



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, November 21, 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 7:00pm.

2) ANR's

- **Joseph Lacroix, 20 Holmes Street, Boundary Line Adjustment**

Joseph Lacroix, 20 Holmes Street, was present for the meeting to discuss his neighbor buying some of his land to enlarge their land so a boundary line adjustment is needed. Mr. Dell'Aquila said that each lot complies and even though the frontage is non-conforming they will not be addressing that.

MOTION: Ms. Shiver motioned to approve the plan as submitted

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 5-0

- **ZPT Energy Solutions, LLC, End of Holmes Street, Boundary Line Adjustment**

Larry Sabeau, from Hannigan Engineering, was present for the meeting. Mr. Sabeau discussed the solar array being installed on Holmes Street and that one panel is too close to the property line that ZPT Energy is requesting to reconfigure the property line. Mr. Ceppi asked if the panel could be moved so they didn't need to do the boundary line adjustment. Mr. Sabeau answered it is easier to do the boundary line adjustment. Mr. Viner asked if they had their Occupancy permit yet and Mr. Dell'Aquila said no. Mr. Butensky asked if the solar panels were already up and Mr. Sabeau said yes.

MOTION: Ms. Shiver motioned to approve the plan as submitted

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 5-0

3) Continued 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. Opened hearing at 7:08 pm.

Jason Dubois, DC Engineering, on behalf of Dustin Doray requested a continuance until December 19, 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 December 19, 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 7:09 pm.

Mr. Dell’Aquila handed out new information to the Planning Board members.

Ed Switzer, Project Manager for Forefront Power was present for the meeting. Mr. Switzer explained that since the last meeting they have taken comments from the fire chief, the Conservation Commission, Lenard Engineering, and the Planning Board in regards to requirements for clearing under the 50% limit, vegetative buffers and plantings by leaving the 25 foot buffer, and work to be done on slopes to be addressed on the new plans. Mr. Switzer said they will be grading higher than 15% to provide and will have stormwater management. It is probable that a waiver will be needed for grading but they will continue to work with the Conservation Commission for the stormwater permit.

Tom Daniels, Stormwater Engineer for TRC, was present to discuss any stormwater questions. Mr. Dell’Aquila mentioned that the Conservation Commission is the approving stormwater authority and their decision will be incorporated in the Planning Boards conditions. Mr. Dell’Aquila suggested to the Planning Board that the site clearing and coverage issue should be addressed first. Mr. Switzer said there current design has grading over the 15% and would need the waiver.

Mr. Ceppi asked about the clearing revisions. Mr. Switzer said it was agreed that by removing trees permanently it would be considered a cleared so they went through and revised the plans and explained how to read the plans with shadings, hashed, single lines, and wetland buffers. Mr. Switzer said 48.2% for clearing and panels are at 39.2%. Mr. Ceppi said there is a total calculation error on the plans. Juliet Caplinger, TRC, said that there had been more edits to the plans and the total number should be 7.19 in the center. Mr. Switzer said everything was done in

accordance with what the Planning Board wanted and shows the area previously cleared and what will be cleared. Ms. Shiver asked what the applicant meant by revegetate. Mr. Switzer said that once they have graded they will go back and do landscaping based off of the landscaping plan to replant. Mr. Switzer added C201, C202, and C203 on the plan lists the species with corresponding landscaping plan and the abutter closest to the solar array are listed. Ms. Caplinger said the Conservation Commission already submitted them a list of species.

Mr. Viner asked about the tree clearing and how the limits were determined. Mr. Switzer said they had an environmental consultant go out to the site and did the surveys. Mr. Dell'Aquila handed out a memo from October 30th 2017 and a letter from Lenard Engineering dated 11/21/2017. Lenard Engineering has the clearance totaled as 56.8%, however, they did not incorporate the gravel area that pre-existing or revegetative areas. Mr. Dell'Aquila added that Lenard Engineering said the coverage is around 8.16 acres inside the fence. Mr. Ceppi said the driveway is no included and Mr. Dell'Aquila said it was not. Mr. Ceppi asked about the issues Lenard Engineering had and Mr. Dell'Aquila said there was bonding amounts and the new plans have not been reviewed. Mr. Dell'Aquila mentioned that Margaret Washburn got injured and she will be out of the office for awhile and there have been some delays. Mr. Viner feels that the coverage would be over the 50%. Mr. Ceppi asked if they should grant a waiver on the coverage in case it goes over. Mr. Dell'Aquila said they could make it a condition but should wait until after the Conservation meeting because they still don't have a final plan yet. Ms. Shiver said that no motion is needed and the items have been addressed. Mr. Viner said he doesn't believe a waiver is appropriate and that it could say it's within margin of error and meets intensive purposes. Mr. Ceppi said it makes it hard because of the pre-cleared area. Mr. Dell'Aquila said after the Conservation meeting the Planning Board needs a final plan.

Mr. Switzer said that the next meeting should be in January 2018. Mr. Dell'Aquila asked about stormwater and slope issues. Ms. Caplinger handed out the existing conditions for slope analysis to show they aren't proposing to build anything on slopes greater than 15% because the solar bylaw says the panels can't be on slopes greater than 15% (on the plan slopes are color coded). Mr. Switzer said they addressed all onsite and offsite concerns and reconfigured panels so that no panels are on a slope greater than 15%. There was some discussion in regards to soil conditions. Mr. Daniels talked about historic values of the site. Ms. Caplinger said the soil was a Conservation concern because soil particles will move and their intent is to stabilize the ground and allow grass to grow. Mr. Dell'Aquila said a lot of these concerns do need to be addressed with the Conservation Commission and the biggest issue is in the Northeast area near the abutter and need additional mitigation. Ms. Caplinger said they took out the berm and are adding a 3 stone diaphragm down the back of site so the any water runoff will run into their stormwater infiltration systems and adding a 1-2 ft retaining wall at the Costa residence, the landscaping and grading will stay the same and a lot less water should flow into the property. Mr. Dell'Aquila asked what the diaphragm was. Mr. Daniels explained that the 3 stone diaphragm and said it is similar to a drip edge with the intent to slow the water and has proven function in other states. Mr. Dell'Aquila asked if it was similar to a French drain and Mr. Daniels said yes. Mr. Dell'Aquila asked about the retaining wall and Mr. Daniels said it is to provide more of an undisturbed buffer to the abutters. Mr. Ceppi said on plan C301 shows the retaining wall and diaphragm. Mr. Dell'Aquila asked if the Costas will be able to see the retaining wall from their home and Mr. Daniels said probably not because of the visual screening of plantings. Ms. Shiver

asked what the 1-2 foot retaining wall will do and Mr. Daniels said it will allow them to meet there grades. Mr. Dell'Aquila asked if no impact beyond the area and Mr. Daniels said only plantings.

Mr. Ceppi opened the meeting up to the public 7:47pm.

Ashley Costa, 5 Martin Road, asked how far away from the property line to the panels will they be. Ms. Caplinger said they will be 45 feet away from the property line. Ms. Costa asked what will be installed to protect the property during grading. Ms. Caplinger said hog back wire silt fence and erosion controls. Mr. Daniels said there will be a construction phasing plan and all work done in small chunks. Ms. Costa asked about keeping the foliage that is there now and then additional foliage. Mr. Switzer said no the 25 feet will remain, the additional 20 feet is between the fence and solar array that provides circulation around the solar array for emergencies and access. Mr. Ceppi said they will add additional vegetation within the 25 feet. Ms. Costa said they would be digging on the slope and Mr. Switzer said that is why they would be installing the retaining wall. Ms. Costa said she felt there is ledge near her home and TRC said they did tests and didn't see anything. There was some discussion in regards to the land, ledge, and other concerns. Mr. Dell'Aquila said the ledge can be tested by third party reviewer.

Alex Costa, 5 Martin Road, asked the measurements for slopes and grades because the Conservation Commission is concerned. Mr. Daniels said there is a plan with different colors that showed grading and slope and Mr. Costa was not satisfied with the drawings because Conservation raised concerns. Mr. Dell'Aquila explained that the applicant can request waivers for grading on slopes over 15% if the calculations are okay and the applicant can demonstrate it can properly handle stormwater and he is unsure what Ms. Washburn has reviewed. Ms. Caplinger said the Solar Bylaw does not say no grading.

Matt Defosse, 7 Paul's Drive, wanted Mr. Viner to elaborate on margin of error for the coverage and clearing issues. Mr. Ceppi said it would be subjective to the Planning Board with the efforts of the applicant and third party review. Mr. Dell'Aquila said 1%-5% is marginal. Mr. Viner agreed that with his experience the land area could vary.

MOTION: Ms. Shiver motioned to continue the hearing until 1/16/2018.

SECOND: Mr. Viner

DISCUSSION: Mr. Butensky could not vote

VOTE: 4-0

5) Minutes:

Regular Meeting- 10/17/2017

MOTION: Ms. Shiver motioned to approve the minutes as submitted

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 5-0

Special Meeting- 10/23/2017

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

SECOND: Mr. Viner

DISCUSSION: Mr. Ceppi could not vote

VOTE: 4-0

6) Town Planner Report/ General Board Discussion

- Discussed next meeting items
- Discussed the special meeting scheduled for 12/5/2017 for N. Brookfield Solar
- Discussed Abbey Solar
- Discussed Sunset/Holmes Solar, Paxton /Woodchuck Solar submitted requests to close
- Discussed landfill solar in town

Mr. Ceppi motioned to adjourn the meeting at 8:17 pm

Mr. Viner Seconded

Vote: 5-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 12/19/2017

List of Documents used on November 21, 2017

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

- Agenda
- Memo from town Planner, Paul Dell'Aquila, dated 11/14/2017
- ANR application and plans - Joseph Lacroix, 20 Holmes Street, Boundary Line Adjustment & ZPT Energy Solutions, LLC, End of Holmes Street, Boundary Line Adjustment
- Cranberry Meadow Solar updated plans 11/16/2017, Bond Estimates, decommissioning estimates, Response letter to Bond Construction, tree clearing exhibits, and peer review.
- Minutes for Special Meeting 10/23/2017 and regular meeting held on 10/17/2017

Items submitted at the Meeting:

1. Updated plans from Forefront/TRC, Cranberry Meadow solar, dated revised 11/16/2017
2. Email from Corey Brodeur, Lenard Engineering dated 11/21/2017
3. Lenard Engineering Report dated 10/30/2017
4. TRC handed out existing conditions for the slope analysis