



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
Tuesday, February 16, 2016 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

Planning Board Members Present: Chair Robert Ceppi, Shirley Shiver and Jonathan Viner
Planning Board Members Absent: Maria Reed
Staff Present: Larry Smith, Town Planner, Monica Santerre-Gervais, ODIS Clerk
Staff Absent: None

Mr. Ceppi opens the meeting at 7:10pm.

Although Maria Reed was not present for the meeting, the “Mullins Rule” will be accepted and Ms. Reed will need to listen to the minutes before the next scheduled meeting on March 15, 2016.

1. 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.

Brendan Gove, ZPT Energy, was present for the meeting to discuss the proposed 1 megawatt solar array they would like to have at the intersection on Holmes Street and Sunset Lane. The plan for the subdivision will be consolidated to show the solar array. Mr. Smith handed out a Google aerial photo of the site. Mr. Gove mentioned that during the Zoning Board of Appeals meeting he will be providing MSDS sheets for the surrounding abutters. Mr. Smith commented that they had a meeting with Steven Tyler and Margaret Washburn to go over the plan.

Mr. Hannigan said this project is a bunch of pieces of land put together with the road, Sunset Lane is a current road, and will build the cul-de-sac. There has only been one lot approved but the road has not been completed or approved by the town. Mr. Hannigan further explained that they are proposing to combine the land all into one parcel in order to have the solar array and the combining of the land was a separate issue. He explained they would be south facing panels and showed an intermediate plan, looking to move the berm onto the vacant lot. Mr. Hannigan explained the new policy with the Department of Environmental Protection in regards to drainage and updating calculations. The street drainage needs to go into a four bay, detention basin, and then a spillway. In addition, he commented on how they will need to raise the basin one additional foot and reconstruct the spillway. Mr. Hannigan said they are working on the abutters concerns for screening; however, they cannot discontinue one of the spillways an abutter had concerns with. Furthermore, Mr. Hannigan discussed that there will be very little lighting with motion sensors, servicing/maintenance will be during day hours, there will be traffic during

construction and will be coming in through Holmes Street, and discussed the staging area. Mr. Hannigan explained that at the end of the construction of the project they will replant grass on the staging area and then he approached the Planning Board to show the changes in the plan and then discussed the site line, berms, raised grades, and screening of the panels.

Mr. Smith commented that the two lots at the end of Holmes Street are not built on. Mr. Hannigan discussed the tech review and how the plans may change even more because there could be changes in the wetland area. Discussion on trying to fill and replicate the wetlands and having to do studies on the habitat for Margaret Washburn. Also, Mr. Hannigan said there are a lot of rocks, not a lot of habitat according to a botanist but they need to look at the changes and costs. Mr. Smith asked who would be responsible for the detention area. Mr. Hannigan said that they will need to review and discuss the move. Steve Tyler would like the applicant to take care of it but allow the town emergency access.

Mr. Ceppi opened the hearing to the public.

Dick Kirk, 22 Holmes Street, asked about the deficiency of the detention basin on his property. Mr. Hannigan said the subdivision has a bond and still has a punch list of items that need to be taken care of. Mr. Kirk explained he is concerned about his lot and how there is too much runoff in the detention basin and causing his lot to be wet. Mr. Hannigan said he doesn't know where the basin is and will need to look into it. Mr. Laney said the basins are not connected. Mr. Hannigan said he can try and talk to the town to help. Mr. Kirk said that Mr. Laney tried to fix it, who is maintaining the detention basin, and as a direct abutter he is being affected. Ms. Shiver asked about a homeowners association and Mr. Laney said the homeowners take care of the detention basin. Mr. Kirk said that ten years ago it was explained to him that the town would maintain the basin. Mr. Hannigan commented that currently Mr. Laney is maintaining them but when the road is complete the other basins will be maintained by ZPT with access to the town. Mr. Kirk said more trees being taken out and not replanted will cause more water. Mr. Hannigan said it's a different plan than the subdivision and they are looking to put in more basins and recharge components. Mr. Hannigan and MR. Kirk agreed the conditions are going to change and Mr. Hannigan will look into how to help his situation if he can.

Mr. Smith asked about the original subdivision approvals. Ms. Shiver said the subdivision was originally duplexes than changed to single family homes. Mr. Smith said that currently we cannot find approved copies of what was originally submitted. Mr. Viner asked if they need to re-evaluate the subdivision and Mr. Smith said yes. Mr. Smith explained that the owner doesn't want to modify the subdivision without getting approval for the solar farm first. Ms. Shiver asked if the ZBA was okay with the screening. Mr. Hannigan answered that they seemed ok but there were some objections from abutters that they are trying to work out. Mr. Smith said the abutters are concerned with the aesthetics and construction activities. Mr. Viner asked if there were conditions with the extensions, he said some punch list items were moved to phase 2, and he asked how the town will go about that. Mr. Smith said that all of that would be subject to approval and would still need an ANR approved. Mr. Hannigan commented that all phase 2 items will be moved back to phase 1.

MOTION: Ms. Shiver continued the public hearing to March 15, 2016

SECOND: Mr. Ceppi

DISCUSSION: None

VOTE: 3-0

2 & 3. Continued Public Hearing - Site Plan Review: Applicant: ZPT Energy Solutions, LLC, Owner: Daniel Lemanger. Location: 19 Woodchuck Lane, Spencer Assessor's Map U16/54. The applicant is requesting a Site Plan Review under Sections 7.4 of the Spencer Zoning Bylaw applying for a "major utilities" ground solar farm site. The property is located within the suburban residential zoning district. Combined with Continued Public Hearing - Site Plan Review: Applicant: ZPT Energy Solutions, LLC, Owner: Blair Enterprises, LLC. Location: 48 Paxton Road, Spencer Assessor's Map U17/1&2. The applicant is requesting a Site Plan Review under Sections 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 district.

Mr. Ceppi reopened the public hearing.

William Hannigan, Hannigan Engineering, commented that since the last meeting they have solved the issue with the frontage by purchasing land on Donnelly Road, however, the access road will still be at 48 Paxton Road. Mr. Smith explained that although the town requires them to have adequate frontage there is no wording that they have to use it. Mr. Hannigan said they worked out the deliveries with the Zoning Board of Appeals. Mr. Smith read aloud the hours: Monday – Friday: 6:30am -7:00 pm with no equipment starting until 7:00 am

When School is in session: deliveries are restricted to between the hours of 8:30 am- 2:00 pm

Saturday & Sunday hours- 7:30 am-1:00 pm with no equipment starting until 8:00 am

Ms. Shiver asked how wide Paxton Road was and Mr. Hannigan answered 20-24 feet wide. Ms. Shiver concerned about the width of the road and asked if there was a detour route. Mr. Hannigan said he would be okay with that especially with the panels. Mr. Viner suggested Donnelly Road. Steve Tyler said he is unsure of what road would be better. Mr. Ceppi suggested having a police detail. Ms. Shiver asked about the deliveries and Brendan Gove, ZPT Energy, answered 12- 25 trucks per day and will off load on the access road. Ms. Shiver asked if there would be a plan for dust management. Mr. Hannigan answered that there is a 50 foot tracking pad. Mr. Tyler commented they would need a permit for the driveway and they will need to abide by the rules and regulations.

Ms. Shiver asked if the revised plan will show frontage and Mr. Hannigan answered yes. Mr. Hannigan said there is a Conservation Commission punch list will show grading and construction phasing. Mr. Smith asked if they would be all set with Conservation by the next meeting and Mr. Hannigan said yes.

Mr. Ceppi opened the hearing to the public.

Mr. Smith asked about the cross sections. Mr. Hannigan went over the cross sections and showed on the plan the trees, the grade, and the fence line. Ms. Shiver asked about the trees and what type they were. Mr. Hannigan explained that there is a mix and pine, the undergrowth will grow in by 3-5 years, and mentioned that they are working on planting vines every 15 ft. Mr. Tyler asked about the frontage and Mr. Smith answered it would be Donnelly Road but they aren't using it. Mr. Hannigan explained about the current easement and how they will be joining the parcels. Mr. Viner asked about sheet 205, discussed property line, and adding land to a new

plan. Mr. Viner asked about the zoning line and Mr. Smith said it's the property line between the two parcels.

MOTION: Ms. Shiver motioned to continue the public hearing to March 15, 2016

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 3-0

4. Public Hearing, Driveway Regulations-

Steven Tyler, Highway Supervisor, was present for the meeting to go over the updates to the driveway regulations. Mr. Smith went over the new proposed regulations. Mr. Smith reviewed the proposed regulations and addressed the highlighted portions:

- 4.5 The number of driveways/curb-cuts shall be limited to one per lot.
 - 4.5.1 For driveways/curb-cuts that do not involve a Special Permit, Site Plan Review or Variance the Highway Superintendent, or his/her designee, may permit additional driveways/curb-cuts where he/she specifically finds that:
 1. the applicant can show that there is something unique about the property that would otherwise render flow to and from the property unsafe and unmanageable, and
 2. more than one curb cut is necessary for traffic safety purposes, and
 3. it is necessary to achieve, and does not conflict with, the Design Standards of this section.
 - 4.5.2 For driveways/curb-cuts that do involve a Special Permit, Site Plan Review or Variance the Planning Board/ZBA may permit additional driveways/curb-cuts in accordance with the provisions of the Zoning Bylaw.
- 4.6.1 Driveways shall be designed and constructed in conformance with these regulations and the Spencer Highway Department Driveway Permit Requirements.
- 4.6.2 Driveways shall be located so as to minimize conflict with traffic on public or private streets.
- 4.6.3 Driveways shall be constructed in a manner ensuring reasonable and safe access from the street serving the premises to the building site of the structure on the premises, for all vehicles, including, but not limited to, emergency, fire and police vehicles.
- 4.6.4 Driveways shall be arranged for the free flow of vehicles at all times and the maneuvering spaces and aisles shall be so designed that all vehicles may exit from and enter onto a public street by being driven in a forward direction.
- 4.6.5 For corner lots, the driveway/curb-cut shall access from the street generating the lesser of the traffic flows.

- 4.6.7 Except for Common Driveways, all driveways and curbcuts shall be over the front lot line directly from the street, and driveways shall not cross lot lines of adjoining properties.
- 4.6.10 Driveway Grades

	Maximum Grade	Minimum Grade	Minimum distance of 5% maximum grade at driveway's intersection with street
Single-Family, Two-Family, Three-Family, Agricultural	11% *	1%	50'
Commercial, Industrial, Institutional, Civic and Multi-Family Uses	5% *	1%	50'
<p>* For driveways/curb-cuts that do not involve a Special Permit, Site Plan Review or Variance the Highway Superintendent may permit a greater grade after a determination that said driveway will provide safe and reasonable access for emergency vehicles and will not be inconsistent with the purposes of this section nor have a detrimental impact on public safety.</p> <p>For driveways/curb-cuts that do involve a Special Permit, Site Plan Review or Variance the Planning Board/ZBA may permit a greater grade in accordance with the provisions of the Zoning Bylaw.</p>			

Mr. Smith mentioned that the grades may be lower than expected. Mr. Ceppi asked to review the grades because the grades look steep. Mr. Viner asked if there were street regulations so a vehicle can stop and not slide down a hill. Mr. Ceppi expressed there should be a flat landing so a vehicle can stop safely and approach traffic. Steven Tyler said he could look into it. Mr. Ceppi said that with snow issues especially there should be a flat area. Jim Caruso, from Barre, asked about limiting building lots if you can't meet the grade requirements. Mr. Ceppi said that there would be different lot configurations. Mr. Viner suggested wording it grade requirements with stipulations. Mr. Tyler gave examples on Charlton Road and Cranberry Meadow Road.

- 4.6.12 Driveways shall intersect the street at a 90° angle. The Highway Superintendent may permit driveway intersections of lesser angles where it is found that such angle provides adequate site distances and safe entry and egress from the site relative to the intended use of the property and speeds traveled on the road.

Mr. Smith said there is some wiggle room for this section based on the highway

superintendent's discretion.

- 6.2.1 All driveways and curb-cuts require a Driveway/Curb-Cut Permit issued by the Spencer Highway Superintendent or his/her designee, in accordance with the requirements of the Spencer General Bylaws (Section 4.).
- 6.2.2 Applications for a Special Permit, Site Plan Review or Variance involving the construction or alteration of a driveway/curb cut must include a Driveway/Curb Cut Permit tentatively approved by the Highway Superintendent or his/her designee.
- 6.2.3 Applications for a Building Permit, Special Permit, Site Plan Review, Variance or any other town permit involving the construction or alteration of a driveway/curb cut must include a Driveway/Curb Cut Permit tentatively approved by the Highway Superintendent, or his/her designee.
- 6.2.4 For driveways/curb-cuts that involve a Special Permit, Site Plan Review or Variance the permit granting authority may permit:
 - A. a driveway closer than 10 feet to any side or rear lot line where they find that said driveway will still:
 - 1. provide safe and reasonable access for emergency vehicles
 - 2. be consistent with the purposes of this section
 - 3. not have a detrimental impact on public safety.
 - B. more than one driveway/curb-cut per parcel in their approval of said permits where they find that:
 - 1. the applicant can show that there is something unique about the property that would otherwise render flow to and from the property unsafe and unmanageable, and
 - 2. more than one curb cut is necessary for traffic safety purposes, and
 - 3. it is necessary to achieve, and does not conflict with, the Design Standards of this section.
 - 4. it will be consistent with the purposes of this section
 - 5. it will not have a detrimental impact on public safety.
- 6.2.5 Common Driveways
 - A. Purpose - The purpose of allowing common driveways is to reduce traffic hazards and turning movements from numerous individual driveways, to consolidate access to the buildable areas of lots across wetland resources, and to minimize the removal of trees and other vegetation, thereby preserving the rural character.

Abutting property owners are encouraged to coordinate access to their lots utilizing common curb-cuts and driveways under reciprocal easements. The Planning Board, in the approval of its Special Permit or Site Plan Review, may waive setback and related requirements to achieve this where they find that the applicant demonstrates that the curb-cut and access driveway design improves traffic circulation and reduces the number of turning movements onto the public way.

B. Authorization

1. For Commercial, Industrial, Institutional, Civic and Multi-Family Uses Common Driveways are permitted by-right subject to Site Plan Review issued by the Planning Board
2. For single-family dwellings, common driveways are allowed by Special Permit issued by the Planning Board provided:
 - a) it shall not service more than three lots
 - i. Up to six lots may be permitted for common driveways that loop to the same road in two locations and are not dead-ends in any location.

C. Applications - Site Plan Review and Special Permit Applications for a common driveway shall include:

1. a site plan, developed by and carrying the seal of a certified professional engineer or a registered land surveyor, showing the layout for the common driveway, drainage, typical construction cross sections, profiles and meeting all of the design specifications required under this section.
2. easements, covenant and agreements, suitable for recording at the Registry of Deeds, for the subject lots containing restrictions including but not limited to:
 - a) prohibiting any additional vehicular access to said lots from other than the common driveway approved by this special permit.
 - b) stating that said common driveway is a private driveway and not a town way.
 - c) stating that if application is ever made for such common driveway to become a town way, such common driveway shall first, at the applicant's expense, be made to conform to the Rules and Regulations for the Subdivision of Land in the Town of Spencer in effect at the time that such application is made.

- d) requiring that the maintenance, operation, repair and reconstruction (including snow plowing and snow/ice removal) is the responsibility and liability of the property owners.

Mr. Smith discussed the proposed common driveway changes in regards to frontage and setbacks. Mr. Ceppi asked if a lot is to be cleared and is non-buildable, can they make the lot buildable by creating a common driveway. Mr. Smith said no because they still would need to come up with frontage. Mr. Smith asked Mr. Caruso to discuss the plans as an example. Mr. Caruso came up to the Planning Board to discuss what he was proposing for buildable lots. Mr. Smith said they had a meeting with Mr. Caruso in hopes to create 4 lots; however, there are a lot of wetlands that are creating an issue to get to the lots. Mr. Caruso asked when frontage became a requirement and Mr. Smith said 30 years ago. Ms. Shiver explained there is an ANR handbook online. Mr. Caruso commented that he had a forestry plan done but then DCR said they can't do the forestry plan and then build houses. In addition, Mr. Caruso said he has frontage for 2-3 houses and will just lose one lot. M. Smith said a fire truck may not be able to fit. Ms. Shiver mentioned this might be a good place to have a common driveway. Mr. Ceppi asked if he could fill in the wetlands and Mr. Smith said no. There was discussion about the Public Hearing and Zoning changes going to Town Meeting.

Mr. Tyler commented on common driveways section 6.2.5.B.2.A *for single-family dwellings, common driveways are allowed by Special Permit issued by the Planning Board provided: it shall not service more than three lots Up to six lots may be permitted for common driveways that loop to the same road in two locations and are not dead-ends in any location.* The current bylaw in affect allows two, the proposed is increased to 3, and Mr. Tyler is not okay with B.2.A six lots and the starting point should be four. Mr. Smith said four does make sense. It was agreed the wording should read "up to four lots." Mr. Ceppi asked where the three came from and Mr. Smith said that some thought six was too high and two was too low. Ms. Shiver said this is common in Virginia. Mr. Caruso asked if there was a bylaw that there is wording in deeds like a condo fee to maintain common driveways. Mr. Smith read aloud 6.2.5.C.2 easements, covenant and agreements, suitable for recording at the Registry of Deeds, for the subject lots containing restrictions including but not limited to:

- e) *prohibiting any additional vehicular access to said lots from other than the common driveway approved by this special permit.*
- f) *stating that said common driveway is a private driveway and not a town way.*
- g) *stating that if application is ever made for such common driveway to become a town way, such common driveway shall first, at the applicant's expense, be made to conform to the Rules and Regulations for the Subdivision of Land in the Town of Spencer in effect at the time that such application is made.*
- h) *requiring that the maintenance, operation, repair and reconstruction (including snow plowing and snow/ice removal) is the responsibility and liability of the property owners.*

There was much discussion about common driveways, road acceptance, and subdivisions.

Mr. Tyler brought up section 6.2.5.D and asked if #6 (*The minimum width for the durable surface shall be 10 feet and maximum width shall be 15 feet, with a 3 foot wide gravel shoulder on at least one side*), in regards to durable surface, supersedes 4.6.14. Minimum common width is to be 15 feet in section 4.6.14. There was much discussion about driveways width and length and changes minimums and maximums. Section 4.6.15 says a maximum of 24 feet. Ms. Shiver said the subdivision regulation is 22 feet. Mr. Smith discussed passing turnouts. Mr. Viner does not think the minimum width be the same as common driveways. Mr. Tyler said there will be more review with more notes. There was discussion about closing the hearing or continuing the meeting and they will close, edit, and go to town meeting.

MOTION: Mr. Viner motioned to close the public hearing
SECOND: Mr. Ceppi
DISCUSSION: None
VOTE: 3-0

5. Public Hearing, Fences and Hedges-

Mr. Smith explained that due to some concerns from Mr. Tyler they are proposing the fence and hedges regulation in order to avoid obstructed views at intersections causing public safety. Mr. Ceppi asked if they would need land surveys done in order to approve the fences. Mr. Tyler said they could. Mr. Viner asked about height requirements and it was discussed that a building permit is required for fences 6ft and over. The Planning Board agreed that they would take section 6.6.1 (All fences, including temporary construction fences, but accepting fences for agricultural uses exempted under zoning, shall require a building permit.) out of the proposed standards and move everything up.

MOTION: Ms. Shiver motioned to close the public hearing
SECOND: Mr. Viner
DISCUSSION: None
VOTE: 3-0

6. Public Hearing, Fence Candlewood Estates Phase II Subdivision – Extension Request

Mr. Smith explained that the current owner of Candlewood Estates Phase II Subdivision was requesting an extension. Mr. Viner asked about maintenance. Ms. Shiver asked about if they had a homeowners association. Mr. Tyler mentioned that the road in phase 1 was accepted. Mr. Viner mentioned reviewing the bond and Mr. Smith said that the Planning Board released the bond. Mr. Viner asked if there was a bond for phase 2 and Mr. Smith said no. In addition, MR. Smith said that it was not noted in the original approval that a public hearing was necessary for the extension request. Furthermore, there are no requirements under the regulations. Mr. Ceppi asked if the extension was due to a slow economy. Mr. Smith commented that other extensions had public hearings. Mr. Ceppi said phase 1 was accepted and he was okay with granting the extension. Ms. Shiver started to motion to grant the extension, however, the motion was taken

back and the Planning Board is looking to get the owner in to discuss the need for the extension at the next meeting on March 15, 2016.

7. Adoption of Minutes

January 19, 2016-

MOTION: Mr. Ceppi motioned to accept the minutes

SECOND: Ms. Shiver

DISCUSSION: None

VOTE: 3-0

8. Town Planner Report/ General Board Discussion

Mr. Ceppi motioned to close the meeting at 9:30pm

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 3/15/2016

List of Documents used on February 16, 2016

Items sent to Planning Board prior to Meeting

Mailed paper copies:

- Agenda
- Memo from Larry Smith to Planning Board Dated 1/15/2014.
- Application, plans, and review for ZBT Energy, Sunset/ Holmes Solar Farm.
- Revised plans submitted by ZBT Energy for Paxton and Woodchuck Lane Solar farm, dated 2/1/16.
- Proposed Driveway Regulations dated 1/12/16
- Proposed Fences and Hedges Standards dated 1/5/16
- Minutes for January 19, 2016

Items submitted at the Meeting:

1. Mr. Smith submitted a Google aerial map for Sunset/Holmes Solar Farm