



## Planning Board – Town of Spencer

### *Minutes*

#### Planning Board Meeting

**Tuesday, October 17, 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, Shirley Shiver, and Jeff Butensky

Planning Board Members Absent: None

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

#### **1) Mr. Ceppi opens the meeting at 7:02pm.**

#### **2) ANR's**

- **Jeffrey Hill, 10 Marble Road**

Jason Dubois, DC Engineering, was present for the meeting and explained they were extending boundary line because the well was drilled over the property line so between the homeowner and abutter they swapped some land. Mr. Dell'Aquila explained it is a non-conforming lot but they are not making the lot more non-conforming. Mr. Ceppi asked if a water test had been done and Mr. Dubois said yes and it was fine.

**MOTION: Ms. Shiver motioned to allow Town Planner, Paul Dell'Aquila, endorse the mylar for 15 Marble Road**

**SECOND: Mr. Viner**

**DISCUSSION: None**

**VOTE: 5-0**

- **Sweetwater Hollow, LLC, 18 & 20 Crown Street**

James Lovett, 270 Main Street, and Kevin Flavin were present for the meeting. The intent of the ANR is to adjust the property line to allow for a greater setback between 18 and 20 crown street. Mr. Dell'Aquila said both would have sufficient frontage and lot area to be legal lots for a single family home. Ms. Shiver asked if there would be a back line adjustment and Mr. Lovett said no.

**MOTION: Ms. Shiver motioned to allow Town Planner, Paul Dell'Aquila, endorse the Mylar for 18 & 20 Crown Street**

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 5-0**

- **ZPT Energy Solutions, LLC; Main Street Realty Trust, 369 Main Street**  
Thomas Bovenzi, Attorney and representative for ZPT Energy was present for the meeting. Mr. Bovenzi discussed that the ANR would be for several parcels C-1, C-2, D-1, D-2, and D-3 and is looking to recombine the parcels with frontage onto Main Street to re-position the boundary line and they are labeled as non-buildable. The alignment would be for practical matters. Mr. Dell'Aquila said it complies with the checklist and that there are three entities involved the Lemanger Family Trust, Paxton Road Realty Trust, and Main Street Realty Trust.

Mr. Viner asked if there was more than one version of the ANR and said that Main Street cannot be used for frontage. Mr. Bovenzi explained the lots have access elsewhere and the plan is for conveyance purposes only. Mr. Viner asked if the intent was to combine with rear lots. Mr. Ceppi explained he would have liked to see the lots they were combining with and would like to see both lots complete. Mr. Bovenzi said it is shown just not completely. Ms. Shiver asked where the driveway access was. Mr. Dell'Aquila said it would be for the whole solar farm. Mr. Ceppi questioned when the zoning stopped at rural residential and where it turns into commercial and Mr. Dell'Aquila said it meets the requirements. Ms. Shiver asked if Paxton Road Realty Trust was the solar entity and Mr. Bovenzi said that was correct but Main Street Realty Trust was not part of the solar farm. Mr. Dell'Aquila asked if there were active businesses on the empty parcels and Mr. Bovenzi said lot 1 has a business but wasn't sure about lot 2. Mr. Viner expressed that there is inadequate access issues and that the parcels don't have adequate frontage, that the 1<sup>st</sup> parcel is undersized, and the 2<sup>nd</sup> parcel is in "land lock". Mr. Bovenzi said they currently have frontage and the ANR is for conveyance purposes and labeled as non-buildable lots on the plan. Mr. Dell'Aquila said there will not be driveways at Main Street and it would just be paper frontage.

There was much discussion in regards to the solar farm combining the lots previously to use as frontage in order to get their permits and it possibly changes the application because they were taking away the frontage they used. Mr. Bovenzi argued against that idea and continued to debate that the plan is for conveyance purposes only. Mr. Bovenzi said the access for the solar array is on Paxton Road with an address of Woodchuck Lane and said the adequacy would be a discussion for the building inspector. Some Planning Board members did not agree with the intent of the plan and taking away the current illusionary frontage issued to the solar array.

**MOTION: Ms. Shiver motioned to allow Town Planner, Paul Dell'Aquila, endorse the Mylar for 369 Main Street**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**VOTE: 3-2**

- **Russell & Lottie Davis, Northwest Road**  
Jason Dubois, DC Engineering, was present for the meeting to explain cut out lot 4 there is a house adjacent to lot, cut lot 4 over appropriate frontage and area in order to create a buildable lot for a single family home. The remaining land and frontage will be at the lower portion.

**MOTION: Ms. Shiver motioned to allow Town Planner, Paul Dell'Aquila, endorse the Mylar for 15 Marble Road**

**SECOND: Mr. Viner**

**DISCUSSION: None**

**VOTE: 5-0**

- **Bradford & Cindy Stoler, 21 Bond Street**

Jason Dubois, DC Engineering, explains the owner owns the parcel and the intent is to create two residential lots out of an existing 68.14 acre parcel, both lots will meet frontage and lot area requirements. Mr. Ceppi said the left over lot will not have enough frontage and won't be a buildable lot. Also, Mr. Ceppi did not like the word "separate" on the plan. Mr. Viner felt the word "separate" means it separates the leftover lot from the two lots being created.

**MOTION: Ms. Shiver motioned to allow Town Planner, Paul Dell'Aquila, endorse the Mylar for 15 Marble Road**

**SECOND: Mr. Viner**

**DISCUSSION: None**

**VOTE: 5-0**

**3) Major Site Plan Review/ Stormwater Permit – Applicant/Owner: Dustin Doray (Dustin Doray Trucking), Location: 17 West Main Street; Spencer Assessor's Map U9/18. The applicant is requesting a Major Site Plan Review under Section 7.4 of the Spencer Zoning Bylaw to install a truck parking garage with an office and to include three parking spaces. The property is located within the Industrial district.**

A letter submitted by Jason Dubois, DC Engineering, on behalf of Dustin Doray requested a continuance until November 21, 2017 because they still have not received a response from MASS DOT regarding access criteria for the proposed driveway onto West Main St.

**MOTION: Ms. Shiver motioned to continue the public hearing until November 21, 2017**

**SECOND: Mr. Viner**

**DISCUSSION: Mr. Butensky could not vote**

**VOTE: 4-0**

**4) Continued Special Permit/ Major Site Plan Review/ Stormwater Permit – 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. Opened hearing at 8:03 pm.**

Ed Switzer, Project Manager for Forefront Power, and Juliet Caplinger, TRC, were present for the meeting. Mr. Switzer explained a site visit with the Conservation Commission for a walk through and received their comments to add to revision to the plans, updated plans to address all comments, updated the decommissioning bond, and stormwater. Mr. Dell'Aquila asked when they would be meeting with the Conservation Commission and Ms. Caplinger said October 25, 2017. Mr. Ceppi recapped as to the issue with forest clearing and site coverage. Mr. Switzer said they went back to 2012 and updated the site plan as requested and updated the impact study. Mr. Switzer said in 2012 the land was 15.6 acres forested and they are proposing to clear 9.7 acres which puts them at 62.18% of clearing. The applicants requested a waiver because they will be over the clearance threshold per the zoning bylaws but asked that the Planning Board keep in mind their intent for public improvement to the current stormwater issues, which, was discussed during their first tech review. Margaret Washburn from Conservation feels the brush is new and Mr. Switzer said it would not be invasive. Ms. Caplinger said the closest they could get to go going back 5 years is 2009-2010 on Google and the lot seemed mostly forested and currently it is 50% cleared there will be 4-5 acres of actual tree clearing. Mr. Ceppi asked if the 4-5 acres was in one area and if you didn't clear that they would be under the 50%. Mr. Switzer explained the clearing would be scattered. Mr. Ceppi asked about a certain area that seemed to remain cleared and it was determined that it was an old gravel pit. Ms. Shiver asked about the improvements being done and Mr. Switzer responded that at the culvert and the access they would be adding stormwater control measures and improving the culvert under the road. There was discussion in regards to the plans and where it shows the culvert. Mr. Ceppi had an issue with the fenced in perimeter area and to include the isle. Ms. Caplinger said they did not include the access circle. Mr. Ceppi said that while looking at the plan the clearing still looks larger than 50%. Mr. Viner asked if the solar array had been revised and Mr. Switzer replied slightly. Ms. Caplinger said they changed the location of the transformer pad to be further away from the home in the northeast. Mr. Ceppi asked who the town reviewer was and Mr. Dell'Aquila said Lenard Engineering and Art Allen for the Conservation Commission, also, he mentioned Conservation was the stormwater approving authority. Ms. Caplinger mentioned that they added additional screening for Martin Road abutter. There was much discussion about the tree line and the trees staying for the abutters for screening.

Ms. Shiver asked if the Conservation Commission is looking at the excavation and Ms. Caplinger said yes they submitted a landscaping plan. Mr. Switzer discussed the vegetation plantings that were acceptable to Ms. Washburn and planting them in a more mature state. Mr. Ceppi suggested not cutting any trees in the northwest corner for the 25 ft buffer because the plan shows cutting to the property line and they may be able to meet the clearing requirement. Ms. Caplinger asked what the difference between buffer and set back was and Ms. Shiver asked if there was a minimum setback or buffer requirement and Mr. Dell'Aquila read aloud the visual impact mitigation obligations and there isn't a buffer requirement for solar. Mr. Ceppi explained that it is their responsibility to protect the homes with screening and that if they didn't cut the trees down at the 25 ft buffer than they might not need to clear as much. Mr. Switzer said it would be possible to not clear 25 ft on the westerly side. Ms. Caplinger said they would produce a new plan to show the 25ft buffer and Mr. Ceppi said the third party reviewer would review with the updated percentage. Mr. Ceppi would like a new plan to reflect the cutting in present day. Mr. Switzer said they originally submitted present day plans at the beginning of their submission and the Planning Board made them go back the five years to determine how much

had been forested. Mr. Dell'Aquila explained they wanted an idea of how much was cleared in the past five years but want to see current conditions. Mr. Ceppi explained why the Planning Board wanted the applicant to go back within the five years to see how much was cleared and now he wants the applicant to show on present day and asked if the board had to give the applicant a waiver for the clearance. There was much discussion as to how much clearing was done in 2010 to present day and how much tree cutting is necessary for the solar array. Mr. Viner mentioned that in previous submittals the Planning Board has not reviewed previous conditions of the site and there is nothing in the Spencer Zoning Bylaw stating the applicant couldn't clear beforehand. Ms. Shiver expressed they need hard copy plans to see what is left and what will stay. Ms. Caplinger said they would use different colors for plantings, landscaping, and mitigation.

Mr. Ceppi opened to the public at 9:21pm:

Ashley Costa, 5 Martin Road, explained that she had issues with the foresting and said that she called the homeowner's sister and she admitted that they were clearing for a solar farm. Ms. Costa said there are only three large trees left with very little brush and asked why they needed to clear so close to the property. Ms. Costa is concerned about runoff for the slope to her yard and how will that impact her property. Mr. Dell'Aquila recommended that Ms. Costa go to the Conservation meeting on 10/25/2017 because they are the stormwater authority. Mr. Viner explained that the property owner has the right to do what they want with their property up to their property line. Ms. Costa was upset about the land owner not caring about the abutters to her property. Mr. Ceppi said that the applicant needs to design the solar array so it doesn't impact her home. Mr. Switzer explained that there will be a stormwater bond and money set aside to address any issues that may arise; also, there is a decommissioning bond to remove the solar array. Ms. Costa asked if the culvert repair was going to cause traffic on her road and Mr. Switzer explained the construction would be on Cranberry Meadow and not Martin Road.

Matt Defosse, 7 Paul's Drive, said there is a construction bond during the construction but what was in place after the construction to ensure there aren't issues after. Mr. Dell'Aquila said the applicant will submit an Operation and Maintenance agreement in addition to a Decommissioning Bond that will cover the life of the project. Mr. Defosse noted that as the public they would like to see more visuals from the applicant.

Mr. Viner asked how they are treating the special permit and the site plan review and Mr. Dell'Aquila said it would be just one process and decision.

**MOTION: Ms. Shiver motioned to continue the hearing until 11/21/2017.**

**SECOND: Mr. Viner**

**DISCUSSION: Mr. Butensky could not vote**

**VOTE: 4-0**

**Mr. Defosse requested a walk thru for the Planning Board members for North Brookfield Solar to see the existing conditions of the site. Mr. Dell'Aquila asked Mr. Defosse to submit the request in writing.**

## **5) Minutes:**

### **Special Meeting- 9/19/2017**

**MOTION:** Ms. Shiver motioned to approve the minutes for the special meeting on 9/19/2017

**SECOND:** Mr. Viner

**DISCUSSION:** Mr. Butensky cannot vote

**VOTE:** 4-0

### **Regular Meeting- 9/19/2017**

**MOTION:** Ms. Shiver motioned to approve the minutes for the meeting on 9/19/2017

**SECOND:** Mr. Viner

**DISCUSSION:** Mr. Butensky cannot vote

**VOTE:** 4-0

## **6) Town Planner Report/ General Board Discussion**

- Discussed Abbey Solar- nearing final as-builts
- Discussed Richland Ave Subdivision- the applicant is looking for road acceptance and needs to get on the town warrant. All agreed on a special meeting on 10/23/2017 at 7:00 pm

**Mr. Ceppi motioned to adjourn the meeting at 10:02 pm**

**Mr. Viner Seconded**

**Vote:** 5-0

**Submitted by: Monica Santerre-Gervais ODIS Clerk**

**Approved by the Planning Board on: 11/21/2017**

## **List of Documents used on October 17, 2017**

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

- Agenda
- Memo from town Planner, Paul Dell'Aquila, dated 9/12/2017
- ANR- Jeffrey Hill, 10 Marble Road, Sweetwater Hollow, LLC, 18 & 20 Crown Street, ZPT Energy, 369 Main Street, Russell & Lottie Davis, Northwest Road, and Bradford & Cindy Stoler, 21 Bond Street
- Continuance letter for Doray Trucking dated 10/16/2017
- Cranberry Meadow Solar updated plans emailed 10/17/2017
- Minutes for Special Meeting 9/19/2017 and regular meeting held on 9/19/2017

Items submitted at the Meeting:

1. Updated plans from Forefront/TRC, Cranberry Meadow solar, dated 10/10/2017