

Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, August 3, 2010 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:00 p.m.

Planning Board Members Present: Chairman Fabio Carrera, Shirley Shiver, and Paul Sauvageau.

Planning Board Member Absent: Rober Ceppi.

Staff present: Bea Meechan, Senior Clerk, ODIS.

The meeting was called to order at 7:00 p.m. The public hearing was scheduled at 7:10 p.m. as shown on the agenda. The Board decided to conduct other business first.

Other Business:

- **ANR – Drew Cormier, Easterly side of Lincoln and Westerly side of Wilson Streets,** boundary line adjustment. The plan proposes to convey parcel “A” from Angela Cormier to Drew Cormier. Parcel A is not a buildable lot. A memo from Ms. Michelle Buck, Town Planner, stated that the plan is to transfer a small land, approximately 242 square feet, from one party to another. The Board reviewed the plan at this time.

Mr. Sauvageau made a motion to accept the ANR plan and endorsed the mylar as submitted tonight. Ms. Shiver seconded the motion and the vote was 3-0 in favor.

- **Approval of Minutes: Minutes for June 1, 2010.** Mr. Sauvageau made a motion to accept the minutes for June 1, 2010. Ms. Shiver seconded the motion and the vote was 3-0 in favor.
- **CMRPC Delegation.** For the past several years, Ms. Shiver was appointed to be the CMRPC delegate for the Spencer Planning Board. Ms. Shiver asked if other members would like to serve as the delegate for fiscal year 2011. The Planning Board has 4 members at the present time. Two members who were here tonight expressed that they could not make the commitment. Mr. Ceppi was an alternate delegate from the previous year. All members would like him to be a delegate representing the Spencer Planning Board for CMRPC delegation for the fiscal year 2011. Mr. Ceppi was not present at tonight’s meeting, so the Board directed Ms. Meechan, of the ODIS staff, to contact Mr. Ceppi and let him know.

- **Planning Tasks.** Ms. Michelle Buck, new Town Planner, had prepared a listing of the planning goals to the Board for their review. The Board said it was a comprehensive planning list and would like to discuss it with her at the next meeting date.
- **Mr. Scott Graves from Graves Engineering.** Mr. Graves said that he is here tonight to show support to the Town. He said Graves Engineering has been in the business over 24 years; seventy-five percent of the consulting service is from municipalities. Graves Engineering previously submitted the Request for Proposal (RFP) for the Planning Board's Third Party Engineering Consultant to the Town.

Board members did review all RFP's submitted and had decided to select three engineering firms to allow greater flexibility for both the selected firms and the Town. The voting for the final three firms is one of the items listed on tonight's agenda. The public hearing will be conducted first.

New Business: Chairman Fabio opened the hearing at 7:00 p.m.

A. Public Hearing – Major Site Plan Review, 103 North Spencer Road, John Wentworth, owner, Spencer Renewable Energy, LLC c/o Alfred Magnone, applicant.

The applicant proposes to construct a solar farm at 103 North Spencer Road. Under Section 7.4.2 (Applicability) of the Spencer Zoning Bylaw, a site plan review is required by the Planning Board. The property is located within the Rural Residential Zoning District and partially in the Residential Overlay District.

Mr. Carrera asked the applicant for a presentation on the application.

Note: Mr. Matthew Mrva and Mr. Morgan Helies, business associates, were present tonight.

Mr. Mrva said Spencer Renewable Energy, the applicant, proposes to construct a 2-megawatt solar farm at 103 North Spencer Road which is farm land consists of 8-acres in total area. The proposed project was required to obtain a special permit for the use from the Zoning Board of Appeals (ZBA), and the approval was granted recently. All information, manufacturing company, solar components and installation, etc, were already submitted to the Board. At this time Mr. Mrva gave the general overview of the plan as follows:

- proposing a 6-foot high chain link fence around the premises
- proposing landscape screening evergreen trees 8 to 10 feet in height along Alta Crest Road and North Spencer Road
- not proposing for an additional parking and paving on site
- will utilize the existing gravel access on Alta Crest Road
- not prohibit current trail access use by the Snowbird Snowmobile Club
- the existing vegetation will remain the same
- a small inverter facility will be located at the corner of North Spencer Road and Alta Crest Road

- solar components, panels will be installed to the array, mounted to the post, array will be tilted at approximately 20 degree angle

The following were questions and comments from the Board:

Will there be a ground substation, and what is the direction of the array when tilted?

Mr. Mrva replied that there will be ground substation that transmits electric current to the inverter and there to the power grid which is located across from the inverter facility. To maximize the efficiency, arrays when they are tilted at 20 degree angle will face toward the southern direction.

The Board received a memo (dated 8-9-10) from Mr. Robert McNeil, Superintendent of the Utilities and Facilities Department, stating the additional information, provided by Mr. Mrva, had satisfied his concerns on the drainage issue. The Board asked for a brief explanation.

Mr. Mrva explained that there is an existing drainage issue on site. The concern was that the proposed project might create additional water runoff. Brassard Design Engineering, the applicant's Engineer, did an analysis and responded back to Mr. McNeil's comments. The site is farmland and grass coverage; there is no other means for the impervious. There will be 5 to 5.5 feet distance between each row of arrays and with the arrays tilted water will be shed right off the panels and infiltrated into the ground. Therefore the solar project and the installation of panels will not alter the pre-existing runoff condition.

The Board also received a memo (dated 8-10-10) from Ms. Ginny Scarlet, Spencer Wetland Soil Specialist, expressing a concern regarding the existing intermittent stream crossing the project as shown on MassGIS. In addition, the plan does not indicate culverts under Alta Crest Road or North Spencer Road. Ms. Scarlet thought the applicant should look into this matter.

Based on the MassGIS, the intermittent stream channel appears to be under the location of the proposed inverter. The Board said that any underground wiring plan in this specific area shall seek an alternate route.

Mr. Mrva responded that the intermittent stream doesn't appear on the Spencer Assessor's Map. There is an existing culvert at North Spencer Road, but he was not certain for Alta Crest Road. There is no problem to move the inverter or re-route the underground wiring if the above condition occurs.

Will there be a mechanism as a means of monitoring and shutting off the power (in case of power outages)? In addition, the Board requested to see the electrical engineering plan.

Mr. Mrva said the power will be cut from the control panel mechanism located in the inverter shed. At present, the electrical engineering plan has yet to be established. The applicant plans to meet with the power company to discuss the electrical connection. All of construction and electrical plans will be finalized and submitted to town officials; the Building Inspector, Wiring Inspector, and Fire Chief, etc.

At this point, Mr. Carrera opened the hearing to public for questions and comments:

Mr. Chad Cheras of 101 North Spencer Road and Ms. Susan Geldart of 97 North Spencer Road are abutters on the south side of the proposed site. They both are long time residents on the south side of the proposed site. Mr. Cheras also spoke on Ms. Geldart's behalf, indicating the concerns as follows:

- First: There are evergreen trees serving as a screening between abutting properties and the proposed site. However, during winter and fall which last approximately 7-8 months, the proposed site will be visibly exposed, and to see 7,000 solar panels from the backyard is not pleasant scenery.
- Second: The proposed project will have negative impact to the property's value.

Both Mr. Cheras and Ms. Geldart wished the Board would take the above concerns under consideration.

The Board requested the applicant to provide free electricity in perpetuity for both abutters.

The plan was also reviewed by Mr. Robert Parsons, Spencer Fire Chief. The following were concerns, comments, and questions from Chief Parsons:

1. How to cut power to the facility if needed? Explain in detail.
2. Applicant shall provide regular/routine training for any new technology to the Town officials in regards to the operation/emergency response for the facility .
3. What type of vehicle barriers will be placed to prevent any vehicular accidents? (The area in concern is the corner of North Spencer Road and Alta Crest Road).
4. Shall provide contact personnel for the farm and how long will it take to respond.
5. What is the maintenance schedule for the panels, etc?
6. What type of security will there be for the site? Any alarms?
7. What is the maintenance schedule for mowing/trimming of the grass, etc? The site is field grass there is a concern in case of fire. Training on how to respond to grass/brush fire is required.
8. Who will be the responsible parties for the site?

Chief Parsons stated that all above should be addressed before proceeding with any further action.

Mr. Mrva said all plans will be finalized in detail and be submitted with the building permit application to the Building Inspector.

The Board agreed with Chief Parson. In addition, in accordance with the Spencer Zoning Bylaw, maintenance, operation, landscaping, lighting, and site's security plans are part of Planning Board's site plan review.

Mr. Carrera expressed an appreciation on behalf of the community and himself for the proposed project. The project will be the first solar energy project and a great opportunity with value to the Town. At this time the Board had a lengthy discussion on overall concerns, from abutters, Chief Parsons, and from the Board. The Board determined the hearing should be continued to a later date. The Board recommended the applicant detail the following:

- ✓ check on the culvert, if there is any, on the North side
- ✓ check on the intermittent stream crossing the project, and shall reroute
- ✓ reroute the underground wiring if the stream is there
- ✓ recommended Arborvitae trees instead of Blue Spruce as the screening/buffering all around the premises
- ✓ planting Arborvitae trees in between the Blue Spruce trees as a means for vehicle barriers at the corner of North Spencer Road and Alta Crest Road
- ✓ any possibility that power could be shut-off for each section of solar panels/arrays or by individual row in case of a fire
- ✓ shall meet with abutters to discuss the screening plan
- ✓ shall address all concerns from Chief Parsons
- ✓ a submission of the overall plans, maintenance, security, etc, which was on the list (8 items) present by Chief Parsons
- ✓ a submission of a revised buffer/screening plan
- ✓ shall notify the Snowbird Snowmobile Club of the current trail access

Mr. Carrera asked whether the applicant can provide all of the above information to the Board prior to the next meeting date which is August 17, 2010. Mr. Mrva responded that he could do that.

Mr. Sauvageau made a motion to continue the hearing to August 17, 2010. Ms. Shiver seconded the motion and the vote was 3-0 in favor.

Other Discussion:

A. Informal Discussion – Lawrence Rosenberg, OSRD plan on Northwest Road. Mr. Rosenberg discussed the possibility of doing OSRD with the former Town Planner, Karen Cullen and also with Michelle Buck, current Town Planner. Ms. Buck suggested an informal discussion and getting some input from the Board.

Mr. Rosenberg said that there are approximately 87 acres for lot area with 52 buildable lots possible under the conventional subdivision plan requirement. He then presented the OSRD yield plan to the Board. He explained the proposed OSRD provides 44.76 acres for an open space, required 42.5 acres; and 5.7 acres for wetland, 21.3 maximum. Conventional subdivision allows for 52 units, but with the OSRD and 15% density bonus the construction of 59 units would be permissible.

Mr. Rosenberg further explained that because municipal sewer is not available, the only option is to install septic systems. Most of the units will have 3 bedrooms and in order to comply with the

Title V Septic Regulations, each dwelling unit must have 30,000 square feet of land (for the minimum of three bedrooms). To construct 59 units within this requirement would take a greater amount of space, thus it would be difficult in maintaining other requirements in terms of providing additional open space and buffer areas. Mr. Rosenberg thought of having common septic system for the smaller lots, but in general people do prefer individual lots with self-containing septic systems.

The Board inquired as to the type and size of the unit.

Mr. Rosenberg responded that the proposed project is to develop all single family dwelling units. Each unit will consist of 3 bedrooms with a one car attached garage and approximately 1,200 to 1,800 square feet total building area.

The Board expressed concern on the accuracy of the wetland calculation used in establishing the yield plan presented. The wetland data was obtained from the US Geological Survey of Wetland which is not actual wetlands – meaning that the wetlands have not been flagged.

Mr. Rosenberg said that the actual flagging for wetlands will be done and submitted to the Board.

At this time the Board reviewed the plan and had lengthy discussions with Mr. Rosenberg. The Board made recommendations and suggestions as follows:

- The yield plan and density calculations (15% bonus):
 - Shall be precise on the actual percentage area of wetland and buffer that counts as part of the open space requirement – the actual flagging of wetland is required.
- Make improvement to the existing Dowgielewicz Road to meet standard dead-end length requirement:
 - In general the cul-de-sac should be connected to the actual main road.
 - Must provide an emergency access.
- All cul-de-sacs shall have adequate length and number of parking spaces.
- Check if there is Mid-state trail passing-through, or near by the property.
- Apply “Low Impact Development” on the entire development project.
- Provide detailed sewage disposal systems, any treatment facility on site?
- Storm water management plan, facility?
- A plan for affordable housing units?
- Shall provide document of Homeowner Condominium Association.
- Be creative with the design such as having sidewalks, pathways, and bicycle paths leading from the cul-de-sac to the open space; having a walking path within the project leading to the site and the open space; and having the sidewalk on the main road.
- Proposed buildings and landscaping shall be designed in a manner that it has the same characteristics and appearance of the neighboring developed area (Rural Residential):

- In the development plan, is there any possibility for the open space area to be closer to the main road (Northwest Road)? It would be visible for people passing the site (St. Joseph's Abby is located next to the proposed development; people would enjoy seeing the natural topography from the open space and the Abby).

Mr. Rosenberg asked the Board's advice on the open space and available options.

The Board suggested that the applicant convey the open space to the Town's Conservation Commission; have the Homeowner Condominium Association retain ownership and give the conservation restriction to the Town; or convey to Land Trust with a conservation restriction.

Mr. Rosenberg thanked Board members for their time. The Board advised to contact Ms. Buck to assist with questions in regards to the Zoning Bylaw Regulations and the revised plan.

Other Business:

A. Third Party Engineering Consultant Services. Presented to the Board were a selection list from each member and a list of recommendations from Adam Gaudette, Town Administrator. The Board reviewed the lists at this time.

Mr. Sauvageau made a motion to accept the following firms (*not in order*); Lenard Engineering, Inc; Graves Engineering; and Cullinan Engineering as the Third Party Engineering Consultant Services for the Planning Board.

Old Business: None

With no further discussion, Mr. Sauvageau made a motion to adjourn the meeting at 9:25 p.m. Ms. Shiver seconded the motion and the vote was 3-0 in favor.

Submitted By:

Approved By:

Bea Meechan, Senior Clerk

Fabio Carrera, Planning Board Chairman

List of Documents used on August 3, 2010

- Email from Shirley Shiver to Vipawan Meechan, subject, RE: RFP, 6.15.10
- Email from Bob Ceppi to Vipawan Meechan, subject, RE: RFP, 6.17.10.
- Memorandum from Adam Gaudette, RE; Third Party Engineering Consultants, 6.23.10.

- ANR Plan and application submitted on 6.24.10 by Drew Cormier for property at Wilson Street.

- Email from William Scanlan to Michelle Buck and Vipawan Meechan, subject: FW: Spencer Solar – Plan, 7.2.10.
- Email from Michelle Buck to Matt Mrva, subject: SPR application, Attachments: Planner comments, 7.22.10.
- Email from Matt Mrva to Michelle Buck, subject, RE: SPR application, 7.22.10.
- Email from Matt Mrva to Michelle Buck, subject, RE: SPR application, 7.27.10.
- Email from Matt Mrva to Michelle Buck, subject, RE: SPR application, Attachments: EX L-1 Layout Plan 24x36 (1).pdf; EX D-1 Site Detail (1).pdf; EX D-2 Site Selections (1).pdf, 7.28.10.
- Email from Robert McNeil to Vipawan Meechan, subject, RE: Site Plan – Solar Farm, 7.29.10.
- Email from Matt Mrva to Robert McNeil and Vipawan Meechan, RE: Site Plan – Solar Farm, 7.29.10.
- Email from Robert McNeil to Michelle Buck and Vipawan Meechan, subject, RE: Solar Farm, 8.2.10.
- Email from Matt Mrva to Vipawan Meechan, subject, RE: Agenda, 8.3.10.
- Memorandum from Spencer Fire Chief Robert Parsons to ODIS, subject: Solar Farm, 8.3.10.
- Memorandum from Ginny Scarlet to Planning Board, subject: Solar Project, 8.3.10.

- Conceptual Site Plan from Lawrence Rosenberg for Open Space Development project on Northwest Road, submitted on 8.3.10.
- Open Space Subdivision Yield Plan from Lawrence Rosenberg, submitted on 8.3.10.