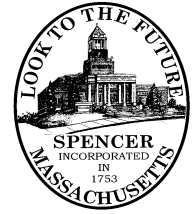


Minutes of the Meeting of the Board of Selectmen



Date: September 9, 2019 – Business Meeting
Time: 6:00 p.m.
Place: McCourt Social Hall, Memorial Town Hall, Spencer, MA
Present: Chairman Pepe, Vice Chair Monette, Clerk Berthiaume,
Selectman Hicks and Administrator Gregory
Selectman Woodbury was absent

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

Announcement

Any members that are participating remotely in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law

None

Meeting Minutes

Vote to approve the Meeting Minutes of August 12, 2019

A motion to approve the minutes of August 12, 2019 (Hicks/Berthiaume) passed 4/0.

Communications

None

Citizen Input

Tatyana McAuley, 28 McCormick Rd. asked if the Solar Bylaw Advisory Committee (SBAC) will be allowed to hear Paul Dell'Aquila's statement on the report submitted by the SBAC. Chairman Pepe said yes, that the report of the Town Planner will be presented later this evening.

New Business

6:00 p.m. National Grid Pole Hearing - Act on Request of National Grid for the following pole installations:

1. Install (1) JO Pole on Shore Dr. Plan #28018048
2. Install (1) JO Pole on Meadow Rd. Plan #18568309
3. Install (1) JO Pole on G.H. Wilson Rd. Plan #24428635
4. Install (1) JO Pole on I. Capon Rd. Plan #24428635
5. Install (1) JO Pole on N. Spencer Rd. Plan #24428635
6. Relocate (1) JO Pole on Greenville St. Plan #27891675

Chairman Pepe opened the hearing at 6:14 p.m.

U & F Superintendent Bill Krukowski and Tree Warden Ray Holmes were present.

Laura Napolitano from National Grid reported that new pole installations are being requested for Meadow Rd., G.H. Wilson Rd., I. Capon Rd., and N. Spencer Rd.; a request to add a pole on Shore Dr. to support existing pole #6; and a relocation of an existing pole to remove aerial trespass on Greenville St. is requested.

Mr. Krukowski asked to have reflectors installed on the Greenville St. pole and to move the N. Spencer Rd. pole further away from guardrail. He noted he will work with National Grid on the Meadow Rd. pole to set the final location, while being mindful of future improvements to Meadow Rd.

Mr. Holmes said he reviewed the I. Capon location with National Grid's Arborist and determined that one tree will need to be removed and a tree hearing will be held. All other locations are fine.

David Pelchat, 42 N. Spencer Rd. asked specifically where the pole is being placed. Ms. Napolitano said the pole is being installed to add reliability equipment and pointed to the location on the drawing. Mr. Pelchat requested an alternative location be sought since he believes the pole is being industrialized and not for suitable for a residential neighborhood. Ms. Napolitano will research further and hold off on this location for the time being.

Allenette Porcher, 203 Greenville St., was concerned that the new pole location is too close to her driveway and asked if it could be installed on the opposite side of the street. She also asked about the trees being cut down. Jan Park, 207 Greenville St., noted that she lives in Leicester, on the Spencer line and there have multiple issues with powerlines, phone lines, and trees downing powerlines, therefore, National Grid is proposing to bring a portion of Leicester power across Greenville St. to avoid issues in the lake area. Ms. Napolitano will research moving the feed away from Ms. Porcher's driveway and will determine who owns the trees needing removal and report back.

A motion to approve the following poles: Shore Dr., Meadow Rd., G.H. Wilson Rd., and I. Capon Rd., and to hold off on N. Spencer Rd. and Greenville St until plans are revised (Hicks/Monette) passed 4/0.

The hearing closed at 6:35 p.m. All were in favor.

Review & Act on the Request for a One-day Special Alcohol License (Wine & Malt) & Sunday Entertainment License from the American Legion for an event to be held on Sunday, September 29, 2019 from 10-6 pm

A motion to approve the request of the American Legion for a One-day Alcohol License and a Sunday Entertainment License (Monette/Hicks) passed 4/0.

MGL Chapter 61B: Review & Act on the Right of First Refusal for Chapter 61B Land on 96 Greenville Street (481.29 sq. ft. from map R28/parcel:9-18)

Attorney Michael Ryan reported that a twenty-five foot strip of land is being sold by Paul and Viola Bernard to their neighbor, David Garber.

Mr. Gregory noted that the Conservation Commission discussed this parcel and does not recommend the Town consider for purchase.

A motion to waive the Right of First Refusal for Chapter 61B Land on 96 Greenville Street (481.29 sq. ft. from map R28/parcel:9-18), (Hicks/Berthiaume) passed 4/0.

Review & Act on the Report of the Solar Bylaw Advisory Committee

Matt Defossee introduced fellow SBAC members who include Margaret Emerson, Ralph Hicks, Tatyana McAuley, Paula Orcutt, Nancy Tame, and Jonathan Viner.

The SBAC was charged with studying the current Solar Bylaw and working with Town employees to develop recommendations to the Board of Selectmen for possible Bylaw amendments. Any

proposed amendments will require the review and approval of the Planning Board and approval at Town Meeting.

The SBAC presented their report and recommendations to implement for long term growth of the Town. Details of the report were presented by Matt Deffosse, Margaret Emerson, Ralph Hicks, Paula Orcutt, and Jonathan Viner. Some key points included:

- Limit the size on solar projects to no more than ten acres
- Do not grant waivers on decommissioning bonds, or for solar on any land with a slope greater than 15 degrees or on prime agricultural soil
- Cap the number of total facilities at twenty-five; municipal facilities would be exempt from this number
- Increase abutter notification from 300 feet to ½ mile radius
- Require a front page newspaper banner advertisement for expanded notification
- Require a sign on the project site with a phone number to call Inspectional Services for details
- Reduce the current decibel limit from ten to five
- Require a signed interconnection agreement from National Grid prior to project approval
- Require MSDS sheets for the entire site, not just panels
- Require drawings showing the proposed site at two, five, and ten years
- Require a glare analysis study
- Require final approval from the Planning Board and Conservation Commission, currently the Electrical Inspector is the last one to approve (note – this is already in place per Paul Dell'Aquila)
- Require cash only for decommission fees, not bonds, in order to ensure the Town does not have to bear the cost to remove; ask for \$100,000 cash up front per megawatt, with a minimum of \$350,000 per project
- Due to battery storage issues, noise, contamination, and other safety issues – the use of batteries is not recommended
- Existing PILOT agreements are all similar; recommend new Town Counsel review the language

On behalf of the Board, Chairman Pepe thanked the SBAC for their service.

Matt Deffosse indicated that the hope of the SBAC is that this report will offer the best possible solutions for solar projects in Spencer.

Paul Dell'Aquila commended the SBAC for all of the work and effort on their report and offered the following analysis:

- Singling out solar use for undue regulations could expose the Town to litigation
- All active projects requiring Site Plans are now posted on the Planning Board Webpage
- Signage will be onsite for large projects requiring Site Plan Review
- ODIS will work with Public Safety Officials to determine if requiring MSDS sheets for equipment is feasible (typically used for chemicals and gases)
- Decommissioning bonds are currently required, he will check into the amount
- Concerns on the impact to the natural environment from big developments are important and should be considered as part of the planning process; the issues raised are complex
- In terms of current setbacks, there have been issues with projects created prior to the current bylaw, however no projects have been approved under the current bylaw

Mr. Gregory noted that the Attorney General's Office advised that requiring cash over a decommissioning bond does not provide any greater security. He will seek legal advice upon the Board's request.

Real Estate Agent Barbara Lanceli indicated that in her experience property values decrease when located near solar facilities and recommends they not be allowed in a residential district.

No zoning changes are being proposed for the Special Town Meeting. A future Workshop will be held to review regulations and discuss proposed Bylaw changes.

Review & Act on the Request to Dissolve the Solar Bylaw Advisory Committee

The SBAC will remain in place until after the Workshop to review recommendations is held.

Update from Town Planner Paul Dell'Aquila on the Downtown Design Guidelines Project

Paul Dell'Aquila worked with Emily Innes from Harriman to develop a draft document for Town Center Design Guidelines. These Guidelines are aimed at meeting the needs of the Town and supplementing the current Zoning Bylaws. They've been designed to promote development and assist with design planning by clearly defining the expectations of the Town. The document will be finalized after the Board has time to review the draft and submit final comments.

Review & Act on FY2020 Liaison Assignments

Chairman Pepe noted that there are no changes in the Liaison Assignments from FY2019.

Town Administrator's Report

Mr. Gregory reported the following:

- A third round of MVP funding will be available for eligible communities throughout the Commonwealth. The Town may pursue improvements to road-stream crossings in the downtown area.
- Met with Jack Sheppard of the Office of Fishing and Boating Access and he advises that there are funds available to construct improvements to the Browning Pond boat ramp.
- A public Open House has been scheduled for September 16th to focus on the Downtown Parking Study.
- The Town received notice of award from the Department of Housing and Community Development for \$800,000 in CDBG funding; the majority of funding will be directed to the Cherry-Wall-Lloyd Dyer roadway improvement project.
- An area of the bridge deck failed at North Spencer Road over the Seven Mile River. Road plates were immediately placed over the area and temporary repairs are underway. The bridge is scheduled for full replacement by MassDOT in 2023.
- The Financial Management Planning Committee (FMPC) has begun work toward preparing a financial forecast for the Town. A needs assessment was distributed to department managers and the SEBRSD administration to identify staffing, capital, and building-related needs over the next five to ten years.

Review & Act to Set Fall Special Town Meeting Date for November 7, 2019

A motion to set the Special Town Meeting date on November 7, 2019 (Berthiaume/Hicks) passed 4/0.

Review & Act to Open Fall Special Town Meeting Warrant

A motion to open the November 7, 2019 Special Town Meeting Warrant (Hicks/Berthiaume) passed 4/0.

Review Draft Fall Special Town Meeting Calendar

The draft calendar was reviewed

Board Liaison Reports

Ms. Berthiaume reported that the DPHS Building Committee anticipates borrowing for a feasibility study and are expected to finalize the request at their next meeting and will bring before the Board.

Citizen Input

Kurt Nordquist, Gale Dr., said he did not agree with placing a limit on size of a solar facility as it will limit the ability for large property owners to fully utilize their property.

Ed Bemis, N. Brookfield Rd. commended the Town Planner for speaking the facts in response to the SBAC report and taking the emotion out of it. He also commended the SBAC for their work on the report. He also noted there are no significant land owners on the SBAC and all appear to be anti-solar. He sees the recommendations as an intrusion on his property rights.

Dr. Hicks noted that the SBAC identified worse case scenarios to protect the Town. He does not expect everything in report to be in the Bylaw.

Board Member and Staff Comments

None

The meeting adjourned at 9:02 pm. All were in favor.

Respectfully submitted,

Brenda Savoie
Executive Assistant

Referenced documents: N. Grid Pole Hearings, Chapter 61B Right of First Refusal, SBAC Report and Charge, Liaison Assignments