



## Planning Board – Town of Spencer

### *Minutes*

#### Planning Board Special Meeting

**Tuesday, April 16, 2019 at 6:00 PM**

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

Planning Board Members Present: Chair Jonathan Viner, Vice Chair Jeff Butensky, Shirley Shiver, Maria Reed, Robert Ceppi  
Planning Board Members Absent: None  
Staff Present: Paul Dell'Aquila, Town Planner  
Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk

#### **1. Mr. Viner opened the meeting at 6:04pm**

#### **2. Public Hearing - Proposed Zoning Amendments**

Mr. Dell'Aquila commented that the Board of Selectmen has remanded the following zoning changes to the Planning Board for a public hearing and some are just housekeeping items.

#### **Add the following to the Use Table:**

- **Add “Renewable Energy Research & Development” and “Renewal Energy Manufacturing” and allow them both by right in the Industrial Zone.**

Mr. Dell'Aquila commented that he spoke to the Building Inspector, William Klansek, and had someone come to the office proposing these items they would be allowed already in the Industrial Zone.

Mr. Butensky asked if the renewable energy reach, development, and manufacturing is already allowed in town and are these just to clarify. Mr. Dell'Aquila responded that they are broadly defined and allowed. Mr. Butensky asked if this includes building a solar facility and Mr. Dell'Aquila answered no there is a separate bylaw for that. Mr. Butensky wants to know the connection would be with the solar bylaw and these new items and Mr. Dell'Aquila said there isn't a direct relationship because they both would have their own permitting system but in theory they can add solar panels to the roof on the buildings. Mr. Ceppi asked if this the manufacturing would be a biomass plant and Mr. Dell'Aquila said no that would be considered a generation facility this would be making a panel in the facility. Mr. Ceppi wants to know what it's called when they make McDonald grease into fuel because he thought that was renewable energy. Mr. Dell'Aquila said that would be a type of Anaerobic Digester. Mr. Viner said there needs to be more definition because there could be a different interpretation. Many of the Planning Boards members agreed that there needs to be a better definition for manufacturing.

Mr. Dell'Aquila reviewed the state guidance and could give examples of qualifying activities; Solar Panel production, research and development intended to enhance geothermal systems, manufacturing of turbines (wind or hydro), research for battery systems, manufacture fuel cells, research for biomass facilities, assembly of wave energy, manufacturing of wood pellets, and productions of biofuels. Mr. Ceppi said that is what he thought it included and Mr. Dell'Aquila said they are suggestion and it's what they can include and the Planning Board can list specific uses. Mr. Viner commented on industrial districts versus commercial districts thoughts for these uses being in the commercial district. Mr. Viner said there is a gray area on what is industrial and commercial and one thing he sees is that in industrial they build products that go through distribution; whereas, in commercial a business can be sold to direct consumers. Mr. Dell'Aquila the idea is to define narrowly and discussed the industrial and commercial differences. Ms. Shiver said they can add special permit in commercial districts and by right in the industrial district. There was much discussion in regards to what area in town that is commercial and industrial districts.

Ms. Shiver suggested an area where there are dilapidated buildings that could request a special permit for the use. Mr. Dell'Aquila said that they need to add it by right in an area and Ms. Shiver said yes in industrial. Mr. Viner asked for renewable energy reach, development, and manufacturing or just one. Mr. Dell'Aquila said the manufacturing shouldn't be allowed by right in commercial. Mr. Viner stated he would like to see both by right in industrial and then both need special permit in commercial. Mr. Dell'Aquila said he agrees because some of the examples we aren't familiar with and it would be a good control for the board. Mr. Dell'Aquila read aloud the states examples for research and development facilities are used for research, development, and/or testing innovative information and concepts; to include: design/development/testing of biological chemical, electrical, mechanical, magnetic, and/ or optical components in advanced of product manufacturing. Manufacturing would be used for heavy or light manufacturing of a product for assembly processing, bundling, fabrication, assembling or packaging. Mr. Ceppi stated they can include the examples listed earlier to include with the bylaw.

Mr. Viner asked if they should add exclusions in defining either of the Renewable Energy Research & Development and Renewal Energy Manufacturing. Ms. Shiver suggested excluding the anaerobic digester. Mr. Dell'Aquila said the state has some wording guidance to state the expectations is to allow the municipality allow all the technology given adequate justification the division can exclude from a category. Mr. Viner said he would like to a definition on the use that there shouldn't be a generation of electricity and only manufacturing to accommodate but the use not allowed on site. Mr. Viner does not to see electrical produced on site for sale from any of the technologies. Mr. Dell'Aquila suggested could add list what the state describes but then add a note that they are not for commercial generation of electrical power and see article 4.8.9 definitions that define photovoltaic. Mr. Ceppi believes in industrial they should be able to generate and Mr. Viner said it should be handled differently. Mr. Dell'Aquila said in the bylaw solar photovoltaic is defined and Mr. Ceppi asked what would be the different if it's not solar. Mr. Dell'Aquila state in the bylaw under principle uses it lists electrical tower, wind energy conversion device large/small scale, and roof mounted solar for large, small, and medium scale. Mr. Viner added utility minor and utility major is listed in the bylaw and those are all the categories that everything can fit under. Mr. Viner stated that a major utility is by special permit in every zone and Mr. Dell'Aquila said the utility in this case is if National Grid was going to build a substation. Mr. Viner asked about a geothermal energy production plant what would that fall under and Ms. Shiver said that would be large scale energy generation.

Mr. Dell'Aquila commented on adding notes to the bylaw and Mr. Viner said maybe they need to look at this as two different uses. Renewable energy production (i.e. anaerobic digester, biomass, geothermal) and then the renewable manufacturing that produce products for those industries. Ms. Shiver asked how the Green Communities wants the wording. Ms. Shiver said the renewable manufacturing is misleading as it is written and it would be fed back in the grid for benefit. Ms. Shiver asked if the Green Communities had any guidance and Mr. Dell'Aquila said the intent is not to allow anaerobic digester by right and instead add the word component to the manufacturing. Ms. Shiver asked in order to qualify for the Green Communities act does it have to say renewable energy manufacturing or can it be qualified to add the word component and Mr. Dell'Aquila said no. The Planning Board members agreed to add the word "component" to the manufacturing of renewable energy, to allow by right Renewable Energy Research & Development and Renewal Energy Component Manufacturing in the industrial district and special permit required in commercial zoned districts. Mr. Dell'Aquila said he will add the examples the state gave for each.

Mr. Viner opened the hearing to the public:

Matt Defosse, 7 Paul's Drive, commented that he hopes the Planning Board puts in wording like "at the Planning Boards discretion" and then in the decision adding those words too. Mr. Dell'Aquila said they discussed it before he came in and one area it would be by right and another would be by special permit at the Planning Board's discretion. Mr. Defosse said that there could be two different people with two different applications it might be appropriate for one but not the other.

Mr. Viner asked if this has to motioned and voted on. Mr. Dell'Aquila said yes the can to it for each or at the end altogether. Mr. Butensky asked one the motion and approves what are the next steps and Mr. Dell'Aquila said he will send a memo to the Board of Selectmen via the Town Administrator saying what the Planning Board voted on and there is a spot on the warrant to vote on at Town Meeting on May 2, 2019. Mr. Butensky asked if they had any formal action before the town meeting and Mr. Dell'Aquila said no and the Planning Board members will get a copy of what is sent to the Board of Selectmen.

**MOTION: Mr. Ceppi motioned to add "Renewable Energy Research & Development" and "Renewal Energy Manufacturing Components" and allow them both by right in the Industrial Zone and by Special Permit in the Commercial Zone, adding a definition to what includes the examples read aloud from the states suggestions, adding a note to not add commercial energy generation.**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**VOTE: 5-0**

- **Add "Microbrewery/Taproom" and allow by right in the TC-Town Center and C-Commercial Districts and by Special Permit in the VR-Village Residential and the RR-Rural Residential Districts.**

Mr. Dell'Aquila said we can discuss the correct term but basically it is to allow a microbrewer to make a small amount of beer and have them sell it in a tasting/taproom in town. Currently, if someone were to come in to apply for this now it would be treated as a restaurant but it's not a restaurant. Also, in correspondence with the Economic Development Committee, given the trend in

the region with different breweries make sure the use is allowed in town. Mr. Dell'Aquila commented that the proposal is to allow a microbrewery by right in the Town Center district, allow by special permit in the Village Residential zone thinking along route 9, and special permit in the Rural Residential District. Mr. Dell'Aquila discussed language from the Town of Sturbridge's bylaw, and they are not Commercial taproom, the idea is to allow local farms to have this as an accessory to farm uses.

Ms. Shiver asked if there always together and Mr. Dell'Aquila said no that sometimes there used interchangeably. Mr. Dell'Aquila commented that a microbrewery will often have a tap room but a tap room is not always a microbrewery and Ms. Shiver stated it's like a bar. Microbrewery may be the just the term they want to use but they don't want a taproom to turn into a bar. Mr. Dell'Aquila looked into language that other communities may have used and couldn't find a singular definition other than what he found in his memo from the Town of Sturbridge. Ms. Shiver believes they should remove taproom. Mr. Viner gave an example of Wormtown Brewery and Peppercorn's in Worcester, MA; they started as a microbrewery in part of Peppercorns and only sold there as part as the restaurant and now its hugely distributed. Mr. Ceppi said there should be a limit to size of barrel production. Mr. Dell'Aquila said some examples in Sturbridge they limit the floor area and has 5,000 barrels limit. Mr. Viner said they should limit the production of barrels. Mr. Dell'Aquila said Treehouse Brewery in Charlton, MA is actually permitted as an industrial packing facility to be on a different scale and scope.

Mr. Viner asked how Timbervard Brewery is treated in East Brookfield, MA and Mr. Dell'Aquila answered that they don't have a specific brewery designation. Mr. Viner asked if everyone wants there to be drinking or no. Mr. Ceppi said they should be able to manufacture and sell. Mr. Butensky commented that they should be allow brewing it and serving it since other communities have it and have proven that people can be responsible. Mr. Dell'Aquila said we can use the Town of Sturbridge's bylaw and use both the floor area and limit the barrels but Mr. Ceppi said they should just limit the barrels. Ms. Shiver asked if they sold retail would it be covered by the restaurant bylaw. Mr. Ceppi wants to designate the manufacturing aspect. Mr. Viner felt there needs to be more research so he would not be in favor for a special permit in rural residential zone. There was discussion about the Abbey and there brewery and how they are exempt. Mr. Dell'Aquila is to research what 5,000 barrels means and what other microbreweries sell in surrounding towns. Mr. Ceppi asked what was driving with getting this on the warrant and Mr. Dell'Aquila said there has been interest in town but currently no bylaw for it; also, by adding it to the use table it serves as a marketing tool. Mr. Ceppi asked if it needs to be by right in some zones and Mr. Dell'Aquila said no. Mr. Viner doesn't think there is enough time to appropriately put this together before town meeting. Mr. Butensky agrees with Mr. Ceppi's comment in that they should not have the area requirement but he would like to see how big a facility needs to be to generate 5,000 barrels. Mr. Viner agrees there is merit to get it on the use table but does not feel they can make it to the upcoming town meeting but perhaps maybe in November.

Mr. Dell'Aquila suggested allowing in the town center district and commercial district by special permit only and update at the November town meeting.

Mr. Viner opened the meeting to the public.

Mr. Defosse, 7 Paul's Drive, said he agrees with not fast tracking this bylaw because there could be issues that come up. Also, most of the town is in the rural residential district and if you allow in

residential areas take into consideration the size, traffic impact, production line, noise, and it might open up a can of worms.

Mr. Dell'Aquila agrees to allow for clarification not discussing village residential or rural residential until they get more information.

**MOTION: Ms. Shiver motioned to allow microbrewery in the town center and commercial district by special permit**

**SECOND: Mr. Butensky**

**DISCUSSION: Mr. Ceppi asked to amend the motion to allow in village residential because it does make sense to have those on route 9 and 31. Mr. Dell'Aquila stated the broadest is the best for economic development but because it is residential zone then he would like to gather more information.**

**VOTE: 5-0**

#### **Amend 4.5.4 (Temporary Uses)**

- **Change “holocaust” in Current Section 4.5.4 to “disaster”**

Mr. Dell'Aquila just said this amendment is to clean up the wording “holocaust” to the word “disaster”.

Mr. Viner opened the meeting to the public and there were no comments.

**MOTION: Ms. Shiver motioned to allow the change from “holocaust” in Current Section 4.5.4 to “disaster”**

**SECOND: Mr. Ceppi**

**DISCUSSION: None**

**VOTE: 5-0**

**MOTION: Mr. Ceppi motioned to close the public hearing**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**VOTE: 5-0**

### **3. Adjournment:**

**MOTION: Mr. Butensky motioned to adjourn the special meeting**

**SECOND: Ms. Shiver**

**DISCUSSION: None**

**VOTE: 5-0**

**Submitted by: Monica Santerre-Gervais ODIS Clerk**

**Approved by the Planning Board on: 5/21/2019**

**List of Documents used on April 16, 2019 special meeting**

**Items sent to Planning Board prior to Meeting by email/ print outs:**

- Agenda
- Memo emailed from Paul Dell'Aquila to Planning Board dated 4/10/2019

**Items submitted at the Meeting:**

- None