



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
Tuesday, January 20, 2015 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

Planning Board Members Present: Chair James Whalen, Robert Ceppi, Maria Reed and Jonathan Viner

Planning Board Members Absent: Shirley Shiver

Staff Present: Michelle Buck, Town Planner, Monica Santerre-Gervais ODIS Clerk

Staff Absent: None

Mr. Whalen opens the meeting at 7:04pm.

1. Treadwell Solar, Request for Minor Project Changes-

Mr. Whalen recused himself.

Hem Shankar, JRC Toronto Canada, discussed that they purchased the project in June 2014. Eric Aubrey, Gehrlicher Solar NJ & MA, was present to answer construction questions.

Mr. Shankar explained to the Planning Board that they have made some small changes to the scope of work proposed for the Treadwell Solar project. They have pulled the panels out of the buffer zone so it wouldn't impact the wetlands, keeping the road the same, changing the height of the fence so there is more security, and changed the racking system and tables; therefore, the racking is now lower than 8.8 ft as originally proposed.

Ms. Buck mentioned that this came up on the agenda a few months ago. The applicant is reducing the scope and does not need a formal amendment. Originally, the Planning Board had questions on the heights of the new racking system on behalf of the abutters.

Mr. Ceppi asked if this was more of an informational meeting. Ms. Buck said yes and it is not necessary to vote or put as an amendment.

Mr. Viner asked if the road was revised. Mr. Shankar said the road is the same. Mr. Ceppi asked about the fence height being raised. Mr. Aubrey answered that the fence is higher so they didn't have to use barbed wire on the top and one of the abutters got a nicer looking fence per the original decision. Mr. Viner pointed out that under the narrative there was some change to the road. Mr. Aubrey said the road shrinks west away from Spencer, now it pulls toward East Brookfield. Mr. Viner asked if it was the road or array. Mr. Aubrey commented that the road will follow the line of the array and the entrance will not change. Mr. Shankar said the road will be the same in Spencer. Mr. Ceppi addressed that there are conflicts between the narrative and

what was being discussed about the road changes. Mr. Shankar said the fire chief signed off on the road change. Mr. Ceppi asked Ms. Buck if the Planning Board should be concerned about the road changes and Ms. Buck said no because all the arrays in Spencer and access road are the same. Mr. Aubrey said that the Spencer array is closer to the wetlands and that's why they shrunk the project to avoid them.

Mr. Viner asked if new plans had been submitted to the town with changes. Ms. Buck said they were already submitted. Mr. Ceppi asked if the Conservation Commission approved this and the applicants answered that they did.

Discussion ended with no concerns from the Planning Board.

2. Sunset Holmes Subdivision Continued Public Hearing-

Mr. Whalen reopened the hearing at 7:15 pm.

Kevin Quinn, Quinn Engineering, representing applicant Jim Laney is requesting an extension for surety and revision of phasing as originally enforced. The Planning Board asked the applicant to address some issues. Mr. Quinn feels they have addressed the issues and submitted a letter from Quinn Engineering dated January 20th, 2015. Additionally, they met with Steven Tyler on January 15th, 2015 and Eben Butler, in which, Mr. Tyler agreed that some items on the roads can stay but he will have to revisit in the spring. The items Mr. Tyler agreed could stay were the fire hydrants, water mains, street lights, and basin with run off. Additionally, Mr. Quinn provided further detail and clarification on what repairs were being done to the road. Mr. Quinn went over the January 20th, 2015 letter and also mentioned that Mr. Laney got the approved extension of surety for one year from the bank. Mr. Quinn clarified the phasing; the street lights, gas mains, and drainage will be part of phase 1. In addition, Mr. Quinn clarified that they add remediating the gravel. Mr. Tyler asked about the timing, therefore, Mr. Quinn handed out the amended the letter from December dated January 19th, 2015 with the timing schedules from March to May 2015 Mr. Laney will complete the detention basin 1 and 3 and install the stop signs and street signs. From May to August 2015 Mr. Laney will complete the pavement improvements and repair the retaining wall. Lastly, from August to September 2015 he will install the guardrail and clean catch basins of sediment. Mr. Quinn also summarized how the recorded covenant protects the Town by restricting the sale or building on the lots. This provides an additional level of security to the Town.

Ms. Buck felt Mr. Quinn provided an excellent summary and handed out the written confirmation from Mr. Tyler. Ms. Buck mentioned the covenant had been recorded with deeds, she has the letter of credit through December 2015. In addition, Ms. Buck handed out the drafted approval of extension for Sunset Holmes Subdivision. Ms. Buck further mentioned that the applicant is making a reasonable compromise to complete the road and is meeting the Board halfway. However, it is the Planning Boards decision on how long the extension should be.

Mr. Whalen had questions on the scheduling due to the applicant having his schedule through to September would it be reasonable to make the extension to the end of October 2015 and then once the road is completed meet in September and release the covenant so Mr. Laney can start to build. Mr. Laney feels that the housing market is coming back up and with the need would like to start building. Mr. Whalen mentioned he feels the housing market is coming back too. Mr. Whalen feels there may be two ideas, one being they extend to December 6th, 2015 or only

extending until the end of October 2015. Mr. Viner mentioned he would be okay with a 4-5 month extension and then meet and see where the applicant is in his schedule. Mr. Ceppi questioned that they would have to ask for another extension if we only gave the applicant a 4-5 month extension. Mr. Quinn added that he could submit progress reports to the board if that would be helpful. Mr. Viner said that was reasonable. Ms. Reed said she would be okay with the extension date being until the end of October 2015 with the applicant submitting the progress reports as suggested.

Mr. Whalen asked the abutter, Mr. Kirk, if his concerns from previous meeting were being addressed and he said they were.

Mr. Whalen closed the meeting to the public at 7:30 pm.

MOTION: Mr. Ceppi made the motion to approve the permit extension to October 31, 2015 with a progress report being submitted to the Planning Board for the June 16, 2015 meeting.

SECOND: Mr. Viner

DISCUSSION: The applicant asked if the board will make a separate motion to amend the phasing. As Mr. Laney is looking to put Holmes Street to the cul-de-sac to phase 2, Sunset would be phase 2, and the sidewalks. Ms. Buck mentioned she didn't believe there was anything voted on for the phasing only for the surety. There is a phase line drawn on the plan but what Mr. Quinn is asking for the surety purposes. Mr. Laney will come back to revise the phase 2 surety and phasing when he comes back in October 2015.

VOTE: 4-0

3. Robert Moschini, Stormwater Permit Application-

Mr. Whalen opened at 7:36 pm

Attorney Philip Stoddard was present for Robert Moschini to discuss Mr. Moschini's intent to clear 14 acres of trees for agricultural purposes (hay fields). There are not any wetland issues and it has been signed off by the Conservation Commission. This is currently phase 1 of what Mr. Moschini plans on doing and will need to come back to the Planning Board and Conservation Commission for the Phase 2 portion. Mr. Stoddard commented that the farm is very successful and they have 170 cows.

Mr. Stoddard handed out the colored version of the plan so the Planning Board could have a better understanding on what the applicant is planning to do. In addition, Mr. Stoddard handed out a new letter from Robert Moschini dated January 20, 2015. The applicant would like to address bulldozing and grading in the spring and in the late spring they would like to plant corn.

Anthony Moschini, 30 Howe Road, said it would be great if they could get the approval before the growing season so they can plant the corn and if not they would plant rye grass. There overall plan is to have a permanent hay field. Mr. Whalen asked if they sold their hay field to ECOS Energy for the Solar Farm. Mr. Stoddard said that was correct. Mr. Ceppi asked what the hay was used for and Anthony Moschini answered to feed the cows. Mr. Whalen asked why they sold the original hay field. Mr. Ceppi added that the new location for the hay field is closer to their farm. In addition, ECOS Energy wanted the location of the old hay field because it had the right amount of exposure that they needed.

Ms. Buck mentioned that the Planning Board has never had an application like this before that didn't require other approvals from the Planning Board and the Conservation Commission. The procedure stays the same as a Minor Site Plan in regards to filings deadlines, and fees. The applicant is seeking waivers from Stormwater Regulation submittal requirements. When the applicant comes back to clear the additional 30-40 acres of the land they will need to submit something more substantial. Ms. Buck handed out a revised draft of decision for discussion dated January 20th, 2015. The change is to reflect the letter from Mr. Moschini and when the applicant is done with the work they would need to notify the Planning Board.

Mr. Whalen asked if the work was going to be done during the winter month. Anthony Moschini said it depends, they were hoping to have already started clearing the land but it depended on the weather. In addition, Mr. Whalen asked if there was still a flagging issue. Anthony Moschini said the flagging was ok and Mr. Stoddard further commented that the current site plan they had was a USDA Map with the flags they put in. Ms. Buck said there was some controversy on the flagging, however, since the applicant pulled the work away from the wetlands the flagging is less of an issue.

Mr. Ceppi and Mr. Viner asked more questions about the area and where the water begins. Mr. Viner also asked about the Aquifer Protection District and Mr. Stoddard pointed it out to him. Ms. Buck mentioned that agricultural uses are allowed in the Aquifer Protection District.

MOTION: Mr. Ceppi made a motion to approve the current draft decision for the Stormwater Permit for applicant Robert Moschini.

SECOND: Mr. Viner

DISCUSSION: Mr. Viner said the work to be done per the current letter submitted to the Planning Board.

VOTE: 4-0

4. Meadow Solar Continued Public Hearing-

Hearing reopened at 7:55 pm.

The Applicant, Steven Broyer, requested a continuance until 2/17/15 and an extension to file to 2/24/15. Ms. Buck mentioned that no new information has been submitted by the applicant because there are still Conservation issues that the applicant is reviewing with Margaret Washburn.

MOTION: Mr. Ceppi motioned to continue the hearing until 2/17/2015 with an extension to file to 2/24/2015.

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0 in favor.

5. Adoption of Minutes

December 16, 2014- Mr. Whalen had one edit to make. On the first page under the second request for Diversified auto, second paragraph, change the lines with Mr. Whalen and Ms.

Shivers comments to say, “Mr. Whalen asked about whether the applicant got back to them about catch basins. Ms. Shiver said they didn’t use an off the shelf manufactured unit they did a custom retrofit instead.”

MOTION: Mr. Ceppi motioned to accept the minutes as amended.

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0 in favor.

6. Town Planner Report/ General Board Discussion

- **Zoning Amendments-** Ms. Buck mentioned that by the February meeting she will have a draft changes for the tattoo parlor and driveway zoning amendments.
- **CMRPC Report-** Ms. Buck explained that this was funded by a DLTA grant and that the Planning Board members need to submit their comments, if any, as soon as possible. Ms. Buck noticed some small typographical issues. Also, she discussed that it was a good idea to have signs or make a link on the Town of Spencer’s website a map of where there is public parking in the Town Center. Mr. Whalen said possibly incorporating points of interest on signs. Mr. Viner suggested a simple flyer online and to hand out to businesses.
- **Misc/ Discussion-**
 - Ms. Buck mentioned that the Town of Leicester is looking to restore her hours to full time. If approved Ms. Buck will leave the Town of Spencer in June of 2015. Ms. Buck has discussed this with the Spencer Town Administrator, Adam Gaudette, and someone would be hired in the meantime.
 - **Treadwell-** Mr. Whalen questioned if he needs to sign the performance agreement for Treadwell. Ms. Buck believes she signed on his behalf and received the money but will double-check.
 - **Sunset-Holmes-** Viner questioned if Sunset-Holmes paid the \$5,000.00 that they owed and what the money is used for. Ms. Buck said the applicant did pay the \$5,000.00 and the money is for peer reviews.
 - **Ceppi may not make the February meeting.**
 - **Summer Nationals-** Mr. Viner asked if the Summer Nationals were coming to Spencer. Ms. Buck discussed the meeting the town had with the applicant and they discussed all the concerns. However, Ms. Buck is unsure if a final decision was made.
 - **Charlton Motocross-** Mr. Ceppi asked about the drag strip. Ms. Buck discussed the project and opposition from Sturbridge abutters.

MOTION: Mr. Ceppi motioned to close the meeting

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0 in favor.

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 2/17/15

List of Documents used on January 14, 2015

Items sent to Planning Board prior to Meeting

Mailed paper copies:

- Agenda
- Memo from Michelle Buck to Planning Board Dated 1/15/2014.
- Treadwell Solar Narrative sent via email 1/12/2015
- Stormwater Permit Application: Applicant Robert Moschini, Royal Crest Farm, proposal to cut trees for agricultural purposes. Draft Stormwater Permit completed by Michelle Buck.
- Minutes for December 16, 2014
- CMRPC- drafted Town Center development plan sent via email 12/31/2014

Items submitted at the Meeting:

1. Letter from Quinn Engineering in regards to Sunset Holmes dated 1/19/2015
2. Letter from Quinn Engineering in regards to Sunset Holmes dated 1/20/2015
3. Written Confirmation from Steven Tyler for Sunset Holmes dated
4. Revised draft of Sunset Holmes extension approval dated 1/20/2015
5. Letter with revisions from Robert Moschini dated 1/20/2015
6. Revised draft of the approval for Stormwater Permit dated 1/20/2015