



Minutes of the Meeting of the Board of Selectmen

Date: May 14, 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.

Reorganization of the Board – Nominate Chairman, Vice Chair, & Clerk

The Board welcome new member Wendy Berthiaume.

Reorganization will take place at the next meeting.

MGL chapter 61A, §9: Exercise or not Exercise Right of First Refusal 61A and located at 20 and 32 McCormick Rd. (196 acres, parcel:R44-10 & parcel R47-18)

Administrator Gregory reported that on May 2, 2018, the Board received a notice of intent to sell 196 acres of Chapter 61A land on McCormick Rd. The Board needs to decide whether or not to exercise or transfer their Right of First Refusal on this property.

Chairman Pepe reported that concerns discussed by the Board at the April 18th meeting have been addressed. The proposed developer, George Smith, intends to erect an 13 megawatt dc solar array and agreed to set it back off the road and to screen the arrays with more distance, fields, topography or trees, so that they are not directly observed from the road. He is willing to preserve the trails and back parcels of land for future open space and will discuss the specifics with the Common Ground Land Trust (CGLT) and/or the Conservation Commission.

Mr. Smith reported that he intends to use 35 of the 196 acres for the first phase of the project and will use an additional 20 acres if there is a second phase. If approved, the front fields will remain open for hayfields or a farm lease for the duration of the solar farm. The area near Waite Road will remain as is. After the solar farm has served its useful life, it will be dismantled and since there are no soil removals or significant grade changes, it will geologically remain a farm. He is open to allowing some trails to be used with an insurance policy in place. Smaller animals will be able to go under the fence and deer are able to go around the fence, or jump over. There are no endangered species of record.

Bob Moschini, Howe Rd., asked about cutting hay in between the arrays. Mr. Smith will allow it if someone wants to do that. The front area will be open and 13 acres available for hayfields. Mr. Moschini said it would not be worth it to him for only 13 acres. Mr. Smith said there will be 25-30 acres available for hay or farming after phase I is completed.

Paula Orcutt, 29 McCormick Rd. asked about the depth of the posts. Mr. Smith said they are 4-6 feet deep.

Matt Defosse, Paul's Dr. asked how high the fence is. Mr. Smith said 6 feet high.

Ian McCauly, 28 McCormick Rd. said he's concerned about seeing panels out his kitchen window. He already has window glare from another nearby solar array.

Bill Dobson, McCormick Rd. said the letter to the Board from the Conservation Commission covers reasons why they want to preserve this property. The CGLT was on the verge of an offer with the owner when the solar group came in at a higher price. They now have to rework their funding plan to determine if it's feasible to match the price and asked for up to 120 days to rework the numbers, or for the Board to assign their right to the CGLT.

Attorney Nelson Ezen pointed out that the letter from the Conservation Commission which details the reasons to Exercise the Right of First Refusal was dated March 29th. The property has been in discussion between Mr. Adgalinis the CGLT since 2014. Further delays may cause the subsidy to disappear; it has already dropped and will continue to be reduced as time goes on. Further delays will likely prevent the project from moving forward.

Chairman Pepe said the Board needs to consider the rights of the owner.

Bob Moschini said the property is A-1 prime farmland. He asked about the retention ponds. Mr. Smith said the ponds will be shallow and restored.

Dr. Hicks suggested postponing a decision to allow negotiations between Mr. Smith, CGLT, Conservation Commission, and Planning.

Mr. Smith said he is willing to meet with the CGLT, Conservation and other parties to discuss the concerns of residents.

Mr. Monette said while he sympathizes with residents, the Board is responsible for the best interest of the entire Town and additional funding is needed to move the Town forward.

Dick Kirk, Sunset Lane pointed out issues with silt and road erosion has occurred with the Holmes St. Solar project and he believes property rights of residents are not being met with these solar installations. A fulltime Conservation Agent is needed when taking into account the amount of solar in Town. He also suggested a conflict of interest with Mr. Woodbury since his son works for National Grid. Mr. Woodbury said there is no conflict. National Grid is not involved in this project.

Danielle McCauley, McCormick Rd., asked about anticipated tax revenue from this project. Administrator Gregory said 6% of purchase is \$66,000, the value of the land rollback is \$130,000 annually, the PILOT Agreement of \$100,000 over twenty years, and new growth number at \$160,000 annually. The result over the life of the facility (between 25-30 years) is between \$5-\$6 million if two phases are built and \$3-\$4 million for phase I alone.

Bob Emerson, ZBA Chair noted that additional approvals beyond the waiver of the Right of First Refusal need to occur and there is no guarantee a solar farm will be approved.

Ed Bemis said he is a farmer and does not agree that solar farms negatively impact agriculture. Agriculture is challenging and this provides an alternative to utilize land for twenty years and then revert back to a farm. Using sunlight to make energy is a form of farming.

Dr. Hicks suggested holding off on a vote until after meeting between the Mr. Smith, the CGLT and Conservation can take place.

Mr. Monette said the Board should vote now to allow the developer to move forward with the next step in process.

A motion not to exercise the Right of First Refusal of 61A Land located at 20 and 32 McCormick Rd. (196 acres, parcel: R44-10 & parcel R47-18) (Monette/Woodbury) passed 4/1-Hicks opposed.

Municipal Vulnerability Preparedness Grant (MVP) Overview

Administrator Gregory reported that the Executive Office of Energy and Environmental Affairs will have a substantial grant available and he is in discussion with Fuss and O'Neil and recommends Spencer submit a joint application with Charlton for \$400,000 to address flooding, drainage, roadway improvements, and design templates. Matching funding is not a requirement for this grant.

Vote to Sign Letter of Support for MVP Grant Application

A motion to sign a letter for the Municipal Vulnerability Preparedness Grant (MVP) (Woodbury/Hicks) passed 5/0.

Vote to Approve/Sign Contract with Fenton Fire Equipment for the provision of a 2000 or Newer Custom Cab Rescue Fire Apparatus

A motion to approve the contract with Fenton Fire Equipment for a 2000 or newer custom cab rescue fire apparatus (Hicks/Woodbury) passed 5/0.

Vote to Approve/Sign Fire Apparatus lease agreement with Community Leasing

A motion to approve/sign Fire Apparatus Lease Agreement with Community Leasing (Hicks/Woodbury) passed 5/0.

Vote to Approve/Sign Contract with Borges Construction for the Chestnut Street Improvement Project

A motion to approve/sign the contract with Borges Construction for the Chestnut Street Improvement Project (Hicks/Woodbury) passed 5/0.

Vote to Approve/Sign Drainage Easement for Cranberry Meadow Road

Administrator Gregory reported that this is the final version of the Cranberry Meadow Road Drainage Easement and has been fully vetted and has received Town Meeting approval to authorize the Board to sign.

A motions to approve and sign the Drainage Easement for Cranberry Meadow Road as presented (Hicks/Monette) passed 5/0.

The meeting was adjourned at 7:42 pm all in favor.

Respectfully submitted,

Brenda Savoie
Administrative Assistant

Referenced Materials- Right of First Refusal 61A land 20 & 32 McCormick Rd.; MVP Grant;
Fenton Fire Equipment Contract; Fire Apparatus Lease Agreement; Borges Construction
Agreement; Cranberry Meadow Rd. Drainage Easement