



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
Tuesday, December 15, 2015 at 6:00 PM
McCourt Social Hall
Memorial Town Hall

Planning Board Members Present: Chair Robert Ceppi, Shirley Shiver, Robert Ceppi, Maria Reed (late) and Jonathan Viner

Planning Board Members Absent: None

Staff Present: Larry Smith, Town Planner, Monica Santerre-Gervais ODIS Clerk

Staff Absent: None

Mr. Ceppi opens the meeting at 6:10 pm.

1. ANR Plans –

- **Smithville Road, Peter & Lynn Zukas, 1 New Lot**

Jason Dubois, 36 Cranberry Meadow Road, was present for the meeting. Mr. Dubois explained that the site was located on 89 Smithville Road, Zukas Hilltop Barn. The owner currently has 100 acres and is looking to cut out 4.2 acres along Smithville Road and they have 348 feet of frontage. Mr. Smith mentioned that the frontage and acreage are fine. Mr. Smith handed out an aerial photo of the lot.

MOTION: Ms. Shiver motioned to endorse the plan as submitted

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 3-0 in favor, Ms. Reed entered late and could not vote on this

- **Gold Nugget Farm, Bruso Family Trust & Roxanne Fleming**

Phillip Stoddard, 159 Main Street, was present for the meeting. Mr. Stoddard mentioned the intention of a boundary lot adjustment to protect the house from the development around there home. Mr. Smith mentioned Anthony and Maureen Agbay are buying it and adding it. Mr. Smith handed out aerial photo of the lot.

MOTION: Ms. Shiver motioned to endorse the plan as submitted

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0 in favor

- **Central Reality Trust, 369 Main Street**

Cheryl and Ron Lavallee, 369 Main Street, were present for the meeting. Mr. Lavallee explained that they own a 33 acre parcel that has an office building on it. They are selling the building and the buyer only wants 2 acres to come with the building.

Mr. Ceppi asked if the shed would be removed and the applicant answered yes. Ms. Shiver asked if the shed had a foundation and the applicants said no. Mr. Ceppi asked about the underground drainage chamber and where it leads to. Mr. Lavallee explained it was for the runoff from the roof. Mr. Smith asked if it was a leaching field and the applicants answered yes.

MOTION: Ms. Shiver motioned to endorse the plan as submitted

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 4-0 in favor

***** Due to some confusion with the time for the meeting, easier items were done first until applicant and engineer arrived for the Solar Farm projects *****

5. Adoption of Minutes

- November 17, 2015

MOTION: Ms. Shiver motioned to accept the minutes as drafted for November 17, 2015

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0 in favor.

7. Discussion - Proposed revisions to Spencer Stormwater Regulations-Section 3 Permit Procedures

Mr. Smith explained there has been an ongoing discussion in the office about who should really be issuing the Stormwater Permits. The way that the regulations are worded the permit for projects requiring a Wetlands Permit is issued by the Conservation Commission, for all other types of approvals they are issued by that designated authority (i.e. Planning Board for Subdivisions) but only if they DO NOT also require a Wetlands Permit). Mr. Smith's opinion is that, if required, a Wetlands Permit should be approved before, or at least at the same time, as all others. This is based on the fact that all of the other permits have to be designed around the strict requirements/conditions of the Wetland Permit and not vice versus. If there is no granting authority involved then the Highway Department will grant them.

Mr. Smith explained that recently there was a situation in the office where an application for a Site Plan Review was filed but it also required the filing for a Wetland Permit. Mr. Smith believes that would have made the Conservation Commission the Stormwater Permit granting authority. However, the Conservation agent felt that, because they had not yet filed for their Wetland Permit (even though they ultimately would have to) technically the Planning Board

should issue the Stormwater Permit because they had filed for the Site Plan Review already. Therefore, Mr. Tyler and Mr. Smith sat down with her and all agreed that for most projects the Conservation Commission was best suited for issuing the Stormwater Permit. Mr. Smith suggested a revision to the Stormwater Regulations Section 3. Permit Procedures, highlighted in yellow, requiring that all required permits have to be applied for at the same time so that the various permitting authorities can coordinate their review and determinations of such projects:

SECTION 3. PERMIT PROCEDURES

Projects requiring a permit shall submit the materials specified in Section 3 (Permit Procedures) and Section 4 (Application Submittal Requirements), and meet the stormwater management criteria specified in Section 5 (Design Standards) and Section 6 (Post-Development Stormwater Management Criteria). Filing an application for a permit grants the Stormwater Authority permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit. The Stormwater Authority is authorized to retain a Registered Engineer or other professional consultant to advise on any aspect of the permit application at the applicant's expense.

If a project requires multiple permits (i.e. Order of Conditions, Site Plan Review, Subdivision Approval, etc.) from multiple permitting authorities (i.e. Conservation Commission, Planning Board, etc.) all such permits must be applied for at the same time so that the various permitting authorities can coordinate their review and determinations of such projects.

MOTION: Ms. Shiver motioned to approve the revisions to the Spencer Stormwater Regulations as presented.

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0 in favor.

6. Discussion – Proposed revisions to Driveway Zoning Bylaw

Mr. Smith explained the proposed revisions are based on an earlier set of proposed revisions that Michelle Buck worked on. The changes highlighted in gray are what Steve Tyler and he are suggesting. From reading some of Ms. Buck's earlier notes on this, the Planning Board wanted to move most of this over to the Highway Department's regulations. In discussing this approach with Mr. Tyler, he said that he has lost numerous court cases on appeals of his driveway requirements because the court said that they were just his guidelines as they were never approved by Town Meeting. Mr. Tyler strongly believes that they need to be adopted under Zoning. Mr. Smith noted that if this is adopted as a Town Bylaw then they do not need a 2/3 vote for town meeting to adopt the regulations; Town Manager, Adam Gaudette, concurs but Mr. Tyler would like it to be a Special Permit under the Planning Board. Currently The Highway Department has control from the edge of road to edge of apron and right of ways. If

adopted as a Town Bylaw the Highway Department could have jurisdiction from edge of road to up to the house. The common driveways should stay with the Planning Board

Mr. Ceppi asked if the bylaw can help Mr. Tyler and Mr. Smith said yes. Mr. Smith said the highlighted portion is new. Mr. Ceppi asked if it would be a Town Bylaw and Mr. Smith said yes to most of it but a small portion would be under the Zoning Bylaw. Mr. Ceppi asked if what they had in front of them was the final product and Mr. Smith said no and that he still would need to go through and do some cut and pasting. Ms. Shiver asked if we needed to have a Public Hearing and Mr. Smith said we can and the goal is to have it on the Town Warrant at the spring meeting. Mr. Smith will let Mr. Tyler know that the Planning Board would feel more comfortable with him having full control over most of it. Mr. Smith will revise and resubmit for the Planning Board members to review.

5. Discussion, Table of Use

A discussion on which Special Permit Uses might be switched over to the Planning Board as discussed. The Planning Board had a discussion on the best way to combine the Special Permit and Site Plan Approval into a single process under one permit granting authority. Mr. Smith mentioned that Site Plan Review does not appear in the Zoning legislation but was sanctioned being done by a court case. Special Permits should require a site plan automatically and it should not be a separate thing. The Site Plan is necessary to determine that the use works. Mr. Ceppi asked who should be the issuing board and Mr. Smith recommended the Planning Board review the Table of Uses with his recommendations. The drafted Table of Use needs to be addressed at the next meeting where the Planning Board can go down line by line to review and revise. Ms Shiver felt that this might require a special meeting.

Ms. Shiver asked if this would need to go to Town Meeting to change the authorities and Mr. Smith said yes it would need to go to Town Meeting to change the table. Additional color copies will be emailed to the Planning Board members.

4. Public Hearing, Site Plan Review: Applicant: ZPT Energy Solutions, LLC, Owner: Blair Enterprises, LLC. Location: 48 Paxton Road

3. Public Hearing, Site Plan Review: Applicant: ZPT Energy Solutions, LLC, Owner: Daniel Lemanger. Location: 19 Woodchuck Lane

***** Both Public Hearings, Site Plan Reviews, were addressed and presented together*****

Mr. Ceppi opened the meeting at 6:40 pm.

Brendan Gove, ZPT Energy Solutions, was present for the meeting.

Mr. Smith explained to all that the Zoning Board of Appeals is the determining authority on whether or not the Solar Farm will be approved by their Special Permit and will say yes or no on whether or not this project can be built and that Public Hearing was continued to January 12, 2016 at 6pm. The Planning Board only goes through the site plan and how the applicant is planning on building the Solar Farm and will discuss the details and how this will function.

Mr. Gove explained his company and explained about solar panels and megawatts. In addition Mr. Gove explained they are looking to install 4500 solar panels per parcel of land with the intent of interconnecting or plugging in the Solar Farm with the utility grid on Paxton Road for both Solar Farms. Therefore, from an electrical safety standpoint, from the utilities company perspective, there is one set of switch gears, one set of safety protection, and one transformer that services both solar arrays. The location of the project is 48 Paxton Road, which, is a home owned by Blair Enterprise. With respect to the drainage and civil design Mr. Gove was waiting for his Civil Engineer to come and talk about that. Mr. Gove's company has been involved in 40 Solar Farms in Massachusetts, they have been doing this for 4 years, and they specialize in large ground mount solar. Typical questions Mr. Gove gets in regards to Solar Farms are about exposure, sight, smells, and sounds. Mr. Gove mentioned that the state of Massachusetts has done a tremendous amount of research in regards to Solar Farms and by products of Solar Farms to cast out the worry about headaches, cancer, etc. In respect to noise, there are components called inverters the size or around a dishwasher that converts the electricity absorbed by the sun into ac electricity which is what powers the buildings. The inverters run from about 35-45 decibels which is about as loud as a window air conditioning unit. In the middle of woods there are three or four components during the sun light hours are about as loud as an air conditioning window unit.

Mr. Gove further spoke about deliveries and construction schedules of the Solar Farm and explained that there would be a delivery of 1,000 panels per day, with no more than three weeks of installing panels, there is a three month construction timeframe due to clearing trees and set up with three major deliveries, they will be staying out of the wetlands, 350 ft away from homes, and trying to leave a large buffer zone. Items included in a Solar farm are; solar panels, racking, auging inverters. Mr. Gove said that his company would be happy to give advanced notice to the town of large delivery dates. Mr. Gove further mentioned that his company is well aware of the Solar Farm that is across the street and they are sensitive to the lack of aesthetics that come in to play and are keeping a vegetative buffer and one item his Civil Engineer will address is that it is more expensive for the company to shift the solar array as far South and West as possible to be able to have that vegetative buffer. The corner of the closest house is just over 350 ft away and there are Solar Farms that are 100 ft away in other situations. Mr. Ceppi asked if there was a difference between the two lots and Mr. Gove said there isn't. The intent of installing the two Special Permits was for regulatory purposes in order to have the large Solar Farm they could only have one Solar Farm per parcel of land. The intent of the construction/utility access standpoint everything will be accessed from 48 Paxton Road with one common driveway.

Mr. Smith let the Planning Board know about the ongoing discrepancy for the Solar Farm relative to the lack of frontage. This project is a principle use specifically listed in the Table of Uses, a principle use needs to have a building lot, a building lot needs to have adequate frontage and adequate acreage. The proposed project is on three parcels, two back land-locked parcels, one owned by one individual, one owned by another individual that has no frontage, and then another parcel owned by one of the other parcel owners that has frontage but it already has a single family home on it and is already being used as a principle use. Mr. Smith said that the building inspector, William Klansek, explained that all the parcels need to have frontage and if they want to use the parcel with the house on it for frontage then the house will need to come

down because you cannot have two principle uses on one lot. The alternative for the other parcels is that they would need to come up with frontage and an easement doesn't constitute frontage. Mr. Smith mentioned that Mike Meloche has a different opinion and Mr. Smith recommended an option of applying for a Variance with the Zoning Board of Appeals. Additionally, there was much discussion about regulations on solar facilities and uses. Mr. Ceppi believes that all the solar farms the Planning Board has approved have had to be compliant with the Zoning Bylaws and Mr. Smith said that was his understanding. Mr. Gove felt that there are different perspectives and they feel there are certain exemptions they would fall under zoning that the Solar Farm will qualify for and he has asked Mr. Meloche to prepare a letter to address the issue. Mr. Smith mentioned that the Planning Board really has nothing to do with the letter and the person that they need to convince is the Building Inspector/ Zoning Enforcement Officer, William Klansek. Mr. Smith recommended that if Mr. Meloche cannot persuade the Building Inspector that their alternative is to try and go for the variance, however, if they cannot convince the Building Inspector then they will have to wait until they submit the Building Permit to the Building Inspector and wait for it to be denied before they can appeal to the Zoning Board of Appeals. Mr. Meloche said he is hoping not to have to go through all of that and he feels he may be better off submitting the Building Permit and getting it denied and then they would bring the case to Superior Court. Mr. Smith responded that if Mr. Meloche plans to do that then they might run into the issue where the Planning Board and Zoning Board of Appeals won't approve the Solar Farm because they still wouldn't have legal buildable lots. Mr. Meloche said the Planning Board can issue the site plan approval he just doesn't have a building permit. Mr. Smith said he would not recommend the Planning Board to approve the site plan without it being compliant with the Zoning Bylaw. Mr. Meloche mentioned that they have done some preliminary research and found that the windmill on the top of the hill by the old Saint Vincent's, fall under the Dover Amendment MA General Laws 48 Section 3, they didn't have to comply with anything. Mr. Ceppi responded that the windmill was not used for principle use but instead auxiliary use to the school. Mr. Meloche addressed the Planning Board and asked them where they thought all the power was going for the project (insinuating that the power would be going to the Wire Village Middle School). Mr. Smith mentioned this isn't a topic for discussion tonight and he suggested in order to cover all their options they should apply for the variance. Mr. Gove asked if he should be talking to the board about their position and Mr. Smith said the Planning Board is not the ones that need to be convinced right now and that would be the Building Inspector. Ms. Shiver inquired about building the Solar Farm on the back lot but it still would have no frontage and that the only option would be to take the house down. Mr. Smith said the meeting will most likely be continued tonight anyway because of some issues in Lenard Engineering's peer review that needed to be addressed.

Mr. Viner asked what was the point of continuing the hearing if the applicant doesn't have a compliant lot and Mr. Smith said so they don't have to hear it all again at the next meeting plus there are abutters here for the meeting. Ms. Shiver asked about the 300 foot buffer, are there deciduous trees or evergreens? In the winter, are all the leaves going to fall and you will see the Solar Farm. Mr. Gove answered that there are a mix and Bill Hannigan will be coming in to show. The vegetative buffer is not 350 feet, the distance from the corner of the closest house to the corner of the closest solar panel is 350 feet, and the vegetative buffer is closer to 250-275 feet. Mr. Gove has walked the property and said there is a mix of evergreens, wetlands, pines and hemlocks, and red swamp maples. Ms. Shiver asked about the west side of Paxton Road

what would the abutters see. Mr. Ceppi joined in to ask about what they would see with the hill. Mr. Gove said that Mr. Hannigan has the profile and answer those questions. Ms. Shiver also was looking for the construction drawing of the solar panels and how tall they are. Mr. Gove said they were 5 ½ feet but he will look into getting that to them. Mr. Viner asked if the drawings were conceptual, because the drawings are missing the land survey, the wetlands are not included, and the topographic assessments are missing. Mr. Gove said everything has been completed and they will update the plan. Ms. Shiver asked for the profile of the access road and Mr. Gove said it was on the detail 4-4, proposing to put loam and seeding due to maintenance, and they will maintain the site 4-6 times per year and they would plow in the winter time.

William Hannigan, Hannigan Engineering, came into the meeting and setup for his presentation. Mr. Hannigan discussed the two enlarged site plans he brought in and showed/explained them. Items on the plan were the access road, wetlands, and detention basins. He explained each project has the same amount of power. There are currently test pits and attention basins that are currently on site right now and the panels would be up further on a level plain, the access road is gravel based with a loam grass cover and after construction you won't be able to see it. Two detention basins that need to be created but they are currently under peer review and Conservation Commission. Mr. Hannigan explained when you clear an area of land they would need the detention basins for runoff. Mr. Smith asked if they expected much of an increase in the amount of runoff. Mr. Hannigan said they evaluate under the state regulations, the volume metric increase is something they review, plus the peer engineer did have some concerns. Mr. Hannigan explained more about each retention basin and what they hold in volume and the rate of flow. Also, Mr. Hannigan mentioned a 100 year storm, he said it is something they will evaluate, and they are required to utilize a type 3 for this part of New England and there are programs set up by the Federal Government to evaluate the projects. A two year storm is 3 inches in a 24 hour period, for a ten year storm 4 ½ inches, a twenty five year storm is 5 ½ inches, and a hundred year storm is 6 ½ . They are not evaluating storms that produce 7 inches over a day or two; they do evaluate the type three tropical storm that would drop six inches of rain within a 24 hour period.

Mr. Hannigan said they did receive the comments from Lenard Engineering and had a tech review to go over the comments and continued to go over each question/comment from the peer review.

General Questions and Comments:

Comment #1: A notice of intent is required for both submittals as portions of this project are subject to the Massachusetts Wetlands Protection Act and the Town of Spencer Wetlands Bylaw.

Response: Acknowledged: A Notice of Intent will be filed for each of the two projects.

Comment#2 LEI suggests that the plans be reviewed by local fire and police departments to assess security and safety issues for this project.

Response: It is the understanding of this office that the plans and documents have been forwarded to both the fire and police departments for review.

Comment #3 Section 7.4.5.E — The applicant requested a waiver from providing a landscaping plan. This section of the Spencer Stormwater Bylaw requires plan elements that include existing and proposed tree lines and erosion control measures which are already

shown on the plans and as such these elements of Section 7.4.5 E of bylaw should not be waived for this submittal.

Response: The request for the waiver will be withdrawn upon agreement of this statement by the Board.

Mr. Smith asked about the surrounding trees, as they grow will they become a problem over time. Mr. Hannigan said there is a small section where there they might need to clear more. Mr. Smith suggested that they try and have that figured out now so they do not have to come back because the site plan that gets approved is the one they have to go by. Mr. Ceppi asked is there a plan that shows the existing shrubbery and what the houses will see. Mr. Gove jumped in and said he believed there was a profile that showed the solar array site to the houses but they will need to put that together for the Planning Board. Mr. Hannigan said from Walter Johnson's property line to the panel is 272 feet; Mr. Smith said that is like $\frac{3}{4}$ of a football field in length. Abutter, James Berthiaume, asked if they will be cutting the hill down or put the panels on a slope and Mr. Hannigan replied no they will not be cutting down the hill and will be grading up to a 3 to 1 slope and the detention basins are just grass with spillway. Mr. Smith asked what the highest point from grade the panels going to be and Mr. Gove said the top edge would be just over 5 $\frac{1}{2}$ feet from the ground. (There was some discussion about the lowest point being 28 inches and snow removal, to which Mr. Gove explained it would cost more to remove the snow during the winter months.)

Comment #4 Section 7.4.5. F -The applicant has requested a waiver from providing a lighting plan. LEI suggests that all proposed lighting and details be shown on the plan (if any are proposed or required by local fire or police.

Response: Per our discussion at the Tech Review meeting, there will be limited lighting on the site that will be activated by motion detection. The location of this lighting will be mainly in the area of the power inverters and will be added to the plans on the next revision.

Mr. Hannigan explained more in depth the types of lighting.

Comment #5 Section 7.4.5.G —The applicant has requested a waiver from providing a floor plan. LEI defers comment to the Planning Board as this is not a Civil Engineering related topic.

Response: No buildings being proposed as part of this project. (Plans were submitted for the rafting system.)

Comment #6 Section 7.4.5.H - The applicant should provide locations and details for all proposed permanent and construction related signs.

Response: The signs on the project will be limited to a Project Construction Sign during construction, and a permanent identification sign which will have pertinent contact information for the operational aspects of the project. These signs will be located near the project entrance near 48 Paxton Road and will be added to the plans on the next revision set. (Mr. Hannigan discussed the gate, sign placements, and the fence around the perimeter. Mr. Gove mentioned that all the signs will contain code requirements with emergency voltage.)

Comment #7 Section 7.4.K.1 -The applicant has requested a waiver from providing portions a traffic impact assessment. LEI agrees with the applicants waiver request assessment that post construction traffic will not be altered by this development.

Response: Acknowledged.

Comment #8 Section 7.4.5.K2 - The impact assessment states that all grading is depicted as maintaining a 25 foot buffer to the wetlands. However, general note 3 on sheet 2 of 4 states that the wetland areas are approximated based on Mass CIS and field review. If the locations are approximated then it is not known with certainty that the grading is located outside of the 25 foot buffer to the wetlands. LEI suggests that the wetland flags be field located and shown on the plans.

Response: The wetland delineation has been completed and will be reflected on the revised set of plans, which, will also be submitted to the Conservation Commission. Some minor adjustments to the grading in the area of the detention basins will be made to maintain this 25 foot buffer to wetlands. It is noted that this is not a requirement of the Town Wetland Bylaw or its regulations but is being implemented at the suggestion of the agent.

Mark Eckleberry, 44 Paxton Road, asked how this solar farm would affect home and property values. Mr. Gove responded that the State of Massachusetts released a tremendous amount of information about values of homes and property to those whom live near a solar farm and there was no data to suggest that it declined the property value. Mr. Smith mentioned that those types of questions should be asked at the Zoning Board of Appeals meeting because the Planning Board is only concerned with the site plan and how the solar farm would function.

Comment #9 Section 7.4.5.K.3 — The applicant has requested a waiver from providing a fiscal impact assessment. LEI defers comment to the Planning Board as this is not a Civil Engineering related topic.

Response: Information relative to the Fiscal Impact of the project will be discussed at the Public Meeting/Hearing for the project.

Comment #10 Section 4.A.5 - The easement location to access the rear lot for both solar arrays from #48 Paxton Road are not shown on the plans. LEI understands that this project is under review by the Zoning Board of Appeals and Building Inspector to determine if a special permit will be granted for this development without having frontage.

Response: An access easement will be provided from Paxton Road over the 48 Paxton Road parcel to the Woodchuck Lane parcel. These will include access to the various components on the project including power routes and drainage systems. We defer to the project attorney relative to the frontage issue stated.

Mr. Ceppi asked where Woodchuck Lane was and Mr. Hannigan said it's more like a driveway. An abutter said it is across from Bayberry Bowling. Mr. Smith mentioned it is not a town road.

Comment #11 Section 4.A.6 - The applicant should show all existing and proposed utilities on the site, including but not limited to overhead and underground electric lines.

Response: This information will be added to the plans on the next revision set.

Comment #12 Section 4. A. 10 - The applicant should provide cut and fill volumes for the project. Note that an earth removal permit may be required per Spencer Zoning Bylaw Section 4.8.6.

Response: This information will be reviewed to determine whether an Earth Removal Permit would be required. It appears that the project would require import of materials and would not create excess fill that could not be reasonably relocated on the site. (Mr. Hannigan explained there are some area that cut, most likely importing fill, and a cut/fill analysis can be provided.)

Comment #13 Section 4.A. 12 - LEI understands that soil testing was conducted on December 2, 2015 and the estimates seasonal high groundwater elevation was determined to be approximately 36-inches below exiting grades. The soil logs should be submitted for the record.

Response: The soil logs are attached to this letter for review. It is noted that the estimated seasonal high water table was noted at 36" on the Woodchuck Parcel and 26" on the Paxton

Comment #14 Section 4.A.16 - There is not adequate access for equipment to maneuver around and provide proper maintenance for each detention basin. Provide an accessible route around the entire basin accessed from the solar array access road.

Response: The access for the basins will be reviewed with the Peer Reviewer and any adjustments will be depicted on the next revision set of plans.

Comment #15 Section 4.A.16- LEI recommends providing fencing around the detention basins for safety.

Response: The issue of fencing surrounding the detention basins was discussed during the Tech Review meeting. Based on this discussion, fencing surrounding the basins does not appear to be warranted.

Mr. Smith asked about adjusting the fence to include the basin inside of it. Mr. Hannigan said they may add some. Mr. Gove added that they do a grounding design for each project and further away is better; it could be a possibility when they meet with Conservation.

Comment #16 Section 4.A.16- LEI recommends providing a sediment forebay or equivalent pretreatment stormwater BMP upstream of the detention basin in order to prevent sediment from accumulating over the basin sub drain.

Response: As the site does not develop impervious areas, the treatment utilizing BMP's such as forebays is not required. This will be further reviewed with the Peer Reviewer.

Comment # 17 Section 4.A.16 - The swale side slopes on drawing 4 of 4 show 1:1 slopes. Massachusetts Stormwater Management Standards call for 3:1 slopes or flatter to prevent erosion for grassed channels. Additionally, any grass swales in filled areas are susceptible to erosion and should be equipped with additional stabilization than loam and seed.

Response: This was discussed during the Tech Review meeting and construction details will be modified along with the incorporation of a Construction Phasing Plan to ensure the slopes along the perimeter of the site are stabilized, including the side slopes of swales utilized to carry Stormwater. This will be further reviewed with the Peer Reviewer. (Mr. Hannigan followed the response with adding they plan on using rip rapping certain areas.)

Comment #18 Section A. 16 - Per Massachusetts Stormwater Management Standards emergency spillways are designed based on Massachusetts Office of Dam Safety Regulations (302 CMR 10.00) which defines an emergency spillway as a secondary spillway designed to

operate only during exceptionally large floods. Detention basin #1 conveys flow from the 10-year storm which is not considered exceptionally large flood event. Standard engineering practice is to design the emergency spillway to operate during the 100 year flood event only

Response: The Detention Basins will be modified to provide an outlet structure with the spillways being utilized for emergency overflow purposes. This information will be added to the plans on the next revision set.

Comment #19 Section A. 17 -The sub drain outflow for the detention basin is set at a fixed special/user defined value of 0.55 cubic feet per second. The applicant should explain their derivation of this value and provide calculations or alternatively model the sub drain as pipe storage.

Response: The value of 0.55 cubic feet per second is derived from the Manning's Equation utilizing a 6" PVC pipe sloped at 0.005 ft. /ft

Comment #20 Section 4. A. 17 - The access road is detailed with loam and seed over a twelve inch gravel base. The modeled runoff curve number (CN) in the drainage report models this area as grass with a CN value of 70 while LEI recommends that these areas be modeled as a gravel surface with a CN value of 89 Hydrologic Soil Group C.

Response: The intention is these areas would be maintained as grass, not gravel. The intention of the gravel bed is to provide support for vehicles that will occasionally need to access the site for inspection and/or maintenance purposes. (Mr. Hannigan mentioned that Mr. Tyler was requesting to add the width.)

Comment #21 Section 4.A. 18 — Increased runoff volume due to the proposed changes in ground cover and concentrated flows directed towards abutting properties are proposed from the detention basins. LEI acknowledges that post development peak runoff rates are less than or equal to pre development rates, but recommends that the applicant divert flows away from abutting properties and also provide a downstream analysis of areas downstream of the detention basin discharges.

Response: Under the present design, the outflow from these basins is less than 3 cfs during the 25 year storm. The rate of flow through the watershed that these basins flow to during the 25 year storm is approximately 31 cfs. As such, we do not anticipate an adverse effect on downstream areas due to the proposed project. (Stone aprons coming out of pipe, all flows to wetland area before it would get to the abutters.)

Comment #22 Section 4.A.20 - LEI suggests using erosion control measures located upstream of resource areas as described in the Town of Spencer Wetland Protection Bylaw Article 7 Section 16.3.1 which requires double staked straw bales installed with no less than 6 inches of fabric secured below grade and on the down-slope side of (immediately behind) the hay bales. Straw wattles, silt fence or other alternative measures may be used as intermediate/interior erosion control measures or as approved by the Spencer Conservation Commission.

Response: This information will be added to the plans on the next revision

Comment #23 Section 6.C.2 - LEI suggests adding "Disturbed areas shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized or covered" to note #13 on drawing 2 of 4.

Response: This information will be added to the plans on the next revision set.

Comment #24 Section 6.C.1 - The construction entrance detail is proposed with a 24 foot length, while Massachusetts Department of Environmental Protection (MADEP) Erosion and Sediment Control Guidelines recommend a minimum length of 50 feet.

Response: This construction detail will be updated on the next revision set.

Comment #25 Section 6.C.4 and Section 6.C.5 - A Stormwater Pollution Prevention Plan (SWPPP) is required for this project as acknowledged in the applicants Drainage Analysis. LEI suggest adding a condition of approval that the SWPPP is submitted to the Stormwater Authority for review and acceptance prior to commencing construction activities.

Response: Acknowledged. The SWPPP will be submitted to the Conservation Commission through its agent prior to construction.

Comment #26 Section 9-A stormwater surety bond is required to ensure the work is completed according to the permit as a condition of approval The applicant should submit an engineering cost estimate for review and acceptance for all required components within the Spencer Stormwater Regulations to set the value of the bond.

Response: This information will be prepared and provided to the Peer Reviewer for review and discussion.

Mr. Hannigan spoke about the types of bonds that will be issued. Mr. Smith mentioned that they will follow the same guidelines they used for the Abbey Solar project. Mr. Hannigan said they will draft up the construction estimates and review with Corey Brodeur with Lenard Engineering.

Comment #27 Section 10 - Construction inspections are required to determine the compliance with conditions of the permit and to ascertain that the owner is maintaining water quality protection measures.

Response: Acknowledged. This was also discussed at the Tech Review meeting.

Comment #28 Section 11- The applicant is required to submit as-built drawings, inspection reports and certifications that work is completed according to permit requirements prior to issuance of the Certificate of Compliance. The Spencer Utilities and Facilities Office requests an as-built plan, including hard copies and electronic files, for their records. You may contact Steven Tyler at the U&F Office if any questions or clarifications needed.

Response: Acknowledged. This was also discussed at the Tech Review meeting.

Comment #29 Section 12 - The operations and maintenance plan enclosed in the drainage analysis missing long term maintenance procedures for the conveyance swales and detention basins and should be site specific. The operations and maintenance includes maintenance for Stormceptor units and catch basins which are not included in this project.

Response: The Operations and Maintenance Plan will be revised and updated on the next revision set.

Mr. Smith asked if these responses have been reviewed by Mr. Brodeur and Mr. Hannigan said no but they will be. Mr. Gove mentioned that the wetlands have been flagged and will be included in the revised plans. Ms. Shiver asked if the decommissioning plan would be under the Planning Board or the Zoning Board of Appeals.

Mr. Ceppi opened the meeting to the public.

Dan Travers, 34 Paxton Road, said his property is near the hill and the all wetlands. The houses near him turn into a pool in rain events. There is a 6" pipe under the road, river running through the house and does not help, and he does not want more water. Mr. Travers asked what they will be doing to prevent more water coming on and into his property. Mr. Hannigan said that there will be more water because they are changing the land use. In addition, Mr. Hannigan said that the Conservation Commission wants more water but they do not want to increase the problem. Mr. Travers said there is an issue with the culvert and it seems the Highway Department is unaware of the pipe. Mr. Hannigan said it may be good to meet onsite with the highway department to discuss.

Mark Eckleberry, 44 Paxton Road, asked how high the fence is and how close the access road will be in regards to his house. Mr. Hannigan answered that there is no need to have a fence too close to his home and there will be a double chain link gate during the construction portion. Mr. Eckleberry asked if the road would be on his property line. Mr. Hannigan said that there is no fence in the path to avoid negative impacts on the aesthetics. Mr. Eckleberry asked about power lines going over his home and how many megawatts. Mr. Smith asked if the power lines could go underground. Mr. Hannigan said it could be a cost issue but they could look into it. Mr. Gove said they will place the pole on the opposite side with the utility meter, will be overhead, and there will be three poles. Ms. Shiver asked where they would be located. Mr. Ceppi asked why they can't locate the poles on the other side of that property. There was much discussion of where the location of the pole could be and how the land owner does not want the pole going through their property. Mr. Eckleberry feels the owner should take some responsibility for this project and allow the poles and lines to go through the property. Ms. Shiver asked if anyone was living at that property. Mr. Gove said it was occupied as a rental.

Mr. Travers asked if the access road could be behind the school. Mr. Smith said it would be up to the school. Mr. Eckleberry feels the access road needs to change mainly because the road is too narrow as it is. Mr. Hannigan explained they are there to hear the abutters and try to address the abutters concerns. Mr. Eckleberry expressed his concern for not being notified of the project directly and had to read about it in the New Leader. All the abutters mentioned they did not receive the New Leader. More information was taken from the abutters and Monica Santerre-Gervais, ODIS Clerk, to resend all abutter notices.

Victor Butkiewicz, 43 Paxton Road, mentioned about the applicant not having enough frontage. Is the house the issue and will they tear it down. Mr. Smith said the applicant does not believe that is true and will try to persuade the Building Inspector otherwise.

Jeff Berthiaume, 32 Paxton Road, asked who the owners would be after. Mr. Gove said that the property is treated as a lease. Mr. Berthiaume asked about the frontage again. The school was not supposed to impact the area before but it did and the area they live in does have drainage issues.

MOTION: Ms. Shiver motioned to continue the public hearing meeting to January 19, 2016 at 7:00 pm.

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

9. Town Planner Report/ General Board Discussion

Mr. Smith mentioned that he will be drafting up a Solar Farm Bylaw and fence regulations. The Planning Board agreed it was something the town needs.

MOTION: Mr. Ceppi made the motion to close the meeting at 8:25 pm.

SECOND: Ms. Shiver

DISCUSSION: None

VOTE: 4-0 in favor.

Submitted by: Monica Santerre-Gervais ODIS Clerk - **MSG**

Approved by the Planning Board on: **1/19/2016, revised approved 4/19/2016**

List of Documents used on December 15, 2015

Items sent to Planning Board prior to Meeting

Mailed paper copies:

- Agenda
- Memo from Larry Smith to Planning Board Dated 12/08/2015
- ANR's-Zukas Hilltop Barn, 89 Smithville Road/ Gold Nugget Farm, Brusco Family Trust & Roxanne Fleming, and Central Reality Trust, 369 Main Street
- Public Hearing: Site Plan Review- 48 Paxton Road, Solar Farm
- Public Hearing: Site Plan Review- 19 Woodchuck Lane, Solar Farm
- Proposed Zoning Bylaw Amendment for Driveways
- Proposed revision for Spencer Stormwater Regulations

Items submitted at the Meeting:

- Response letter from Hannigan Engineering for Lenard Engineering, dated 12/15/15
- Aerial photos for ANR's- 89 Smithville Road, Gold Nugget Farm, and 369 Main Street