



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
Tuesday, June 21, 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

Mr. Ceppi opens the meeting at 7:01 pm.

1. ANR's-

• **Caruso Const. Corp. - Create 4 New Lots/ North Spencer Road-**

The applicant was not present for the meeting because he was at a meeting. Mr. Smith explained that James Caruso met with Chief Parsons and it was decided that Mr. Caruso can access each lot and he does have adequate frontage. Mr. Ceppi asked about it the dashed lines were lot lines and Mr. Smith confirmed that they were. Mr. Viner asked if there were limits of the wetland and Mr. Smith said he wasn't sure, however, Mr. Caruso is talking with Margaret Washburn.

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

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

- **ZPT Energy Solutions** – These 3 ANRs are required for providing the required minimum frontage for the Paxton Rd. and Woodchuck Lane solar farm. The applicant requested to be put at the end of the agenda and the Planning Board members agreed that was fine.

2. Minor Site Plan Review – Applicant/ Owner: Mark and Darlene Handy, Location: 266 Main Street, Spencer Assessor's Map U06/ 54. The applicant is requesting a Minor Site Plan Review under Sections 7.4 of the Spencer Zoning Bylaw to expand garage and parking for existing multifamily/office use. The property is located within the village residential zoning district.

Mr. Ceppi opened the public hearing at 7:06 pm.

Chris Keenan, Quinn Engineering, and Mark Handy, 266 Main Street, were present for the meeting. Mr. Keenan explained that his applicant was requesting a Minor Site Plan Review

under Sections 7.4 of the Spencer Zoning Bylaw to expand garage and parking for existing multifamily/office use behind the existing building. In addition, would like to expand the parking lot for the tenants and will expand the existing driveway in the rear, expanding the parking lot from 10' to 24'. Portions of the driveway will have stormwater swale which will drain out to the back of the property. Mr. Smith asked if the plans meet the current adopted driveway standards and Mr. Keenan said that it does. Mr. Smith asked Mr. Keenan to discuss the stormwater plan. Mr. Keenan explained that all the water sheds to stormwater swale and feeds to a plunge pool released into the back yard. Mr. Smith asked if that takes care of the difference between pre and post stormwater drainage and Mr. Keenan said that complete stormwater calculations have not been completed for the project. Mr. Ceppi asked if the water is pooling out in the Southeast corner and what is behind that. Mr. Keenan said there are trees and a neighbor. Mr. Ceppi asked about the neighbors affecting Spring Street, low point running into neighbor's yard, and there's concern that there will be excess water and may affect their back yard. Mr. Keenan said they were not required to do the drainage requirements and do not know if the excess water will affect the neighbor more and they will be providing a stormwater swale and plunge pool. Mr. Ceppi explained he is concerned and would feel more comfortable with drainage calculations.

Mr. Handy asked why it matters because all the water is already going there now. Mr. Smith explained that the increase in the impervious surface may cause an increase in runoff. Mr. Keenan is to provide the Planning Board with pre and post drainage calculations. Mr. Viner recommended installing a French drain and Mr. Handy said the project is already costing enough. Ms. Shiver mentioned a peer review and Mr. Smith said not with a minor site plan review. Ms. Shiver questioned what triggered a minor to major site plan review. Mr. Keenan explained according to The Spencer Zoning Bylaws that it's a structure over 2,000 square feet or parking over 20 spaces.

MOTION: Ms. Shiver motioned to continue the hearing until the next meeting on July 19th, 2016

SECOND: Ms. Reed

DISCUSSION: Drainage calculation required for the meeting

VOTE: 4-0

3. Special Permit Extension – Laurel Point LLC and John & Suzanne Krol – Rear Lot Subdivision & Common Driveway at 35-39 Chickering Road (Tax Map R15, Parcels 4-1 and 4-2). The property is located within the village residential zoning district.

Mr. Ceppi opened the hearing at 7:25 pm.

Donald O'Neil, 10 Mechanic Street, Worcester, MA, was present to represent Laurel Point, LLC, John and Suzanne Krol. Mr. O'Neil explained his clients are requesting an extension for the subdivision rear lot common driveway. Mr. O'Neil explained that his client still plans on selling the lot but the water has been drawn down and that has complicated the resale. The rear lot has 13 acres, the frontage is 3.5 acres, the lot meets the setback criteria and his clients are looking for more time. Mr. Ceppi asked if the driveway regulations meet the new common driveway bylaw. Ms. Shiver read aloud what was approved for their common driveway. Mr. Smith said that the only issue he could see would be the street angle. Mr. Ceppi opened the meeting to the public.

Steve Tyler, Highway Superintendent, asked if he could see the approved plan and made it known that the plan is workable and the angle of the intersection will work out. Ms. Shiver asked how long of an extension can they grant. Mr. Smith pointed out that there was nothing in the state enabling legislation nor the Spencer Zoning Bylaws that mentioned Special Permit extensions or timelines although the Board has done it in the past.

MOTION: Ms. Shiver motioned to close the public hearing

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

MOTION: Ms. Shiver motioned to extend the Special Permit for Laurel Point, LLC for two years, 8/18/2016

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

4. 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 expand the parking lot and build an additional structure. The property is located within the Commercial zoning district.

The applicant has submitted another continuation request. Mr. Smith mentioned that they were looking to with without prejudice but once they learned the town would not refund the fees the applicant decided he would keep on continuing.

MOTION: Ms. Shiver motioned to continue the meeting until July 19th, 2016

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

****** REVISED MOTION**** (Mr. Viner will not be present for July Meeting)**

MOTION: Ms. Shiver motioned to continue the public hearing to 8/16/16

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

5. Discussion- Solar Bylaw

Mr. Smith explained that at the last meeting the Planning Board queried about approximately how large a solar facility would be at each of the threshold kilowatt generated so he researched on-line and found a number of sites that provided formulas/calculations. They all fall within a fairly close range (see chart below).

kW generated	Panel Surface Area
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	Sq. Feet	Linear Ft./Sq.
		(15' is the average depth of an array)
1kW = 100 sf		
16	1,600	40 x 40 (15 x 107)
200	20,000	140 x 140 (15 x 1,333)
500	50,000	224 x 224 (15 x 3,333)
1kW = 100-120 sf		
16	1,920	44 x 44 (15 x 128)
200	24,000	155 x 155 (15 x 1,600)
500	60,000	245 x 245 (15 x 4,000)
15sf = .19kw		
16	1,263	36 x 36 (15 x 84)
200	15,879	126 x 126 (15 x 1,59)
500	39,473	200 x 200 (15 x 2,631)
1kw = 75..4 sf		
16	1,206	35 x 36 (15 x 80)
200	15,080	123 x 123 (15 x 1,005)
500	37,700	194 x 194 (15 x 2,513)
1kw=69.5sf		
16	1,112	33x33 (15 x 74)
200	13,900	118 x 188 (15 x 927)
500	34,750	186 x 186 (15 x 2,317)

Furthermore, Mr. Smith reviewed these with the person who's overseeing the construction of the Abbey Solar project and he felt that, generally speaking you can put 300 – 350kW on an acre (but this is highly dependent on module size, terrain, shade, etc.).

This would convert to 1kw = 124 - 145sf or

- 16kw = 2,000 - 2,320sf,

- 200kw = 24,800 - 29,000sf
- 500kw = 62,000 - 72,500sf

Mr. Smith said the second part would be more insight on screening requirements. There was much general discussion in regards to this bylaw targeting ground mounted solar and it would depend on lot size. Brendan Gove, ZPT Energy, was asked if the sizes and calculations were accurate and he explained that a typical single family home requires a 9 kilowatt with DC capacity about 30 panels. In addition, Mr. Gove discussed his own solar experiences with different towns.

MOTION: Ms. Shiver motioned to advertise this as a public hearing for August 16, 2016.

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

6. Discussion- Table of Use

Mr. Smith spoke with Adam Gaudette, Town Administrator, in regards to the table of use changes and Mr. Gaudette wants to keep the changes. A public hearing will need to be advertised for August 16, 2016 meeting and this topic will be decided at next meeting.

7. Adoption of Minutes

- May 17, 2016

MOTION: Ms. Shiver motioned to accept the minutes as submitted

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

8. Town Planner Report/ General Board Discussion

- 103 N. Spencer Road- Mr. Smith mentioned that an older solar facility that was approved is coming back to the board for an extension in August. Apparently, there were some utility connection issues but now everything is okay since the Abbey Solar project is installing new overhead lines. He noted that the new Stormwater bylaw had been adopted since then and the Board could deny the request and make them re-file under the new regulations.
- Zoning Permit- Mr. Smith explained a new document he recommends that goes before the building inspector, with no fee, that would let applicants know what type of permit they would need to receive. More discussion on the application at the meeting in August 2016.

9. ANR- ZPT ENERGY, 48 Paxton, 19 Woodchuck Lane, and 369 Main Street-

Brendan Gove, ZPT Energy, discussed his proposal with the submitted 3 ANR's and discussed the differences from the recently approved site plans. Originally the frontage was supposed to

come off Donnelly Road, and then they pursued land on Main Street and providing frontage through the Main Street parcel. The changes would need to be resubmitted to the boards. The physical access will still be through a right-of-way on 48 Paxton Road and the wetlands are included. Larry Sabean, Hannigan Engineering, the wetlands shown on Paxton is flagged real wetlands. Much discussion in regards to the plans and incorporating lines to say what boundary lines would be eliminated. Mr. Smith asked why everything wasn't submitted on one plan and Mr. Sabean explained it was good practice to have 3 separate plans since there are different owners. Mr. Ceppi expressed that he felt that the plans submitted are very confusing and that it was improper or missing labeling. Mr. Viner asked what type of plan would this be when combined and Mr. Sabean answered an 81X plan. Mr. Sabean said they could provide the 81X plan after endorsement. Mr. Viner stated that all new lots will have illusionary frontage. Mr. Viner explained his experience and the issues that would arise with the frontage on Main Street being illusionary because of the wetlands and guardrail.

Attorney Mike Maloche argued that just because there were wetlands that covered the entire width of the front of the lots and you couldn't access the buildable portion of the lot without passing through or over them, that didn't make the frontage illusiory. He also handed out a letter generated by him to support his belief that Massachusetts promotes solar and read aloud numerous case studies, chapters, and subdivision laws 81K-81 GG that he believed expressed how solar should not have to go through these difficult measures in order to be allowed and the Board can waive the Subdivision Control Law requirements and approve the ANR. There was much discussion on waiving the approval and correct measures that would need to be taken. Mr. Smith noted that that state law only prohibited communities from unreasonably regulating solar facilities, that they could reasonably regulate and the MA Attorney General's Office has approved local Zoning Bylaws which prohibited solar facilities in certain zones and permitted them by Special Permit in other, and not by-right anywhere. He also noted that the section of the state law that authorizes the Planning Board to waive the requirements of the state Subdivision Control Law only applied to the Planning Board's Subdivision Regulations, not the entirety of MGL 81K-81GG. Mr. Maloche explained that the Planning Board's responsibilities are for public safety and adequate frontage and the access road will still be on 48 Paxton Road because the Town of Spencer's Zoning Bylaw does not require applicant to access lots through there frontage. Mr. Smith said that he believed that in the new adopted bylaw they do.

Mr. Gove explained that they already purchased the land and how the Planning Board votes would decide on further land use, in which, his company would be looking to install another solar farm. Mr. Ceppi and Ms. Shiver said there are other ways to access but Mr. Gove would not like to disturb the land in order to use its full potential. Mr. Ceppi pointed out that the new adopted zoning bylaw for driveways was adopted in May and the Planning Board needs to adhere to the changes when viewing these ANR's. Mr. Maloche said they don't mind it the Planning Board puts conditions or restrictions with approval of the lot only to be used by solar. There was more discussion in regards to improper referencing on the plans.

Mr. Gove recommends they go to plan B with revised plans. Mr. Sabean handed out different ANR's with a revised date of 6/21/2016. The Planning Board agreed that the plans were easier to read and the plans were more acceptable. There was some discussion in regards to getting legal counsel for review. Mr. Sabean came up to review the revised plans with the Planning

Board. Mr. Ceppi still felt that the plans had missing information. Mr. Gove revised the applications to show that the new plans were revised and submitted 6/21/2016.

MOTION: Mr. Viner motioned to endorse the plans with the revised date of June 21, 2016

SECOND: Ms. Shiver

DISCUSSION: labeling of building lot and determining approving an ANR

VOTE: 3-1

10. Adjournment

MOTION: Mr. Ceppi motioned to close the meeting at 9:35pm

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 8/02/2016

List of Documents used on June 21, 2016

Items sent to Planning Board prior to Meeting

Mailed paper copies:

- Agenda
- Memo from Larry Smith to Planning Board Dated 6/14/16.
- ANR's - Caruso Const. Corp. - Create 4 New Lots/ North Spencer Road, 48 Paxton Road, 19 Woodchuck Lane, and 369 Main Street
- Minor site plan, application, and plans for Mark and Darlene Handy, Location: 266 Main Street
- Special Permit Extension request for Laurel Point LLC and John & Suzanne Krol
- Public Hearing Continuation letter for Site Plan Review – Charlie's Diner
- Minutes for 5/17/16

Items submitted at the Meeting:

1. Copies of solar Bylaw
2. Copies of Table of Use table changes
3. Revised plans submitted by Hannigan Engineering for Main Street, Paxton Road, and Woodchuck Lane dated 6/21/16.
4. Attorney Mike Maloche handed out a letter with Subdivision Case Laws
5. Mr. Smith handed out Zoning Permit example