



## Planning Board – Town of Spencer

### *Minutes*

#### Planning Board Meeting

**January 30, 2024, at 7:00 pm**

#### ***REMOTE & IN-PERSON***

McCourt Social Hall, 157 Main Street Spencer, MA 01562

Memorial Town Hall

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**Planning Board Members Present: Chair Robert Ceppi (in-person), Vice Chair Shirley Shiver (in-person), Charlie Bellemer (in-person), and Vaughn Slack (in-person)**

**Planning Board Members Absent: none**

**Staff Present: Lauren Vivier, Town Planner/ Conservation Agent (in-person) and Sarah Campbell (in-person),**

**Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk**

#### **1. The Chair opened the meeting at 7:03 pm**

#### **2. ANR: Southerly Side of Hines Bridge Road North Brookfield/ Estate of Peter & Carol Gaucher/ Boundary Line Adjustment**

Bernard Nowak Jr., 37 Woodside Road, was present on behalf of the Estate of Peter & Carol Gaucher. Mr. Nowak Jr. stated he plans to sell the sandpit on “Lot 1” separately and would like to keep “Parcel A” with the rest of the house, farm, and remaining land of 23.1 acres. Mr. Nowak Jr. stated about 3,000 square feet of “Parcel A” resides in Spencer, requiring both the Town of Spencer and the Town of North Brookfield to endorse the plan. Lastly, Mr. Nowak Jr. stated they wanted to make the boundary lines best as possible, so they followed the line of the stone wall on the property.

Robert Ceppi, Planning Board Chair, questioned if “Parcel A” was being created or if it already existed. Mr. Ceppi stated the note on the ANR plan reading “Parcel A does not meet the criteria for a building lot under the current zoning, parcel A is to be combined with other land of Peter & Carol A. Gaucher recorded in the W.D.R.O.D. Book 4917 Page 99,” and suggests Parcel A is being created.

Lauren Vivier, Town Planner, stated on the ANR plan the note is for the Town of North Brookfield not Spencer. Ms. Vivier stated the land on the Spencer side is staying with the house (farm) on the North Brookfield side.

Mr. Ceppi asked if “Parcel A” was an existing lot. Mr. Nowak Jr. stated it was not a designated lot, the land labeled “Parcel A” is what is left over from taking out the sandpit from the land. Mr. Ceppi asked the Planning Board if they had any questions or comments.

Ms. Shiver asked if “Parcel A” was the sandpit, Mr. Nowak Jr. stated the sandpit was the parcel of 49.44 acres, which Ms. Shiver understood as to be “Lot 1”. Mr. Nowak Jr. explained the land between “Lot 1” and Hines Bridge Road, which is called “remaining land” on the ANR plan will stay with “Parcel A” on the same Deed, to then be transferred to the new owner of the entire

farm. Ms. Shiver asked if the property was both in North Brookfield and in Spencer, to which Mr. Nowak Jr. answered yes.

There was more discussion between Robert Ceppi, and Mr. Nowak Jr, about confirmation regarding where the sandpit is located and if “Parcel A” was existing or being created as a new lot.

**MOTION: Ms. Shiver motioned to endorse the ANR as submitted.**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.**

### **3. Discussion CVS: As Built Review**

Ms. Vivier explained she received the peer review from Haley Ward and has sent it over to the builders and requested them to be present at the next Planning Board meeting scheduled for February 20, 2024. Ms. Vivier stated the Planning Boards main concern was number 4, which the peer reviewer asked for some more information on as far as stormwater authority. Once Ms. Vivier receives feedback from the builders, she will send it to the board to review. Mr. Ceppi stated he had questions regarding the peer review, but it was not up for discussion until February 20, 2024.

### **4. Discussion: Solar Energy Storage Systems**

Ms. Vivier stated she would like to bring up a project that was presented to the town administrator and herself regarding 30 Howe Road at Royal Crest Farm for a dual purpose solar under the current moratorium they are not going to be able to apply until May, but wanted the Planning Board to hear the presentation from BlueWave Energy.

Jesse Robertson-DuBois, BlueWave Energy, explained that the company was founded in 2010 based in Massachusetts, presented their project regarding Agrivoltaics which is a dual purpose solar simultaneously using areas of land for both solar panels and agriculture. One key point about BlueWave Energy’s project was using Dual Use Solar to accommodate sheep grazing, small- scale forage harvesting, and pollinator habitat to help replace mowing. Another key point was the two different Agrivoltaics systems, one being a fixed tilt and the other one being a single-axis tracker. One last key point was the dual use financial incentive program in Massachusetts which is reviewed and approved by DOER, MDAR, and UMass. (For the full presentation by BlueWave Energy see attached documents.)

Mr. Ceppi stated BlueWave Energy’s presentation was good but stated the number one cause of solar fires is the vegetation being overgrown. He stated the dual-purpose concept was a great idea but visually it is no different than solar arrays now. There was some discussion between the Planning Board and Mr. Robertson-Dubois regarding where the wiring is in the solar array and

ways to prevent it from catching fire, and ways to adapt some of the agrivoltaics definitions and concepts into the bylaw.

Ms. Vivier mentioned having another meeting somewhere in the month of March. Ms. Vivier stated there is no meeting on March 5, 2024, but she needs to have a draft to the Board on February 20, 2024. Ms. Vivier stated her goal was to get a draft to the Board of Selectmen for March 11, 2024, which then would mean a public hearing date of April 2, 2024, and a continued date of April 9, 2024.

Ms. Vivier mentioned the ESS Class had sixty-two attendees and how the different entities like the Building Inspectors, Fire Chiefs, Town Panners, etc. all came together for the class. Ms. Vivier stated going forward it would be a good idea if the Planning Board was involved in the presentation. She also mentioned Mr. Ceppi's comment earlier regarding vegetation being the number one cause of solar fires. Ms. Vivier explained fire fighters, and first responders are just now starting to get training and proper equipment for the solar arrays. One recommendation Chief Parsons made was currently the Planning Board only requires one point of contact for the arrays, but the recommendation would be three, and having one contact be the subject matter expert. One example given was the landfill solar incident where they could not find a point of contact, the number on the gate was invalid. One important thing Ms. Vivier stated she learned was that the batteries themselves like to be consistent regarding temperature and humidity. A final recommendation was marking the 100-foot blast radius so first responders can know how far they need to stand back in case of a fire.

Ms. Vivier asked the Planning Board if they would like to see definitions of agrivoltaics solar arrays and their requirements in the bylaw specific to this use. The Planning Board members stated they would like to address definitions and subsections if needed. Ms. Vivier mentioned some of the requests in our bylaw are being denied by the Attorney General's office, one example is under "Design and Performance Standards" section 1.8, "Vegetation Management - Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation at the Photovoltaic Generating Installation." This requirement is being denied by the Attorney General as it is now up to the state to decide if pesticides should be used or not Ms. Vivier brought up another example regarding the 50% land clearance stating most of these Bylaws are being denied now unless they are being referenced. She stated she is trying to reference case law, and legitimate studies that have been approved by the state.

Ms. Vivier mentioned the Overlay District being an option in the beginning but after further thought did not think it would be productive, in the sense of producing a boundary line and explaining to the towns people why solar is allowed in their neighborhood instead of someone else. Instead, Ms. Vivier thought of looking at the Use Regulation Table and adding a subsection for Energy Storage Systems. Also, Ms. Vivier mentioned looking into incentives for different districts like rural residential. Lastly, Ms. Vivier mentioned she was getting a full case study from Clark University regarding the negative impacts of deforestation and carbon loss with solar.

## **5. Planning Board Revolving Account Approval- Stonebridge Press Invoice**

**MOTION: Ms. Shiver motioned to approve the invoice for \$147.00**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.**

#### **6. ESS Grant: Awarded \$50,000 for bylaw review**

Ms. Vivier stated back in May of 2023, the Planning Board discussed the future with the Master Plan and what the next project was going to be, her recommendation was to take the Master Plan, the Housing Production Plan and the new Open Space Plan, and try to implement some of the changes and also to do a bylaw review of the Zoning Bylaw, as well as the Subdivision Regulations. Ms. Vivier stated she applied for the grant after the discussion occurred and the Town of Spencer got approval. Ms. Vivier is asking for the Planning Board to accept the grant of \$50,000 and match 25%, which is equal to \$12,500. The project timeline will be June 2024 to June 30, 2025. The Planning Board stated they would like to see a RFP from Pioneer Valley instead of CMRPC.

**MOTION: Mr. Bellemer motioned to approve the \$50,000 Grant and match the 25% which is equal to \$12,500.**

**SECOND: Mr. Slack**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.**

#### **7. General Board Discussion/ Board Liaison Reports**

Ms. Vivier had no comments.

#### **8. Rescheduling Meeting Dates (February/ March 2024)**

Through discussion the Planning Board and Town Planner decided on a February 20, 2024, meeting date and decided to wait on a March meeting date.

#### **9. Town Planner Report**

Ms. Vivier had no comments.

#### **10. Citizen Input**

Matt Defosse, 7 Paul's Drive, mentioned the Energy Storage System Class the Town of Spencer held at Anna Marie College last week. Mr. Defosse stated his thoughts on the class and ways the Town of Spencer can be more prepared, training and safety wise incase of a fire at one of the facilities in town.

#### **11. Approval of Minutes- 12/12/2023, 12/19/2023, 1/02/2024**

**MOTION: Mr. Bellemer motioned to approve the minutes dated 12/12/2023.**

**SECOND: Mr. Slack**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.**

**MOTION: Ms. Shiver motioned to approve the minutes dated 12/19/2023.**

**SECOND: Mr. Slack**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.**

**MOTION: Ms. Shiver motioned to approve the minutes dated 01/02/2024.**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.**

## **12. Adjournment**

**MOTION: Ms. Shiver motioned to adjourn the meeting at 8:52pm.**

**SECOND: Mr. Ceppi**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.**

**Submitted by Sarah Campbell, Planning Assistant**

**Approved by the Planning Board on: February 20, 2024**

### **List of Documents used on January 30, 2024**

#### **Items sent to Planning Board prior to Meeting by email:**

- Agenda for 1/30/2024
- Drafted minutes from 12/12/2023, 12/19/2023 and 1/02/2024.
- CVS As-Built plan and Peer Review by Hayley Ward
- ANR Plans for 22 Norcross Road

#### **Items submitted/ brought to the Meeting:**

- Updated Zoning Bylaw copy
- BlueWave Energy Presentation