



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, May 15, 2018 at 7:00 PM

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

Planning Board Members Present: Chair Robert Ceppi, Jonathan Viner, Shirley Shiver, and Jeff Butensky

Planning Board Members Absent: Maria Reed

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

Staff Absent: None

1. Mr. Ceppi opened the meeting at 7:03 pm

2. ANR-17 GH Wilson Road, Owner: Scott & Joyce Cycz/ Applicant: ZPT Energy II, LLC, Create 1 lot

Kevin McGarry, Fuss and O'Neil, was present to discuss the ANR to add a 23.5-acre portion of Lot R-17-9 to 28.99-acre Lot R17-16 as part of the proposed solar project being proposed by ZPT at 17 GH Wilson Road to create an approximately 52.54-acre parcel by removing the existing lot line between the two parcels. Mr. Dell'Aquila said the ANR complies with Spencer's requirements for ANR's.

Mr. Viner asked if lot 9 had no frontage and Mr. McGarry said that was correct.

MOTION: Ms. Shiver motioned to endorse the plan

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

3. Public Hearing Continuation – 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.

Ed Switzer, Forefront Power LLC, was present for the meeting.

Mr. Dell'Aquila explained to the applicant that because Ms. Reed was absent and Mr. Butensky was unable to vote the Planning Board could have a special meeting on May 29, 2018.

Mr. Switzer and the Planning Board all agreed on Tuesday May 29th, 2019.

Mr. Dell'Aquila said the applicant finally got the sign off from the Conservation Commission.

Ms. Shiver asked what the action for Town Meeting was and Mr. Switzer explained it was to approve the drainage easement for the culvert across the street.

MOTION: Ms. Shiver motioned to continue to the meeting to May 29, 2018

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 3-0

4. Public Hearing Continuation- Major Site Plan Review/ Special Permit- Applicant: Ernest Mello, ZPT Energy Solutions II, LLC; Owner: Scott and Joyce Cycz, Location: 17 GH Wilson Road; Spencer Assessor's Map R17 - Lot 16 & Lot 9. 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. Ceppi reopened the hearing at 7:14pm

Kevin McGarry, Fuss & O'Neil and Ernest Mello, ZPT Energy Solutions II, were present for the meeting. Mr. McGarry said they received comments for the Planning Board, Conservation Commission, and third party reviewers and have addressed most of the issues. Some updates included erosion and sediment controls, extension of the gravel access road, detention basins and swales, turnarounds and full access all around the array for fire and the permanent wetlands crossing. Mr. McGarry discussed the numbers again for the site 52.5 acre lot, clearing now at 20.7 acres, grubbing area at 14.4 acres, total area of the fence is 11.4 acres, the array did not get bigger but the fence wraps around two of the detention basins. The major changes have to do with Conservation and their next meeting is June 13th, 2018.

Mr. Dell'Aquila asked if they are now not asking for waivers for elevation and Mr. McGarry said that was correct but was still requesting a waiver for the traffic impact.

Mr. Dell'Aquila talked about a letter from an abutter named Carol Groccia to review.

Ms. Shiver asked about the visual mitigation plan. The visual mitigation plan was discussed and explained that the existing vegetation is to remain. Mr. Dell'Aquila asked the distance from the road to the stream crossing and Mr. McGarry said about 500 feet. Mr. Ceppi asked about the houses close to the entrance. Mr. McGarry said they prepared four line-of-sight sections and there should be little to no visual of the solar array by abutters. Mr. Dell'Aquila asked about the elevation at the driveway entrance and Mr. McGarry said 900 feet above sea level, highest portion is 930 feet above sea level, which, is over a distance of 1000 ft, and the wetland crossing 880 feet above sea level. It seemed based on the elevations additional screening may not be necessary.

Mr. McGarry explained there will not be fencing for the driveway only utility pole. Mr. Dell'Aquila asked about the gate location and Mr. McGarry said that the gate will not be at GH Wilson Road and will be after the wetland crossing, therefore, there will be no staging of equipment or parking of trucks on GH Wilson Road. Additionally, there will be little to no traffic after the construction of the solar array. Mr. Viner asked about the total numbers again and they were repeated and discussed. The grubbing is included in the clearing and the applicant meets the clearing requirement for the site.

Mr. Ceppi opened the hearing to the public:

Andrea Cassidy, 15 GH Wilson Road, asked the elevation of the crossing and Mr. McGarry answered that the elevation is between 883 and 886 below sea level. Ms. Cassidy said she will see the crossing from her yard. Mr. Ceppi asked if the crossing was earth and Mr. McGarry said it would be a three sided pre-cast box culvert with timber guardrails and the abutter might see the retaining wall and culvert. Ms. Cassidy asked what the slope is now and Mr. McGarry said the slope varies but they will be making it 15% per the solar requirements, the biggest cut is 8 ½ feet, but the rest would be 4-2 feet.

Jay Cassidy, 15 GH Wilson Road, said that the requirement for the 50% clearing is already over because the parcel had been used for logging. They just moved in 3 ½ years ago and has watched it been cleared. Mr. Cassidy said he is not against solar but doesn't want this behind his land. Mr. Cassidy asked if anyone has reviewed what has been previously cleared and he has satellite pictures of the site and there are not much of the woods left. Mr. Mello said that the logging was done before they purchased the land and it was done under logging permits. Mr. Ceppi said outside of the 20.7 acres of clearing, some not clearing, and some wetlands. How much has been cleared. Mr. Mello said there are areas that were allowed to be logged that they cannot and so there will be areas not used that have been logged. Mr. McGarry said the areas that were cleared not pertaining to the solar array would be allowed to grow. Also, the numbers were based off of as if the site was completely wooded. Mr. Mello explained that when a site is logged it's harvested under a forest cutting plan so the trees are not cleared because they would be able to grow back. Mr. Cassidy said the site has been forested twice and the last time timber was left in the stream and the wetlands flooded and he is concerned about his property in the long term.

Ms. Shiver asked about the inverter's location in regards to 15 GH Wilson property line. Mr. McGarry answered 350-400 feet from property line. Ms. Shiver asked if they had a noise study in regards to distance. Mr. Mello said they do not have it and can get it but with their experience a couple 100 feet will knock down any noise that is generated. Mr. Dell'Aquila said they can look up past projects and there noise studies. Mr. Viner mentioned that as part of the submittal process an acoustic cut sheet from the manufacturer is required. Outside of the 20.7 acres there will be no impact to the site and Mr. McGarry said that there is limit of disturbance to stay within that 20.7 acres.

MOTION: Ms. Shiver motioned to continue the hearing until the next meeting on June 19, 2018

SECOND: Jeff Butensky

DISCUSSION: No final sign off from Planning Board until Conservation is all set with the plan

VOTE: 4-0

5. Public Hearing Continuation-Major Site Plan Review/ Special Permit- Applicant: Ernest Mellow, ZPT Energy Solutions II, LLC; Owner: Main Street Realty Trust, Location: behind 369 Main Street; Spencer Assessor's Map R35-1-3. 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 Commercial zoning district.

Mr. Ceppi reopened the hearing at 7:58pm

Kevin McGarry, Fuss & O'Neil and Ernest Mello, ZPT Energy Solutions II, were present for the meeting. Mr. McGarry explained they received comments for the Planning Board, Conservation Commission, and third party reviewers and have addressed most of the issues. Some updates included erosion and sediment controls, extension of the gravel access road, detention basins and swales, and turnarounds and full access all around the array for fire. Phasing, erosion and sediment controls added, limit of clearing to 60 feet, lost 2 rows of panels, and during the third party review it was discovered that Great Laurel plants, which, is a state listed endangered plant have been located and now they are in contact with National Heritage. Mr. McGarry discussed the numbers again for the site clearing 7.7 acres, grubbing 6.4 acres, fence area is 4.8 acres, and the total parcel is 25.5 acres.

Mr. Dell'Aquila commented that at the last Planning Board meeting there was question in to past ANR's and the solar use. According to the memo from Town Counsel, Stan Weinberg, dated 5/14/2018 the previous ANR locks the solar use for this parcel but the applicant needs to meet current bylaws on design. Mr. Dell'Aquila asked if they needed a waiver for slopes and Mr. McGarry said not for slopes but for the traffic impact waiver. Mr. Dell'Aquila asked about the distance to the resident and Mr. McGarry said from inverter to property line is about 108 feet. Mr. Dell'Aquila recommended the same acoustic study for this project to be brought to the next meeting.

Mr. Butensky asked if the array would be visible from Main Street. Mr. McGarry said the going from Main Street to the array it will go from 1,002 at Main Street to 1,025 to the highest point. Mr. Butensky asked about the site line and Mr. McGarry said the existing vegetation should provide enough screening and you can barely see the residence. The Planning Board members asked the applicant to provide another visual mitigation plan for surrounding area. Mr. Mello said they will pick the worst case and will do the visual mitigation site plan for the next meeting.

Mr. Dell'Aquila asked about the snowmobile tract. Mr. Mello said he reached out to the former president and got the contact info for the current president and he sent plan and asked for correspondence but has not heard back from him. Mr. Dell'Aquila asked if there were signs on the site and Mr. Mello said there are trail signs. Mr. Dell'Aquila said the trails are not legal ownership but merely silent permission by land owners. There needs to be further discussion between Mr. Dell'Aquila and Conservation Commission with the Snow Birds to discuss the array and snow mobile trails.

Mr. Viner stated that he is not in favor of granting a waiver for the traffic impact. Mr. Dell'Aquila said that in the conditions the Planning Board can have discretion on hours, access points, and routes. Ms. Shiver noted that CMRPC probably has an am/pm study. There was much discussion in regards to construction traffic concern, curb cut from MassDOT, and the turn radius for trucks coming and going from the site. Mr. Dell'Aquila noted that Steve Tyler at the Highway Department should be kept in the loop in regards to this.

Mr. Ceppi opened this up to the public:

Matt Defosse, 7 Paul's Drive, asked the size of the array and Mr. Mellow said 1 ½ MW.

No additional comments or questions.

MOTION: Ms. Shiver motioned to continue to the June 19, 2018 meeting

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

6. Public Hearing Major Site Plan Review/ Special Permit/ Stormwater Permit – Applicant: Spencer Landfill Solar LLC, c/o Emily Mann; Owner: Town of Spencer, Location: 17 South Spencer Road; Spencer Assessor’s Map R22/2. The applicant is requesting a Major Site Plan Review under Section 7.4, and Special Permit under sections 4.2, 4.8.9, 7.2 of the Spencer Zoning Bylaw Zoning to install a 4.4 MW Ground-Mounted Solar Array. This property is located within the Rural Residential and Industrial zoning district.

Mr. Ceppi opened the public hearing at 8:23pm

Emily Mann, Citizen Energy, their company is based out of Boston and is a non-profit energy company; they have 40 MW of operating solar in Massachusetts, and 40 MW on the Eastern Seaboard, and 10 landfill solar projects across Massachusetts. The Spencer Landfill is a 115 acre parcel, with a 25 acre landfill footprint, will develop on 19.2 acres, and no clearing. The benefits to the Town of Spencer is \$10,000.00 upon lease, \$10,000.00 upon receipt of permits, \$10,000.00 upon construction commencements, first year lease \$254,800 and then 2-20 years \$284,000 with 1.5%.

Briony Angus, Tighe & Bond, explained that the transfer station will remain operational. It is a large site with wetlands; they will remain within the landfill footprint, with wetland delineation for permitting. There is a long term lease, decommissioning plan, and operation and maintenance agreement. Ms. Angus said that the landfill is in two zoning districts. In the Southeast portion of the site there is a rear species habitat that they will need to work with National Heritage. Ms. Shiver asked what the rear species was and Ms. Angus said Wood Turtle. Ms. Angus did not believe they will have too much of an issue as they are planning to put the wetland gap under the fence and there will not be any wetland clearing. In addition, there will be no vegetation clearing, no grading or site work, and no waivers are being asked. During the initial tech review it was discussed that they will not proposing any vegetation screening and the site around the array will be fenced.

Brian Huntley, Tighe & Bond, explained that because this is a closed capped landfill the focus is ground up construction. There will not be any excavation or digging; the racking will be installed on concrete ballast blocks set on crushed stone, the access road will be made of a geotextile fabric with gravel on top and will stay for the life of the project, and there won’t be any impact to the surface. Currently, there is a stormwater system on site that is functional and was designed to handle stormwater water as if the landfill is capped at 100% impervious. There is no impervious change because the landfill is already capped. The stormwater runoff from the panels will drop to the ground and will follow the original path and the only exception is where we put the access roads. There are two access roads proposed, one on the north south and the fire access road, which, velocity calculation have been done so they won’t be erosive. Currently, the

applicant has an application into DEP for this site and stormwater management. Mr. Huntley explained the wire management; all the DC wiring is housed in table trays and no stormwater berms that are created.

Mr. Dell'Aquila asked if they have met with the Conservation Commission yet. Ms. Mann said on 5/23/2018 will be their first meeting.

Mr. Viner asked how the use is handled because two primary uses cannot be on the same parcel. Ms. Angus said she had not gotten that question before. Mr. Dell'Aquila stated that the question never came up during the RFP process. There was discussion in regards to another solar project that needed to separate their land from a home that was on the property. The Planning Board members agreed that Town Counsel will need to be reached out for guidance and to review original RFP.

Mr. Ceppi opened the hearing to the public:

Matt Blanchard, 5 Paul's Drive, asked about settling with a capped landfill.

Mr. Huntley said there is some settling but the ballast allows movement for settling, the solar array is a light load and would not change the settlement, and it can be moved or adjusted.

Mr. Blanchard asked about maintenance.

Ms. Mann said there is a full time asset manager who manages all the properties and visits the sites to check.

Mr. Blanchard asked about the risk of methane gas.

Mr. Huntley answered that there is currently a passive system onsite, which means, when the landfill was capped there were wells drilled in and there is a candy cane shaped vent that circulates back. There is a 15ft radius around for the town to continue to monitor the methane from the pipe. Also, because the racking is light loading and is less than 7 PSI/ which equates to a 2ft snow storm, so not a lot of surcharge.

Mr. Blanchard asked if the electricity would act as an ignition for the methane gas.

Mr. Huntley said DEP will be involved and they have fail-safe measures put in place for location, equipment pad, and liquid type; air tight sealing, and the Operation & Maintenance Plan, as well as, a Health & Safety Plan. The workers and maintenance workers that will be onsite will have a methane monitor with them.

Mr. Dell'Aquila mentioned that they are still awaiting third party review, as well as, comments from the Conservation Commission.

MOTION: Ms. Shiver motioned to continue to the June 19, 2018 meeting

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

7. Adoption of Minutes:

- **April 17, 2018**

Mr. Viner mentioned that the name of the person who opposed should be listed for the ANR for 125 Charlton Road. The Planning Board members agreed. The minutes from April 17, 2018 will list Mr. Ceppi as the member you opposed for 125 Charlton Road ANR.

MOTION: Mr. Viner motioned to approve the minutes with the noted changes for 4/17/2018

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 4-0

8. Town Planner Report/ General Board Discussion

- **Bacon Hill Rear lot Subdivision-** Mr. Dell'Aquila mentioned that next month there will be a hearing for an amendment for the special permit for Bacon Hill rear lot Subdivision. Blaze Berthiaume, Attorney, came in to represent Mike Richards and Jason Dubois. Mr. Berthiaume discussed in 2007 the Planning Board approved a Special Permit for 2 front lots and 2 rear lots. Mr. Richards bought a lot and built a house that received a certificate of occupancy from the Building Inspector. However, during the tape survey there was setback violation because the setback was based off a new house it was not taken into consideration that it was a rear lot subdivision, which, was approved in 2007. Therefore, the sale has been held up and costly for the builder. Mr. Berthiaume explained they are present to discuss the Planning Boards interpretation of the Zoning Bylaws and understand that this can just be an amendment. The Planning Board members agreed that guidance from Town Council will be needed.
- **McCormick Road-** Board of Selectman passed on the Right of First Refusal for 92 McCormick Road and most likely a new permit for a solar farm will come through.
- **MVP Program-** Mr. Dell'Aquila discussed the MVP Program and they will file jointly with the Town of Charlton asked the Planning Board to sign letter of support.

MOTION: Ms. Shiver motioned to close the meeting at 9:21 pm

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 4-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 6/19/2018

List of Documents used on May 15, 2018

Items sent to Planning Board prior to Meeting by email/ print outs:

- Agenda
- Memo emailed from Paul Dell'Aquila to Planning Board Dated 5/8/2018
- ANR- application/ plans, ANR- 17 GH Wilson Road, Owner: Scott & Joyce Cycz/ Applicant: ZPT Energy II, LLC, Create 1 lot
- Updated plans and Addendum package for Cranberry Meadow Solar and continued document from ForeFront
- Fuss & O'Neil response to comments dated 5/2/2018, Graves Engineering Review dated 5/9/2018, Updated plans/ GH Wilson Solar, plans/ application

- Fuss & O'Neil response to comments dated 5/2/2018, Graves Engineering Review dated 5/9/2018, Letter from Town Council, Stan Weinberg, dated 5/14/2018 in regards to Solar Use Protection and Updated plans/ Main Street Solar, plans/ application
- Landfill Solar application and plans
- Minutes for April 17, 2018

Items submitted at the Meeting:

1. Peer Review for Major Site Plan Review/ 17 GH Wilson
2. Town Council response for Main Street Solar
3. Bacon Hill Septic Plan
4. Bacon Hill Rear Lot Subdivision original Special Permit