



Planning Board – Town of Spencer

*Minutes*

Planning Board Meeting  
**Tuesday, April 19, 2016 at 7:00 PM**  
McCourt Social Hall  
Memorial Town Hall

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

Planning Board Members Absent: None

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

Staff Absent: None

**\*\*\* The Olympus recorder only recorded 19 minutes of the meeting\*\*\***

Mr. Ceppi opens the meeting at 7:02 pm.

**1. ANR- 28 Briarcliff Lane, Jennifer Reil**

Jennifer Reil, 28 Briarcliff Lane, and John Farren, land surveyor, were present for the meeting. Ms. Reil discussed that she is looking to purchase the land from a neighbor and combine the two lots. Mr. Ceppi asked if the line near the right of way is near water. Ms. Reil stated that the right of way would stay and it is for access to the water. Mr. Smith mentioned there was confusion on how the lines are shown on the plan. Mr. Farren explained he tried to do them according to the ANR guidelines. Mr. Ceppi asked if the neighbor's driveway was in parcel A or somewhere else. And Ms. Reil said that they would come off Lamoureux. Ms. Shiver wanted the surveyor to clarify the right away line and property line. Mr. Ceppi asked about the frontage requirements in Lake Residential and Mr. Smith answered 100'. Ms. Shiver asked if the clarifications mentioned needed to be edited on the plan. Mr. Farren said there is a note on the plan with the explanation.

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

**SECOND:** Mr. Viner

**DISCUSSION:** None

**VOTE:** 4-0

**2. Public Hearing Continuation Site Plan Review-**

Applicant: ZPT Energy Solutions, LLC, Owner: 123 Kids, LLC. Location: Sunset Lane/ Holmes Street, Spencer Assessor's Map R28/26-35. The applicant is requesting a Site Plan Review under Sections 4.2.B.3 of the Spencer Zoning Bylaw applying for a "major utilities" ground solar farm site. The property is located within the Suburban Residential zoning district.

Chris Anderson, Hannigan Engineering, and Peter Forte, ZPT Energy Solutions, were present for the meeting. Mr. Anderson handed out an addendum to the grading change. Mr. Smith asked Mr. Anderson just to go over the changes since the last meeting. Mr. Anderson addressed the

new added access drive, the temporary easement, the reduction in grading from 15% slope to 10% slope, adjusted drainage, and keeping more of the trees for screening. Mr. Anderson said they received approval from the Conservation Commission. There was discussion of the overflow from the upper basin and how it would overflow into an outlet.

Mr. Ceppi asked if the peer review had been satisfied. Corey Brodeur, Lenard Engineering, said that they are satisfied with what has been submitted to the Planning Board thus far.

Mr. Ceppi opened the meeting to the public.

Dick Kirk, 22 Holmes Street, was present and said he is all set with his previous concerns.

Mr. Smith handed out the draft conditions for Sunset/Holmes solar farm. Mr. Smith asked the Planning Board about the hours of operation. The members agreed upon 7:00 am- 7:00 pm Monday – Friday, 8:00 am – 5:00 pm on Saturdays, with no work to commence on Sundays and holidays. Mr. Viner asked about a condition to address the subdivision revisions and Mr. Smith said it was #38 on the conditions.

**MOTION:** Mr. Ceppi motioned to close the public hearing

**SECOND:** Mr. Viner

**DISCUSSION:** None

**VOTE:** 4-0

**MOTION:** Ms. Shiver made a motion to approve the solar facility on Sunset Lane/ Holmes Street with the following conditions (**SEE BELOW**).

**SECOND:** Mr. Viner

**DISCUSSION:** None

**VOTE:** 4-0

### **Conditions:**

#### General

1. The site plan that was submitted and subsequently revised through 4-6-16 16 (subject to revisions required by the Conservation Commission) is herein incorporated as part of this decision. Any significant change requires re-submittal to the Board. The Town Planner shall determine if changes warrant the Board's review.
2. Unauthorized deviations from the approved plan or failure to conform to the conditions included in this Decision may result in the Planning Board or Town Planner seeking the issuance of a Cease and Desist Order until the deviation is addressed. Violation of any condition contained herein or failure to comply with the approved plan shall subject the Applicant to a zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A.

3. The Planning Board retains its jurisdiction and the right to, on its own motion, modify, amend, rescind or revoke its approval of this Site Plan Approval after holding a Public Hearing in accordance with Chapter 40A, Section 9, when it believes that there is material noncompliance with the terms of this Site Plan Approval.
4. Members, Agent or other designees of the Planning Board shall have the right to enter the site at reasonable times to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors. The Planning Board may designate a Town of Spencer Official, or consultant paid for by the Applicant and reporting to the Planning Board, as Agent to act on its behalf. Other designated officials of the Planning Board shall include and not be limited to the following Town of Spencer Officials: U&F Superintendent, Highway Foreman; Conservation Agent; Zoning Enforcement Officer; Health Director; and other officials as may be designated by the Planning Board.
5. Litter and debris in the parking lots, landscaped and buffer areas shall be removed regularly to maintain a neat and orderly appearance. Daily cleanup and housekeeping is required for materials susceptible to wind, rain or other natural means of relocation. Other general cleanup and housekeeping shall occur weekly at a minimum.
6. All on-site landscaped buffer areas shall be maintained in good condition in perpetuity so as to present a healthy, neat and orderly appearance.
7. The Applicant shall maintain the fence for the life of the project.
8. This Site plan approval shall lapse and become null and void two (2) years from the date of approval if the construction and all site improvements shown on the site plan are not completed within said two (2) years. The Planning Board may grant extensions for good cause, upon written request of the applicant. Said vote shall be taken at a Public Meeting
9. At least 30 days prior to the sale and or transfer of ownership of the property and/or project, the current owner of the property and/or project (or his/her/their successor or assigns) shall notify the Planning Board, in writing, as to the identification and contact information of the prospective purchaser.

#### Pre-Construction

10. Construction activity shall not commence until all required approvals and permits are obtained.
11. A Decommissioning Plan must be submitted to and approved by the Planning Board
12. The applicant shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal (net of salvage value) in the event the Town of

Spencer must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board (hereafter referred to as the Removal Bond). The *proposed* amount and form of the Removal Bond shall be submitted for Planning Board review prior to commencement of construction. The Board shall have 60 days for review of the proposed surety; if the proposed surety is rejected, the Board shall have 60 days to review any new proposed surety. Final surety shall be submitted prior to issuance of a building permit. The proposed surety shall be structured to reflect increases in cost due to inflation. Regardless of the form of surety or assurance, if the project is decommissioned or abandoned and the amount available is insufficient, the Town may decommission the project and place a lien on the property for the cost in excess of the surety available.

13. All detention basins on the project site shall be the responsibility of the property owner and shall be kept in working order as designed. Legal documents suitable for recording shall be submitted to the Planning Board for prior approval permitting the discharge of stormwater run-off from the Sunset Lane. – Holmes St. into said detention basin.
14. Prior to any construction the applicant and/or other project representatives are required to schedule a preconstruction conference with the Office of Development and Inspectional Services to present all required permits and approvals, recorded information, provide contractor and emergency contact information, and schedule required inspections. The applicant shall also submit an anticipated schedule of construction and documented conformance with all pre-construction requirements at or prior to said meeting.
15. The Applicant shall notify the Spencer Office of Development & Inspectional Services, in writing, of its intent to commence construction at least 48 hours prior to the beginning of construction.

Construction (General):

16. From the commencement of construction, all work shall continue in an uninterrupted and timely fashion until the project is completed. Failure to so comply may be reason for the Planning Board to rescind approval of this Site Plan Approval.
17. The Applicant and/or his representatives must post a 24"x 30" weather resistant sign on the premises during construction, which states the hours of operation and the phone numbers of the owner and the enforcing agencies (the Spencer Police Department and the Office of Development and Inspectional Services). This sign shall be installed prior to commencement of construction.
18. The site shall be kept reasonably clear of construction debris and trash, and said debris and trash shall be removed periodically from the site. Debris or trash which becomes a nuisance to abutters or which blows onto the adjacent roadway shall be removed immediately upon notification by the Town or its representative.
19. During Construction adequate and effective measure shall be undertaken to prevent trucks and construction vehicles from dragging soil, mud onto the public way. Sediment tracked

onto public roads from construction activities shall be swept at the conclusion of each construction day, until all work areas have been properly stabilized.

20. During construction, adequate provisions shall be made on-site for the parking, storing, stacking of construction and contractor vehicles and materials, as well as delivery vehicles/trucks, including off-hours, sufficient to prevent said vehicles from parking, storing, stacking on the public way.

Project –Specific Conditions:

21. Hours of operation are limited to:
  - a. Monday thru Friday: 7:00am - 7:00 pm, with no equipment starting until 7:00 am.
  - b. Saturday: 8:00am - 5:00 pm with no equipment starting until 8:00 am.
  - c. No operation is permitted on Sunday's or state recognized Holidays.
  - d. While School is in session, all deliveries shall be scheduled to avoid school bus routes during their hours of pick-up and drop-off.
  - e. Operations must comply with any other town noise or hours of operation restrictions.
22. The applicant agrees to remove, patch and repair any damaged pavement on Sunset Ln. or Holmes St. resulting from this project at the conclusion of construction, if determined necessary by the Spencer Highway Superintendent to, the extent required by the Spencer Highway Superintendent.
23. Clearing of vegetation shall be limited to the extent necessary to construct or operate the solar facility. Proposed screening landscaping shall be installed as early as is practical during the construction process. Completed landscaping shall be approved by the Planning Board or its designated Agent prior to issuance of the final certificate of project completion..
24. The applicant's construction site manager or supervisor shall arrange and conduct a monthly construction progress meeting with appropriate town officials. The time and location of the meetings shall be coordinated by the site manager. The frequency of the meetings can be reduced or increased as appropriate by the Planning Board or Agent.
25. Spill kits adequate to address potential hazardous materials release risks shall be kept on site at all times.
26. All existing topsoil for areas to be disturbed shall be stockpiled on site and shall be surrounded with silt fence and hay bales or shall be covered with a solid woven fabric or tarp to prevent erosion or loss of usable top soil materials. The removal of topsoil from the site is prohibited. Other earthen materials shall only be removed where duly permitted by the town.
27. The Applicant of the facility shall be responsible for providing necessary training to Town officials in regards to the operation/emergency response for the facility prior to operation. The Applicant shall be responsible for additional training at the site to understand any new systems as technology or equipment is changed or updated.

28. The Applicant shall install a key lock box on site to provide access for Town emergency officials to the satisfaction of the Fire Department.
29. The Applicant/Owner shall submit a copy of the executed Interconnection Agreement with National Grid within 30 days of its execution, with confidential information redacted.
30. The Applicant shall provide contact information for the maintenance/operations company when available; the Board shall also be notified of any future change in the maintenance/operations company.
31. Warning signage shall be installed along the fence in accordance with all applicable laws and regulations, but not less than every 100 feet along the fence surrounding the project.
32. This solar photovoltaic installation shall be removed when it has which has reached the end of its useful life or has been abandoned. The owner or operator shall physically remove the installation no more than one (1) year after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
  - (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
  - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
33. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the project fails to remove the installation in accordance with the requirements of this section within one (1) year of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.
34. Three (3) full-size, one (1) 11"x17", one half-size (12"x18") and a pdf version of the full set of final plans and the final Stormwater Drainage Analysis shall be delivered to the Planning Board within fourteen (14) days from the date of this Decision.
35. Removed trees that are not sold shall be ground and removed off-site or used in accordance with applicable laws. Prior approval is required if wood chips are proposed for use in erosion control. Wood chips shall not be stored in any 100 foot Buffer Zone to any Wetland Resource Area.

## Building & Occupancy Permit/Final Completion

36. If the Applicant wishes to obtain an certificate of final completion/occupancy permit for a phase or the entire project prior to installation of required landscaping or other stabilization and site work not otherwise covered by the Stormwater Bond, the Applicant is required to provide monetary surety, in the form of a check or cash, which upon receipt will be deposited into an interest bearing account at a local bank, for the purposes of securing the landscaping or other stabilization site work as shown on the approved site plan. The amount of the surety to be provided should be accompanied by a detailed estimate (number of plants, species, cost per plant, labor, etc.) for the proposed landscaping and/or stabilization work and should be provided at the cost that it would be to the Town, if the applicant were to fail to install the landscaping as designed.
37. A Certificate of Project Completion for a phase or the entire project shall not be issued until:
- (a) the project engineer has submitted a written statement, with his/her seal/stamp affixed, certifying that all work has been done in accordance with the approved plans and conditions of this Site Plan Approval, and that all systems are functioning as designed,
  - (b) a construction plan “as-built” has been provided,
    - at a minimum final “as-built” plans shall be certified and stamped by the professional engineer of record and the submission to the Planning Board shall include original mylars, three (3) full-size, two (2) half-size and an Adobe PDF electronic file format version of the full set of “as-builts”.
  - (c) the improvements have passed inspection by the Office of Development & Inspectional Services and other relative Town departments. Phasing for these purposes requires pre-approval by the Planning Board. A Temporary Certificate of Project Completion may be granted, but shall be valid for no longer than six (6) months.
38. Approval of this Site Plan Approval is subject to a revised Definitive Subdivision Plan being submitted by the applicant, approved by the Planning Board and recorded by the applicant at the Registry of Deeds, eliminating that portion of the original Sunset Ln./Holmes St. Definitive Subdivision Plan that will no longer be constructed.

### **3. Public Hearing Continuation Site Plan Review-**

Charlie’s Diner - Applicant: Christopher Gagne. Owner: Steven Turner. Location: 5 Meadow Road, Spencer Assessor’s Map U11/12-1. The applicant is requesting a Site Plan Review under section 7.4 of the Zoning Bylaw in order to build an addition onto restaurant. The property is located within the Commercial zoning district.

Christopher Gagne, Engineer, emailed on behalf of Steven Turner, a request to continue the Public Hearing to the next meeting due to the project being on hold awaiting NHESP approval.

**MOTION:** Ms. Shiver motioned to continue the public hearing until the next meeting scheduled on 5/17/2016.

**SECOND:** Mr. Viner

**DISCUSSION:** None

**VOTE:** 4-0

**4. Site Plan Review, Extension Request-** Spencer Veterinary Hospital, LLC. Located at 401 E. Main St., Spencer Assessor's Map R35-31 located in the Commercial Zone.

Mr. Smith read aloud the letter submitted by Waterman Design Associates, Inc., dated 2/26/16, in regards to a request for an extension for the Spencer Veterinary Hospital approved Site Plan.

There was some discussion about where the applicant was in the construction.

**MOTION:** Ms. Shiver motioned to grant the extensions for one year to the Spencer Veterinary Hospital

**SECOND:** Mr. Viner

**DISCUSSION:** None

**VOTE:** 4-0

**5. Stormwater Permit Certification of Compliance Request-** Applicant: Diversified Automotive, Inc. Location: Podunk Highway, Spencer Assessor's Map R21-39.

Diversified Automotive submitted an email requesting a certification that they have complied with their Storm Water Permit. Mr. noted that he responded with an email asking if the site was stabilized and received a response that most of the ground cover is not up yet. Mr. Smith responded that typically it should be go for 2-4 mowings before a certification is requested. Diversified responded that they will come back in a couple of months.

No motion was necessary.

#### **6. Register of Deeds- Signature Form**

Mr. Smith passed around the register of deeds signature page. No motion was necessary.

#### **7. Town Meeting-**

Mr. Smith explained that due to Town Meeting there wouldn't be a ZBA meeting and asked the members if they wanted him to attend Town Meeting for the zoning changes. The Planning Board members said yes and no motion was necessary.

#### **8. Adoption of Minutes**

- **December 15, 2015-** Mr. Smith explained that the Planning Board members need to approve the changes from the 12-15-15 minutes to include the motion.

#### ***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.

**MOTION:** Ms. Shiver motioned to approve the amendment to the 12/15/2015 minutes

**SECOND:** Mr. Viner

**DISCUSSION:** None

**VOTE:** 4-0

- **March 15, 2016**

**MOTION:** Mr. Viner made a motion to approve the minutes as submitted

**SECOND:** Ms. Reed

**DISCUSSION:** None

**VOTE:** 4-0

### **9. Public Hearing Site Plan Review Meadow Solar-**

Applicant: Steven Broyer (ECOS ENERGY). Owner: PLH, LLC. Location: 144 Mechanic Street, Spencer Assessor's Map R23-41-2. The applicant is requesting a Site Plan Review under Section 7.4 of the Spencer Zoning Bylaw applying for a "major utilities" ground solar farm site. The property is located within the Rural Residential zoning

Steven Broyer, ECOS Energy, explained he started this project 18 months ago and had to delay the project because the Conservation Commission found errors in the previous plan that needed correcting. Mr. Broyer is proposing a 3megawatt solar farm on 18.2 acres of land; the panels will be ground mounted/ tilt racking, and would roughly power 600 homes. The original Special Permit from the Zoning Board of Appeals was approved in November of 2014. Mr. Broyer explained after three Conservation Commission meetings they have rectified the errors. Also, Mr. Broyer explained he just received approval from the Zoning Board of Appeals for a variance for his insufficient frontage. Mr. Broyer did a presentation on the new plan some new changes included; new access road location, reducing the site grades, no wetland mitigation required, tree removal was reduced, and site gravel surface was reduced.

Mr. Smith inquired about the green lines on the plans and Mr. Broyer said the green line was tree vegetation. Mr. Broyer discussed the racking being installed 30 degrees due south. Mr. Smith asked if the racking supports would be screwed in and Mr. Broyer explained it would be a pile

driven installation. There was much discussion in regards to how many piles are driven, the machines used, and the noise of the machines being loud only during installation and same process when decommissioning the racks. Mr. Smith asked about a noise bylaw from the town and more research would need to be made. Mr. Broyer explained that the Zoning Board of appeals approved a 7' chain link fence with a 6" gap on the bottom for wildlife gap, no barbed wire on the top, and they would have motion sensor cameras onsite. There was much discussion about drainage, riprap, swales, and detention basins.

The access road was a topic of discussion. Mr. Broyer explained that there site entrance is shared with Spencer Fish & Game. The site access design and pole layout has been approved by National Grid, project interconnection will add 5 new poles at 35' spacing, and there will be no encroachment at Astor Housing. Mr. Smith inquired about the traffic, routes the construction vehicles would take, and staging area for construction vehicles. Mr. Broyer said he was unsure because they are bidding out that type of work now and that the trucks have staging at the turnaround shared with the fish and game. There was much discussion in regards to traffic and road routes, in which, it was determined that Steven Tyler at the Highway Department should have the best route.

Mr. Smith handed out comments from Lenard Engineering dated 4/13/16. Corey Brodeur, Lenard Engineering, was present for the meeting and he explained his comments are mostly in regards to the drainage and test pits. Furthermore, he had no other comment for Planning Board only Conservation. Ms. Shiver mentioned that they would need to establish delivery times. There was deliberation in regards to the hours of operation and it was concluded Monday thru Friday: 7:00am - 7:00 pm, with no equipment starting until 7:00 am, Saturday: 8:00am - 5:00 pm with no equipment starting until 8:00 am, no operation is permitted on Sunday's or state recognized Holidays, while School is in session, all deliveries shall be scheduled to avoid school bus routes during their hours of pick-up and drop-off, and operations must comply with any other town noise or hours of operation restrictions.

Mr. Smith handed out the drafted conditions for Meadow Solar. Mr. Broyer questioned #22 and asked if he should get a pavement survey and the Planning Board felt that was a good idea. Mr. Broyer asked about question #25 in regards to a SPCC and the Planning Board Members said no. Mr. Broyer questioned #26 and asked if he could use filter tubes instead of wattles and Mr. Brodeur recommended along the slope. Also, there was much discussion in regards to the decommissioning plan. Mr. Smith advised to use the Abbey Solar decommission plan as a model.

**MOTION:** Ms. Shiver motioned to close the public hearing at 8:59 pm

**SECOND:** Mr. Viner

**DISCUSSION:** None

**VOTE:** 4-0

**MOTION:** Ms. Shiver motioned to approve the plan for Spencer Meadow Solar as submitted, plan date 4/4/16 subject to Conservation Commission revisions with the following conditions (**SEE BELOW**).

**SECOND:** Mr. Viner

**DISCUSSION:** None

**VOTE:** 4-0

**Conditions:**

General

1. The site plan that was submitted and subsequently revised through 4-4-16 (subject to revisions required by the Conservation Commission) is herein incorporated as part of this decision. Any significant change requires re-submittal to the Board. The Town Planner shall determine if changes warrant the Board's review.
2. Unauthorized deviations from the approved plan or failure to conform to the conditions included in this Decision may result in the Planning Board or Town Planner seeking the issuance of a Cease and Desist Order until the deviation is addressed. Violation of any condition contained herein or failure to comply with the approved plan shall subject the Applicant to a zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A.
3. The Planning Board retains its jurisdiction and the right to, on its own motion, modify, amend, rescind or revoke its approval of this Site Plan Approval after holding a Public Hearing in accordance with Chapter 40A, Section 9, when it believes that there is material noncompliance with the terms of this Site Plan Approval.
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completed within said two (2) years. The Planning Board may grant extensions for good cause, upon written request of the applicant. Said vote shall be taken at a Public Meeting.

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30. The Applicant shall provide contact information for the maintenance/operations company when available; the Board shall also be notified of any future change in the maintenance/operations company.
31. Warning signage shall be installed along the fence in accordance with all applicable laws and regulations, but not less than every 100 feet along the fence surrounding the project.
32. This solar photovoltaic installation shall be removed when it has which has reached the end of its useful life or has been abandoned. The owner or operator shall physically remove the installation no more than one (1) year after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
  - a. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
  - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
33. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails

to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the project fails to remove the installation in accordance with the requirements of this section within one (1) year of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

34. Three (3) full-size, one (1) 11"x17", one half-size (12"x18") and a pdf version of the full set of final plans and the final Stormwater Drainage Analysis shall be delivered to the Planning Board within fourteen (14) days from the date of this Decision.
35. Removed trees that are not sold shall be ground and removed off-site or used in accordance with applicable laws. Prior approval is required if wood chips are proposed for use in erosion control. Wood chips shall not be stored in any 100 foot Buffer Zone to any Wetland Resource Area.

#### Building & Occupancy Permit/Final Completion

36. If the Applicant wishes to obtain an certificate of final completion/occupancy permit for a phase or the entire project prior to installation of required landscaping or other stabilization and site work not otherwise covered by the Stormwater Bond, the Applicant is required to provide monetary surety, in the form of a check or cash, which upon receipt will be deposited into an interest bearing account at a local bank, for the purposes of securing the landscaping or other stabilization site work as shown on the approved site plan. The amount of the surety to be provided should be accompanied by a detailed estimate (number of plants, species, cost per plant, labor, etc.) for the proposed landscaping and/or stabilization work and should be provided at the cost that it would be to the Town, if the applicant were to fail to install the landscaping as designed.
37. A Certificate of Project Completion for a phase or the entire project shall not be issued until:
  - a. the project engineer has submitted a written statement, with his/her seal/stamp affixed, certifying that all work has been done in accordance with the approved plans and conditions of this Site Plan Approval, and that all systems are functioning as designed,
  - b. a construction plan "as-built" has been provided,
    - at a minimum final "as-built" plans shall be certified and stamped by the professional engineer of record and the submission to the Planning Board shall include original mylars, three (3) full-size, two (2) half-size and an Adobe PDF electronic file format version of the full set of "as-builts".
  - c. the improvements have passed inspection by the Office of Development & Inspectional Services and other relative Town departments. Phasing for these purposes requires pre-approval by the Planning Board. A Temporary Certificate of Project Completion may be granted, but shall be valid for no longer than six (6) months.
38. All truck parking, stacking and staging shall be on-site. No truck parking, stacking or staging is permitted on town roads.

39. Truck delivery routes must receive prior approval from the Spencer Highway Superintendent.
40. Douglas fir and Dwarf Russian trees shall not be used on this project. Instead plant materials should be used as listed by the town's Wetland's Soils Specialist Margaret Washburn in her email to Larry Smith, Steve Broyer and Corey Brodeur, Sent: Wednesday, March 16, 2016 3:17 PM, Subject: plantings for 144 Mechanic Street.

#### **10. Town Planner Report/ General Board Discussion**

- Mr. Smith mentioned the CMRPC Forum for Planning Board Members that will take place Thursday April 21, 2016 at 7:00 pm. The topics for discussion are Solar and Medical Marijuana. Some Planning Board members showed an interest and the invitation will be scanned and emailed to them.
- Mr. Smith handed out the town's Scenic Road brochure and a copy of MGL 40/15C Scenic Roads to discuss a topic that has come up between a land owner and Steven Tyler. A property owner on Buteau Road had applied for a driveway permit which would involve breaching a stone wall on a town designated Scenic Road. Mr. Smith noted that the applicant's surveyor certified that the portion of the stone wall that would be disturbed was on private property and not in the Scenic Road's right-of-way. The question was whether the Scenic Road act applied to work outside of the right-of-way on private property and required a Planning Board Public Hearing. It was agreed that a public hearing is not necessary and Mr. Smith can sign off on the permit application.

**MOTION:** Mr. Ceppi motioned to close the meeting

**SECOND:** Ms. Shiver

**DISCUSSION:** None

**VOTE:** 4-0

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

**Approved by the Planning Board on:** 5/17/16

#### **List of Documents used on April 19, 2016**

Items sent to Planning Board prior to Meeting

Mailed paper copies:

- Agenda
- ANR- 28 Briarcliff Lane, boundary line adjustment
- Memo from Larry Smith to Planning Board dated 4/12/2016.
- Updated plans and comments from Lenard Engineering in regards to Sunset/Holmes Solar Farm.
- Charlie's Diner site plan application, site plan narrative, Lenard Engineering Peer review from Conservation Commission, and Large site plans dated 1/28/2016
- Meadow Solar site plan application, project narrative, development impact assessment, peer review comments from Lenard Engineering and ECOS Energy, grant of easement documentation, Bacteriological Report, email submitted by Margaret Washburn in regards to plants native to the area, and site plans.

- Special Permit extension request letter from Spencer Veterinary Hospital and Certificate of Decision approved on 6/17/2014.
- Stormwater permit compliance request for Diversified Automotive
- Minutes for March 15, 2016

Items submitted at the Meeting:

1. Continuance request letter for Charlie's Diner dated 4/11/2016
2. Larry Smith handed out revised conditions for Sunset/Holmes Solar Farm
3. Chris Anderson, Hannigan Engineering, handed out a new revised plan to show the grading change
4. Lenard Engineering's updated comments for Meadow Solar, dated 4/13/16
5. Larry Smith handed out revised conditions for Meadow Solar
6. Larry Smith handed out the town's Scenic Road brochure and a copy of MGL 40/15C Scenic Roads to the Planning Board members for discussion