



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, August 25, 2020 at 7:00 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(remote), Robert Ceppi (in-person), and Jonathan Viner (in-person)

Planning Board Members Absent: Maria Reed

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

Staff Absent: None

There was a brief recess between the recessed meeting and regular scheduled meeting

1. Ms. Shiver opened the meeting at 7:21 pm and Mr. Dell'Aquila 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 Public Hearing – Special Permit/Major Site Plan Extension; Applicant: ForeFront Power, LLC; Owner: Laura Hopkins, Location: 36 Cranberry Meadow Road; Spencer Assessor’s Map R12-4. The applicant is requesting an extension to the Special Permit and Major Site Plan under Sections 4.8.9, 7.2, and 7.4 of the Spencer Zoning Bylaw to install a 2.2 MW Solar PV Facility. The property is located within the Rural Residential zoning district.

Mr. Dell'Aquila explained that the applicant has submitted request for a two-year extension to their Site Plan Approval for the proposed solar farm at 36 Cranberry Meadow Road. That project’s approvals would have lapsed in June, but all permit deadlines are currently extended for 45 days following the end of the declared COVID-19 emergency. The Planning Board has the authority to grant extensions for up to two years, but Ms. Shiver said it would be more likely to continue for a one-year extension.

Ed Switzer, ForeFront Power, said they wanted to start the project construction in the Spring but then Covid-19 came and put everything on hold, therefore, he would like at least a one-year extension. Mr. Viner asked if they could revisit the conditions and Mr. Dell'Aquila said there were 40 conditions and suggested review of condition #39 regarding occupancy. Mr. Ceppi said he wants to make sure that the board addressing preventing the generation of power without final

approvals. Mr. Dell'Aquila explained that the final wiring inspection happens early, and the contractor submits the permission to operate (PTO) form and the utility may not be forthcoming with the start date of operations. Mr. Ceppi said he spoke to the Wiring Inspector, Norman Bassett, and there needs to be a new mechanism in place and Mr. Dell'Aquila answered that the PTO is between the operator and utility company. Mr. Switzer explained that the PTO is the official date it comes on, then there is testing, and then a request for commercial operation date (COD) notification. Mr. Switzer said the COD is provided after testing and then they are billed when it goes online. Ms. Shiver asked how long in advance do the operators know lead time on the COD and Mr. Switzer said it takes up to 2 weeks. Mr. Viner asked why they were asking an applicant about correct procedures and Mr. Ceppi said they don't know what to do because the Planning Board seems to have no control. Mr. Ceppi recommended continuing the hearing until the correct wording is determined.

MOTION: Mr. Ceppi motioned to continue the hearing to September 15, 2020

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Ms. Shiver, Mr. Ceppi, Ms. Reed-no answer, Mr. Butensky, and Mr. Viner all voted aye, and the motion was carried (vote 4-0)

3. Discussion: 17 GH Wilson Rd Solar PV Facility

Mr. Dell'Aquila mentioned the review for enforcement is pending and no discussion should take place. Mr. Ceppi wanted to verify this site put a battery onsite and Mr. Dell'Aquila said one battery. Mr. Ceppi said only one pad was approved for the possibility for battery storage and it is a big issue, also, Mr. Ceppi commented that the applicant still owes the Planning Board the acoustical analysis. Mr. Dell'Aquila stated that Town Council is reviewing. Mr. Ceppi commented on the need for peer review during construction because it should have been caught earlier. Ms. Shiver said they could recommend to the Board of Selectmen to have a committee to review solar farms, but Mr. Viner and Mr. Ceppi did not agree.

Peter Forte, ZPE Energy, was upset that he could not comment and waited on the phone to discuss the project for three hours. Ms. Shiver said the agenda item was for discussion not a public hearing and Mr. Viner said the purpose of the discussion is to have an update on development. Mr. Forte asked Mr. Dell'Aquila to send the asbuilts to Graves Engineering and Mr. Dell'Aquila said he did not know if Graves would be the one reviewing the asbuilts.

4. Discussion: Correspondence Regarding Citizen Concerns

Tatyana McCauley, 28 McCormick Road, said she requested to be on the agenda to discuss the Solar arrays on McCormick Road. However, Ms. McCauley was hoping that she could have spoken to James Schwartz, but he hung up earlier. Ms. McCauley said she had four concerns 1) 20 McCormick- the solar project surrounds her property and the manager, Ashley Diedre, showed Ms. McCauley a plan for visual mitigation. Ms. McCauley expressed concerns about the four spruces to be planted at her property because no one asked her and would like to wait until

the fall to see if they are needed. Ms. McCauley wanted to have Mr. Schwartz on the call so the discussion would be continued until the next meeting.

Matt Defosse, 7 Paul's Drive, commented that this meeting is a perfect example of the inadequacies in Spencer regarding solar and that everyone should read the solar committee's report.

5. Board approval of ANR signatory

At the last meeting the Planning Board voted on an ANR and to have Mr. Dell'Aquila sign, however, Mr. Viner brought up if the signatures were valid, after some research the signatures expired in June. A new ANR signatory form was brought to the meeting to start the signature process. Planning Board members that did not sign will need to come to the Town Hall to sign.

6. New Business/Adjournment

MOTION: Ms. Viner motioned to adjourn the meeting at 11:00 pm

SECONDED: Mr. Butensky

VOTE: 4-0

Submitted by Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 10/20/2020

List of Documents used on August 25, 2020

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Town Planner memo from 8/18/2020
- Certificate of Decision for 36 Cranberry Meadow Road Solar
- Graves Site visit reports for 17 GH Wilson Road
- Rules and Procedures of the Planning Board

Items submitted/ brought to the Meeting:

- ANR Signatory Form