



Planning Board – Town of Spencer

Minutes

Planning Board Special Meeting
September 19, 2023, at 6:00 pm
REMOTE & IN-PERSON

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

Planning Board Members Present: Vice Chair Shirley Shiver(in-person), Charlie Bellemer (in-person), and Vaughn Slack (in-person)

Planning Board Members Absent: Chair Robert Ceppi (tried to call in but was able to attend remotely)

Staff Present in-person: Jeffrey Bridges, Town Administrator, and Monica Santerre-Gervais, ODIS Senior Clerk, and Lauren Vivier, Town Planner/ Conservation Agent

Staff Absent: None

1. The acting Chair, Ms. Shiver, opened the meeting at 6:07pm

2. Public Hearing: Zoning Bylaw Section 4.8.10 Discussion & Proposed Recommendations for Zoning Amendments: One Year Moratorium on Large Scale Ground-mounted Solar Arrays

Jonathan Eichman, KP Law, was present for the meeting in-person to represent the Town of Spencer.

Mr. Bridges explained his hopes to have the changes ready for Spring Town Meeting to have a six-month moratorium. Ms. Shiver read aloud the language for the amendment *“to see if the Town will vote to amend the Town’s Zoning Bylaw by deleting Article 4.8.10: Temporary Moratorium on the Construction of Large-Scale Ground Mounted Solar Photovoltaic Installations, and insert a new Article 4.8.10 in its place, as follows: ARTICLE 4.8.10: Temporary Moratorium on the Construction of Large-Scale Ground Mounted Solar Photovoltaic Installations.”*

Mr. Eichman discussed case law examples and mentioned to the Planning Board his suggested language *“The Town of Spencer currently has twenty-one (21) approved large-scale ground mounted solar photovoltaic installations, commonly referred to as “solar farms”, completed or under construction, and another two (2) that are in the permitting process.”*

The acting chair opened the hearing up to the public:

Matt Defosse, 7 Paul’s Drive, asked if the moratorium would be six months or a year and felt the longer the better because it will be an ongoing process. Mr. Bridges explained they are expecting to have the amendments completed in six months.

Carol McPhearson, 125 Pleasant Street, was remote and had concerns about toxins going into the ground and gave the example of schools being torn down with asbestos and how harmful asbestos is. Ms. McPhearson stated there could be issues with the solar panels down the road and believes it could cause future problems.

Doug Olsen, 59 North Brookfield Road, stated there are long term ramifications with large scale solar in the future, has concerns with solar near farms and fields. Solar should be on property on roof not in the dirt, should try to set a limit on percentage of property with solar farms, the land clearing causes issues with the land and wildlife. Mr. Olsen is opposed to large companies from California coming to the area making empty promises and ruining properties. Mr. Olsen stated that the large-scale solar farms are destroying wildlife, rural settings, and does not want to stay in Spencer if his home is surrounded by solar. Additionally, Mr. Olsen is worried about what the solar will do to people and children in the future and asked who is looking into all the concerns.

MOTION: Mr. Bellemer motioned to close the public hearing

SECOND: Mr. Slack

DISCUSSION: None

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

MOTION: Mr. Bellemer motioned to recommend ARTICLE 4.8.10: Temporary Moratorium on the Construction of Large-Scale Ground Mounted Solar Photovoltaic Installations for Town Meeting in November 2023 and adopt the language discussed “*The Town of Spencer currently has twenty-one (21) approved large-scale ground mounted solar photovoltaic installations, commonly referred to as “solar farms”, completed or under construction, and another two (2) that are in the permitting process,*” and that no other application will be accepted by the Town of Spencer.

SECOND: Mr. Slack

DISCUSSION: None

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

3. Public Hearing: Zoning Bylaw Section 4.8.11 Discussion & Proposed Recommendations for Zoning Amendments: One Year Moratorium on Energy Storage Systems

Jonathan Eichman, KP Law, was present for the meeting in-person to represent the Town of Spencer.

Mr. Bridges explained his hopes to have the changes ready for the Spring Town Meeting to have a six-month moratorium and mentioned that there are small regulations in Electrical Code, the Planning Board is looking at regulations and need to adopt regulations. Ms. Shiver read aloud the language for the amendment “*To see if the Town will vote to amend the Town’s Zoning Bylaw to add the following new ARTICLE 4.8.11: Temporary Moratorium on the Construction of Energy Storage Systems as a Principal Use.*” Mr. Eichman stated the same language would need to be added to the moratorium like the last agenda item, “*The Town of Spencer currently has twenty-*

one (21) approved large-scale ground mounted solar photovoltaic installations, commonly referred to as “solar farms”, completed or under construction, and another two (2) that are in the permitting process.”

The acting chair opened the hearing up to the public:

Matt Defosse, 7 Paul’s Drive, mentioned there have been a couple of solar fires in town and it is difficult to research the fires because the companies have them listed under something else.

Attorney Eichman explained the only guidelines for the fires fall under the International Fire Code.

Carol McPhearson, 125 Pleasant Street, was remote reiterated her concerns about the toxicity with battery storage.

Jonathan Viner, 34 Donnelly Cross Road, asked why there weren’t any regulations put in place for battery storage instead of pursuing the moratorium. Ms. Shiver answered that the Planning Board is doing it now and the moratorium will give the Planning Board time to review new regulations from the state and to review the Fire Code. Mr. Bridges stated the expectation from the Attorney General was that the state was going to adopt regulations and local regulations on these systems, but it has not occurred yet. Mr. Viner suggested the Fire Code and the Electrical Code are two independent issues and Zoning Bylaws cannot regulate over the Building Code. Attorney Eichman stated that the Building Code takes precedent, however, the international code has not been adopted but need more time to research what the Attorney General will accept.

Doug Olsen, 59 North Brookfield Road, Attorney General will preempt all the needs for the Energy Storage Systems. Mr. Bridges said that was not the case and that the Attorney General reviews every bylaw amendment in relation to the laws of the Commonwealth and the expectation is that the Building Code and Fire Code will preempt the local regulations. Mr. Olsen asked if the Attorney General would adopt the new Building Code and Fire Code. Mr. Bridges stated the Attorney General does not adopt the codes the Commonwealth does. Mr. Olsen asked if the moratorium could last until the Commonwealth adopts the codes and regulations needed. Mr. Bridges said moratoriums go stale and expire and the Planning Board will use tools to develop regulations that can be put in place.

Mr. Viner said that basic regulations should be put in place at the same time as the moratorium, not new information, and the Planning Board discussed these issues three years ago and basic regulations should have been developed.

MOTION: Mr. Bellemer motioned to close the public hearing

SECOND: Mr. Slack

DISCUSSION: None

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

MOTION: Mr. Bellemer motioned to recommend the moratorium for Town Meeting regarding ARTICLE 4.8.11: Temporary Moratorium on the Construction of Energy Storage Systems as a Principal Use for the November 2023 Town Meeting and adopt the language discussed “The Town of Spencer currently has twenty-one (21) approved large-scale ground mounted solar photovoltaic installations, commonly referred to as “solar farms”, completed or under construction, and another two (2) that are in the permitting process,” and that no other application will be accepted by the Town of Spencer.

SECOND: Mr. Slack

DISCUSSION: None

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

4. Adjournment

MOTION: Mr. Bellemer made a motion to adjourn at 6:52 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: 10/03/2023

List of Documents used on September 19, 2023

Items sent to Planning Board prior to Meeting by email:

- Final Agenda
- Memo from Jeffrey Bridges
- Solar Moratorium Memo dated 9/5/2025
- Temporary Moratorium on the Construction of Large-Scale Ground Mounted Solar Photovoltaic Installations language
- Temporary Moratorium on the Construction of Energy Storage Systems as a Principal Use language

Items submitted/ brought to the Meeting:

- None