



Planning Board – Town of Spencer

Minutes

Planning Board Special Meeting

Tuesday, September 07, 2021, at 6:00 PM

McCourt Social Hall, 157 Main Street Spencer, MA 01562

Memorial Town Hall- **Remote and in person meeting**

Planning Board Members Present: Chair Jonathan Viner (in-person), Vice Chair Jeff Butensky (in-person), Maria Reed (remote), Paul Gleason (in-person), and Robert Ceppi (in-person late 6:11 pm)

Planning Board Members Absent: None

Staff Present in-person: Todd Miller, Town Planner (in-person) and Monica Santerre-Gervais, ODIS Senior Clerk (remote)

Staff Absent: None

1. Mr. Viner opened the meeting at 6:07 pm

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

Mr. Miller discussed the revisions to the Spencer Solar Bylaw and pointed out the dark green highlighted sections that were comments from Attorney Eichman. Mr. Miller explained the edits from Attorney Eichman are potent provisions, 13 D/Page 4-56, *“The Planning Board may review the surety at any time on its own volition or upon request during the life of the Facility and may require that the form and/or amount of surety be adjusted as required to insure that adequate security is maintained.”* Also, Attorney Eichman added item 14, *“Together with such notification, the new owner or operator shall provide good evidence that it is the principal for or has otherwise provided and is responsible for the required decommissioning security.”* The changes are the first step with the Spencer Solar Bylaw.

Mr. Viner asked if Attorney Eichman had given an example of good evidence and Mr. Miller said anything that would be accepted in the eyes of the court. Mr. Viner asked what type of security for bonding and Mr. Miller said evidence to show proof of eligibility. Mr. Viner outlined that the changes are brief, there are only a few specific items, but they are the most effectual changes that will provide accomplishments and first steps. Mr. Viner stated that the Planning Board runs the risk of a denied changes if they try to too much at once and they want to make sure the changes are approved by the Attorney General. Additionally, Mr. Viner mentioned that changing too much will look like the Town of Spencer is banning solar farms and they cannot ban solar farms because of Mass General Law. However, in the future the Planning Board can propose other recommendations and edits. Mr. Miller said Mr. Viner is right and this is only a base line and discussed the new 300-foot setback. Mr. Butensky felt the 300 feet impacts most of the issues by the Solar Bylaw Committee. Mr. Butensky asked about the next process for additional edits and Mr. Miller said after this first process is approved. Mr. Butensky asked if they could have another agenda item in December for the second process and Mr. Miller said

yes. Mr. Ceppi asked about the 200 feet and that it can be reduced to 100 feet if there is adequate screening at the Planning Boards discretion. Mr. Miller explained that if the solar farm abuts a farm, field, or pasture than they would need to be 300 feet away. Mr. Ceppi stated in 10 years from now solar will be everywhere.

The Chair opened the hearing up to the public:

Matt Defosse, 7 Paul's Drive, felt that the surety language was too vague, and surety is not specified, any future bonds should only be in cash, concerned about the setback definition for field and pastures, and visual impact is useless unless there are trees that have leaves all year long. Mr. Viner said he agreed with Mr. Defosse regarding the definition of fields and pastures. Mr. Butensky suggested adding wording to say evergreen and Mr. Miller said by overly describing or suggesting certain species may cause an issue. Mr. Gleason asked if the diversity of plants is discussed in the Open Space and Mr. Miller mentioned there is reference with MDAR and the Mass DEP.

Tatyana McAuley, 28 McCormick Road, asked if there were plans for the next steps and Mr. Miller said they reviewed the recommendation from the Solar Committee and some of the requests will not be approved but they will try to address some easier issues in phase 2. Ms. McAuley stated she felt that Mr. Miller was being too cautious. Additionally, Ms. McAuley brought up a study done in Rhode Island that discusses how property values decrease when they are near solar farms. Mr. Viner said he had emailed the same study a year ago and said setbacks are important. Ms. McAuley wants the Planning Board to think of the residents first.

Mr. Ceppi asked if the 200 feet is from the road and Mr. Miller answered from the point of access and the new solar bylaw edits would not affect existing applications. Mr. Ceppi expressed concerns regarding the setbacks and distance. Mr. Viner asked if the language could be changed at this meeting and Mr. Miller said he would not recommend changes because there is not enough time.

Mr. Defosse stated the Planning Board members should understand the edits and be consistent.

MOTION: Mr. Butensky motioned to close the hearing

SECOND: Mr. Ceppi

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

MOTION: Mr. Ceppi motioned to recommend to the Board of Selectmen the proposed solar bylaw revisions as written and to be a town warrant item for the fall Town Meeting

SECOND: Mr. Gleason

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

3. Adjournment

MOTION: Mr. Butensky motioned to adjourn the meeting at 6:54 pm

SECOND: Ms. Reed

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

Submitted by Monica Santerre-Gervais, ODIS Clerk

Approved by the Planning Board on: 10/05/2021

List of Documents used on September 07, 2021.

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Edited Solar Farms bylaw amendments.

Items submitted/ brought to the Meeting:

None.