



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

April 9, 2024 at 6:00pm

REMOTE & IN-PERSON

McCourt Social Hall, 157 Main Street Spencer, MA 01562

Memorial Town Hall

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

Planning Board Members Absent: none

Staff Present in-person: Lauren Vivier, Town Planner/ Conservation Agent (in-person), Sarah Campbell, Planning Assistant (in person)

Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk (remote),

1. Solar Bylaw Amendments: Zoning Bylaw Article 2.2, Definitions; Article 4.2 Use Table Principal Uses; Article 4.8.9, Solar Photovoltaic Generating Installations; and Article 5.5, Interpretation notes for height and bulk.

Newly Proposed Article: Zoning Bylaw Article 4.10, Battery Energy Storage Systems (BESS).

Mr. Ceppi, Planning Board Chair, announced the goal of the meeting was to take comments from the public, as this is the first draft of the bylaw amendment.

Ms. Vivier announced the process of the meeting, reminding the public this is an amendment to the current bylaw. Ms. Vivier stated the Board has broken down the amendments by three articles, to make it easier to follow for the public to vote. Ms. Vivier stated the Board will be going article by article and will be taking public comment after each article is read.

Ms. Vivier stated adding some definitions to the zoning bylaw which included Battery, Battery Energy Storage Systems (BESS) with tiers 1 through 4 as subcategories and dedicated-use BESS building as a final definition. Ms. Vivier stated Solar Canopies would be added as a principal use in section 4.2. Ms. Vivier stated solar canopies are prohibited currently due to the height of the structure. Some examples of solar canopies are parking structures, detached garages, etc. The purpose of the structure is to have solar on top and have parking below, using it as a multipurpose structure.

Ms. Vivier stated there are multiple amendments being made to section 4.8.9. including, having the subject matter experts contact information and adding some additional information to the site plan requirements. (See draft bylaw amendment for proposed requirements)

Ms. Vivier stated another amendment would be exempting roof-mounted solar photovoltaic for height. Ms. Vivier explained if the structure of a building meets the max height requirement, the owner could still apply for roof-mounted solar panels.

Ms. Vivier asked if the public could state what page and section they are on when addressing questions regarding the bylaw amendment, allowing the Board and public to follow along.

Griffith Kleinfeld representing Carl Leinonen 54 R Jones Road, stated they are in the process of building a solar facility on the property. Mr. Kleinfeld brought up his concerns regarding having “Large Scale Ground Mounted Solar” be defined as 20kW or greater. Mr. Kleinfeld is concerned “Large Scale Solar” indicates clearing forests, and adding many solar panels which is not the case for the proposed project at 54 R Jones Road. Mr. Kleinfeld was concerned about the battery definitions and how the project would be affected, as the proposed project will have a smaller battery onsite. Mr. Kleinfeld stated another concern was how agrivoltaics would affect the project as they are using the facility to save on electricity for the farm’s greenhouse. Mr. Kleinfeld’s main concern was having a better definition on “small scale solar” and “large scale solar” and understand the waivers are available in the current bylaw.

Mr. Vivier stated after the moratorium, there should be nothing in the amendment that would affect the project. Ms. Vivier stated the Board has asked for waivers from residents prior to separating “small scale” and “large scale” when needed. Ms. Vivier stated the Board will review the project and decide waivers if appropriate in June when the moratorium is lifted.

Mr. Ceppi stated the Board is not against solar, the Board is looking to control and stay consistent regarding regulations. Mr. Ceppi stated the purpose of the waivers is to work with applicants regarding the proposed projects. Mr. Ceppi stated the Board is taking steps to work with applicants, the state, and the townspeople to make almost everyone happy.

Mr. Leinonen stated the concern was the project being categorized as “Large Scale Solar” would be difficult to get approved when reading the bylaw regarding the requirements for a “Large Scale Solar”.

Matt Defosse, 7 Paul’s Drive, raised a couple of concerns regarding the bylaw. One concern was on page 2 regarding Tier definitions, Mr. Defosse stated going from kW to MWh was confusing.

Johnathan Viner, 34 Donnelly Cross Road, stated amendment one has the definitions of the tiers regarding battery storage systems, and amendment three has the use regulation table for those tiers. Mr. Viner questioned what happens if one article passes and one does not pass. Ms. Vivier explained if article three did not pass, the Board would not have a standalone definition for Battery Energy Storage Systems.

Mr. Viner questioned the definition of “residential” and asked if tier one would be subject to a site plan review. Ms. Vivier stated residential is roof mounted solar, which just requires a building permit. Mr. Viner questioned why there were four tiers and why it could not be categorized into one tier. Mr. Viner questioned if Solar Canopies would be a principal use or an accessory use. Mr. Viner stated there was nothing to prevent solar canopies from being an accessory use. Ms. Vivier stated Mr. Viner was correct.

Mr. Viner questioned if the Stormwater use regulations on page 5 was an addition to the stormwater regulations already in place in the bylaw. Mr. Viner questioned why there were more regulations for solar farms and questioned if that could be justified. Ms. Vivier stated these regulations have been passed in other municipalities within the last year.

Ms. Vivier stated the meeting would have to be continued to April 16, 2024, at 6pm due to another meeting starting at 7pm.

Mr. Viner questioned the Board on page 22 regarding no occupancy permit without the Planning Board signing off on the as built first. Mr. Viner stated when he talked to Town Council it was determined that it was not possible to have it stated as a condition. Ms. Vivier stated Town Council has reviewed the document already and had no corrections but would reach out to Town Council and have an update at the next meeting.

MOTION: to continue the public hearing to April 16, 2024, motioned by Ms. Shiver

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: R. Ceppi- aye, C. Bellemer- aye, V. Slack- aye, S. Shiver- aye, G. Beford- aye. (vote 5-0)

Adjournment

MOTION: to adjourn the meeting, motioned by Mr. Ceppi

SECONDED: Ms. Shiver

VOTE: R. Ceppi- aye, C. Bellemer- aye, V. Slack- aye, S. Shiver- aye, G. Beford- aye. (vote 5-0)

Submitted by Sarah Campbell, ODIS Planning Assistant

Reviewed by Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: May 7, 2024

List of Documents used on April 2, 2024

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Bylaw amendment

Items submitted/ brought to the Meeting:

- none