

Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, August 17, 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, Paul Sauvageau, and Robert Ceppi.

Planning Board Member Absent: None.

Staff present: Michelle Buck, Town Planner, and Bea Meechan, Senior Clerk, ODIS.

New Business:

A. ANR – Bay Path Real Estate, Daniel Lemenager for Bay Path Real Estates, LLC, 100 Clark Road, Spencer, for a boundary line adjustment. The Board recalled that there was an ANR plan submitted for this location and it received an approval in February of this year. Mr. Carrera asked the applicant to explain the ANR plan that was submitted tonight.

Mr. Lemenager said that there are two existing buildings on the property which were built prior to the Zoning. The previous approved ANR plan (February of 2010) was for a boundary line adjustment which separated the two buildings; one building is on Lot 1, and another is on Lot 2.

Mr. Lemenager explained that in order to comply with Title V septic system installation, for the houses on both lots, more space is required. The ANR plan submitted tonight is to combine parcel 1 consists of 816 square feet with Lot 1; and parcel 2 consists of 2,185 square feet with Lot 2. As result this will allow the plan to move forward with the septic system installation. There are no wetlands on the property as shown on the most recent wetlands map from MassGIS, and this was noted on the ANR plan.

At this point the Board reviewed the plan and it meets all the submittal requirements.

The Board discussed and agreed to delegate its authority to Ms. Buck, the new Town Planner, to endorse the ANR plan. Ms. Shiver made a motion to have Ms. Buck endorse the ANR plan on behalf of the Board. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Ms. Shiver made a motion to accept the ANR plan as presented tonight, and to have Ms. Buck endorse the plan. Mr. Ceppi seconded the motion and the vote was 4-0 in favor.

Old Business:

A. Continued Public Hearing – Major Site Plan Review, John Wentworth, owner, Spencer Renewable Energy, LLC, c/o Alfred Magnone and Morgan Helies, applicants for property located at 103 North Spencer Road. *Mr. Carrera opened the hearing at 7:25 p.m.* At the previous hearing, August 3, 2010, the Board requested addition information and continued the hearing to tonight.

Note: Mr. Ceppi was not present at the meeting of August 3, 2010, and in order to participate in the voting for tonight he is required to listen to the tape-recording for that meeting and sign the Adjudicatory Hearings Form with the Town Clerk prior to the hearing.

For the record, Mr. Ceppi did listen to the tape-recording of the meeting held on August 3, 2010, and has filed the written certificate (Adjudicatory Hearings Form) with the Town Clerk this evening of August 17, 2010.

Mr. Matthew Mrva, business associate, indicated that he submitted all requested information to ODIS.

Note: Information received was updated operations and maintenance plans - National Grid Standards for Ongoing Operations and Maintenance (excerpts), PV Inverter Operation and Maintenance, Solar Panel Maintenance, Site Maintenance and Security, and also responses to comments from the Spencer Fire Chief, Ginny Scarlet, Spencer Wetland Soil Specialist, the Planning Board, and abutters on the August 3, 2010 meeting.

Mr. Mrva explained that the updated plan, referencing to Plan D-1, is proposing installation of a standard wood guard rail at the edge of the existing gravel parking area (where the open space is between the trees) as a means of preventing any vehicular accidents (car might slip off the road and onto the site). Also as part of the interconnection agreement with National Grid, the applicant is required to adhere National Grid Standards for Ongoing Operations and Maintenance Plan I (excerpts), see Section I.

The following were questions and comments from the Board and Ms. Buck of the applicant:

The Board asked about the type and the configuration of the transformer. The plan submitted shows the transformer being outside the fence. The Board commented that it should be within the fence for a safety precaution.

Mr. Mrva said that it is a pad-mount transformer, and he will revise the plan to reflect the location to be inside the fence.

Is there a specific underground depth requirement for a buried support frame of a pad-mount transformer? The Board expressed a concern on the pad-mount transformer's support and its stability in case of anyone attempting to remove it.

Mr. Mrva said that in general practice the depth is about 2-feet deep in the ground, the installation of the transformer must meet the standard requirements and also electrical code regulations with both town and state government.

Mr. Sauvageau asked for a brief explanation on a response to Comment 9: Electrical Engineering Plan – any possibility that power could be shut off for each section of panels or by individually row in case of fire?

Mr. Mrva said that the power will be cut from the control panel located in the Inverter Shed. The Police Department, Fire Chief, Ambulance Department, and the Utility Company will be provided with keys to access the shed. Solar arrays are divided into four sections; each section is electrically wire to its designated combiner box. There is a utility disconnecting switch for all four combiner boxes, and the inverter will automatically shut down the system if there is a power outage - *referenced to the draft “One-Line Diagram Plan drawing number PV-2, submitted tonight.* A final electrical engineering drawing will be provided for the building permit application.

Mr. Ceppi asked if the applicant could install a Knox Box on site, keeping the keys there, this will provide quicker access for Town Officials to the Inverter Shed in case of an emergency (fire, etc).

Mr. Mrva commented that Fire Chief Parsons did not make that request at the previous meeting, but he will present the idea to Town Officials (Police Department, Fire Department, etc).

The fencing around the entire property is 6-feet in height. The Board inquired as to the security plan, type of security lighting, and the alarm system. In addition, who will be a contact person in case of the alarm activated, for both the Applicant and the Town?

Mr. Mrva responded that the security plan for the site will consist of security lighting - 4 shoebox lighting fixtures installed at each corner of the Inverter Shed, not providing lighting anywhere else; and the 6-foot height chain link fence with a motion detector alarm system around the entire property. The alarm system will be engaged if someone is to climb up or be in close proximity to the fence. In case the alarm shall become activated, the business associate, who lives in Spencer, will be a contact person and will notify the Spencer Safety Officer

Referencing to “Operations and Maintenance Plan” the Board asked for clarification on Section II - PV Inverter Operation and Maintenance on *monitoring and service plan.*

Mr. Mrva said that the PV Inverter Operation will remotely be monitored on site by the PV Solar manufacturing company. Mr. Mrva thinks that SunTech Manufacturing will be responsible for the monitoring. At this time Mr. Mrva went over the entire maintenance plan consisting of a semi- annual service plan, an annual service plan, solar panel maintenance, and site maintenance with the Board.

Mr. Mrva responded to the comment from Ms. Scarlet in regards to the intermittent stream, *dated 8-10.10.* Mr. Sauvageau asked whether Mr. Mrva received a comment back from Ms. Scarlet.

Mr. Mrva stated that he has not received any comments back from Ms. Scarlet since August 10, 2010. He continued explaining what he has discovered from the site and from the 1983 USGS mapping. In conclusion the development of the lands associated with the pool supply building may have eliminated the stream channel or drainage, *see page 4 of the written responses from Landworks Collaborative which previously submitted to the Board.*

The Board would like to hear from Mr. Scarlet on the subject matter.

Note: Ms. Scarlet happened to be in the Office of Development & Inspectional Service tonight, and was asked if she could be present at the meeting and comment on the above subject.

Ms. Scarlet said that she had received a response from Mr. Mrva. She did a site visit and found that if there was a stream at one time; it must be dried out, there is no water at present time. She was satisfied with all the answers provided by Mr. Mrva.

The Board thanked Ms. Scarlet for her time.

Chad Cheras and Susan Geldart, abutters, were presented at the previous meeting. They were concerned with privacy - the screening/buffer, and also the negative impact on their property's value. The Board directed the applicant to contact the abutters to discuss these issues. The Board understood that the matter was resolved, and wished the applicant corroborate that.

Mr. Mrva said that he had contacted Mr. Cheras and Ms. Geldart. They came to an agreement that in lieu of providing additional screening, the applicant will provide electricity to both abutters. Mr. Cheras is here tonight to present the signed agreement to the applicant.

Mr. Carrera opened the hearing to the public for any comments or questions at this time.

Mr. Cheras of 101 North Spencer Road said that he and Ms. Geldart have come to an agreement with the applicant. He also has a signed agreement from Ms. Geldart, she could not be here this evening. Mr. Cheras and Ms. Geldart were satisfied with the terms of the agreement; both of abutters' electrical bills will go directly to the applicant.

As the Board recalled from the previous meeting, the abutters were concerned that the proposed project will decrease value of their properties, and would have a difficult time to sell. The Board gave a suggestion (as to look out for abutters' best interest) that the agreement could be made in perpetuity; this will be an incentive to any potential buyer when deciding to sell the properties in the future.

Mr. Cheras thanked the Board for the advice, but stated that he is happy with the agreement now and will not change it, and he thinks Ms. Geldart feels the same way. He will submit both signed agreements to the applicant at the end of the meeting.

Mr. Sauvageau expressed concern on the height of the proposed fence; 6-feet high, teenage-age children could climb up the fence and onto the solar system, and as a result will injure

themselves. Since Mr. Cheras is a long time resident, Mr. Sauvageau asked for any comment, and any input about the fence's height and kids in the neighborhood.

Mr. Cheras responded that most of residents are senior citizens, the only teenage-age children in the neighborhood are his children. He will instruct his children not to trespass this area. As for the height of the fence, if people are determined to get into the site they will climb up the fence regardless of how tall the fence is.

The following were addition discussions:

First - Fire Break

Mr. Ceppi suggested having a gravel path, approximately 3 inches in width, along the entire property this will protect both the applicant and abutters in case of fire. (If fire is ignited by the solar farm, the fire will stop when it reaches the gravel path, and vice versa when the fire originates from the nearby neighbor).

Ms. Shiver said that the project is the first site plan review for the solar farm. The applicant mentioned during the meeting that there *is no best practice in terms of site plan review for fire prevention*. In addition, the Board does not know all risks involved and the best preventive methods. The person who has extensive knowledge and dealing with fire issues is the Fire Department; the Fire Chief.

In conclusion, the applicant is required to present all plans to other Town Officials, Fire Chief, the Building Inspector, and the Winging Inspector, etc. They must meet all code regulations for both town and state government. Town Officials will conduct inspections throughout the entire construction phase. If the project is constructed according to the codes there shall not be any fire risk.

Second – The Height for the Fence

The Board preferred an 8 foot height for the chain link fence as opposed to a 6 foot height currently being proposed. If the cost of the change in height is increased 10 percent, but not more than 15 percent of the original cost (for 6 foot height), the Board thinks it is reasonable and shall install the 8-foot height fence.

Due to the topography of the site, the ground is not even throughout the entire property. There will be spaces/holes underneath the chain link fence on some sections. Mr. Ceppi suggested installing tied bars at the bottom of the fence to fill the gaps – this will prevent anyone from going underneath the fence and getting inside the solar farm).

At this time the Board reviewed the draft Certificate of Decision on Site Plan prepared by Ms. Buck, and requested the following modifications/additions be made to **Project-Specific Conditions**:

- # 14. The application shall install a Knox Box on site to provide access to the Inverter Shed for Town Officials to the satisfaction of the Fire Department.
- #16. The Operation & Maintenance agreement shall be amended to include regular

- maintenance and inspection of the alarm system. Inspections shall be not less than every six months and shall be in the presence of a Town Official.
- #17. The alarm system shall be designed to directly notify Spencer public safety officials and a local contact person representing the owner/operator.
 - #18. The applicant/Owner shall submit copy of the executed Interconnection Agreement with National Grid within 30 days of its execution.
 - #19. The applicant shall provide contact information for the maintenance/operations company when available.
 - #20. Warning signage shall be installed in accordance with all applicable laws & regulations along the fence surrounding the project.
 - #21. The chain link fence show on the plans shall be eight (8) feet in height unless the cost increases from the change from six (6) feet exceeds fifteen percent (15%).
 - #22. Three (3) full-size copies of the final set of plans shall be delivered within seven (7) days from the date of the decision.

Ms. Buck also presented a draft list of waivers (3) to the Board for review. The Board agreed to waive on the following Sections:

1. Section 7.4.4.B (survey plan). No clearing or grade changes are proposed and the Project is well within project setback requirements. The site Plan prepared by the Applicant is sufficient to demonstrate the layout and details of the proposed project.
2. Section 7.4.5.J (drainage calculations). No re-grading or other alteration of the site Terrain or vegetative surface cover is proposed. The applicant has submitted documentation from Brassard Design & Engineering that the solar array will not Create an increase in runoff from the site.
3. Section 7.4.5.K (development impact analysis). A detailed development impact analysis is not needed since development impacts (traffic, fiscal, etc.) for this type of project are expected to be minimal.

With no further comments and questions, Mr. Shiver made a motion to close the public hearing at 8: 55 p.m. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Ms. Shiver made a motion to approve the Certificate of Decision on Site Plan (Project-Specific Conditions) as amended tonight. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Mr. Ceppi made a motion to incorporate the three (3) waivers (Sections 7.4.4.B, 7.4.5.J, and 7.4.5.K) in to the Certificate of Decision on Site Plan. Ms. Shiver seconded the motion and the vote was 4-0 in favor.

Other Business:

A. CMRPC Delegation Fiscal Year 2011.

Mr. Sauvageau made a motion to nominate Mr. Ceppi as the delegate for CMRPC delegation. Ms. Shiver seconded the motion and the vote was 3-0 in favor.

B. Review the Planning Tasks.

Ms. Buck, Town Planner, presented the “Long Range Planning Tasks List FY’11 to the Board for review. The Board recommended working on the following projects:

- CDBG/Downtown Planning Activities
- Prepare a Housing Production Plan – Affordable Housing Plan
- Open Space and Recreation Plan
- Update Commonwealth Capital Form/Scores
- Prepare Inclusionary Zoning Bylaw
- Continue the Depot Trail into the Downtown
- Bring Flood Plain Zoning Amendment to Town Meeting upon Submittal of Revised FIRM Maps
- Prepare Driveway Regulations in Concert with U&F
- Work with CMRPC to Finalize and Adopt Planning Board Stormwater Regulations

There are other projects on the list. The Board thinks the most prioritized project is the CDBG/Downtown Planning Activities, and to work with the PVPC on 2011 Application - the anticipated deadline application for 2011 is December of 2010.

With no further discussion, Ms. Shiver made a motion to adjourn the meeting at 9:40 p.m. Mr. Ceppi seconded the motion and the vote was 4-0 in favor.

Submitted By:

Approved By:

Bea Meechan, Senior Clerk

Fabio Carrera, Planning Board Chairman

List of Documents Used on August 17, 2010

- Long Range Planning Tasks dated 6.29.10.
- ANR Plan and Mylar submitted by Daneil Lemenager for Bay Path Real Estate, LLC, for property at 100 Clark Road, 8.3.10.
- Memorandum from Fire Chief Robert Parson to ODIS, RE: Solar Farm, 8.3.10.
- Email from Matt Mrva to Vipawan Meechan to Vipawan Meechan, subject, Comments from 8.3.10 Planning Board Meeting, 8.4.10.
- Email from Vipawan Meechan to Matt Mrva, subject, Comments from 8.3.10 Planning Board Meeting, 8.4.10.
- Email from Matt Mrva to Michelle Buck, subject, Attachments: Culvert at North Spencer Road.JPG; catch basin at Alta Crest and North Spencer.JPG; L0.1 USGS OVERLAY.pdf., 8.6.10.
- Email from Matt Mrva to Vipawan Meechan, Michelle Buck, Robert Parsons, and Virginia Scarlet, subject, RE: Comments from 8-3-10 Planning Board Meeting, Attachments: 08.10.10 Updated Drawing Package.pdf; Operations and Maintenance Plan.pdf; 08.06.10, Response to Town of Spencer comments.doc., 8.10.10.
- The Adjudicatory Hearing Form – A written certification required for voting, signed by Robert Ceppi dated 8.17.10.
- Draft waivers for Spencer Renewable Energy prepared by Michelle Buck for Planning Board Meeting dated 8.17.10.
- Draft Findings & Conditions for Spencer Renewable Energy prepared by Michelle Buck dated 8.17.10.
- Draft Solar Array Plan – PV1 and Draft One-Line Diagram PV2 submitted by Matt Mrva on 8.17.10.