

Planning Board – Town of Spencer

Minutes

Regular Planning Board Meeting
Tuesday, May 22, 2012 at 7:00 PM
McCourt Social Hall
Memorial Town Hall



The meeting was called to order at 7:00PM.

Planning Board Members Present: Chair Shirley Shiver, Mary Stolarczyk, Ralph DiChiara, James Whalen and Robert Ceppi (note Robert Ceppi was 5 minutes late)

Planning Board Members Absent: Jonathan Viner, Associate Member

Staff present: Michelle Buck, Town Planner and Brynn Johnson, ODIS Clerk

1. New Business:

A. ANR Application, Ahearn Realty, LLC and Digital Federal Credit Union, Location: Main Street, Greenville Street and Garrett Lane. (Mass Audubon plan related to Sibley-Warner/Landscape Partnership Grant). Mr. Charlie Wyman from Mass Audubon is in attendance representing the applicant.

Ms. Buck explains they had submitted a draft plan a few weeks ago and she gave them a number of comments such as needs more detailed explanations and changes in line type. They submitted a revised plan and addressed those issues. This is still a complicated plan but they have added notes and more details to help clarify.

Ms. Shiver asks if anyone has any questions.

Mr. Whalen asked is this plan just conforming to the Sibley-Warner deal. Ms. Buck says yes it is. It is defiantly a more complicated plan that usual so she asked the applicant to expand the notes to help explain all the transfers back and forth.

Ms. Shiver asks about the land swap with the Ahearns. Mr. Wyman explains there are 4 lots 2 of which being carved out of the Sibley land and 2 from the Ahearn land and they will be swapped. The Sibley-Warner project will gain an acre of Ahearn land. Ahearn will be gaining an area that has frontage that they have been using for years; they will also get lot H. Sibley will get lot G which will create a buffer for a trail and lot I which has wetlands and a meadow.

Ms. Shiver notes there should be a leader line or an arrow on lot G to make things clearer. She also asks where the lines for lot F are. Mr. Wyman explains lot F includes what is shown as easement B plus the oval shaped area to the west. The heavy line is showing the new Ahearn lot line. The current lot line is the curved line that runs between easement A and easement B.

Easement A and easement B are existing easements. Ms. Shiver also notes on the west side of the lot it is unclear where the property line is.

The Board asks Mr. Wyman to present the plan.

Mr. Wyman explains the purpose of the plan is to divide the three existing parcels owned by Digital Federal Credit Union and abutting parcel owned by Ahearn Realty into ten separate parcels. Lots F, G, H and I are not separate building lots. The intended usage for the lots is as follows.

- Lots F and H are to be conveyed and annexed with land of Ahearn.
- Lot G is to be conveyed to Mass Audubon and annexed with Lot B.
- Lot I is to be conveyed to Audubon and annexed with Lot C
- Lots A, B, C, D, E, and F conservation restrictions will be conveyed by the Mass Audubon to the Town of Spencer and the Common Ground Land Trust.
- Lots A, B, C, E, G, and I will be conveyed from Mass Audubon to the Greater Worcester Land Trust.
- Lots C and I will convey an Agricultural Preservation Restriction.

MOTION: Mr. Whalen makes a motion to endorse the ANR plan as provided. Mr. DiChiara seconds the motion.

VOTE: is 5-0 in favor. Mr. Wyman will submit a revised plan with easier to read line styles, before it is signed.

B. ANR Application, Jean and Linda LaCroix, Location: 54 Highland Street, boundary line adjustment. Mr. LaCroix states his neighbor Madeline Shea of 52 Highland Street is giving him a small piece of land. Mr. LaCroix is in attendance.

Mr. Ceppi asked why they are moving the lot line. Mr. LaCroix says Ms. Shea is giving him this land and adjusting the boundary line because a small portion of his deck is already on this land.

MOTION: Mr. Whalen makes a motion to endorse this ANR plan. Mr. Stolarczyk seconds the motion. **VOTE:** 5-0 in favor. Ms. Buck signs plan.

C. Site Plan Review Determination, Spencer Savings Bank, Project Location: 10 Linden Street. Phil Stoddard is in attendance representing Spencer Savings Bank.

Mr. Stoddard shows the Board the plan for the proposed new parking spaces. There will be 8 new parking spaces behind 10 Linden Street; the area is less than 4,000 sq ft. There are existing catch basins to address stormwater. Also, the project does not meet thresholds for requirement of a stormwater permit. The existing single family home at 10 Linden Street will be turned into

office space to be used by employees only; no customers would be going in and out of this house. Access will be in back of the house. The only trigger for a minor site plan review would be due to the change of use from a residential to business. They would only be using the house during businesses hours and not on weekends. They will have to get a special permit from the ZBA for the change of use.

Mr. Whalen asks if the bank has a growth plan for this house, if they find at a later point they no longer need it. Mr. Stoddard says they have no plans to make any major interior or exterior renovations to the house. It could always be changed back to residential if need be.

Ms. Shiver asked does the applicant meet any other thresholds for site plan review.

Mr. Stoddard states the only trigger would be the change of use.

Ms. Shiver says their only concern was the drainage. Mr. Stoddard says they are in compliance in terms of stormwater management.

Ms. Shiver asks if there is a motion.

MOTION: Mr. Whalen makes a motion to waive site plan review. Mr. DiChiara seconds the motion. **VOTE:** (4-0 in favor) (1 abstention) Mr. Ceppi abstains himself from the vote.

D. Public Hearing – Major Site Plan Review, Barrego Solar Systems, Inc. (applicant), Carl Wilson (owner). Project Location: 115 Wilson Street. The site Plan review application is for the construction of a large-scale ground mounted solar facility. The property is located within the Rural Residential Zoning District. Present representing Barrego Solar are Roy Smith (Vice President of RJ O’Connell & Associates, Inc.), Scott Lacy (Prince Lobel), Carl Wilson (land owner), Charles Barbanti (Borrego Solar, Project Manager) and Jared Connell (Sr. Project Developer).

Mr. Lacy gives a brief overview of the plan. He hands out a color copy of the plan, pointing out where the entrance would be on Paxton Road. From the entrance there would be a gravel driveway to access the 3 solar array systems. The panels are mounted to the ground by posts this allows animals free movement under the panels and minimal ground disturbance. Some trees will need to be cleared to prevent shading on the solar panels. They will keep a buffer on the outer edge of the property. And additional tress (Colorado Spruces) will be planted to screen the views of abutters on Paxton Road.

Mr. Smith explains the plan will need approval from the conservation commission and ZBA. They have made revisions to the plan based on the Planning Boards peer review consultants comments. Mr. Smith explains in more detail where the solar arrays will be located on the Wilson property. Most of the Wilson land will remain untouched. The fenced in solar array area will take up only 20-21 acres of the 149 acre property. He explains the systems are split up into 3 separate clusters to avoid any disturbance of wetlands. Each will be enclosed by its own fence and will include gravel access, an array, and equipment pad. The panels will be held in place by ground screws. This way of securing the panels will have less impact on the land and make the panels easier to remove when need be. There

will be less than 1% impervious coverage on this site when done. This project when complete will not generate any traffic. It will only be visited 2-4 times a year for maintenance.

Mr. Connell says once this system goes live it will be monitored remotely. They will receive an alert if something goes wrong and send a service rep to fix the issue. Someone from the public calls out asking how big these panels are. Mr. Connell answers, the panels are about 2 feet off the ground and 10 feet from the ground at the highest point. Someone else calls out expressing concern about storm runoff. Ms. Shiver asks the public to hold their questions until Borrego is finished with their presentation.

Mr. Smith explains the water drainage and runoff; he says yes water will hit the panels but then runoff into the soil/ground cover underneath the array. And they have a stormwater management plan so that post project runoff will not be more than pre project runoff.

Ms. Shiver opens the hearing to the public.

Dr. Timothy Hoffman resident of 67 Paxton Road asks the following questions 1 through 9.

1. Is this system is safe? Will it produce any electromagnetic fields (EMFs)? Or contaminate the ground water. Mr. Smith says there are no hazardous materials found in the modules, and there are no liquids that could leak into ground water and the EMF's are no cause for concern. He will get a data sheet on the EMF's.

2. What are the panels going to be cleaned with? He wants to be assured the cleaning agent is safe and nontoxic. Mr. Connell says they are only cleaned with a mild soap and water. No harsh cleaners are needed.

3. What will the noise level be? Mr. Connell says the noise level is very low and only makes sound when the sun is out. The transformers will be away from abutter's homes so noise will not be a problem once construction is done.

4. Will herbicides be used on the vegetation? Mr. Connell says no herbicides will be used. They will only cut the grass a few times a year. They have no issue with vegetation growing in. Mr. Smith adds they have worked with the conservation commission to revise the ground cover seed mix to promote wildlife habitat. The fence will be 6 inches off the ground to allow small animals to pass freely under.

5. How disruptive and loud is the construction and removal of trees going to be. He needs it to be quiet when treating patients at 67 Paxton Road. Mr. Barbanti doesn't know exactly how loud it will be but yes there will be noise during the construction process. Ms. Shiver tells Dr. Hoffman they will take this into consideration when writing the order of conditions so that his business is not interrupted.

6. How long will this site be under construction? Mr. Smith explains it will take about 6 months to construct, plus 2 to 4 months for clearing and grubbing. So it will take about 8-10 months to complete.

7. What kind of trucks will be used on the gravel access road near his house? Mr. Barbanti says diesel Pickup trucks, flat beds, trailers and other equipment are used.

8. They will be drilling many holes this will make a lot of noise. Who can he call if he has a problem with the construction crew making too much noise or blocking traffic? Ms. Shiver tells Dr. Hoffman that it is a requirement that anyone doing construction have a contact person/number posted on-site to call with concerns or complaints.

9. Will they be getting any government money to build this solar farm? Mr. Connell says yes there is a federal grant for renewable energy.

Ms. Ellen Sousa of 88 Wire Village Road asks how long the life cycle of the solar panels and the facility are. Mr. Connell answers the panels are guaranteed for 25 years. The lease agreement they have with Carl Wilson is for 15 year with two 5 year extension options. After the lease period this system can easily be deconstructed and the land restored to its natural state.

Ms. Collette of 71 Paxton Road asks if they will be doing a lot of digging for the gravel access road. Mr. Smith explains the road will be 15 feet wide they strip the top soil and pack gravel. Ms. Collette expresses concerns of water runoff from the site. Mr. Smith says they have addressed peak water runoff and flooding issues. They have designed a stormwater management system that will control water runoff. Ms. Collette also warns of soft ground near the Paxton Road entrance due to trees that were buried in that area years ago.

Ms. Jill Hoffman of 67 Paxton Road expresses concern about the access road being across from Donnelly Road. Donnelly Road does not have a stop sign, drivers unfamiliar with the area many drive straight across Paxton Road into the solar farms access road thinking it's a continuation of Donnelly Road. There have been car accidents in this spot in the past. Mr. Smith says they would be willing to gate the access road. Ms. Hoffman also expresses security concerns, the access road could turn into an off road place for people to park their cars and walk into the woods especially teenagers at night. Ms. Shiver says she will take that into consideration in the order of conditions.

Ms. Collette also expresses her concern about trespassers in this area.

Mr. Whalen asks Borrego how they intend to keep trespassers out, what is their security plan. Mr. Connell says they will have a 7 foot fence and gate. The fence and gate should denture people from walking through the site.

Dr. Hoffman asks if this will affect the snowmobile trials. Mr. Wilson says there are no deeded trials on this site.

Ms. Terry Maggio of 57 Paxton Road asks if the zoning has been changed, how is it that a solar farm is allowed in a residential neighborhood. Ms. Buck explains the town has classified solar farms as a Major Utility. Major Utilities are allowed in any of the Town's zoning districts. They will need a special permit from the ZBA.

Mr. Wilson explains his long term plan is to put his land under an Agricultural Preservation Restriction. The land on which the solar farm will sit is only being leased and may someday be added to the APR land.

Ms. Shiver closes the public hearing, continuing it to June 19th. She opens the hearing to questions from the Board.

Mr. DiChiara asks what kind problems have they encountered at their other solar sites such as animals interfering with equipment, vandalism or ground water contamination. Mr. Connell says they have not had any problems with animals or vandalism in Massachusetts. They have had some vandalism at facilities in California. They have done Phase 1 testing on ground water and found no contamination.

Mr. DiChiara notes there is no lighting proposed for this site, is there any future plans or need for outdoor lighting. Mr. Connell says they have no plans or need for lighting. Mr. Ceppi asks what about security lighting. They have no plans for security lighting. The only time they may have temporary lights would be if an emergency repair is needed.

Mr. DiChiara asks if the construction crew and contactors will be reputable; as well as respectful to the neighborhood. Can Borrego ensure the integrity of the project? Mr. Barbanti says yes and they will have someone on-site to oversee and manage the crew.

Mr. Ceppi asks why the inverter pad in system 2 is close to the abutting house. The inverters in the other systems are set back further from homes. Mr. Barbanti is unsure of way that inverter was put in that spot. Mr. Barbanti says to mark on the plan where they would like the inverter to be and he will ask the engineers if it can be moved.

Dr. Hoffman asks how many megawatts this site will produce. Mr. Connell says it's a 3.7 megawatt system.

Mr. DiChiara understands the power from this site is being sold to a college in Worcester, but wants to know if there's any way to let the abutting homes have some of the power produced at this site. Or have any of the power stay in town to power local homes. Mr. Connell makes it very clear this cannot happen in order for this site to be profitable they must sell all the power to this college. (The name of the college was not given.)

Mr. Whalen asks if Borrego is applying for any special waivers. Yes a traffic waiver because once completed this site will only be visited 2-4 times a year.

Ms. Shiver continues this hearing until next Planning Board meeting June 19th.

2. Approval of Minutes: Minutes for - January 17, 2012; February 21, 2012 and April 17, 2012.

- MOTION: Mr. Whalen makes motion to approve minutes for January 17, 2012. Ms. Stolarczyk seconds the motion. VOTE: 5-0 in favor.
- MOTION: Mr. Ceppi makes motion to approve minutes for February 21, 2012. Mr. Whalen seconds the motion. VOTE: 5-0 in favor.
- MOTION: Mr. Whalen makes motion to approve minutes for April 17, 2012. Ms. Stolarczyk seconds the motion. VOTE: 5-0 in favor.

3. Town Planner Report

A. Open Space & Recreation Plan – Ms. Buck explains the last thing she needs for the Open Space & Recreation Plan is a letter of support from the Planning Board.

MOTION: Ms. Stolarczyk makes a motion to have Ms. Buck draft a support letter for the Planning Board. Mr. Whalen seconds the motion. VOTE: is 5-0 in favor.

4. Adjournment:

Motion: With no further discussion, Ms. Stolarczyk makes a motion to adjourn. Mr. Whalen seconds the motion. Vote is 5-0 in favor the meeting is adjourned 9:07pm

Submitted by: Brynn Johnson, ODIS Clerk

Approved by the Planning Board on: 6/19/2012

List of Documents used on May 22, 2012

Items sent to Planning Board prior to Meeting:

- Agenda
- Memo From Michelle Buck, Town Planner dated 5/17/12
- Minutes 1/17/12, 2/21/12 & 4/17/12
- 54 Highland Street ANR Plan & Application
- Ahearn Realty, DFCU ANR Plan
- 115 Wilson Street
 - Plans dated 4/17/12
 - Site Plan Review dated 4/17/12
 - Letter from Graves Engineering dated 4/14/12
 - Memo from Steven Tyler, P.E., Superintendent, Spencer Utilities & Facilities Office dated 5/15/12
- Open Space Support Letters
 - Letter from CMRPC dated 5/9/12
 - Letter from Adam Gaudette, Town Administrator dated 5/15/12

Items Submitted at Meeting:

- Color Plan for 115 Wilson St.
- Zoning table for 115 Wilson St.