



Minutes of the Meeting of the Board of Selectmen

Date: April 18, 2018 – Workshop
Time: 6:00 p.m.
Place: McCourt Social Hall, Memorial Town Hall, Spencer, MA
Present: Chairman Pepe, Vice Chair Woodbury, Clerk Monette, Members Hicks and Stevens, and Administrator Gregory.

At 6:00 p.m. Chairman Pepe called the meeting to order and led the Pledge of Allegiance.

Discussion: Installation of Solar Farms – Matt Defosse

Administrator Gregory reported that Spencer Zoning Bylaws allow rooftop solar arrays in all zones “by right”, and solar arrays from 15kw to 200kw or higher are allowed in specific zones with a Special Permit.

Matt Defosse, 7 Paul’s Drive, said he has lived in Spencer for 11 years and recently learned about solar after having one installed by his backyard. He is not against solar, but is concerned that there is too much of it coming into Town and not in the best interest of the Town. He asked what the plan is for solar installations moving forward and mentioned having a moratorium.

Mr. Stevens pointed out that Zoning Bylaws are how determinations are made.

Administrator Gregory said a moratorium is possible with a Town Meeting vote and can be in place for a limited time. The case must be made that it has a detrimental impact to the community.

Mr. Woodbury said if done properly, solar is a revenue generator for the Town. New solar panels produce more watts while using fewer panes. National Grid accepts a limited amount of solar and will stop accepting when they reach their threshold.

Mr. Defosse feels abutter notification of 300 feet is not enough and suggests the Town publish an ad in the local newspaper and make the solar applicants responsible. Town Planner Paul Dell’Aquila indicated that ODIS sends all notifications to abutters in order to ensure it gets done properly. Notice is also posted on the Town Website.

Dr. Hicks suggested a future public hearing to discuss the pros and cons of solar. There are too many needs that the tax base cannot cover and suggested forming a committee to investigate the pros and cons.

Mr. Defosse also expressed concerns with wildlife losing their habitat, stormwater issues, and groundwater contamination and erosion due to solar. He asked about the figures for PILOT agreements and how funding is justified. Mr. Gregory explained that the Board of Assessors ensure the value of new solar arrays is justified.

Mr. Monette suggested revisiting the Zoning Bylaws to add restrictions and look at a buffer zone requirement.

Mr. Dell’Aquila pointed out that all current solar projects have been completed by Special Permit and not under the Zoning Bylaws.

Chairman Pepe said the Board will hold a public hearing on solar at a future date and will revisit the Zoning Bylaws.

Discussion: Proposed Dog Park at Luther Hill Park – Dennis Brunnett

Parks and Rec member Dennis Brunnett presented information to address concerns of the Board raised during his initial proposal to establish a dog park at Luther Hill Park (LHP). He touched on the following:

- The City of Greenfield has a dog park that is surrounded on 3 sides by water and there are no contamination concerns. The distance from the park to the water is 250 feet. The dog park at LHP would be 500 feet away from the water; however he acknowledged a need to take into account elevation changes at LHP.
- Berkshire Design waived the \$5,800 fee as a courtesy. The next step is to apply for the design grant and if funds are received, the Town has 12 months to act. Once complete, the construction grant would be the next step.
- If awarded the construction grant, the Town has 12 months to open the park and the Town's required contribution of \$22,500 is owed at that time.
- Dog waste is a pollutant and E-coli concerns need to be addressed. Receptacles will be installed for people to pick up after their dogs. Run off with the elevation changes is a concern. Grass will be planted which will become a natural filtration system, along with rain gardens.
- The grant award is \$289,000. Maintenance costs are estimated at \$7,900 per year, or may be less if the Highway Department is able to assist.

Mr. Brunnett would like permission to apply for the design grant.

Dr. Hicks expressed concern over applying now without knowing if it's feasible to apply for the construction grant in the future. Mr. Monette pointed out that the design would be in place and allow up to 24 months to create a construction bid.

Mr. Woodbury is still concerned about the location of the park by Lake Whittemore. Septic issues have occurred there. He suggested the former Lake St. School property as a future possibility. Mr. Brunnett said the preference is LHP where multiple activities can happen in one area since there is currently a beach and a skate park.

Chairman Pepe noted his concern with the dog park near the swimming area and also the clearing of 1.7 acres of trees. Mr. Brunnett said the Stanton Foundation wants to maintain the tree canopy.

Dr. Hicks said the Conservation Commission will need to be notified.

Administrator Gregory pointed out that the costs for construction are estimates only. The Town needs to be prepared for an appropriation to cover any shortfalls and to align the maintenance resources prior to moving forward.

The Board discussed the letter of commitment on the condition that Parks & Rec pay the \$22,500 match, provide the land, and reach out to the Conservation Commission. Mr. Stevens said donated funds will go into a donation account and be handled by the Town.

A Request for Proposal needs to be completed for design work and a committee will need to review the proposals. Mr. Brunnett said the reason the Berkshire Design Group donated the preliminary design work is that they were guaranteed to be hired for the actual design. Mr. Gregory said procurement laws need to be followed. He will discuss further with Mr. Brunnett.

A motion to support the design grant application and send a letter of intent to the grant agency (Monette/Woodbury) passed 5/0.

Discussion: Potential Right of First Refusal 20 & 32 McCormick Road

The owner of 190 acres of land located at 20 & 32 McCormick Road and currently in Chapter 61A is in negotiations and close to an agreement with a solar developer. Mr. Gregory said the seller and developer would like to know whether or not the Board intends to exercise their Right of First Refusal. The Common Ground Land Trust (CGLT) is very interested in the property and would like to have the Right of Refusal turned over to them with the hope of purchasing and preserving the land.

Mr. Monette said current Zoning Bylaws require only a 55 foot setback from the road for solar facilities and in his opinion is not enough. It needs to be properly screened off to not be visible from the road.

There was some discussion on exploring the process with the CGLT, however they cannot purchase the property at a rate higher the appraised value of \$995,000.

The Town would receive \$115,000 in annual revenue on a 13 Megawatt facility and the property would also be back on the tax rolls. The front portion of the land could be used for agriculture.

Mr. Gregory will advise the owner and developer that the Board is open to their request and would want to ensure setback is handled properly to prevent unsightliness from the road.

The meeting was adjourned at 8:28 pm all in favor.

Respectfully submitted,

Brenda Savoie
Administrative Assistant

Referenced Materials

Memo on solar farm concerns; dog park presentation