Planning Board – Town of Spencer

Minutes

Planning Board Special Meeting
Thursday, April 02, 2020 at 7:00 PM
McCourt Social Hall, 157 Main Street Spencer, MA 01562
Memorial Town Hall

Planning Board Members Present: Chair Jonathan Viner, Vice Chair Jeff Butensky, Robert Ceppi, Shirley Shiver, and Maria Reed
Planning Board Members Absent: None
Staff Present: Paul Dell'Aquila, Town Planner
Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk

1. Mr. Viner opened the meeting at 7:01 pm

2. Public Hearing - Zoning Amendments: Zoning Bylaw Section 4.8.9 Solar Photovoltaic Generating Installations.

Mr. Dell'Aquila mentioned the items that were in front of the Planning Board members that included the Solar Bylaw Advisory Committee's (SBAC) report and the Town Planner report in response to the SBAC report. Mr. Viner stated there is not enough time to re-write the full solar bylaw and stay focused on the most important elements. Ms. Shiver said decommissioning bonds should be addressed. Mr. Ceppi felt the publics comments should be heard first.

Mr. Viner opened the public hearing to the public for questions and comments.

Matt Defosse, 7 Paul's Drive, asked if the Planning Board will be following the list of potential administrative/ zoning changes. Mr. Defosse said he would like to address the ad in the paper because the people in the Town of Spencer don't know what's going on and it would be in the best interest of the town.

Ralph Hicks, 21 Lyford Road, Board of Selectmen representative for the SBAC and stated he is not against solar. Mr. Hicks commented he is working with the Department of Energy Resources has a goal of 400 megawatts of electricity in Massachusetts by 2025 and the Town of Spencer accounts 8% of the total. The earlier projects that went in for solar have issues and no decommissioning bonds. The SBAC recommends that the decommissioning bonds should be $350,000 per megawatt. Suggests a maximum number of acres of land to be developed, 10 acres maximum suggested, and no more than 5 acres of tree clearing. Also, Mr. Hicks suggested a maximum number of solar arrays in town, currently there are 17 projects up and running or submitted applications. Mr. Hicks stated that abutters should be notified ½ mile from the parcels. Mr. Hicks agreed with Mr. Defosse about having an ad in the new leader by the developer. Additionally, there should be a 250-foot setback for sound and the developer should invest more money into the invertors. Furthermore, Mr. Hicks spoke about electrical inspectors sign off before National Grid connects them to the grid. Lastly, Mr. Hicks stated the battery

storage is the most concerning to him, lithium batteries unsafe, fire concerns, set back requirement for residents (1000 feet), and loud alarm to alert residents to evacuate.
Mr. Viner responded that his concern with the connection with National Grid is that it's only the electrical inspectors sign off and it should be when the project is completed, and the Planning Board signs off. Mr. Dell'Aquila commented that National Grid cares about connection and we can't fine the utility company, but we can fine the developer, and the town is not notified when the project gets connected.

Margaret Emerson, 18 Highland Street, Conservation Commission representative for the SBAC and discussed the erosion control on Holmes Street Solar array and being connected before the Conservation Commission Agent could sign off. Mr. Defosse said a $300.00 fine isn't enough for connecting before they should. Mr. Ceppi stated it would be $300.00 per day. Mr. Shiver mentioned community solar and the solar companies donating a few rows to power some buildings in town.

Michael Milionis, 47 Bacon Hill Road, asked about zoning changes for residential or commercial. Mr. Viner said the use is allowed in rural residential, industrial not in commercial zoned areas but can be part of the evaluation. Mr. Milionis stated he didn't agree with solar panels being in residents' backyards. Mr. Milionis said he works with National Grid can't shut solar panels off and they can be dangerous and asked if the Fire Department has had proper training. Mr. Hicks said they are trained, and Mr. Butensky stated that they also focus on access roads so that a fire truck can access the site and panels. Mr. Milionis said solar arrays are power plants and they are deceiving. Mr. Defosse agreed it's a commercial utility and should not be allowed in residential areas and the residents are at risk.

Barbara Bourassa, 39 Bacon Hill Road, discussed the current application for the solar array for East Charlton/ Bacon Hill Road has an agricultural permit to thin the forest and used that to clear more for solar arrays. Ms. Bourassa concerned about the panels being in there back yard. Mr. Milionis said the panels on a roof compared to the arrays are very different. Mr. Dell'Aquila stated no application for the Planning Board has been submitted, applicant has much to do, and the site is currently not buildable. Mr. Viner stated they take land clearing into account and each project has specific issues, currently, in the bylaw only allowed to clear half of the forested lot. Ms. Emerson believed if there was a forest cutting plan there was a certain amount of time, which, is 5 years before it can be developed.

Mr. Milionis made a comment about the Town of Spencer considering light pollution from these projects. Mr. Viner stated current bylaw has provision for lighting. Ms. Emerson said concerned about the lithium batteries and a better alternative is flow batteries and would not need to be replaced and they are not dangerous. Mr. Defosse said the SBAC was against batteries because of the conex boxes too. Additionally, Mr. Defosse commented on the noise regulations and the batteries would run 24/7 and would not adhere to the Town of Spencer's General Bylaw. There was much discussion about noise regulations.

Ms. Shiver asked about a maximum megawatt and not allowing solar arrays in rural residential. Mr. Viner said they can't restrict rural residential. Mr. Dell'Aquila stated there are some projects in rural residential that are well sited but, unfortunately, there are some that are behind

residential properties and are the issue so the focus could be on the setbacks. Setbacks were discussed and how to evaluate where solar arrays can be constructed. Mr. Hicks said the SBAC suggested lower size of arrays and increase setback size. Mr. Dell'Aquila said the setback issue would go a long way in where solar arrays are developed, and Mr. Viner said he doesn't want to be in a position where the town is prohibiting the development of solar arrays in the town. Ms. Shiver stated that with subdivisions we ask for a donation of open space. Mr. Dell'Aquila stated that he remembered on the McCormick solar farms there was a chunk of land not being developed on and was willing to donate.

- Setbacks- Mr. Dell'Aquila will review solar arrays that were approved under the current bylaw and suggest different setback totals.
- Visual Mitigation- issues regarding open fields close to residential properties.
- Noise Mitigation- location of lot, possible containment structure, or sound barrier walls. Much discussion about when the noise testing would take place for acoustical analysis. Mr. Viner suggested the applicant locating equipment where they can control the noise instead of near the entrance at the street, with sound abatement to prevent acoustic trespass.
- Decommissioning Bonds- Some ideas for decommissioning bonds from SBAC suggested $350,000 per megawatt and cash, Mr. Dell'Aquila mentioned currently making conditions to renew bonds after 5 years. Mr. Viner suggested the applicant getting estimates for equipment removal and disposal from companies for a better idea of cost of decommissioning. Assuming the panels are hazardous need to reach out to KP Law for suggestions to add into the conditions, can we ask for cash bonds only, and a fair price per megawatt.
- Notifications/ Radius-KP Law question to exceed the open space regulation for notification of abutters. If this item could be changed it would need to be across the board for all projects and how abutters get notified. Ms. Shiver asked if the applicant can send further notice as a good neighbor. Mr. Dell'Aquila suggested putting up a sign at the property detailing the scope of work. Mr. Hicks suggested asking KP Law if the Planning Board can require the applicant to submit a separate advertisement than the legal ad. Mr. Milionis suggested putting up the notice on Spencer Cable Access Bulletin Board.

MOTION: Ms. Shiver motioned to continue the meeting until April 02, 2020
SECOND: Mr. Ceppi
DISCUSSION: None
VOTE: 5-0

MOTION: Ms. Shiver motioned to adjourn the meeting at 9:37 pm
SECOND: Mr. Ceppi
DISCUSSION: None
VOTE: 5-0

Submitted by Monica Santerre-Gervais, ODIS Clerk
Approved by the Planning Board on: 6/18/2020
List of Documents used on March 12, 2020
Items sent to Planning Board prior to Meeting by email/ print outs:

- Agenda
- Solar Bylaw Advisory Committee's (SBAC) report
- Town Planner report in response to SBAC report

Items handed out during meeting:

-Solar Dimensions Chart, handed out by Mr. Dell'Aquila