



Planning Board – Town of Spencer

Minutes

Planning Board Special Meeting

Tuesday, October 20, 2020 at 6:30 PM

McCourt Social Hall, 157 Main Street Spencer, MA 01562

Memorial Town Hall- **Remote Meeting**

Planning Board Members Present: Chair Shirley Shiver (remote), Vice Chair Jeff Butensky (in-person), Robert Ceppi (in-person), Jonathon Viner (in-person), and Maria Reed (remote)

Planning Board Members Absent: None

Staff Present in-person: Paul Dell'Aquila, Town Planner and Monica Santerre-Gervais, ODIS Senior Clerk

Staff Absent: None

1. Ms. Shiver opened the meeting at 6:37 pm and Ms. Shiver read aloud Covid-19 statement. *“This Meeting of the Planning Board is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, pursuant to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. In order to mitigate the transmission of the COVID-19 Virus, we have suspended public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. We are meeting remotely and broadcasting live on Spencer Cable Access to ensure public viewing access.”*

2. Continued Proposed Zoning Amendment: Zoning Bylaw Section 4.8.9 Solar Photovoltaic Generating Installations

Ms. Shiver explained that this meeting was continued from their special meeting on 10/1/2020. Ms. Shiver mentioned that there was a special meeting on 10/1/2020 and the Planning Board reviewed the recommendations from the Solar Bylaw Advisory Committee (SBAC). Mr. Viner asked if the intent is to pass the moratorium and not get into all the revisions at this time and Ms. Shiver stated they can vote to close this hearing and move on and recognized the SBAC’s hard work with their recommended revisions. Mr. Dell'Aquila reviewed what the Planning Board needed to do procedurally, and Mr. Butensky commented that they would need to have several meetings in the future for the solar revisions and to move onto the moratorium.

Ms. Shiver opened the hearing up to the public:

Tatyana McCauley, 28 McCormick Road, requested meeting with the Planning Board when they have the future meeting about the solar revisions and the possibility of a workshop and Ms. Shiver agreed something will be planned in the future. Mr. Viner suggested having it as a standing item on the agenda and tackle 1 or 2 items if they have time. Mr. Dell'Aquila said that the bylaw changes would need to be wrapped up by February for voting at the Town Meeting.

MOTION: Mr. Viner motioned to close the public hearing

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Butensky-yes, Reed-yes, Ceppi-yes, Viner-yes, Shiver-yes (Vote 5-0 motion carried)

3. Proposed Zoning Amendment: One Year Moratorium on Large Scale Ground-mounted Solar Arrays

The hearing was opened to the public first for their comments and questions.

Matt Defosse, 7 Paul's Drive, mentioned he was on the SBAC and agrees with having a solar moratorium because more research is needed to protect the Town of Spencer.

Steve Pikhul, 73 Beach Street Palmer, MA, asked what the Town of Spencer needed to be protected from and Mr. Defosse responded that there are many concerns regarding decommissioning, PILOT agreements, hazardous waste, etc. Mr. Defosse stated he was not against solar, but he has been to too many meetings and asked many questions that the developers can't answer, and the Town of Spencer needs to be protected.

Ralph Hicks, 21 Lyford Road, stated that Mr. Pikhul is a solar engineer. Solar energy on electrical bill is 25% more and there is a premium for solar, Mr. Hicks was on the SBAC and voted on the moratorium with the Board of Selectmen. Currently, the Town of Spencer has 12 solar farms up and running and there are 5 more on the pipeline, already producing 8% of the Department and Resources goal of solar energy for the entire Commonwealth of Massachusetts. Mr. Hicks said they are concerned with the decommissioning bonds being too low, the possibility of ghost solar facilities, more setback requirements, and the PILOTS need to be adjusted.

Mr. Pikhul said he is concerned when he sees other communities do moratoriums. Solar farms are already mandated and regulated and there are hysterias with battery storage, but there are codes set in force and the opportunities for a battery to explode means it would need to be exposed with water. Mr. Pikhul stated the batteries are kept in large container and falls under an explosion proof code. Additionally, the future and solar energy is important.

Mr. Butensky asked for a point of order because it was 7:10pm.

Mr. Defosse said the moratorium is important to the town and the solar developers are bullying the towns.

Gary Woodbury, 219 Charlton Road, agrees with Mr. Pikhul's comments about solar energy for the future and he is pro solar, however, stated that it is not clean energy until it is converted, this decision is for the town and not to listen to the solar engineer, the AG office will support our town. Additionally, Mr. Woodbury stated that battery farms are in the future and it gives the

developers more money, but it is up to the town and the residents to get the bylaws right and make sure that the residents are protected.

Mr. Viner asked if the Planning Board can recommend recommendations with the moratorium and Mr. Dell'Aquila said the Planning Board can make changes, but the Board of Selectmen does not need to accept it. Ms. Shiver asked if Mr. Viner had an amendment and the 1-year moratorium date was discussed. Mr. Viner asked about the language "Large Scale" and if it matched the language in the use table and asked if the moratorium was for medium and small scale too. Mr. Dell'Aquila stated that the language is consistent. Mr. Hicks commented that the intent is not to take away from residents on their own property for personal use and the Board of Selectmen are concerned more with large scale solar farms. Mr. Viner asked about wording, such as, no applications will be accepted during the moratorium, and Mr. Dell'Aquila said it is implied but can be made more explicit. Mr. Hicks strongly urged the Planning Board to vote on the moratorium tonight because if they don't it can't go to Town Meeting.

Ted Haran, Next Era, stated it is important for the language to be clear.

There was much discussion regarding Cranberry Meadow Solar farm and other solar farms in the pipeline.

Mr. Woodbury stated the language was done by KP Law, Town Council, and the solar farms in the pipeline need clarity. Mr. Pikhul asked why the Planning Board would vote on something they don't understand, and Ms. Shiver answered that they were working through the procedures.

MOTION: Mr. Butensky motioned to close the public hearing

SECOND: Mr. Viner

DISCUSSION: None

ROLL CALL VOTE: Butensky-yes, Reed-yes, Ceppi-yes, Viner-yes, Shiver-yes (Vote 5-0 motion carried)

MOTION: Mr. Viner motioned to recommend the solar moratorium with amendments (below in discussion) to the Board of Selectmen

SECOND: Mr. Butensky

DISCUSSION: Specific amendments: Paragraph B. second sentence shall read: moratorium shall be in affect through November 12, 2021 or the date in which the town adopts amendments to the solar bylaw concerning large scale ground mounted solar voltaic installations or whichever occurs earlier; solar projects that have either a building permit or special permit in hand at the date of the moratorium are exempt from the moratorium; No applications for large scale ground mounted solar voltaic installations will be accepted by the Town of Spencer during the duration of the moratorium.

ROLL CALL VOTE: Butensky-yes, Reed-yes, Ceppi-yes, Viner-yes, Shiver-yes (Vote 5-0 motion carried)

4. Adjournment

MOTION: Mr. Viner motioned to adjourn the meeting at 8:00 pm

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Butensky-yes, Shiver-yes, Reed-yes, Ceppi-yes, Viner-yes (Vote 5-0)

Submitted by Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 1/19/2021

List of Documents used on October 20, 2020

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Memo from last December on the SBAC's report (sent previously)
- Spreadsheet comparing solar zoning requirements from neighboring communities
- Spreadsheet (with multiple tabs) compiling data on existing and proposed solar projects
- Report of the Solar Bylaw Advisory Committee (sent previously)
- Memo from Town Administrator regarding a Solar Moratorium

Items submitted at the Meeting:

- None