



## Planning Board – Town of Spencer

### *Minutes*

Planning Board Meeting  
**July 18, 2023, 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 (Remote), Charlie Bellemer (in-person), and Vaughn Slack (in-person)**

**Planning Board Members Absent: Vice Chair Shirley Shiver**

**Staff Present in-person: (in-person), Monica Santerre-Gervais, ODIS Senior Clerk (Remote), Gloria Agossou, CMRPC-Interim Town Planner (in-person)**

**Staff Absent: Lauren Vivier, Town Planner/ Conservation Agent (on leave)**

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

**2. Minor Site Plan – Applicant: Eric Kibbe, Spencer Agricultural Association, Owners: Town of Spencer, Location: 46 Smithville Road, Spencer, MA; Assessor's Map R32-28. The applicant is requesting a Minor Site Plan Review under sections 7.4.6 of the Spencer Zoning Bylaw to build an open-air shelter at the Spencer Fairgrounds. The property is located within the Rural Residential (RR) zoning district.**

Eric Bater, Tauper Land Survey, was present to discuss the proposed show ring for animals at the Spencer Fairgrounds. Mr. Bater explained that the structure would be an open-air animal shelter that will replace the tent they usually have at the Spencer Fair, the size will be 1500 square feet, the roof would be metal, and the runoff from the roof would run into the grass retention area that will be lined with stone swale and the roof run off will be recharged into a bioretention area or rain garden. Mr. Bater said the maintenance for the rain garden would include mowing of the grass, trash removal, replacing mulch, and inspections.

Mr. Bellemer asked if it would only be for animals. Mr. Bater said yes and only one or two animals at a time would be in the show ring and any excrement would be removed.

Mr. Ceppi asked about the floor and the fence. Also, how would a stone trench be placed down with the fence in the way. Eric Kibbe, Spencer Agricultural Association, said it is not far over and would be in front of the bathrooms. Mr. Ceppi suggested a gutter with a down spout into the retention area and would be easier and cheaper. Mr. Ceppi asked of runoff from animals will get into the rock area. Mr. Ceppi referred to the plan and stated on the cross section it discusses a rubber membrane or geotextile filter fabric and the arrows on the plan pointing to under stone. Mr. Ceppi stated the filter fabric would not work with this and the plans are not clear, and contractors cannot make the decision.

Mr. Bellemer asked if the roof extended beyond the fabric to go into the trench and Mr. Bater said yes. Mr. Bellemer stated if there were gutters it would guarantee the runoff would go into

the water garden. Mr. Kibbe mentioned an alternative that he discussed with Steve (No Last name). Mr. Ceppi asked if the runoff from the area west of the bathrooms would run into the detention basin and Mr. Bater said just for the roof runoff. Mr. Ceppi discussed the contours on the plan provided and there is a discrepancy because all the runoffs will go into the retention basin. Mr. Slack asked about a distribution box to slow down the water and to disperse it and Mr. Bater said the stone is supposed to do that. Mr. Slack asked about the dry well and the bio cross retention review and how high the land is around it to the bottom. Mr. Bater said it would be 2-3 feet difference. Mr. Bellemer said the Town of Spencer built one like this on Smithville Road and Meadow Road across from Powder Mill Park and it works and recommends adding gutters. Mr. Ceppi pointed out the biggest issue is that the retention area is not designed for all the ground surface runoff. Mr. Kibbe mentioned there is a berm around the detention basin and Mr. Ceppi said it is not on the plan. Mr. Kibbe said they can revise the plan and show a berm.

Mr. Bellemer stated they need a revised plan to add gutters and berm or a plan that shows the rain guard will be able to manage all the runoff.

The Chair opened the hearing for public comments and there were no comments or questions.

**MOTION: Mr. Bellemer motioned to continue the application until 8/1/2023**

**SECOND: Mr. Slack**

**DISCUSSION: None**

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

**3. Discussion: Request for Reconsideration of decision made on June 6, 2023, regarding Applicant/Owners: Jaime Scarff/ Spencer Solar Farm LLC. Location: North Brookfield Road, Spencer, MA; Assessor's Map R39-14. The applicant is requesting a Major Site Plan Review under sections 7.4, 7.4.5, and 4.8.9 of The Spencer Zoning Bylaw to develop a large-scale solar PV facility. The property is located within the Rural Residential (RR) zoning district.**

Jaime Scarff, Spencer Solar Farm LLC, was remote. Attorney Tad Heuer and Chris Nolan, PARE, were present at the meeting.

Mr. Ceppi stated the reason for this discussion is for reconsideration for the denied decision by the Planning Board at the June 6, 2023, meeting. If the Planning Board does not accept the reconsideration, then the applicant will need to appeal or re-submit the application. Mr. Bellemer said he does not agree with the clearing amount and cutting down a mature forest.

Mr. Heuer stated he would like to speak and explain, and Mr. Ceppi stated it is not a public hearing and it is a discussion for the Planning Board and will need to wait until the board has their discussion.

Mr. Ceppi clarified that the applicant wants to revise the plans now to meet the bylaws, originally the applicant stated they could not meet the bylaws and designed the plan that did not

meet the bylaws, the Planning Board denied the application and now the applicant wants reconsideration of the decision and will revise the plans.

Mr. Heuer explained the applicant is not looking for anyone to vote on the new plan and they are just requesting reconsideration of the Planning Board decision, the result will be the same either way, but would just be later. Mr. Ceppi asked why the applicant could not work with the Planning Board prior and they would not edit the plans. Mr. Heuer said they got one waiver and when the plan was denied the applicant went back and adjusted the panels and should not be penalized. Mr. Scarff explained that there was a week worth of analysis they needed to do with the shading, the project will take a hit with the additional shading, the project has been ongoing for many years, they have invested a lot of money, and apologized for not running the shading analysis prior to the denial.

Mr. Bellemer asked if the Planning Board needs to rescind the denied decision. Mr. Ceppi answered yes, and they would need to give a new time limit to receive the new drawings, data, and review process. Additionally, Mr. Ceppi said if the plan does meet the bylaws, then the Planning Board would have no choice but to accept it. Mr. Ceppi asked if the solar array would shrink, and Mr. Scarff answered that they are proposing the same number of panels just not cutting down the trees. Mr. Nolan stated the panels would be 10.7 acres of land, the total land area would be 35.2 acres, and they would meet the requirement of under 50% clearing. Mr. Nolan stated they would still need the waiver for the slope. Mr. Ceppi questioned whether the waiver would still be valid if they rescinded the decision and Mr. Heuer suggested having Town Counsel weigh in on that.

Jeff Bridges, Town Administrator, stated that per Town Counsel he recommends accepting the resubmittal and the prepared motion is on page two of the Town Planner memo that was the board members have.

**MOTION: Mr. Bellemer motioned to accept the reconsideration of decision made on June 6, 2023, for North Brookfield Solar.**

**SECOND: Mr. Slack**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Slack and Mr. Bellemer all voted aye, and Mr. Ceppi voted nay (vote 2-1)**

**\*There was discussion on the majority vote and if the motion passed. Mr. Bridges will reach out to Town Counsel and will receive guidance on the motion.**

#### **4. Discussion: Solar Bylaw Amendments**

Mr. Ceppi mentioned that there were items from the last Solar Bylaw Amendment denied by the Attorney General's office and the Planning Board needs to decide on if they want to rush and try to make changes or request a moratorium. Mr. Bridges mentioned a new case law that has affected many towns and the capping of solar farms is no longer acceptable. Mr. Bridges will reach out to Town Counsel to write up a moratorium in time for the Fall Meeting.

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

Nothing discussed.

## **6. Revolving Account Approval (\*discussed at end of meeting\*)**

Two invoices discussed, Stonebridge Press \$147.00 and CMRPC \$3,698.21. Action taken would be voting on them to be paid out of the Planning Board Revolving Account.

**MOTION: Mr. Bellemer motioned to approve payment for the Stonebridge Press invoice of \$147.00.**

**SECOND: Mr. Slack**

**DISCUSSION: None**

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

**MOTION: Mr. Bellemer motioned to approve payment for the CMRPC invoice of \$3,698.21.**

**SECOND: Mr. Slack**

**DISCUSSION: None**

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

## **7. Town Planner Report**

Ms. Agossou mentioned they are still reviewing the constructive approval for Ash Street Subdivision and Charlton/ Bacon Subdivision.

## **8. Citizen Input**

Matt DeFosse, 7 Paul's Drive, discussed an article that he had previously passed out to the Planning Board from Clark University. Mr. DeFosse stated that if the applicant for North Brookfield Solar is revising the plans, they should have to submit a new application. Mr. Bellemer stated the applicant will provide everything needed when they resubmit. Mr. DeFosse stated the applicants do a poor job and all the requirements should be met for approval and the Planning board should not tiptoe around applicants. Mr. DeFosse mentioned the position of the Solar Bylaw Committee was no waivers should be granted, and the decisions the Planning Board makes will affect the Town of Spencer for 23-30 years.

Jonathon Viner, 34 Donnelly Cross Road, discussed procedural issues regarding reconsidering the decision for North Brookfield Solar and the revised plan would require reopening the public hearing, ad placement, and abutter notification. Additionally, Mr. Viner discussed procedural issues with the voting, and that in the Zoning Bylaw, it should be three out of five votes. Also, Mr. Viner mentioned there may be an issue with requesting another moratorium for solar. Mr. Ceppi stated the Towns Counsel will review the issues brought up at this meeting.

Mr. Bridges explained that if North Brookfield application passes then the ads will be placed and abutters will be notified. Also, the moratorium was two years ago and there have been changes regarding solar and Mr. Bridges does not think it will be an issue.

#### **9. Approval of Minutes- 6/06/2023 & 6/20/2023**

The minutes were tabled until the next meeting.

#### **10. Adjournment**

**MOTION:** Mr. Bellemer motioned to adjourn the meeting at 8:30 pm.

**SECOND:** Mr. Slack

**DISCUSSION:** None

**ROLL CALL VOTE:** Mr. Ceppi, 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 July 18, 2023**

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

- Final Agenda R3
- Memo from Town Planner & Interim Town Planner
- Drafted minutes from 6/06/2023 and 6/20/2023
- Minor Site Plan Review - application and plans for 46 Smithville Road-Spencer Fairgrounds
- No. Brookfield Solar Letter regarding Request For Consideration dated 7/7/2023
- No. Brookfield Solar Letter regarding Consent to Extend time to file dated 7/7/2023

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

- None