



Zoning Board of Appeals – Town of Spencer

Minutes

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

The meeting was called to order at 7:25 p.m.

Zoning Board Members Present: Chair Joanne Backus, Delores Kresco, and Allan Collette

Zoning Board Member Absent: Albert Drexler

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

1. New Business:

- A. Special Permit** – Applicant: Kreuza Disho. Project Location: 292 Main Street/Dippin' Donuts. The applicant is requesting a Special Permit in accordance with Section 6.5.5.B & 7.2 to add a sign to an existing sign post on the property (exceeds allowed size and is internally illuminated). The property is located within the Village Residential Zoning District. Present representing Dippin' Donuts are Kreuza Disho and Warren A. Monette.

Mr. Collette reads the details of the application for the record. He also reads a letter dated January 3, 2012 from Kreuza Disho, owner of Dippin' Donuts, explaining the purpose and need for a programmable lighted sign.

Ms. Backus asks Ms. Disho if she has anything to add.

Ms. Kreuza Disho thanks the Board for their time and consideration. She explains the need for this lighted sign. Giving the current state of the economy she hopes the sign will attract new customers as well as inform existing customers of specials, new products, and discounts.

Mr. Collette asked how large the new lighted message part of the sign will be. The new part of the sign will be 14.6 sf. The original sign will stay as is; they are just adding an illuminated programmable sign to the bottom of the existing sign.

Mr. Collette asked Ms. Buck about the by-law for time setting on electronic animated signs.

Ms. Buck reads By-Law Page 6-16, #8.

Electric animated signs such as electronic message centers are allowed including LCD and LED signs provided that they are no more than 100 sf in signboard area. The message display time shall remain static for a minimum of 8 seconds with a maximum instant message change time of 1 second. Video, continuously scrolling message and animation are allowed only by special permit.

Ms. Buck notes the Board approved a similar sign a few years ago for Arsenault Landscaping. She has the conditions in which this sign was approved if the Board would like to review them.

Mr. Monette says the sign is fully programmable so they will be able to adhere to any guild lines or by-laws set by the town.

Mr. Collette says his only concern with this type of sign is if they don't adhere to the 8 seconds they look like a strobe light.

Mr. Monette explains their sign will not be changing, blinking too fast. They want people to be able to read it.

Mr. Collette says this is going on with another sign in town. The by-law has not been enforced.

Mr. Buck notes the sign By-Laws from Page 7-4 G. *The Special Permit Granting Authority may grant special permits to allow relief from the provisions of Section 6.5.3 (Signage) only if the following findings are made:*

1. that the requested relief will not be contrary to the purpose of Section 6.5; 2. that the proposed sign or advertising device will not create a nuisance, hazard, or congestion to vehicular or pedestrian traffic; and 3. that the size, location, design, color, texture, lighting, and materials of the proposed sign or advertising device will complement the architectural and natural setting of the premises.

Ms. Backus asks if the public has any comments.

Albert Atchue of 58 Meadow Road says Dippin' Donuts and the way they run their business is a great asset to the town. They keep a clean, litter-free property and most of their employees are from town. He feels it's important to show that this town is business friendly.

Mr. Gertsios, owner of Dairy Queen, says if this sign passes he wants one for his business as well. Ms. Backus tells him he would have to go through all the proper channels, same as Dippin Donuts has done. Mr. Gertsios says he understands this but tells the Board that when Dairy Queen remodeled last year he was told by the building inspector Bill Klansek he could only replace his existing sign he could not add on. Mr. Collette says most likely what the inspector meant was this is all Dairy Queen could do without going in front of the Board to get a special permit. Mr. Gertsios says he is a good business owner and an asset to the town same as Dippin' Donuts and wants to be treated fairly. Ms. Backus tells him she doesn't know what the conversation or misunderstanding with the building inspector was so she can't answer for him, but Mr. Gertsis is welcome to fill out an application and come in front of the Board.

Ms. Backus asks if anyone else has anything they would like to add.

Ms. Kresco makes a motion to close the public hearing. Mr. Collette seconds the motion. The vote is 3-0 in favor.

MOTION: Mr. Collette makes a motion to grant Dippin' Donuts 292 Main Street a special permit for a 28"x75" double-faced amber LED message board mounted to the pre-existing sign post. The permit meets all of section 7.2.1. as determined by the special permit granting authority. Ms. Kresco seconds the motion.

VOTE: is 3-0 in favor.

- B. Special Permit & Variance** – Applicant: Celeste & Joseph Couture. Project Location: 68 Cherry Street. The applicant is requesting a Special Permit in accordance with Section 4.2.A.3 & 7.2 to allow conversion of a two-family structure to a three-family (multi-family) structure and a variance from Section 5.1 for a three-family structure on an undersized lot. The property is located within the Village Residential Zoning District.

Ms. Backus opens hearing.

Mr. Collette reads the details of the application for the record. He also reads a letter from Joseph Couture (owner) explaining his need for a three family home.

Mr. Couture shows the Board photos of the attic area that he wants to convert into an apartment for his daughter. The space is not a typical one large room open attic; it already has 4 substantial rooms and is about 800 sf. It is in disrepair, nothing has been done with this space since 1968 when the house was built. The attic does not have much insulation and the only way to get into the areas that need new insulation would be to do a major renovation. Mr. Couture also shows photos of his neighbors' houses at 64 and 66 Cherry Street. They are the same house as his and they have 3rd floor apartments. The other two houses do not meet the requirements for a 3 family either. His house is already set up to be a 3 family it's just never used as one. The existing staircases in both the front and back lead from the 1st floor all the way up to the 3rd floor. Mr. Couture also shows a photo of the electrical panel that he will update if 3rd floor is converted into an apartment. He also shows a photo of the parking area. He says there are 6 parking spaces in the driveway and the by-law only requires 4.5.

Mr. Collette asks Mr. Couture to explain more about the parking area. Mr. Couture uses the photo to point out the 6 parking spaces. He explains if the parking turns out to be inadequate he can extend the driveway to make more parking spaces behind the house. He feels this will not be necessary because there is already room for 6 cars. Mr. Collette asks if 6 cars can fit comfortably without moving cars around, so people don't end up parking on the street. Mr. Couture says in the winter there is a parking ban on both sides of the street so he will make sure everyone in his house has an off-street parking space. Mr. Collette tells Mr. Couture he needs to measure the parking area. Mr. Couture has already done so and marked the measurements on one of the submitted plans. He goes over the measurements with the Board. After much discussion about parking area Mr. Buck notes if he is adding paving he may run

into lot coverage issues due to the impervious surface. If that is the case he says he will use crushed stone. But feels he has enough parking now as is so this should not be an issue.

Ms. Backus asks if anyone from the public or the board has any more questions. There are none.

Ms. Backus states she would like to see this site and evaluate the driveway and parking area. The Board will go to see the site sometime between now and the next meeting on June 12th. This should give them a better understanding of the parking area.

MOTION: Mr. Collette makes a motion to continue the hearing until the next meeting on June 12th. Ms. Kresco seconds the motion.

VOTE: is 3-0 in favor

- C. Special Permit** – Applicant: Borrego Solar Systems, Inc. Project Location: 115 Wilson Street. The Applicant is requesting a Special Permit in accordance with Section 4.2.B.3 & 7.2 of the Spencer Zoning Bylaw to establish a large-scale ground mounted solar facility. The property is located within the Rural Residential Zoning District. Present representing the applicant were Roy Smith (Vice President RJ O’Connell & Assoc.) Scott Lacy (Prince Lobel), Charles Barbanti (Borrgro Project Manager) William Fleming (Landscape Architect) Carl Wilson (land owner) and Jared Connell.

Ms. Backus opens hearing.

Mr. Collette reads application. The narrative is not read out loud. Ms. Backus states the narrative is available for interested parties.

Mr. Lacy starts by handing out a color copy of the plan. He explains the plan for the proposed solar farm. The whole property is 149 acres. The solar arrays would be arranged in 3 separate systems that when done would take up about 20-21 acres. This would be a 3.7 megawatt system (including all 3 systems). The proposed access road is to be off Paxton Road. The road would have a 15 x 30 paved apron; the rest of the road would be gravel and be 15 feet wide. The solar array is made of thin flat panels ground-mounted, south facing, and tilted at a 30 degree angle. The panels do not reflect sun, so there would be no glare. Each one of the 3 systems will have a concrete platform with an inverter or possibly 2. These inverters will transfer the power into the grid. Mr. Lacy points out there will be a 25 foot buffer zone all around the system and the inverters will be about 100 feet from any abutters. The inverters are the only part of the system that will generate noise. The noise is a low humming sound and only made when the sun is out. At night there should be no noise at all. Mr. Lacy states they are leaving a buffer and adding evergreen trees along the Paxton Road abutting properties to screen the views of arrays. He states it’s a very passive use of the property there are no lights, smells, traffic and noise is very low. After the facility is built it would only be visited 2 - 4 times a year for maintenance such as washing the panels and mowing the grass.

Ms. Backus asks for questions from the board.

Mr. Collette asks about the height of the panels and the fence. Mr. Lacy says the panels will be about 8 feet high. The fence will be 7 feet high. The inverters will be 6-8 feet high.

Ms. Buck asks why some of the trees on the plan seem to be a lighter color. Mr. Fleming says the difference in color on the plan is just a misprint. The trees they plan on planting for the screening will be Colorado Spruces.

Mr. Collette asks if the frontage is from Wilson Street. Mr. Lacy says yes the frontage will be on Wilson Street and be about 500 feet. He shows an aerial photo of the 149 acre property. The solar farm would only take up 21 acres of the property. Ms. Backus asks what will happen to the remainder. Borrego would be leasing the land from Carl Wilson; the rest of the land would remain Carl Wilson's. There are no plans to divide or develop this property.

Mr. Wilson explains he is planning to place the land under agricultural preservation restriction. The land is prime farmland. He is trying to work all this out with the state now. Mr. Smith adds Borrego is working with Mr. Wilson and conservation to make minimal impact on the land, so when the lease is up the 21 acre solar farm can be dismantled and the land added to the agricultural preservation area. It is a 15 year lease.

Ms. Backus asks if anyone from the public has any questions.

Mr. Rodney Foisy of 12 Rustic Lane states that some of the negative impacts solar farms will have on the environment such as disrupting animal migration and changing the landscape. He also wants to know what solar panels will do to the scenic views of this location. He feels a solar farm will be bad for the neighborhood and is opposed to its construction.

Mr. Smith explains the fence will be 6 inches above the ground to let small animals pass under it; the fence will only be around the arrays. Also evergreen trees will be planted to screen views for neighbors.

Ms. Buck asks if they have made progress with the Conservation Commission. Mr. Smith states the stormwater and wetlands concerns have been addressed and they will be resubmitted for review. They have made all the asked for changes and don't expect any issues from the Conservation Commission.

Mr. Collette asks if Borrego has any other solar farms. Mr. Connell says Borrego has other solar farms completed in Leicester, Easthampton, Wareham and Dartmouth. The one in Leicester on Stafford Street is almost done. And it's the same type of racking system that is proposed for Wilson Street.

Mr. Collette asks what kind of security they will have; will they have cameras? No, they have remote technology. If the system goes down or is damaged they will be alerted.

Mr. Wilson says at first he had some of the same concerns as Mr. Foisy. But after much thought he now likes the idea of a solar farm. It is a good way to keep the open space of the land with minimal impact.

Mr. Barbanti explains the racking system. Less than 1% of the site will be impervious.

Mr. Foisy asked about high voltage and safety. Mr. Barbanti explains National Grid monitors the power. The power enters the lines on Paxton Road because they have 3 phase power. The system will automatically power itself down if there is a problem.

Ms. Backus asks if there are any other questions. The Board wants to continue this discussion at the next meeting June 12, 2012. So they can see the solar farm on Stafford Street in Leicester.

MOTION: Mr. Collette makes a motion to continue this hearing until June 12, 2012. Ms. Kresco seconds the motion.

VOTE: 3-0 in favor.

2. Approval of Minutes- Minutes for April 10, 2012 & April 25, 2012

The Board decides to wait until next meeting when Albert Drexler is present to approve the minutes from April 10, 2012 & April 25, 2012.

3. Adjournment: with no further discussion, Ms. Kresco made a motion to adjourn the meeting at 8:45pm Mr. Drexler seconds 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:

- Agenda
- Memo from Michelle Buck, Town Planner dated 5-10-12
- 68 Cherry Street Packet
- Dippin' Donuts Packet
- 115 Wilson Street Solar Farm Packet
- Minutes 4-10-12
- Minutes 4-25-12

Items submitted at meeting:

- Photos of 68 Cherry Street and neighboring 3 family houses
- Color drawing of Plan for 115 Wilson Street Solar Farm
- 115 Wilson Street Zoning Table