



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, July 18, 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 & Monica Santerre-Gervais, ODIS Clerk

1) Mr. Ceppi opens the meeting at 7:03pm.

2) ANR: Arvid & Ruth Laderman, 42 GH Wilson Road, Boundary Line Adjustment

David and Andrea Thurlow, 40 GH Wilson Road, were present at the meeting to discuss the request for the ANR. The owners, Arvid and Ruth Laderman have always allowed the Thurlow's to utilize the land, however, the Ladermans are now deceased, the Thurlow's and the Ladermans' heirs would like to formalize the arrangement. Both lots will remain legal lots after this action. The ANR plan as submitted complies with the requirements of Spencer's Subdivision Regulations. Ms. Thurlow explained it's only a 25 ft. strip of land.

MOTION: Ms. Shiver motioned to approve the ANR for GH Wilson Road

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

3) Special Permit/ Major Site Plan Review/ Stormwater Permit – Cranberry Meadow Solar Applicant: ForeFront Power, LLC; Owner: Laura Hopkins, Location: 36 Cranberry Meadow Road; Spencer Assessor's Map R12/4. The applicant is requesting a Special Permit under Section 4.8.9 of the Spencer Zoning Bylaw to install a 2.2 megawatt solar farm and Site Plan Review under Section 7.4 of the Spencer Zoning Bylaw. The property is located within the Rural Residential zoning district.

Kelsey Crane, ForeFront Power, was present for the meeting. Ms. Crane explained that they are looking to construct an approximately 2.2 MW solar installation on an 8.7-acre portion of the approximately 15.6-acre property located at 36 Cranberry Meadow Road. Ms. Crane discussed that the granting authority for stormwater changed from the Planning Board to the Conservation Commission and therefore they will need to meet with Margaret Washburn. Mr. Dell'Aquila explained that in May of this year there was a tech review with the applicant and staff members and Ms. Washburn was not able to attend. Mr. Dell'Aquila explained a concern from Steven Tyler, Highway Superintendent, was the flooding that is near the driveway access. Lenard Engineering,

third party review, has submitted questions and concerns and the applicant will be attending the Conservation Commission meeting in August. Ms. Crane said 5 acres will be cut down and photos were handed in to the Planning Board to show the lot. Mr. Dell'Aquila noted that the property is in chapter 61A and the forest was cleared and there are questions in regards to clearing and solar panel calculations for impervious surface.

Mr. Viner asked if the drainage issue was from the property or pre-existing from the street. Mr. Dell'Aquila answered that it's a current conditions because the driveway/shoulder is below the surface of Cranberry Meadow Road and the water is pooling. Mr. Ceppi asked if the coverage meets the current bylaws. Juliet Caplinger, from TRC Solutions, said the site is approximately 15.6 acres and actually clearing 10 acres and said the property is actually only 50% forested so it would be 5 acres cleared. Mr. Dell'Aquila said no more than 50 % of the land can be cleared unless they request a waiver. Mr. Ceppi 50% of solar on the site and Mr. Dell'Aquila said yes. Ms. Caplinger asked if the bylaw could be explained because she thought it was only clearing 50% and Mr. Dell'Aquila quoted the Solar Bylaw *section G. Design and Performance Standards, 10. Impact on Agricultural and Environmentally Sensitive Land - The Photovoltaic Generating Installation shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. No more than 50-percent of the total land area proposed for the solar electric field may be occupied by the solar panels, with the remainder of the land remaining as undeveloped open space left in its natural state.* Mr. Dell'Aquila said if it was an originally cleared site there wouldn't be an issue. Ms. Crane said the 8.6 would include the boundary with fence. Mr. Ceppi asked the height of the panels, according to B-4-0 and Ms. Crane said they are using the Trina panels and will hand in a data sheet.

Mr. Dell'Aquila announced to the public the standards and requirements for Planning Board meetings, explained that an applicant can request waivers, this application is the first new application coming forward since the town adopted the new solar bylaw.

Mr. Viner said he would like to see in writing that the basics will be met such as 50% coverage, panel height, and screening. Ms. Crane answered and said they did a visual assessment and they feel that only one property will be more affected than others and they plan on planting vegetation to block the arrays. Ms. Caplinger said there will not be visual from the western side. Mr. Dell'Aquila mentioned that the applicant did receive the New England species list for planting vegetation. Tom Daniels, TRC Solutions, said they can provide the projection of growth. Ms. Shiver said the applicant would need to come back with the additional information, to try their best to not impact the neighborhood so much with the solar farm, and need to show the calculations and adhere to the bylaw. Ms. Crane mentioned that they do not consider the panels' impervious surface and they haven't run into this type of issues with other projects. Ms. Shiver mentioned that the issue with impervious surface will come up during the Conservation meeting and the third party peer reviewer.

Mr. Daniels wanted to discuss the slope requirement and TRC Solutions handed out a slope analysis for the Planning Board to review. Mr. Daniels discussed that there will be a higher slope in some areas and according to the Spencer Solar Bylaw the amount of ground disturbance is to be limited, however, in order to adhere to the slope requirements they would need to do grading or would the Planning Board allow the higher slope. Ms. Caplinger said the Solar Bylaw allows a 15% slope but with today's technology the panels are able to be developed on a 33% slope and there are areas on the site that will be over the 15% allowance. Mr. Viner said the reasoning for the slope requirement is to

address stormwater issues but if the calculations come back ok there could be a waiver given. Mr. Daniels said there is a drainage issue with the road but they will work with Mr. Tyler with mitigation and to help improve the road.

Mr. Ceppi opened the meeting to the public at 7:44pm

Joseph Fasano, 10 Martin Road, has concerns about the panel height, the buffer of the new vegetation, and mentioned that the land use of the property has been logging. Ms. Shiver mentioned that there is a visual mitigation in the solar bylaw. Mr. Fasano asked what road the applicant planned to use for road access because Martin Road does not have a turnaround. Also, Mr. Fasano said that Cranberry Meadow Road doesn't have drainage. Mr. Dell'Aquila said the runoff will need to be addressed, in response to the access road will most likely be off of route 31 to Cranberry Meadow Road, but Mr. Tyler at the Highway Department will recommend the route. Mr. Fasano asked about the additional clearing being required and natural buffers, especially to proximity to property lines. Ms. Caplinger discussed where they are clearing and referenced plan C-100, page 5. Mr. Fasano asked if the wetlands would be part of the 50% clearance and Mr. Ceppi said yes.

Ashley Costa, 5 Martin Road, discussed that she is a direct abutter to the project and explained over the past year there has been significant amount of logging that has been done in their back yard. Ms. Costa said that the owner had the right to log and didn't have to notify anyone what they were doing. Ms. Costa is now very upset that the solar farm in her back yard because she will be able to see it and that the owners should have left the natural buffer. In addition, she is concerned about the drainage because they are at the bottom of the property. Mr. Ceppi discussed that their property is at the 30% slope, however, the applicant will need to mitigate so water can't go into property. Alex Costa, also of 5 Martin Road, said you can see the run off now. Mr. Dell'Aquila said the town does not have oversight over forestry. Ms. Costa said they should have permits to log into the road and she made numerous requests and complaints in regards to the logging. Mr. Dell'Aquila said that they did have a permit to do the forestry but explained that one of the potential benefits of this solar farm application is that now the Planning Board and Conservation have more direct control over what the applicant needs to do on the site, as opposed to having the state control the conditions under the forestry permit.

Mr. Fasano said the property is in Chapter 61A and Mr. Dell'Aquila confirmed. Mr. Dell'Aquila said they will have performance bonds and surety bonds from the applicant to ensure that the work is done properly. Mr. Fasano asked if the design is approved and then found to be flawed does it get revisited and fixed. Mr. Dell'Aquila responded that a third party reviewer will continue to inspect the sites and will correct any issues. Mr. Daniels talked about the drainage concerns and discussed flow dissipation by installing an erosion control berms, in addition, operation and maintenance will be held frequently and landscaping will be completed through the life of the project. Corey Kookan, TRC Solution, discussed they will be providing a Stormwater Pollution Prevention Plan (SWPPP). Mr. Dell'Aquila said that Ms. Washburn with Conservation and he will go do inspections monthly.

Ms. Costa asked how far away the solar field will be from property lines. Mr. Daniels answered 50 feet for solar panels and the fence will be 25 feet. Ms. Costa asked what type of fence will be installed and Mr. Daniels answered chain link fence with barbed wire on top. Ms. Koskow explained the fence will be 7 feet with a foot of barbed wire on top making the fence 8 feet in height. The abutters did not like the idea of barbed wire and Mr. Dell'Aquila explained that the other solar farms in town do not have the barbed wire and suggested not having the barbed wire on top of the fence. Mr. Costa asked

about air pollution and Ms. Koskow said there is no tangible evidence of air pollution from solar farms.

Mr. Fasano said that while visiting the Abbey's solar farm and can hear an audible hum. Mr. Dell'Aquila said the project at the Abbey is a 26 MW solar versus the 2 MW solar farm that is being requested so it's not comparable. Mr. Dell'Aquila asked where the electrical equipment will be and Mr. Ceppi answered just south of 5 Martin Road. Mr. Viner requested the applicant provide standard specifications for the transformers with the decibel ratings. Mr. Daniels said when you have multiples they are more audible and they are not proposing string invertors. More information will be provided during the site plan review. Mr. Dell'Aquila said the Conservation Commission meeting will be held next month, as well as, and additional tech review and asked the applicant if they should continue until next month or September and the applicant would like to continue to the August meeting. Mr. Viner discussed operating hours and posting hours during construction. Mr. Dell'Aquila said all updated documents will need to be in hand on August 7th, 2017. The meeting will be continued on August 15, 2017 at 7:00 pm.

MOTION: Ms. Shiver motioned to continue the public hearing until August 15th, 2017.

SECOND: Ms. Reed

DISCUSSION: Applicant requirements discussed for the next meeting: 1) All stormwater questions will go through Margaret Washburn 2). Will need to have calculations on solar, percentage of land clearing, and percentage of the natural state 3) Panel heights 4) clearing window, which, will depend on the history of the lands use 5) Screening and visual mitigation 6) change in inverter to be farther away from 5 Martin Road.

VOTE: 4-0

4) Minutes – 6/20/2017

MOTION: Ms. Shiver motioned to approve the minutes for 6/20/2017 as submitted

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

5) Town Planner Report/ General Board Discussion

- Committees- Mr. Viner will continue to be on the Building and Property reuse committee, as well as, the Capital committee; Mr. Ceppi will continue to be on the Solar Committee; Ms. Shiver will continue to be on the Economic Development committee, as well as, the representative for CMRPC; and Ms. Reed will be on the search committee for the new Town Administrator.
- There will not be a Special Town Meeting; therefore, there will be more time to discuss the bylaw changes and housekeeping details.

Mr. Ceppi adjourned the meeting at 8:56 pm

Submitted by: Monica Santerre-Gervais ODIS Clerk
Approved by the Planning Board on: 8/15/2017

List of Documents used on July 18, 2017

Items sent to Planning Board prior to Meeting by email/mail:

- Agenda
- Memo from town Planner, Paul Dell'Aquila, dated 6/29/2017
- ANR- Arvid & Ruth Laderman, 42 GH Wilson Road, Boundary Line Adjustment
- Cranberry Meadow Solar- Site Plan Review/ Special Permit/Stormwater application, plans, and storm water narrative to amend solar farm
- Minutes for 6/20/2017

Items submitted at the Meeting:

1. Pictures of land for Cranberry Meadow Solar, handed out by applicant
2. Slope analysis for Cranberry Meadow Solar, handed out by applicant