



Zoning Board of Appeals – Town of Spencer

Minutes

Zoning Board of Appeals Meeting
Tuesday, September 13, 2016 at 7:15 PM
McCourt Social Hall
Memorial Town Hall

Zoning Board Members Present: Allan Collette, Mary Stolarczyk, and Alan Stolarczyk
Zoning Board Member Absent:
Staff present: Monica Santerre-Gervais, Clerk & Larry Smith, Town Planner

1. Open Meeting – Mr. Collette opens the meeting at 7:16 pm

2. Public Hearing Continuation - Special Permit Extension – Applicant: Spencer Renewable Energy Owner: John Wentworth & David Parent. Location: 103 N. Spencer Road, Spencer Assessor's Map R49/1/1. The applicant is requesting a four (4) year extension (to 8/17/20) of their special permit to construct a 2-megawatt solar farm, originally approved July 13th, 2010, under Spencer Zoning Bylaw Section 4.3.4 (Major Utility). The property is located within the Rural Residential zoning district.

Mr. Collette opened the hearing at 7:16 pm and Ms. Stolarczyk read aloud the application description above. Mr. Smith explained that at the last meeting they continued the hearing due to an abutters concern. David Parent, 12 Pond Street, Paxton, MA, explained that the project ran into interconnection issues but now that the Abbey Solar Field is getting connected to the grid now they will have connection. Mr. Parent said the Planning Board issued a two year extension and will be satisfied if the ZBA gives him a two year extension instead of four years. Mr. Collette said he would be concerned with issuing a four year extension. Mr. Smith explained that Mr. Parent has agreed to follow the new stormwater bylaw and driveway bylaw that was recently adopted. Mr. Collette asked if he was in the flood zone and Mr. Parent said no.

Michael Dow, 97 N. Spencer Road, said he is an abutter to the solar field and he raises animals and is concerned that the animals would be spooked by the glare of the solar panels. Mr. Parent was confident that the panels do not have a glare because it would be a safety issue; also, the property has trees between the properties. Mr. Collette said that they have had numerous solar projects come through and there has never been a glare issue. Mr. Stolarczyk asked what the proposed vegetation which Mr. Parent could not remember. Mr. Smith asked about fencing Mr. Parent said there would be a fence to keep children out. There was much discussion in regards to property vicinities, the solar panels, and Mr. Dow's animals. The approved plans were brought out and the it was determined that the solar panels would not be directly facing Mr. Dow's property and that trees were not being cut. Mr. Dow was okay with the project if there won't be a glare. The Zoning Board of Appeals members were okay with granting a two year extension.

MOTION: Ms. Stolarczyk motioned to close the public hearing

SECOND: Mr. Stolarczyk

DISCUSSION: None

VOTE: 3-0

MOTION: Ms. Stolarczyk motioned to grant a two year extension of the Special Permit with the following conditions:

1. This approval shall lapse and become null and void if the construction permitted by the original Special Permit has not commenced by August 17, 2018. The Zoning Board of Appeals may grant extensions for good cause, upon written request of the applicant provided:
 - a. said request is submitted prior to the expiration of this Approval, and
 - b. said approval requires the affirmative unanimous vote of the full Board taken at a Public Meeting (Public Hearing is required).
2. That all work be done in compliance with the originally approved plans and conditions, and any subsequently approved revised plan and conditions.

SECOND: Mr. Stolarczyk

DISCUSSION: None

VOTE: 3-0

3. Public Hearing Continuation - Special Permit - Applicant: Christopher Gagne. Owner: Steven Turner. Location: Charlie's Diner, 5 Meadow Road, Spencer Assessor's Map U11/12-1. The applicant is requesting a Special Permit under section 3.4.1.G.1 (Permitted Uses/ Agricultural), 3.4.1.G.2 (Permitted Uses/Forestry), 5.4 (Bulk Requirements), and 6.1.1.D (Parking/ Maximum number of spaces) in order to build a new building and expanded parking. The property is located within the Commercial zoning district. Reopened the hearing at 7:44 pm and Ms. Stolarczyk read aloud the application description above.

Mr. Smith noted there was a letter to request the extension submitted.

Steven Turner, 5 Meadow Road, was present for the meeting to discuss what has been causing the numerous extensions. Mr. Turner explained that the project has run into a turtle habitat that Mr. Turner has had to comply with, he has lost 25,000 sqft of his property, and the project will have eight less parking spots. Mr. Turner further explained that the Conservation Commission has been very thorough but he is upset with having to pay for a second peer review. There was much discussion in regards to how much money he has had to put into the project for the turtle habitat, even though, there are no turtles.

MOTION: Ms. Stolarczyk motioned to continue the hearing until October 11, 2016

SECOND: Mr. Stolarczyk

DISCUSSION: None

VOTE: 3-0

4. Variance Extension Request – Applicant: Richard Cormier Location: Lake Whittemore Drive. The applicant is requesting an extension for a Variance from the minimum frontage requirement.

Reopened the hearing at 7:57 pm and Mr. Collette read aloud the application description above.

Richard Cormier, 8 High Street, explained that the septic plans have been completed and accepted by the Conservation Commission and the building plans have been completed, however, he still needs more time.

Mr. Collette explained that the Zoning Board of Appeals can't keep making extensions but he was okay with giving one more six month extension. Mr. Cormier explained he was thinking of selling the property because he was afraid of the variance expiring, however, he still wants to build. There was much discussion in regards to his current resident being sold and what was happening with the land.

MOTION: Ms. Stolarczyk motioned to approve the extension for 6 months until March 11, 2017

SECOND: Mr. Stolarczyk

DISCUSSION: None

VOTE: 3-0

5. Approval of Minutes-

- August 9, 2016 Meeting

MOTION: Ms. Stolarczyk motioned to approve the minutes as drafted for 8/9/16

SECOND: Mr. Stolarczyk

DISCUSSION: None

VOTE: 3-0

6. Adjournment: with no further discussion the meeting is adjourned at 8:05pm

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals on 10/11/2016

List of Documents used on September 13, 2016:

9/6/16 ZBA emailing

Items emailed to ZBA members prior to meeting:

- Agenda
- Memo to the ZBA dated 8/30/2016, submitted by Larry Smith
- Minutes from 8/9/2016
- Variance extension letter, Cormier-Lake Whittemore

Items submitted to ZBA members at the meeting:

- Mr. Smith handed out the draft findings and conditions for 103 N. Spencer Road Solar extension
- Letter for request for extension for Charlie's Diner