



Zoning Board of Appeals – Town of Spencer

Minutes

Regular Zoning Board of Appeals Meeting
Wednesday, May 2, 2012 at 7:15 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:15 p.m.

Zoning Board Members Present: Chair Joanne Backus, Delores Kresco, and Albert Drexler, Alternate

Zoning Board Member Absent: Allan Collette

Staff present: Michelle Buck, Town Planner and Brynn Johnson, Junior Clerk ODIS

1. Old Business:

- A. 7:15 – Discussion of Special Permit Decision** CTC Electric, LLC, North Brookfield Road, Spencer. The applicant is requesting a Special Permit to establish a large scale ground mounted solar facility.

Ms. Backus opens the meeting; she explains public discussion is closed. This is the Boards final discussion before their decision. Present representing CTC Electric were Scott Fisher, (Centerstone Partners, LLC) and Attorney Ellen Freyman (Shatz, Schwarts and Fentin, P.C.)

Ms. Backus asks Ms. Buck if she has new information to share. Ms. Buck explains that based on information from the last two hearings a draft decision has been prepared and sent to the Board, applicant, and the applicant’s attorney prior to tonight’s meeting for review. Ms. Buck says there are few corrections and requests that the applicant has asked to be changed in the final certificate of decision (most are just typographical changes). Before the Board discusses the decision Ms. Buck goes over the changes which include:

- A change of address for CTC Electric the address is now 1281 East Main Street, Suite 106 Stamford, CT 06902.
- Correct the revision date, it should be April 27, 2012
- Change wording in project description from “one of six transformers” to say “two inverters/transformers pads”
- Change the statement “will produce enough electricity to serve 2,000” it should say “will produce enough electricity to serve 1,000”

- Rephrase the ownership should say “ Special Permit for applicant CTC Electric, LLC to operate a solar farm on North Brookfield Road (property owned by Joseph and Susan Foley)”
- The applicant asked for the condition regarding black vinyl-coated fencing to be changed. They want a metal fence for financial reasons.
- Change the wording in condition eight it should say “hedge or other screen shall be 200 feet in length”

Ms. Backus asks the Board if they have any questions regarding the changes.

Mr. Drexler says he’s overall pleased with everything except for the issues of the black vinyl-coated fence being changed to metal. He is opposed to withdrawing this condition. Ms. Backus says she tends to be opposed as well but is open to the possibility of leaving the fence black vinyl only in the places where the public would see it most. The Board reviews the plan to determine where the fence should be left black. They decide a metal fence would be all right along the North and East because the public’s view of the fence will be limited on those sides especially once the planted evergreens grow in. The western side seems to have enough vegetation and evergreen screening to have metal fencing. The Board decides to keep the black vinyl-coated fence on the Southern side only. After this discussion condition number 3 is changed to say “*The project will be enclosed on all sides by an eight (8) foot chain link fence. The chain link fence shall be black vinyl-coated on the southern fence line.*” Ms. Backus says this change should help cut the cost as well as protect abutters.

Ms. Kresco asked if they should add a condition regarding the noise concerns abutters had mentioned at the last meeting. If the noise became an issue could the transformers be wrapped in some kind of insulation? The Board discussed back and forth and decided no noise condition needs to be added because the sound produced is so low it will not be an issue especially because the transformers don’t run at night.

Ms. Backus asked about conditions #8 and #9. Condition #8 is regarding the vegetation screening for the Terkanian and DeFosse properties. The applicant’s attorney asked that the words “*at least*” be taken out. After discussing the Board agrees; it now says “hedge or other screen *shall be 200 feet*”. Condition #9 regarding increasing the buffer on the side of the Lentendre property is stricken it’s not necessary because the applicant submitted a revised plan with this item on it prior to the vote.

Ms. Kresco reads conditions 1 through 8 out loud.

Conditions:

1. The project shall be limited in scope and use to what is described in the plans identified as sheets CP-1 (Conceptual Site Plan) and CD-1 (Conceptual Detail Plan) and the above summary and as conditioned herein. Any expansion of structures, additional structures, or change in use shall be subject to amendment of this approval. Additional permits and approvals may be necessary depending on the nature and scope of proposed changes.

2. Construction activities shall not commence until all required approvals and permits are obtained.
3. The project will be enclosed on all sides by an eight (8) foot chain link fence. The Chain link fence shall be black vinyl-coated on the southern fence line.
4. The project shall meet applicable industry standards and federal, state, and local requirements for construction of solar arrays.
5. The project shall not increase run-off off-site.
6. Warning signage shall be installed in accordance with all applicable laws and regulations along the fence surrounding the project.
7. The hedge shown on the plans shall be arborvitae, planted four (4) feet on center, and six (6) feet in height at the time of planting.
8. The applicant shall provide a vegetative screen, consisting of a hedge in conformance with condition #7 (or other screening method acceptable to the affected property owners), along the southern property boundary abutting the Terkanian and DeFosse properties. In each location, the hedge or other screen shall be 200 feet in length in such a manner to sufficiently screen the view of the solar array

MOTION: Mr. Drexler makes a motion to approve the application for Special Permit, for CTC Electric, LLC. 1281 East Main Street, Suite 106 Stamford, CT for the solar farm as submitted on the plan dated April 27, 2012. That the proposed use is in harmony with the general purpose and intent of the zoning bylaw. That the proposed use will not create undue traffic congestion nor unduly impair pedestrian safety. That the proposed use will not impair the integrity or character of the district or adjoining zones, nor will it be detrimental to the health, safety or welfare of the neighborhood or the town. Ms. Kresco seconds the motion.

VOTE: (0-3 in favor)

2. Adjournment: With no further discussion, Ms. Kresco made a motion to adjourn the meeting at 7:35PM. Mr. Drexler seconded the motion and the vote was 3-0 in favor.

Submitted By: Brynn Johnson, Junior Clerk ODIS

Approved by the Zoning Board of Appeals on _____6/12/2012_____.

List of Documents used on May 2, 2012:

Items mailed to ZBA members prior to meeting:

- Draft Certificate of Decision on Special Permit dated 4/25/2012
- Certificate of Decision on Special Permit dated 5/02/2012
- Revised plan for CTC Solar dated 4/27/2012