



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, May 03, 2022, at 7:00 PM

McCourt Social Hall, 157 Main Street Spencer, MA 01562

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

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

Planning Board Members Absent: None

Staff Present: Lauren Trifone, Interim Town Planner (in-person) and Monica Santerre-Gervais, ODIS Senior Clerk (remote)

Staff Absent: None

1. Chair, Mr. Ceppi, opened the meeting at 7:01 pm.

2. Approval of Minutes: 4/5/2022

MOTION: Ms. Shiver motioned to approve the minutes as submitted

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, and the motion was carried (vote 4-0 motion carried)

3. Continued Definitive Subdivision Plan - Applicant: Spencer Solar LLC; Owner: Ash Spencer Realty LLC, Location: Ash Street; Spencer Assessor's Map R27-01. The applicant is requesting a definitive subdivision approval under Article 2.3 (Definitive Subdivision Plans) of the Spencer Subdivision Regulations. The property is located within the Rural Residential zoning district. This is a readvertisement of the public hearing on this application, which was originally commenced on November 19, 2019.

Ms. Trifone mentioned she received part of the peer review estimate and is waiting for Lenard Engineering (LEI), both the peer reviewers will be reviewing the stormwater, and the Conservation Commission opened this project hearing last week.

Elio Qorri, Bertin Engineering, was present for the meeting and Attorney Thomas Recuperero was on remotely. Mr. Qorri stated he presented last month about the project, and they are looking to request a continuance until peer review and site work have been completed. Mr. Qorri mentioned that they fixed the typos on the plan that referenced solar as requested.

Ms. Trifone said that Utilities and Facilities (U&F) have some concerns and waiting to see what peer review finds and she will invite U&F to the site walk. Ms. Shiver said this site was a 40 B project in the past possibly under Westerman. Mr. Ceppi was curious how the applicant will handle the water runoff on Ash Street. Mr. Qorri discussed the collection basins and how the

water runoff should be less than what it is now by removing bad vegetation and planting new vegetation to help improve the conditions. There was much discussion regarding stormwater.

The Chair opened the hearing up to the public:

Matt Defosse, 7 Paul's Drive, stated that in the bylaw the water issues can't increase, the soil may be a rough area, and asked where the fill comes from and is it tested.

MOTION: Ms. Shiver motioned to continue the Ash Street Subdivision application until June 7, 2022.

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, and the motion was carried (vote 4-0 motion carried)

4. Definitive Subdivision Plan: Applicant/Owner: Spencer Solar II LLC c/o Melink Solar Development, Location: Charlton Road (Bacon Hill Road); Spencer Assessor's Map R08- 10. The applicant is requesting a definitive subdivision approval under Article 2.3 (Definitive Subdivision Plans) of the Spencer Subdivision Regulations. The property is located within the Rural Residential zoning district. This is a readvertisement of the public hearing on this application, which was originally commenced on November 17, 2020.

Elio Qorri, Bertin Engineering, was present for the meeting and Attorney Thomas Recupero was on remotely. Ms. Trifone said they received the plans a week ago and she has reached out to BSC for peer review estimate. Additionally, Ms. Trifone mentioned current complaints about the water runoff. There was much discussion regarding when the lot was cleared and logged. Mr. Recupero mentioned the site did have a forestry permit, but nothing has been cleared recently. Mr. Bellemer said he believed it was five years ago and the logging permit was closed out. Ms. Trifone requested the forestry information from Mr. Recupero.

Mr. Qorri discussed the frontage they planned on using for the site and that they are short three inches and will request a waiver. Ms. Shiver stated they need to have the 50' right of way to build the road. There was much discussion regarding the frontage being short. Mr. Ceppi stated the frontage issue needs to be resolved. Ms. Shiver mentioned it may be MGL Law, the Spencer Bylaw complies with MGL Law, and the Planning Board would not have the authority to waive the frontage issue. Mr. Recupero stated they are asking to waive three inches and the Planning Board should have the authority.

Gary Woodbury, 219 Charlton Road, explained that the previous owner, Henry Eagan, sold him his land and he passed away prior to the logging permit but knew his plan was to sell the land to Audubon. Mr. Woodbury has the picture and videos of the water runoff issues and flooding.

Mr. Qorri discussed in more detail the drainage on site, catch basins, detention basins, and an underground water collection unit. Mr. Qorri said the water collected is cleaned and then empties into the Town of Spencer's catch basin. Mr. Qorri reviewed pages from the plans that were submitted, and Ms. Trifone pointed out there was still verbiage in the plan that says solar and that needs to be

removed. Mr. Ceppi would like the buildable lot to be reviewed because of frontage over wetlands and Mr. Recupero said he could write a letter for that.

The Chair opened the hearing up to the public:

Matt Defosse, 7 Paul's Drive, ask the Planning Board to reject all waivers, be consistent, and refer to Town Counsel on waivers.

Gary Woodbury, 219 Charlton Road, said they had permits for logging.

MOTION: Ms. Shiver motioned to continue the Charlton/ Bacon Subdivision application until June 7, 2022.

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, and the motion was carried (vote 4-0 motion carried)

5. Discussion: 103 North Spencer Road/ Request for Certificate of Completion

Ms. Trifone has been reviewing the original plan and Certificate of Decision from 2010, the proposed project is smaller than originally requested, and there is a list of deviations from the plan that needs to be reviewed. Mr. Ceppi explained the plan they submitted as an asbuilt is unacceptable and they would need the full set of plans with all the pages reviewed and stamped as asbuilts and then that will need to be peer reviewed and verified. There was much discussion about the plan that was submitted. Ms. Shiver stated they would like a narrative report on what was approved and what had been changed. Mr. Bellemer stated the solar array is generating electricity. Ms. Trifone mentioned in the final control documents battery storage is mentioned and Ms. Shiver explained the applicant tried to have battery storage on site but was denied.

Johnathan Viner, 34 Donnelly Cross Road, mentioned that he had tried to reach out to National Grid about Solar Farms generating electricity without final approval and it was a dead end. Mr. Viner suggested a formal complaint with public utilities.

Peter Forte, ZPT Energy, explained that one of the issues of the tree location was approved by Highway Superintendent, William Cunduff. Additionally, Norman Bassett, completed his inspection and reached out to National Grid for completion. Mr. Forte said they did not change the layout but upgraded the equipment per National Grid. Mr. Ceppi stated that they should have come back for approval of any variations, all the plan pages need to be compared to original plan in 2010 and stamped asbuilt, and the building permit plans should have been the same as the approved 2010 plans. Mr. Forte expressed there was a note on the original plans that allowed them to do changes. Ms. Trifone stated there were violations from 2020 and read them aloud. Mr. Forte asked for copies because his office did not have the violations.

Matt Defosse, 7 Paul's Drive, asked about if the Town of Spencer was getting a fair amount of money if the solar farms are generating electricity before final approvals, he stated too many changes are being done without the town's knowledge, and solar projects go through too many owners. The discussion will be tabled to a later date when new asbuilt plans are submitted.

6. Discussion: 183 Greenville Road Ann & Warren Ramsey/ Residential Ground Mount Solar

Chris Jensen, Higgins Energy, was present on behalf of Ann & Warren Ramsey, 183 Greenville Street. Mr. Jensen explained they are looking to provide residential ground mount solar for Mr. & Mrs. Ramsey, however, the previous Town Planner, Todd Miller, told them to wait. Mr. Jensen stated the Town of Spencer's ground mount solar bylaw makes small residential arrays follow the same standards as commercial solar arrays. Mr. Jensen expressed that over \$5,000 dollars has been spent for surveys and requirements. Mr. Jensen said Mr. Miller told him he was working on amending the Solar Zoning Bylaws but left his position at the Town of Spencer. Mr. Ceppi stated the Planning Board would not be able to waive the requirement of getting a special permit for the use, however, could ask for waivers on some of the requirements. Mr. Jensen said it would be a lot of waiver requests.

Ms. Ramsey said they had started this application process six months ago and Mr. Miller advised them to wait and not submit the application. Mr. Ceppi answered that Mr. Miller discussed the need for amendments but unfortunately Mr. Miller left his position. Ms. Trifone said to resubmit the application and payment and they can review what will be needed for the meeting.

7. Discussion: Board Policies and Procedures

Mr. Ceppi mentioned this was an item Jeff Butensky was working on, but he resigned from the Planning Board. Currently, there is nothing new to discuss.

8. Review & Act: Revolving Account

Mr. Ceppi mentioned needing a motion for payment of the Stonebridge Press invoice. The payment will need to come out of the Planning Board Revolving Account for advertisements in the amount of \$264.60.

MOTION: Ms. Shiver motioned to approve the payment to Stonebridge Press for \$264.60

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, and the motion was carried (vote 4-0 motion carried)

9. Town Planner Report, Interim Planner, Lauren Trifone

- Invite for grant- Community One Stop For Growth
- Housing Production Plan meeting May 17, 2022
- Deer Run progress meeting with Town Counsel
- Town Cleanup day had over 50 volunteers and successful
- Town Meeting on Thursday May 5th, 2022, and Town Elections are Tuesday May 10th, 2022.

10. General Board Discussion & Board Liaison Reports

Ms. Shiver said she would be attending the Housing Production Plan Committee on May 17, 2022. Mr. Slack asked if the previous member, Robert Lucier, was on any boards and Ms. Trifone said no.

11. Citizen Input

N/A

12. New Business/Adjournment

No new business discussed.

MOTION: Ms. Shiver motioned to adjourn at 8:52 pm

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Mr. Gleason, and Ms. Shiver all voted aye, and the motion was carried (vote 4-0 motion carried)

Submitted by Monica Santerre-Gervais, ODIS Clerk

Approved by the Planning Board on: 5/17/2022

List of Documents used on May 03, 2022.

Items sent by email to the Planning Board and printed out for use at the meeting:

- Agenda
- Memo from Interim Town Planner for meeting
- Drafted minutes from 4/5/2022
- 133 Ash Street-Updated plans for Definitive Subdivision
- Charlton/Bacon-Updated plans for Definitive Subdivision
- 103 North Spencer Road- Asbuilt, Recorded Stormwater Plan, Graves Peer Review, violation letters, and original Certificate of Decision.
- 183 Greenville Street-Waiver requests for special permit for residential ground mount solar

Items submitted/ brought to the Meeting: