



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
June 20, 2023, at 7:00 pm
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: None
Staff Present in-person: Lauren Vivier, Town Planner/ Conservation Agent (in-person), Monica Santerre-Gervais, ODIS Senior Clerk (Remote)
Staff Absent: None

1. The Chair opened the meeting at 7:00pm

2. ANR's

• 45 & 49 Chickering Road – Boundary Line Adjustment

Robert Boyd, B&R Survey, was present at the meeting. Mr. Boyd said that the plan is for a boundary line adjustment and conforms to the regulations.

MOTION: Mr. Bellemer motioned to approve the ANR as submitted.

SECOND: Mr. Slack

DISCUSSION: None

ROLL CALL VOTE: Ms. Shiver, Mr. Slack and Mr. Bellemer all voted aye, (vote 3-0) motion carried.

• 61 Chickering Road – Boundary Line Adjustment

Tom Fancy, 5 Hastings Road, was present at the meeting. Mr. Fancy stated that the owner, Dave Harris, is selling land to his neighbor, and the plan is for a boundary line adjustment. Originally, Ms. Shiver requested a note to be taken off the plan, however, Mr. Fancy mentioned it was the same note that was on the last plan they approved.

MOTION: Mr. Bellemer motioned to approve the ANR as submitted.

SECOND: Mr. Slack

DISCUSSION: None

ROLL CALL VOTE: Ms. Shiver, Mr. Slack and Mr. Bellemer all voted aye, (vote 3-0) motion carried.

3. Discussion: Candlewood Phase II/Alternate Plan (Meeting requested by applicant/owner to discuss status of subdivision and owner's intent. Draft plans will be provided for review.)

Jason Dubois, DC Engineering, and Jesse Kady, Kady Builders, were present at the meeting. Mr. Dubois explained that they came before the Planning Board last year and now they are trying to find a different alternative for the leftover lots for Candlewood Phase 2. Mr. Dubois explained they are looking to make the lots into a rear-lot subdivision but would need waivers from article 5.3.10. Ms. Shiver asked why a rear-lot subdivision. Mr. Kady stated he had been before the Planning Board before to try and continue the subdivision and lost eight opportunities and now he has an interested party and would like the one lot instead of five lots. Ms. Shiver asked about the land in the back and Mr. Dubois said it will stay open space. Ms. Shiver mentioned that the Planning Board could not decide on anything without the application being submitted with a plan.

4. Major Site Plan Review/Special Permit/ Stormwater Permit – Applicant: Peter Rundle-Solar Smart, LLC, Owners: Hillside Baptist Church, Location: 472 East Main Street, Spencer, MA; Assessor's Map R34-8-1. The applicant is requesting a Major Site Plan Review, Special Permit, and Stormwater Permit under sections 7.2, 7.4, and 4.8.9 of The Spencer Zoning Bylaw and Stormwater Regulations to develop a large-scale ground mounted solar PV array (2.917 MW). The property is located within the Rural Residential (RR)/ Commercial (C) with the arrays in RR zoning districts.

James Martin, Counsel to Solar Smart, Andrew Vardakis, WSP, and Olivia Crosby, WSP, were present at the meeting. Mr. Martin gave background information on Solar Smart Company and how this solar array would be beneficial to the neighbors to lower their electric bills and provide tax revenue to the Town of Spencer. Solar Smart has other solar arrays in Massachusetts, New York, and Maryland. Mr. Vardakis mentioned they have a slideshow to present. Mr. Martin stated the site is 8.29 acres and is an open field and there would be little tree cutting, no wetlands were identified and will not need to go through Conservation. Mr. Vardakis gave the background of WSP. Mr. Vardakis mentioned there would be battery storage onsite, the plans were designed to meet the new Solar Bylaws, explained the site and where the battery pad, access road, and stormwater basin would be. Mr. Martin stated no houses or businesses are nearby. There was discussion regarding battery storage and location.

The project overview is a 2.914 MW DC System, there will be 4,862 solar PV modules, the racking height will be 3-8 feet high, and there will be a seven-foot-high chain link fence around the site. Mr. Vardakis reviewed the site plan, topo survey, and the site design meets the Town of Spencer Bylaw Regulations. Mr. Vardakis reached out to the Fire Chief, Robert Parsons, and the access road meets his requirements. Additional filings will need to be submitted to the Massachusetts Historical Commission, the US Fish and Wildlife Service, and US EPA. Mr. Vardakis reviewed the slideshow and discussed the construction process and what that would entail. Mr. Martin said currently the property is taxed exempt but if/when this property is up and running it will generate tax revenue for the town.

Ms. Shiver asked if this would be the only use on the parcel and Mr. Martin said yes. Mr. Vardakis stated there is an existing church in the Northern portion. Ms. Shiver asked if the

church was still functioning, and Mr. Martin said yes. Ms. Shiver discussed the new solar amendments and thought they revised the bylaw so that the solar array was the only principal use on the parcel. Mr. Martin said the Dover Amendment protects the Church as a non-profit from some regulations, but a boundary line request could be done. Ms. Shiver stated the Planning Board is still waiting for the Peer Review comments to come back. Ms. Shiver asked how large the whole parcel is and Mr. Martin said fourteen acres and Ms. Shiver questioned the fence's size and the solar array size but third-party peer review should pick up any issues.

Peter Rundle, Solar Smart, discussed the battery storage system, benefit to the community, and size. Mr. Bellemer asked about the utility poles and Mr. Vardakis said there are pre-existing poles and additional poles would be up to the utility company. Mr. Martin asked about the fourth member being absent and the process and Ms. Shiver stated they follow the Mullins Rule.

The acting chair opened the hearing up to the public for comments and questions:

Matt Defosse, 7 Paul's Drive, asked to confirm the area of the arrays and how much would be cleared onsite. Mr. Vardakis said the clearing would be under an acre. Mr. Defosse visited the site and said it might be sloped and if they need water brought up to the site in case of fire it needs to be reviewed. Mr. Defosse is concerned with the battery storage system and wants to know how many batteries are proposed and HVAC requirements.

Mr. Bellemer asked about the drainage basin and Mr. Vardakis said discharge is to the south at a lower rate. Ms. Vivier discussed the next steps for the project with site walk, peer review, and allowing time for formal responses from the applicant and recommended a continuance until August 15, 2023. Mr. Vardakis emailed the receipts for the abutter notifications.

MOTION: Mr. Bellemer motioned to continue the public hearing for 472 East Main Street until 8/15/2023

SECOND: Mr. Slack

DISCUSSION: None

ROLL CALL VOTE: Ms. Shiver, Mr. Slack and Mr. Bellemer all voted aye, (vote 3-0) motion carried.

5. Town Planner Report

Ms. Vivier discussed the following:

- Attorney General's response from the last Solar Bylaw Amendment, continue solar discussion, and updating the Zoning Bylaws.
- No meeting July 4, 2023, and next meeting will be July 18, 2023.
- Ms. Vivier will be on maternity leave by the next meeting, she is working on her interim with CMRPC, Gloria on the call remotely and will be her interim.
- Had a meeting with David Prouty High School contractors and discussed construction updates.
- Had a meeting with Chris Nolan regarding No. Brookfield solar farm and they intend to resubmit with no waiver requests.

6. General Board Discussion/ Board Liaison Reports

No comments or questions.

7. Citizen Input

Matt Defosse, 7 Paul's Drive, would like to see the town take property with the right of first refusal so solar developers do not construct on them. In the last hearing he does not believe solar projects create jobs because the construction process is temporary. Mr. Defosse stated that the Solar Bylaw Committee is against batteries and battery storage farms should not be allowed. Mr. Defosse feels the Town of Spencer should be able to control solar. At last meeting, Mr. Defosse felt that the isolated tree wording was incorrect, and he does not believe the Planning Board should have granted any waivers.

8. Approval of Minutes- 6/06/2023

The minutes were tabled until the next meeting.

9. Adjournment

MOTION: Mr. Bellemer motioned to adjourn the meeting at 8:40 pm.

SECOND: Mr. Slack

DISCUSSION: None

ROLL CALL VOTE: Ms. Shiver, Mr. Slack and Mr. Bellemer all voted aye, (vote 3-0) motion carried.

Submitted by Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: 8/1/2023

List of Documents used on June 20, 2023

Items sent to Planning Board prior to Meeting by email:

- Final Agenda
- Memo from Town Planner
- Drafted minutes from 6/06/2023
- 45-49 Chickering Road- ANR
- 61 Chickering Road-ANR
- Major Site Plan Review/Special Permit/ Stormwater Permit- application and plans for ground mounted solar farm at 472 East Main Street

Items submitted/ brought to the Meeting:

- None