



Planning Board – Town of Spencer

Minutes

Planning Board Meeting ***Tuesday, February 20, 2024, at 7:00pm*** ***REMOTE & IN-PERSON***

McCourt Social Hall, 157 Main Street Spencer, MA 01562
Memorial Town Hall

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:

Staff Present in-person: Lauren Vivier, Town Planner/ Conservation Agent (in-person), Sarah Campbell, ODIS Planning Assistant

Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk (remote)

1. The Chair opened the meeting at 7:05 pm

Ms. Vivier stated the audio is not working due to the power being shut off, if there is someone online who would like to speak, the only option will be to talk through VIA chat.

2. Discussion CVS: As Built Review

Ms. Lauren Vivier, Town Planner, stated a site walk took place over two weeks ago, with the builders and the Building Inspector and is awaiting a response from the builders regarding the Peer Review response. Ms. Vivier stated hopefully in the next week or two the response will come in. Ms. Vivier reminded the Board their authority? is only to review number 4, which is Stormwater Authority. Ms. Vivier stated APM Builders will provide pictures taken during the installation to show proof the drainage system went in according to plan. One issue was brought up regarding the builders not using crushed stone which was called for on the plan. Lauren stated it was quickly fixed in the beginning stages of construction.

Mr. Bellemer stated when inside CVS a couple weeks ago, a resident approached him regarding concerns with water pouring down Main Street when it rains and runs down Wall Street. Ms. Vivier stated the reviewer did open the drainage hatches to look for debris during his peer review and would make note of it in the review.

Robert Ceppi questioned if the water was coming from the parking lot pitch, Mr. Bellemer stated the resident thought the water was coming not coming from the driveway but in between pleasant street and High Street, and over the curb.

Mr. Bellemer stated it would be a good idea for Lauren to check out how the subsurface water is going out onto Wall Street, as there may be concerns. Through further discussion from the Board and Town Planner, there was a question regarding pipe size on the as- built site plan. Robert

Ceppi, Planning Board Chair, stated the initial site plan should be available at the next meeting to compare both plans. Town Planner, Lauren Vivier will go back and look to compare site plan versus as-built but stated the drainage system does tie into the town drainage system eventually.

Mr. Ceppi commented the as-built plan indicates the water is going from Main Street towards CVS and explained to the other Board members what pipes were in question. Ms. Vivier let the Board know one of the signs on the actual building was not on the site plan and was not approved, causing the builders to take it down.

Ms. Vivier brought up the possibility of the Zoning Board of Appeals proposing a right-of-way exit onto Main Street instead of only being able to exit onto Pleasant Street. There was some concern about the possibility of a collision with High Street if exiting onto Main Street was possible.

3. Discussion: Solar Bylaws & Energy Storage Systems

Ms. Vivier stated the goals for 2024 were incentives to develop in districts other than Rural Residential, have different requirements for RR zone, add Energy Storage System (ESS) safety requirements, no generation prior to Certificate of Occupancy (turn off after testing), different Stormwater regulations, and finally to reduce the allowable amount of land clearing (currently 50% max). Ms. Lauren Vivier stated the two goals there were not achieved with this amendment would be no generation prior to Certificate of Occupancy and reducing the amount of land clearing allowed. Ms. Vivier stated there were formulas denied, our current bylaw was denied in other cases, and being hesitant about changing the 50% due to losing it if the amendment is not adopted.

Ms. Vivier presented a power point presentation of the Solar Bylaw Amendment changes along with the Draft of the Solar bylaw amendment. Ms. Vivier stated some comments from AG letters that were approved and denied. Another topic of discussion was the Tracer Lane case regarding a solar array and being able to access through a residential neighborhood. Ms. Vivier stated when it went to court the solar array company was allowed to access the road through the neighborhood as it was not a threat to public health.

A couple key factors were breaking the bylaw amendment into three different warrant articles, 1. Agrivoltaics under 4.8.9, 2. Increased standards and 3. A new section 4.10 Battery Energy Storage Systems.

Ms. Vivier did note that Spencer is considered a Green Thumb Community, and the Attorney Generals office is responding stating the bylaw amendment does not promote green energy. Another Key point Ms. Vivier made about the draft was allowing Solar Canopies by right except in Town Center which would be by Special Permit.

Mr. Bellemer commented that the Battery Energy Storage Systems (BESS) should be the furthest away from neighborhoods and people. Ms. Vivier said yes, but when thinking of the 100-foot blast radius you are starting a forest fire, and asked how the Board would like to see it changed

going forward. No comments were made by the Board about the changes. Ms. Vivier also went over the different Tiers regarding the BESS and each definition.

Through discussion the Board made suggestions throughout the bylaw draft.

Agrivoltaics and the definition was a topic including where it would be allowed.

4. General Board Discussion/ Board Liaison Reports

Robert Ceppi stated the Snowbirds did receive a No Trespassing order from the Ash Street Solar Array company.

Ms. Vivier stated there were signs on the property, saying no trespassing now.

Ms. Shiver said the quarterly CMRPC presentation was coming up and she will attend VIA Zoom.

5. Rescheduling Meeting Date (March 2024)

Ms. Vivier stated the next meeting was not until March 19, 2024, due to the election.

6. Town Planner Report

Ms. Vivier stated the CPTC Annual Conference is coming up March 16, 2024, at Holy Cross and if anyone wants to attend print out the invoice and hand it in to Sarah or Monica.

7. Citizen Input

Matt Defosse, 7 Paul's Drive gave input on the Solar bylaw amendment regarding who determines what is reasonable regarding Chapter 40 section 3. Mr. Defosse mentioned the Tracer Lane Case and how the board should be familiar with the case. Mr. Defosse mentioned the North Brookfield Solar array that is now being developed after 12 years. Mr. Defosse stated he felt a solar farm does not meet the definition of a farm.

8. Approval of Minutes- 1/30/2024

One correction was made regarding the adjournment; Mr. Slack stated his name was not mentioned in the roll call vote and should be added.

MOTION: Ms. Shiver motioned to approve the minutes dated 1/30/2024 with one correction

SECOND: Mr. Bellemer

DISCUSSION: None

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

9. Adjournment

MOTION: Mr. Ceppi motioned to adjourn at 9:02pm

SECONDED: Ms. Shiver

VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, Mr. Bellemer all voted aye, (vote 4-0) motioned carried.

Submitted by Sarah Campbell, ODIS Planning Assistant

Reviewed by Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: March 19, 2024.

List of Documents used on (January 30, 2024)

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Minutes draft of 1-30-2024
- Draft of Solar Bylaw amendment

Items submitted/ brought to the Meeting:

- PowerPoint presentation