DOER suggestions on placement. Ms. Smith said there are salamanders, tree frogs and believes there are vernal pools and it will disrupt the patterns of the wildlife. Mr. Defosse states he still wants a legal check on the original special permit. Ms. Smith expressed water paths and water issues. Mr. Henry went back to answer Mr. Defosse's questions and stated that the snow removal and water will be handled under the stormwater application.

Gary Woodbury, Board of Selectmen, mentioned he is pro solar and wants a solar farm on the old landfill. He has concerns about ambient noise would be today, especially, when they clear cut. Mr. Woodbury discussed Steven Tyler's concerns, Margaret Washburn's concerns, and issue with Fire Department at Paxton Road solar farm. Mr. Dell'Aquila responded that the noise will be discussed at the site plan review meeting. Mr. Woodbury has an issued with appraisal contacts that Ms. Reed stated and believes we have a solar bylaw for a reason. Mr. Henry mentioned that a noise study was completed by CTC in 2012.

Susan Zuscak, 15 Paul's Drive, is concerned about the effect the solar farm will have in on the neighborhood. The neighborhood country living and now has concerns about the noise, the destruction with trees, doesn't want to live in the city and wants the trees to stay and not the solar farm. Ms. Zuscak said she doesn't want to lose her neighbors because of the solar farm.

Mr. Ceppi mentions it's going to happen regardless and feels the new plan is better.

Kyle Martin said the special permit in 2012 was 2MW and it's trying to be increased. Mr. Ceppi said it's the area. Mr. Martin said to leave it at 2MW and cut down less. Mr. Ceppi said it's the area around the solar panels that is the issue. Mr. Letendre asked from the original 2012 permit if the applicant still needed to come back for site plan review and conservation. Mr. Dell'Aquila said the use was approved but they still need to come back for site plan review and stormwater. Ms. Shiver said the solar bylaws changed and so did the board that approves the use. Ms. Reed shared her neighborhood experience with solar. Ms. Zuscak asked the board to allow the 2012 plan instead of the newer plan because it's farther away from her property. Mr. Ceppi believes the newer plan is a better layout because the older plan will be closer and Ms. Zuscak said they

will be less West and no direct view. Mr. Viner said the panels in 2012 are at a higher elevation. Mr. Defosse explained he wants the Planning Board members to go out and look at the site. Mr. Bartzis reiterated that they tried listening to the abutters concerns and he feels they have tried their best to fix the plan to everyone's concerns. Mr. Defosse read aloud the original Special Permit and questions the legality on the conditions and registering the original special permit.

MOTION: Ms. Shiver motioned to close the public hearing at 9:15pm

SECOND: Mr. Viner

VOTE: 4-0

DISCUSSION:

Mr. Ceppi discussed the first waiver request for the slope, with this new plan having less of a slope. Mr. Henry said the dark spots on the plan would be the slope. Mr. Viner disagrees with landfill reference due to soil base. Mr. Ceppi asked what the worst case the slope is and Mr. Henry answered 18%. Ms. Shiver asked if they would be putting panels at that level and Mr. Henry said yes. Mr. Dell'Aquila asked if the 2012 plan would still do that and Mr. Henry answered yes. Planning Board members were okay approving the slope waiver.

The second waiver request was for clearing. Mr. Viner still feels he is not comfortable with that. Ms. Shiver asked how the applicant will mitigate 7 acres that should be preserved to meet the bylaws. Mr. Bartzis discussed the shade line along with the perimeter fence. Mr. Viner stated that if the plan does go to site plan review all conditions can be fixed then. Ms. Shiver stated everything is conditional until the applicant goes to site plan review. There was much discussion in regards to whether the application before them is new or an amendment along with the process.

MOTION: Ms. Shiver motioned to approve as submitted

SECOND: Ms. Reed

DISCUSSION: Need to have all Planning Board members approve in order for the application to pass

VOTE: 3-1

7) Elections/ General Board Discussion

CHAIR PERSON- Ms. Shiver motioned for Mr. Viner to be the new chair person. Mr. Viner does not want the position. Mr. Ceppi said he would be chair for another year. Ms. Shiver motioned for Mr. Ceppi to be chair person, Ms. Reed seconded, and all voted for Mr. Ceppi to be chair.

VICE CHAIR PERSON- Ms. Shiver motioned to elect Mr. Viner to vice chair person, Ms. Reed seconded, and all voted for Mr. Viner to be vice chair person. Ms. Shiver asked about committee renewals and Mr. Dell'Aquila said he would need to look into it.

ZONING CHANGES- Mr. Dell'Aquila discussed that there will be new zoning changes

coming out to address some housekeeping.

MOTION: Ms. Shiver motioned to adjourn the meeting at 9:58pm

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 7/18/2017

List of Documents used on June 20, 2017

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Memo from town Planner, Paul Dell'Aquila, dated 6/15/2017
- ANR- Hark Properties/ Klems, 117 West Main Street
- Chapter 61A land release request for 50 Donnelly Road
- Sunpin Solar- updated Narrative, application, and plans to amend solar farm Special Permit on North Brookfield Road
- Minutes for 5/16/2017

Items submitted at the Meeting:

1. Letter from Matt Defosse, abutter to N. Brookfield Solar Farm with concerns
2. Picture submitted by Matt Defosse in regards to the current Solar Farms in town (returned to him at meeting)