



Zoning Board of Appeals – Town of Spencer

Minutes

Zoning Board of Appeals Meeting
Tuesday, October 14, 2014 at 7:15 PM
McCourt Social Hall
Memorial Town Hall

Zoning Board Members Present: Dee Kresco, Allan Collette and Bert Drexler
Zoning Board Member Absent: Robert Emerson
Staff present: Monica Santerre-Gervais, Clerk & Michelle Buck, Town Planner

Ms. Kresco opens the meeting at 7:35pm

1. Open Meeting

2. Special Permit, Meadow Solar- Applicant: Steven Broyer with ECOS Renewable. Owner: Robert H. Moschini of Spencer, Inc. Location: 22 Mechanics Street, Spencer Assessor's Map R23-41. The applicant is requesting a special permit for the construction of a roughly 3 megawatt ground level solar farm on the property. The property is located within the Rural Residential zoning district.

Mr. Collette read the application and project description submitted by ECOS Renewable. This project has now been assigned the street address of 144 Mechanic Street.

Mr. Drexler asked Steve Broyer to make his presentation. Mr. Broyer made a brief presentation in regards to his company and the Solar Farm. The slideshow illustrated comparable sites to show the Board and abutters how the site will look. The presentation addressed multiple items during the presentation such as: grading onsite (none), acreage, description of electrical connections, setbacks, fence perimeters for safety and trespassers, access roads, noise, zoning, landscaping plans, and delivery of equipment. The panels will be fixed-tilt racking and south-facing.

Mr. Allan Collette asked about grid connection. Mr. Broyer explained it would be on Maple Street (Route 31) with three poles that interconnect to existing grid line.

Ms. Kresco was concerned about trucking and the delivery of the equipment. Mr. Broyer explained that they have not planned that out yet but said that during the mobilization it will take 2-3 weeks of delivery with 25-40 trucks, with 3-4 months of the duration of whole project from start to finish, with an additional 2 months for electrical testing.

Mr. Allan Collette asked if the access road would be Mechanics Street. Mr. Broyer said that Mechanic Street would be the point of access. He pointed out that they have no intentions with Parcel A and only looking at Parcel B for the Solar Farm.

Mr. Drexler addressed the wetlands concerns. Mr. Broyer explained that they submitted the documents needed for the Conservation Committee and that they would be meeting on Wednesday October 22, 2014. There will be a small amount of grading in the wetland buffer. Also, Mr. Drexler wanted to know about fencing and the ability to let small animals in and out of the area of the panels. Mr. Broyer will be accommodating to the needs of the wildlife, as well as following the guidelines of the town.

Ms. Buck noted that Mr. Broyer had mentioned the possibility of moving the access drive during the Technical Review Committee meeting, and asked if the access will be relocated. Mr. Broyer will most likely stay with original decision to keep the access drive the same.

Mr. Drexler read aloud the Fisheries & Wildlife letter dated September 10th, 2014 which summarized that the site is not listed as priority for estimated habitat. He then opened the hearing for questions and comments from Abutters.

Bernie Dube, 90 Maple Street, addressed Mr. Broyer about the exact location on Rt.31 where the access road will be and utilities. Mr. Broyer explained that the connection is just North of Howe Village. The voltage is too low to connect directly to the high tension lines.

Vic Lacroix, with Spencer Fish & Game Club, asked Mr. Broyer if his company would retail this project and how his company could afford that in this economy. Mr. Broyer said they were backed by large corporate investors and explained that they need to stay with these projects to verify that they are profitable. Mr. Lacroix also asked about the agricultural easement and whether or not the project will deny Fish & Game the easement access. Mr. Broyer said the project will not interfere with the easement. Mr. Lacroix said the trenches will affect the operations of the Spencer Fish & Game. Mr. Broyer said that they will work with Spencer Fish & Game to make it work. Mr. Collette asked Mr. Lacroix if they shared the right-of-way. Mr. Lacroix explained that they own the entire abutting road and the easement is supposed to be for agricultural use only. Mr. Broyer said there might be a delay in accessing the right-of-way during the mobilization process.

Wolfred Dumont, Spencer Fish & Game, also discussed the right-of-way and wanted the Zoning Board Members to know they traded so Mr. Moschini could have an Agricultural right-of-way to his two fields. Mr. Dumont also mentioned that there is no 144 Mechanic Street in order to identify the road frontage and his concerns. Ms. Buck explained that the Town of Spencer does not categorize Solar Farms as a building under the zoning bylaw, so frontage is not required. Mr. Dumont continued his discussion with road frontage as well as the shooting range location on their property. With the mobilization of the Solar Farm it will decrease the use of the shooting range and they feel they could lose members. There is a safety factor that the club will not let anyone shoot on the range if there is anyone in the fields and with the mobilization of the Solar Panels this will affect their shooting range operation. Mr. Broyer said when the Solar Panels are installed and operational it will be monitored remotely and there will not be a large amount of traffic going to and from the site of the Solar Panels.

Bert Drexler asked if Fish & Game had signed off on use of the right-of-way. He felt that the site should be accessed somewhere else.

Holly Collette, Spencer Fish and Game, wants to know how the four months of mobilization affect the club. Mr. Broyer feels they can work together to get through the mobilization process.

Ken Collette, Spencer Fish and Game, addressed the liability of long term use of the shooting range being close to the Solar Farm and a possible ricochet of a bullet hitting a panel. Mr. Broyer is quite comfortable with the shooting range where it is and understands that there may be in issue in the future and if it happens they can only address it when it happens. Mr. Ken Collette felt weddings at the club will diminish with the Solar Panels being visible. Mr. Ken Collette also addressed his conservation concerns how the road is near a wetland. Mr. Drexler advised Mr. Ken Collette to attend the Conservation Committee meeting scheduled for Wednesday October 22, 2014.

Mr. Dumont pointed out that when the property was surveyed it was documented that Spencer Fish and Game gave Mr. Moschini the agricultural easement.

Mr. Lacroix continued the discussion of liability if a bullet ends up damaging a Solar Panel. Mr. Broyer offered to re-use the excess of dirt to fill in berms in order to try and protect the Solar Panels.

Mr. Allan Collette asked about shooting range standards and guidelines. Mr. Lacroix explained that the club has been grandfathered in to any standards and that the Commonwealth doesn't have any guidelines.

Mr. Drexler addressed the abutters letting them know that the land is being sold to solar facilities for the landowners' retirement funds or need of money. If a Solar Facility is not approved, the landowners would try to sell the land for a residential subdivision. Mr. Drexler told the abutters that a Solar Farm would be better near the club rather than a subdivision.

Mr. Lacroix would like to meet with Mr. Broyer about keeping the peace and working together to be good neighbors.

Paul Conoyer, Spencer Fish and Game, addressed Mr. Broyer about the duration of the project. Mr. Broyer let them know they will always own the land and they will supply a decommissioning bond, and the Solar Farm would last 20-30 years.

Bill Edward, Spencer Fish and Game, asked when the project construction will start and end. Mr. Broyer said they intended to start construction in spring of 2015 and it would last until the end of 2015.

Mr. Ken Collette wanted to know what the plans were for the buffer. Mr. Broyer suggested possibly planting trees.

Mr. Lacroix wanted Mr. Broyer to scale off the setbacks from the easterly service road on his presentation. Mr. Broyer showed Mr. Lacroix the 100' setbacks.

Mr. Allan Collette asked Mr. Broyer if the gas right-of-way was clearly marked. Mr. Broyer told them that Kinder Morgan came out physically to mark the site. There is a 30' easement 18" high pressure gas line and Kinder Morgan will be onsite during the digging process. Mr. Broyer

explained the process and machinery involved for the construction. Additionally, wiring on racking from a common location. Grass will be retained where possible and they will plant grass and clovers and this will be low maintenance. Mr. Broyer let the Board members know that they do have a maintenance team come in to mow three to four times a year and a team to wash the Solar Panels. The panels/modules are 3' x 6' and are 25 degrees stationary.

Zoning Board agreed that they would want to do a site visit of the site. After much discussion the Zoning Board agreed on meeting on Sunday October 19, 2014 at 9:30AM at the Spencer Fish and Game Club to view the site.

Mr. Lacroix let them know that the club tries to stay in compliance with the Town and all guidelines. He is concerned about liability, police, noise complaints, etc. Mr. Broyer told them that they have pole mounted infrared camera and it will sense if anyone is on the property.

Mr. Ken Collette let Mr. Broyer know they release Pheasants and other birds and this would affect the club and the birds may get into the fenced in Solar Farm.

Mr. Drexler said the Board will continue the discussion pending the Zoning Board's site meeting, and the hearing will be continued to Monday November 10, 2014.

MOTION: Ms. Kresco moved to continue the public hearing to Monday, November 10, 2014; Mr. Allan Collette Seconds.

VOTE: 3-0 in favor

3. Approval of Minutes:

Mr. Allan Collette noted that he was contacted by an abutter that was unhappy with the Zoning Board's decision on 1 Marble Road (parking of trucks); Mr. Collette referred the abutter to the Building Inspector.

MOTION: Ms. Kresco to approve the minutes for July 8, 2014, Mr. Allan Collette seconds.

VOTE: 3-0 in favor

MOTION: Mr. Allan Collette to approve the minutes for August 12, 2014, Ms. Kresco seconds.

VOTE: 3-0 in favor

4. Correspondence/Miscellaneous:

- Gravel Licenses (memo from Selectmen's Office) - 8 existing gravel pits grandfathered in or have an extension. Ms. Buck will be having a meeting with Margaret Washburn on the gravel pits. The Vandale site will change ownership and operations may expand, which could trigger a change in the Special Permit. Mr. Allan Collette pointed out the access way could change to due to the river.
- November 2014 Meeting- rescheduled to 11/10/2014 due to Veterans Day
- Discussion- the next meeting in November will have a Special Permit request for 1 Columbine Road for an attached garage with an in-law apartment.

5. Adjournment: with no further discussion the meeting is adjourned

Motion: Ms. Kresco motions to adjourn meeting, Mr. Allan Collette seconds.
VOTE: 3-0 in favor

Submitted By: Monica Santerre-Gervais, ODIS Clerk 10/20/14

Approved by the Zoning Board of Appeals on 11/10/2014

List of Documents used on October 14, 2014:

10-8-2014 ZBA mailing

Items mailed to ZBA members prior to meeting:

- Agenda
- Memo from Michelle Buck, Town Planner dated 10/7/2014
- Minutes from 7/8/2014 and 8/12/2014
- Special Permit Application, plans, and documents for Spencer Meadow Solar- 22 Mechanics Street
- Memo for Gravel Licenses

Items submitted to ZBA members at the meeting:

None