



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, July 17, 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 Maria Reed and Jeff Butensky

Planning Board Members Absent: None

Staff Present: Paul Dell'Aquila, Town Planner

Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk

1. Mr. Ceppi opened the meeting at 7:08pm

2. 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.

Kevin McGarry, Fuss and O'Neil, and Ernest Mello, ZPT Energy, was present to discuss the updates in there process in regards to GH Wilson. They have had third party review comments and addressed all the concerns that were raised and mention the Conservation Commission did approve them in June. Mr. McGarry reviewed the major changes to the plan and reviewed the aerial for the site. The proposed access will still be over a wetland crossing, the total property area has not changed and remains 52.5 acres, the total clearing is now 20.9 acres, the grubbing area 13.9 acres, and the area inside the fence will be 10.6 acres. Mr. McGarry said they added more to the phasing plan at the request of Margaret Washburn the Conservation Agent, revised the construction sequence, added different clearing zones, added turnaround areas for the fire trucks, added a gravel access road that was requested by the Fire Chief, added two additional utility pads, and the drainage swales and detention basins were adjusted for the gravel road. Mr. McGarry discussed the grading in order to flatten out the site.

Mr. Dell'Aquila reviewed the requests from different departments and changed the plans accordingly; the Fire Chief signed off on the fire access and Conservation approved their application and it's been recorded. Mr. Butensky asked where the midstate trail run in relation to the project and Mr. Ceppi mentioned it was down the street near Ash Street Extension. There was discussion about the trails next to the proposed site.

Mr. Ceppi opened the hearing to the public:

Matt Defosse, 7 Paul's Drive, asked about the grading and if it exceeds the 15% grading. Mr. McGarry answered that areas outside the array will exceed 15% but all the grades inside the array will be 15% of flatter. Mr. Defosse asked if the waiver was requested for the grading and

Mr. Dell'Aquila said the applicant would need a waiver for the grading. Mr. Defosse asked about the utility pad for future use and if they were planning to extend the site. Mr. McGarry said the technology for solar panels is growing rapidly and now on the cusp is battery storage (store energy and slowly releases at night) so the utility pads would be used for battery storage for when the technology comes around. Mr. Defosse asked if the invertors would be running all the time and Mr. Mello could not answer the question.

Richard Kirk, 22 Holmes Street, is an abutter to the solar farm on Holmes Street. Mr. Kirk is an Engineer and he stated that going from DC to AC they would need to go through an inverter and would like the applicant to come back to the Planning Board with the background information because the inverters are not so quiet. In addition, Mr. Kirk would like to address the Stormwater issues on Holmes Street. Mr. Ceppi explained that this is a separate issue because it is a different hearing but the Planning Board can address at another time. Mr. Kirk explained that he brings up the stormwater issues because ZPT keeps installing Solar Arrays with the information needed for stormwater management and it does not manage stormwater runoff and expects the Planning Board to not allow the applicant to install more solar projects. Mr. Ceppi said that the Planning Board relies on the town's third party reviewer, engineers, and Conservation Commission and they would determine if the applicant's stormwater management plan is sufficient. Mr. Ceppi asked if it was in regards to the current storm and Mr. Kirk said that it has failed five other times since building the solar farm on Holmes Street. Mr. Ceppi asked if that has been completed and Mr. Dell'Aquila said no and Mr. Kirk said it is running. Mr. Ceppi feels that Mr. Kirk should bring his concerns to the Building inspector. Mr. Dell'Aquila commented that both Mr. Klansek and he have been working with ZPT and several of their solar farms because they are running and have not received their Certificates of Completion or Occupancy. Mr. Dell'Aquila mentioned that ZPT has the completion items and needs to complete before they received Certificates for the projects. Mr. Ceppi mentioned that with the other issues on the solar farms brought to their attention should they hold off on approving and look into the issues. Mr. Dell'Aquila said that would be up to the Planning Board members. Mr. Kirk asked in the meantime what will take place to address the stormwater issues when it rains and eroding his property. Mr. Ceppi asked for some patients as the Planning Board and Town Planner are going to look into the matter and have the applicant address the issues. Mr. Ceppi mentioned that the solar farms should not be running unless they receive their Certificate of Completion.

Tanya Mcauley, 28 McCormick Road, what kind of panels will be used. Mr. Mello said the panels are not defined right now and happens down the road. Mr. Mello knows the capacity and wattage but not the brand and manufacturer. Mr. McGarry said they are ground mounted similar to the ones off the mass pike near Framingham. Ms. Mcauley asked how many abutters are there to this property and asked if they spoke to them. Mr. McGarry said he did not know the exact number of abutters but they needed to notify 300 feet from the property line as required by the Zoning Bylaws.

Mr. Viner said he feels there is too much of a concern to continue with this application now that the other issues have been brought to their attention with the other solar farms. Ms. Shiver believes that going forward surety's need to be in place in order to rectify issues that come up with abutters. Mr. Ceppi added they should not be operational until they get there final

certificates and should be shut down. Mr. Dell'Aquila said he does not feel they have the ability to shut off the electricity for the solar. Ms. Shiver asked how the applicant is running without the final Certificates of Completion and Mr. Dell'Aquila is saying that it is applied but not stated in the decisions. Mr. Dell'Aquila mentioned that projects going forward it will be stated that they cannot be running until they have received their certificate of completion. Mr. Ceppi asked if part of the erosion affects the fire department access and feels if it is a safety issue they should be able to shut the project down. Mr. Mello said that he disagrees because there have been a few issues where sediment has run down but it is a construction site and some unforeseen things can happen. Ms. Shiver said there should be things in place onsite to avoid these issues and maybe Conservation should be involved. Mr. Mello said the town has the rights to fine the projects but they haven't because of how responsive they are when issues come up. In addition, Mr. Mello mentioned that the calculations have to go through third party and approved and sometimes there are issues. Mr. Mello said they are working with Ms. Washburn and addressing issues when they come up. Mr. Ceppi asked if there was a way to confirm that the system was installed as proposed and approved. Mr. Dell'Aquila restated that they do not do a peer review until the other conditions for approval are met and would not know until the asbuilts are reviewed. Mr. Dell'Aquila stated to the Planning Board that all their farms are operating and the only one with runoff issues is Holmes Street and Conservation is the stormwater issuing authority. Mr. Ceppi asked if the Planning Board is allowed to continue the meetings until the Certificate of completions have been issued for the other Solar Farms and Mr. Dell'Aquila said the board can approve, deny, or continue as they see necessary. Mr. Mello again stated that the mechanisms are in place and asbuilts submitted and they are working with the town to address any issues. Ms. Shiver asked if they are generating revenue and Mr. Mello said Zero Point doesn't own the project anymore. Mr. Ceppi said that is the site is operational your generating revenue and Mr. Mello again stated that Zero Point and ZPT don't own the project anymore and cannot confirm or deny the question.

Mr. McGarry said he did not work on Holmes Street Solar but he is an engineer and sometimes it's unfortunate but erosion issues can come up. Mr. Mello said that Conservation is keeping a close eye and are keeping up with the issues and they are working with them to rectify. Mr. Viner said that it comes down to the Planning Board being responsible and Mr. Viner visited the site at Holmes Street and felt it was unacceptable. Mr. Mello said Ms. Washburn gives them the directions to rectify the issues and they follow it. Mr. Dell'Aquila said the peer review of the asbuilts can be moved up in order to approve this application and if there is some unique circumstance then it can be found. There is much discussion in regards to Certificate of Completion and Certificate of Occupancy.

George Kiritey, Attorney representing ZPT Energy, heard a lot of the comments as an outside observer that each project stands on their own and that each application is independent and should not hold up this project because they have addressed all the concerns of third party review. In addition, the buzzing or running of the solar array has nothing to do with the drainage issues and it needs to be addressed. Mr. Kiritey suggests that the drainage designs are designed for a completed project so during the construction period drainage issues may come up and once stabilized and completed the drainage will be fixed. If it is generating electricity it is not part of the drainage issues and Mr. Ceppi commented it's an incentive to fix the issues. Mr. Kiritey said no one wants stormwater problems and the applicant will fix the problem.

Mr. Dell'Aquila commented that from his understanding is once the electrical inspector signs off on the wiring permit the applicant can start running there project because National Grid is only concerned about the electrical connection. Mr. Dell'Aquila commented that he did not know that that the Electrical Inspector, Norman Bassett, was inspecting the solar arrays. In the future, can add additional conditions to address what the applicants need to do before completion. Mr. Mello asked if there was a certain condition that needs to be discussed and Mr. Dell'Aquila said that the concern is when the project becomes operational, what knowledge and control the town can have over when it becomes operational, and recourse for stormwater. Mr. Dell'Aquila briefly discussed conditions for solar projects.

Mr. McGarry said that the issues at the Holmes Solar Farm will get addressed. Mr. Ceppi explained he agrees that he knows that the issue will get corrected however his concern is that there is an order of operations that must be met in order to get final sign offs for the project and it should not be operational until the certificate of completion has been issued. Mr. Ceppi asked how many projects ZPT has that is not in completion but may be operating. Mr. Dell'Aquila replied Paxton, Woodchuck, and Holmes. Mr. Mello said that he agreed with Mr. Kiritey in that each application should be dealt with individually and that if the town wants to fine those other projects for being operational without certificates of completions that's there right, however, this project is separate and should be acted on separately. Mr. Ceppi answered that the issue is the same contractor that is showing a history of not doing what they are supposed to and the Planning Board needs to look out for the Town of Spencer and the abutters. Ms. Shiver said it's easier to ramp up a certificate of completion than to change the town's process and that all issues are spelled out more clearly so that things get missed once construction starts. Mr. Butensky wanted to know if there were any stormwater issues at the other two projects and Mr. Dell'Aquila said no. Mr. Butensky agreed that the project should be handled separately. Ms. Shiver said she doesn't want to tie all the projects together and feels the conditions are specific to the project and addresses items that may come up. Mr. Dell'Aquila asked that if the Planning Board needs more time what needs to happen in that time in order for the board to feel comfortable with the application. Mr. Butensky asked why they would be continuing the project. Ms. Shiver said it would to review the conditions of the project. Mr. Viner mentioned having town council review the conditions. Mr. Butensky asked if it was appropriate to continue a project based on concerns over another project. Ms. Shiver said it would be specific to the town process and giving occupancy permit, asbuilts review, and reviewed peer review before certificate of occupancy.

Nancy Tame, 25 Lake Whittemore Drive, wondered if the project was delayed a month could Nation Grid be contacted to discuss the process before the projects generate power. Mr. Ceppi said the contractor has the power to contact National Grid and generate the power. Mr. Mello feels the conditions are in place and this project is not generating power. Mr. Kiritey expressed that waiting a month won't change how the board feels on the other projects and to add the condition that is causing the issue, waiting a month will not change how the board feels and the applicant already agrees that enforcement actions could be taken on the other projects, and is okay with adding the additional conditions.

Mr. Defosse asked about the provisions of bonds, also, if the damage goes above and beyond the bond amount and who would be responsible in excess of the bond. Mr. Kiritey said if it is a

private matter then it could be a private remedy. Mr. Defosse commented that it was very telling that the applicant could not answer questions on their own site if the site was generating power and it concerns him.

MOTION: Mr. Viner motioned to close the public hearing for Major Site Plan Review/ Special Permit 17 GH Wilson Road to install a solar farm.

SECOND: Ms. Shiver

DISCUSSION: Mr. Viner asked when the submittal deadline was for the review of the documents before the meeting. Mr. Dell'Aquila said the Monday before the meeting.

VOTE: 5-0

MOTION: Mr. Viner motioned to continue the public hearing to August 21, 2018 for Major Site Plan Review/ Special Permit 17 GH Wilson Road to install a solar farm for proper review of plans because they did not meet the submittal deadline for the meeting and to consult with town council to review the conditions.

SECOND: No one

DISCUSSION: Ms. Shiver said peer review was done on July 5, 2018 but there were no revisions. Mr. McGarry said he emailed it on Thursday, Paul was on vacation, and sent hard copies in. Mr. Ceppi asked about recording electronic copies and if the dates were correct. Discussion if there is no one that seconds a motion.

VOTE: 0

Amended MOTION: Mr. Viner motioned to continue the public hearing to August 21, 2018 for Major Site Plan Review/ Special Permit 17 GH Wilson Road to install a solar farm to consult with town council to review the conditions.

SECOND: Mr. Ceppi

DISCUSSION: see below

VOTE: 3-2 (Jeff Butensky & Shirley Shiver Opposed)

Additional Discussion: Ms. Shiver asked about clarifying the procedure of occupancy standards. Mr. Ceppi asked about what to do with Contractors that haven't followed the rules and Mr. Dell'Aquila said that is for the concern for the Building Inspector. Mr. Butensky mentioned that there is two separate issues one with GH Wilson and what conditions need to be in place and two the power being turned on before the certificate of completion. In addition, Mr. Butensky is to ask the Building Inspector the process in how to fix the problems. Mr. Butensky said the reason to continue this project is to investigate on the standard procedures in other towns or in the state. Mr. Dell'Aquila recommended that if the board wants to continue we can to investigate the process, if not there are conditions that satisfy these issues, and the other matter would be that the Building Inspector has not taken action. Ms. Shiver asked who issues the Certificate of Completion and Mr. Dell'Aquila said he did when all conditions are fulfilled and the Building Inspector can issue the Certificate of Occupancy. Mr. Viner asked about the pilot agreement and Mr. Dell'Aquila said that would be after the Certificate of Completion and possible fraud issues if they are generating power without notifying the Assessor for tax purposes.

Amended MOTION: Mr. Viner motioned to continue the public hearing to August 21, 2018

for Major Site Plan Review/ Special Permit 17 GH Wilson Road so the Town Planner can contact National Grid and discuss procedures and consult town council to review suggested conditions

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 5-0

3. Continuation Major Site Plan Review/ Special Permit- Applicant: Ernest Mello, 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. Dell'Aquila asked that if the Planning Board felt strongly in regards to the last hearing to gather more information and continue. Mr. Ceppi said it would be important to hear from the public if they have questions.

Kevin McGarry, Fuss and O'Neil, and Ernest Mello, ZPT Energy, was present to discuss the updates in there process in regards to discuss Main Street solar. Mr. Mello said they have nothing to ad and will continue the meeting until the next meeting and do the presentation then. Mr. McGarry said they have met the remaining issues. Mr. Dell'Aquila said they have addressed Conservation and the Fire Chiefs issues. The outstanding issue is if the applicants proposal to for frontage. George Kiritey, Attorney representing ZPT Energy, was present to discuss if a new plan needed to be drafted to combine the two parcels into one parcel. Mr. Kiritey feels that merger for zoning purposes in common ownership is considered merged and they do not need a new plan or ANR plan to combine the lots. Lots with common ownership are typically merged together to one lot for zoning purposes. Grandfathering is not in play, lots that are conforming at the time of zoning or exist with present zoning or changes in zoning. In addition, there are freezes that occur for property owners for ANR plans (3 year freeze on zoning use) and Subdivision Plans (eight year freeze) under section 6. Mr. Kiritey went on to discuss that the applicant received an ANR plan approved in 2016 when Solar was a permitted use and the use is frozen at that point, they will need to comply with current dimensional requirements in zoning design, not grandfathered just frozen use. Furthermore, it is allowed by use, the common ownership makes it a single lot merged for zoning purposes, and meets dimensional requirements. Mr. Ceppi asked if the town's council had been reviewed. Mr. Dell'Aquila reviewed that the question was for the frontage issues, our GIS map does not show common ownership, and town council feels that if land is in common ownership it merges to one parcel. There was much discussion in regards to common ownership and common control. Mr. Kiritey said that land on an ANR plan is subject to the freeze.

Mr. Viner asked about the aspect of time where the lots need to be in common ownership and Mr. Kiritey said no. Mr. Dell'Aquila said the use is frozen until 2019 and project would need to commence. Mr. Mello said the two lots that are merged and are under common control under Zero Point ownership. Mr. Kiritey 81X, no property lines, for ease of use it would resolve any issues and Ms. Shiver asked who would sign the plan and Mr. Kiritey said just an Engineer. Mr. Dell'Aquila recommended consulting with town council again to confirm. Mr. Viner asked how to address

existing principle use and Mr. Kiritay said it's the same use and meets all the requirements. Mr. Ceppi asked where the property line/ frontage on Main Street and Mr. Kiritay showed on the plan.

Mr. Ceppi opened the hearing to the public:

Mr. McGarry enlarged entrance for construction trucks to help with the turn radius.

MOTION: Ms. Shiver motioned to close the public hearing for the Major Site Plan Review/ Special Permit Main Street solar farm

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 5-0

MOTION: Ms. Shiver motioned to continue the Public Hearing to August 21, 2018 to consult with town council to review the conditions and merged parcels.

SECOND: Mr. Viner

DISCUSSION: Mr. Mello wanted clarification on what National Grid was being asked and Mr. Dell'Aquila said they are asking how National Grid turns on the switch. Mr. Viner asked if the parcels are now merged does it need to meet current zoning and Mr. Kiritay said yes except use. Mr. Viner said the zoning changes is access over principle use has to be accessed over frontage and Mr. Kiritay said it is pre-existing access. Mr. Ceppi said the access to the site needs to be off of the frontage. Mr. Dell'Aquila asked if the current Paxton access needs to change. Mr. Kiritay said this application is not for Paxton it's for Main Street and they can have access through the frontage. There was much discussion in regards to frontage access between Paxton Road and Main Street and Mr. Dell'Aquila will consult town council.

VOTE: 5-0

4. Continuation 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 to install a 4.4 MW Ground-Mounted Solar Array. This property is located within the Rural Residential and Industrial zoning district.

Briony Angus from Tighe & Bond and Emily Mann (Byrne) Citizens Energy were present for the meeting. Ms. Angus reviewed with the board the project and said there was nothing new to present, Conservation has approved their application, and the third party reviews comments have been addressed. Ms. Angus said the draft conditions were reviewed with comments back to Mr. Dell'Aquila, replied it is a municipal project, no clearing/ no cutting, and no additional information were requested from the Planning Board. Mr. Dell'Aquila discussed the last meeting where there were concerns about the recycling amount being on the decommissioning bond and Mr. Dell'Aquila did research on other solar projects and found that they did include recycling of the materials. Mr. Dell'Aquila recommended that the Planning Board continue with that to be consistent. Also, Mr. Dell'Aquila reviewed principle use of the site and town council said that if the bylaw does not stipulate more than one use than it does not need to be addressed. Ms. Angus said they can have

further discussion about the decommissioning bond. Mr. Dell'Aquila found that in the Shrewsbury Landfill the zone is zoned separately and allows multiple uses in that zone. Mr. Ceppi asked how the recycled material is determined for the decommissioning bond and Ms. Angus said they provided a letter from a salvage company and covers today, historic value, and future value. Mr. Ceppi asked how they came up with the number and if they used a five year average and Ms. Angus said she did not know that answer. Ms. Angus reminded the Planning Board that the estimated decommissioning amount was based on the larger system and the system has been decreased in size and they kept the decommissioning amount. There was much discussion in regards to the decommissioning numbers and how the applicant came to the dollar amount. Mr. Ceppi asked if Mr. Dell'Aquila compared the dollar amounts with other projects and Mr. Dell'Aquila said he did not. Mr. Ceppi wants to have a number to be compared and Ms. Angus said that a Project Engineer and third party review needs to review the decommissioning number and she is comfortable with the number. Mr. Dell'Aquila said town council suggested every 10 years reevaluating the decommissioning number and have a review of the dollar amount and the Planning Board members to add that as a condition the decommissioning bond will be reevaluated after 10 years and subsequently 5 years after that.

Mr. Dell'Aquila went over the draft conditions. Ms. Angus noted that the project does not need clearing or screening and asked to take out items (#7, #8, #9, #25, and #39) that reference landscaping. In addition, item #24 had to do with road repair and South Spencer Road being patched for damages and Ms. Angus asked to add current conditions so they are not responsible to replace the whole road.

Mr. Ceppi opened the meeting up to the public: No Comments from the public

Ms. Shiver asked it the wetland replication on the project side and Ms. Angus said it is on the project side to the north of the access road, 75 sq ft impact with culvert replacement, and proposing 200 sqft replication areas.

MOTION: Mr. Butensky motioned to close the public hearing for the Major Site Plan Review/ Special Permit Landfill solar farm

SECOND: Ms. Shiver

DISCUSSION: None

VOTE: 5-0

MOTION: Ms. Shiver motioned to approve the Major Site Plan Review/ Special Permit Landfill solar farm with conditions that were added and updated during the hearing.

SECOND: Inaudible

DISCUSSION: Mr. Butensky asked which conditions and Mr. Dell'Aquila reviewed the items they will remove and what will be added to the conditions.

VOTE: 5-0

5. Continued Minor Site Plan Review- Applicant: Todd & Jennifer Davis (JAD Realty Trust), Location: 401 East Main Street; Spencer Assessor's Map R35-31. The applicant is requesting a Minor Site Plan Review under Section 7.4 of the Spencer Zoning Bylaw to erect a new building in the rear of a Veterinary Office and update parking.

Jason Dubois, DC Engineering, was present for the meeting and said the property is located at 401 Main Street; the Spencer Veterinary Office is looking to do a 52 x 20 addition and reconstruct the parking area. Mr. Dubois said at the last meeting drainage issues were brought up due to concerns from an abutter at during a previous application. After discussion with Mr. Dell'Aquila; Mr. Dubois felt that the plan was much larger development and the new application is not looking to do a project of that size, there is a small wash out area that comes out at the driveway, and the applicant can add riprap. Mr. Dell'Aquila added that after reviewing the abutters concerns from the previous application but it involved a longer driveway that went alongside the property to the rear and felt the runoff would be okay with added riprap. Mr. Dell'Aquila shared photos that he had taken of the site. Mr. Dell'Aquila passed out the criteria that need to be met to approve the minor site plan review and discussed conditions and the added condition of riprap relevant to this project. Mr. Ceppi asked if the neighbor comes in to complain is there any way to address their concerns and Mr. Dell'Aquila said they could add another condition that would address the damage to the property. Mr. Viner asked if the septic system would be upgraded and Mr. Dubois said it's possible that the septic system may be upgrading.

MOTION: Mr. Viner motioned to approve Minor Site Plan Review to erect a new building in the rear of a Veterinary Office and update parking with conditions mentioned during the meeting.

SECOND: Ms. Shiver

DISCUSSION: Insert condition/ add to 9 any damage caused by runoff to adjacent abutter than it will be addressed by the applicant.

VOTE: 5-0

6. Minor Site Plan Review- Applicant: Jeremy Ahern (Ahern Equipment, Inc), Location: 460 Main Street; Spencer Assessor's Map R34-08. The applicant is requesting a minor site plan review under section 7.4 of the Spencer Zoning Bylaw for pavement improvements. The property is located in the Commercial Zoning district.

Paul Chisholm, PE, and Jeremy Ahern were present for the meeting. Mr. Chisholm discussed the minor site plan application with updates on where they are at in the process and they have met with Conservation Commission, need additional peer review, DOT permit for the driveway. The reason for the project is they need to approve operations and safety because the driveway is not aligned with Donnelly Road. Also, the existing loading dock was not to code and the deliveries are harder for them with the larger equipment. Mr. Chisholm discussed the new loading dock and pavement expansion. In addition, they will be requesting a waiver 7.4.5 K for development impact; the project traffic will be minimal and not increased, in regards to environmental aspect they are adding 5,000 sqft of impervious surface and have done the stormwater management report, which, is being reviewed through the Conservation Commission. Mr. Chisholm reviewed the improvements the stormwater management plan covered. No additional impact to the town and community. Mr. Ahern reviewed what had been discussed by Mr. Chisholm and mainly discussed the safety concerns of realigning the driveway.

Ms. Shiver asked if there was any response from DOT and Mr. Ahern said they issued the permit with no comments. Mr. Viner asked if Chris Chambers was the person they met with and they said yes they met with Mr. Chambers to discuss before items were submitted. Mr. Ceppi asked about the drainage and Mr. Chisholm reviewed sheet 3 of the plans and said the existing

detention pond will be completely redone; new piping, under drain. Mr. Ceppi asked if they would be excavating the water main and Mr. Chisholm said there won't be any excavating. Mr. Ceppi wants to know the elevation depth and Mr. Chisholm had a private contractor come in and reviewed and the town had a certain requirements that they have met. Mr. Ahern felt it was 4-6 feet but they will check into it.

Mr. Dell'Aquila mentioned that Mr. Ahern approach the office last year about this project and met with Conservation Commission too. Some issues came up with Utilities and Facilities and Mr. Dell'Aquila read aloud an email from Steven Tyler from the previous Highway Superintendent, concern with portion of proposed ramping over a town easement and he recommended relocating the slope. Mr. Chisholm said they are still working on it. Also, there were some minor labeling issues and the adjacent pond that were pointed out by Mr. Tyler. Mr. Chisholm commented on the pond adjacent to the property, they are working with the Conservation Commission on this, and Mr. Tyler requested silt fence around the pond during construction to prevent erosive flows. The Conservation Commission did not agree with the silt fence because there are inlet controls and instead recommended an orange construction fence up along the property line. Mr. Dell'Aquila asked if DOT was still concerned about the pond and Mr. Ahern said the pond flow uphill before down and the property is downstream. There were concerns brought up about the Main Street Solar Project in regards to beavers and water build up and Ahern Equipment being in that flood zone due to the Solar Project per DOT. Mr. Dell'Aquila said there are ongoing conditions and concerns and Mr. Tyler said to incorporate the concerns so that Ahern Equipment doesn't run into those issues. Mr. Chisholm expressed that DOT did not put anything in writing in regards to these concerns. Ms. Shiver asked if DOT is worried about the road flooding and Mr. Ceppi said it is private property. Mr. Chisholm said it has to do with the pipe running under route 9 and Ahern has not had any issues with the pipe. Mr. Dell'Aquila asked if Conservation identify the issues with the Beavers and Mr. Chisholm said that near the Gregson Insurance Company building was getting flooded and that's all he knew. Mr. Viner said that it's his understanding it's an ongoing maintenance issue and the entire strip of route 9 is country drainage and there is no formal drainage system.

Mr. Viner asked about the grade of the driveway and if it comes up and Mr. Chisholm said no. Mr. Butensky asked about additional parking spaces and Mr. Chisholm said it will remain the same and needs better access width. Mr. Chisholm asked if the Planning Board could approve the minor site plan with the changes in the future but Mr. Dell'Aquila said that they would continue and they would need to come back.

MOTION: Ms. Shiver motioned to continue the public hearing to August 21, 2018

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 5-0

7. Stormwater Waiver Request- Applicant: Robert Knight (Spencer Agricultural Association), Location: 48 Smithville Road; Spencer Assessor's Map R32-26-4. The applicant is requesting waiver from compliance from Stormwater requirements to expand parking lot/ hay field. The property is located in the Rural Residential Zoning district.

Mr. Dell'Aquila reviewed that The Spencer Agricultural Department own property across from the fairgrounds that they use for parking and would like to cut some trees down on the hill to continue to the parking. No wetlands and it's just dirt/ gravel. The applicant is requesting a waiver from stormwater requirements for the proposed parking expansion and associated clearing.

While there will be some tree cutting done as part of this proposed project, since there will be no pavement done, and minimal site grading, and the use is consistent with current conditions, I do not think a full stormwater review process is necessary. Thus, I would recommend that the Board waive compliance with the stormwater bylaw, except no driveway slopes may exceed 10% per fire department standards.

Ms. Shiver asked if it triggered minor site plan review and why the Planning Board is the stormwater authority and Mr. Dell'Aquila responded that

Mr. Ceppi asked if its trees or dirt and Robert Knight, Spencer Agricultural Association, said it trees and fields. Mr. Ceppi asked if they are cutting down the trees it would affect stormwater and Ms. Shiver said that over a certain amount of area and number of trees may trigger a hearing with the Tree Warden. Mr. Knight said the reasoning for expanding the parking is that he was approached by the Police Chief and the Fire Chief to try an address the issues with the amount of cars during the fair. Mr. Ceppi asked if they were trying to do this work before September of this year and Mr. Knight said no. Ms. Shiver asked what the road would be out of and Mr. Knight said gravel. Mr. Ceppi asked about the contour of slope and MR. Knight said to the parking lot. Mr. Viner asked if is in the back and Mr. Knight said yes. Mr. Dell'Aquila said under Section 8 of the Stormwater Bylaw, the Stormwater Authority (Planning Board) may waive strict compliance with these regulations if the action is allowed by federal, state and local statues; is in the public interest; and is consistent with the intent of the Stormwater Bylaw. Mr. Dell'Aquila mentioned the waiver for Moschini and it's agricultural. The applicant will extend the non-conforming use for the parking at the Zoning Board of Appeals.

Ms. Shiver asked if this was a site plan review and Mr. Dell'Aquila said no.

MOTION: Mr. Viner motioned to waive the Stormwater requirements for 48 Smithville Road to expand parking lot/ hay field

SECOND: Ms. Shiver

DISCUSSION: None

VOTE: 5-0

8. Adoption of Minutes

- **June 19, 2018**

MOTION: Mr. Butensky motioned to approve the minutes from June 19, 2018

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 5-0

9. Town Planner Report/General Board Discussion

- Jolene Durgan, 269 Main Street, requested to come in front of the Planning Board to do a Commercial Scale Solar Farm in VR. Mr. Dell'Aquila said it's a popular request in VR to do large solar arrays.
- Extension to 103 North Spencer Road so they may get there Stormwater permit before their permit expires- Special Meeting on Monday 8/13/2018

MOTION: Mr. Butensky motioned to adjourn the meeting at 10:22pm

SECOND: Ms. Shiver

DISCUSSION: None

VOTE: 5-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 8/21/2018

List of Documents used on July 17, 2018

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

- Agenda
- Memo emailed from Paul Dell'Aquila to Planning Board Dated 7/11/2018
- Updated plans for GH Wilson Solar with updated peer reviews and responses
- Updated plans for Main Street Solar with peer reviews and responses
- Peer Reviews and responses for Landfill Solar
- Spencer Veterinary Minor site plan application
- Minor Site Plan Review for Ahern plans and applications
- Stormwater waiver application for Spencer Fairgrounds
- Minutes for June 12, 2018

Items submitted at the Meeting: