



Planning Board – Town of Spencer

Minutes

Special Planning Board Meeting

Monday, August 13, 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

Planning Board Members Absent: Jeff Butensky

Staff Present: Paul Dell'Aquila, Town Planner

Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk

1. Mr. Ceppi opened the meeting at 7:05 pm

2. Stormwater Permit/Major Site Plan Extension – Applicant: ZPT Energy; Owner: Wentworth Estate. Location: 103 N. Spencer Road, Spencer Assessor's Map R49/1/1. The property is located within the Rural Residential zoning district. The applicant is applying for a stormwater permit and requesting an extension of their Site Plan Approval to construct a 2-megawatt solar farm, originally approved July 13th, 2010, under Spencer Zoning Bylaw Section 4.3.4 (Major Utility).

Mr. Ceppi read aloud the project description.

Mr. Dell'Aquila said there are two separate items and will address the stormwater and extension separately. ZPT acquired the project and have been in contact and is running out of time and need to get there stormwater approval to satisfy the Building Inspector in order to issue the building permit. This solar project was permitted under the old Zoning Bylaw and received their Special Permit for the use with the Zoning Board of Appeals.

Andrew Freilich, 38 Aylesbury Road, Worcester, explained that David Parent and John Wentworth. The original Engineer is no longer around and the new engineer is Quinn Engineering. Mr. Freilich said they have applied to National Grid and they asked for a 15 day extension because they need more information.

Carl Hultgren, Quinn Engineering, reviewed the project location, fencing, landscaping, and turnarounds. Stormwater plans were submitted and reviewed by Lenard Engineer and comments have been reviewed and submitted. The plan that was originally approved showed clearing but since the engineer is no longer around and they ask the Planning Board to condition for minor clearing for installation, Lenard Engineering suggested another condition for gaps between the array panels for the stormwater runoff, and lastly a condition for the bond for \$13,712.40 based on the surety and administration fee. Mr. Dell'Aquila provided some draft conditions that have the conditions Mr. Hultgren explained. Mr. Ceppi asked if the conditions are for approval of stormwater and then a separate for the extension and Mr. Dell'Aquila said he would leave that up to the board to decide. There was discussion in regards to the timing and building permit submission due to the expiring date

approaching. Mr. Dell'Aquila explained the building permit will be approved but is pending the stormwater permit. Ms. Shiver asked about the additional land clearing and Mr. Hulterey said there was overlap from where the tree lines and panels were going to go and minor clearing will happen. Ms. Shiver said there isn't any note on the plan stating where the minor clearing would be. Mr. Hulterey suggested allowing minor clearing to allow the fence and reference the Northwest corner of the property with the words minor clearing. Mr. Dell'Aquila said that he pulled the wording from the peer review for the condition.

Mr. Viner asked for clarification on the approvals the applicant received and Mr. Dell'Aquila responded ZBA issued the Special Permit for the use and the Planning Board approved the site plan. Mr. Viner asked if the plan they are reviewing tonight is the site plan they approved and Mr. Dell'Aquila said yes. Mr. Dell'Aquila said originally approved in 2010 and received extensions in 2016 prior to the adoption of the Solar Bylaw and additionally they are on the Zoning Boards of Appeals agenda tomorrow night for the extension if needed. Mr. Viner is concerned about no underground surveys being done. Landworks did the layout and they provided the setback, once the construction starts they would submit the as-builts, and if there are issues they will fix it. Ms. Shiver asked if the Zoning Board of Appeals would need a stamped plan before they approve the extension.

(at this point the digital recorder cut out)

There was public commentary and questions from James Sadusky, 104 N. Spencer Road, Matt Defosse, 7 Pauls Drive, and Michael Dow, 97 N. Spencer Road.

Mr. Sadusky noted the culvert under Rt. 31 (his property is across the street from the proposed project) and expressed concern about potential increased runoff onto his property.

There was some discussion about potential mitigation measures, if needed, and it was noted by the applicant that two engineers have said that there will be no increased flow from the property.

Mr. Dow noted the water table on his adjacent property and expressed concerns when construction begins.

After additional conversation between the members, applicant, and Town Planner, two conditions were added to the draft stormwater permit to address neighbors' and the Board's concerns: one condition would obligate the applicant to mitigate any increased runoff across Route 31 to the satisfaction of the Highway Department. Additionally, the applicant agreed to plant up to 10 more trees along the southeastern portion of the property and also substitute Conservation Commission-approved vegetative screening species in lieu of the blue spruce noted on the plans. Maria Reed noted that she has blue spruce on her property, but as they grow, they lose their screening ability.

MOTION: Ms. Shiver

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 3-0 (Mr. Viner abstained)

There was additional discussion about the applicant extending their site plan for a short period of time. The Board and applicant agreed to extend the site plan for 3 months until November 17, 2018, to allow the applicant time to act on their stormwater permit and get a building permit.

MOTION: Ms. Shiver
SECOND: Ms. Reed
DISCUSSION: None
VOTE: 3-0 (Mr. Viner abstained)

Town Planner Paul Dell'Aquila noted that since this was a Special meeting, he would save a Town Planner report until next week's regular Planning Board meeting.

MOTION: Ms. Shiver motioned to adjourn the meeting at 9:02pm
SECOND: Mr. Viner
DISCUSSION: None
VOTE: 4-0

Submitted by: Monica Santerre-Gervais ODIS Clerk & Paul Dell'Aquila, Town Planner
Approved by the Planning Board on: 9/18/2018

List of Documents used on August 13, 2018

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

- Agenda
- Memo emailed from Paul Dell'Aquila to Planning Board Dated 8/06/2018
- 103 North Spencer Road Solar- Stormwater application and checklist, plans, peer reviews, erosion control plan, and Stormwater plan

Items submitted at the Meeting:

- Draft approval and conditions for 103 North Spencer Road Solar
- Draft decision on site plan extension