



## **Planning Board – Town of Spencer**

### ***Minutes***

Planning Board

October 18, 2022, at 7:00 pm

***REMOTE & IN-PERSON***

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

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**Planning Board Members Present: Chair Robert Ceppi (in-person), Vice Chair Shirley Shiver (in-person), Charlie Bellemer (in-person)**

**Planning Board Members Absent: Vaughn Slack and Joshua Buckley**

**Staff Present in-person: Lauren Vivier, Town Planner/ Conservation Agent (in-person), Monica Santerre-Gervais, ODIS Senior Clerk (remote)**

**Staff Absent: Dawn Foster, Minutes Clerk**

- 1. The Chair opened the meeting at 7:00 pm.**
- 2. Approval of Minutes: 9/15/2022, 9/20/2022, and 9/26/2022**

- **September 15, 2022, Minutes**

Minutes approved with minor edits for 9/15/2022 minutes.

**MOTION: Ms. Shiver motioned to approve the minutes as corrected for September 15, 2022.**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

- **September 20, 2022, Minutes**

**MOTION: Ms. Shiver motioned to approve the minutes for September 20, 2022, as submitted.**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

- **September 26, 2022, Minutes**

**MOTION: Ms. Shiver motioned to approve the minutes for September 26, 2022, as submitted.**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

### **3. ANR's**

- **Wire Village Road/William George/Create New Lots**

Mr. Ceppi mentioned he reviewed the parcels on the Assessor's GIS Map, and it looks like the lots were already created. Jason Dubois, DC Engineering, was on the call remotely. Mr. Dubois explained the two parcels are for sale and the buyers Attorney says the lots were not created legally.

**MOTION: Ms. Shiver motioned to endorse the ANR for Lot 2 Gold Nugget Road**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

- **Wire Village Road-Gold Nugget Road/William George/Create New Lots**

Jason Dubois, DC Engineering, was on the call remotely. Mr. Dubois explained this ANR is like the last ANR discussed but on the southerly side, on the deed a pond was referenced but is no longer there and went off the 1945 plan on file. There was discussion regarding where the owners land ends and the Town of Spencer's land begins.

**MOTION: Mr. Bellemer motioned to endorse the ANR for Lot 3 Gold Nugget Road**

**SECOND: Ms. Shiver**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

**4. Continued Public Hearing 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.**

Elio Qorri, Bertin Engineering, was remote and Attorney, TJ Recupero, was present for the meeting.

Ms. Vivier discussed the site visit that was on 9/7/2022 and a couple of wetlands need to be re-flagged. Additionally, no latest information has been received and they are waiting for Lenard Engineering and BSC Group to provide peer review. Mr. Qorri mentioned during the site walk William Cundiff, Highway Superintendent, had questions and they responded to him. Mr. Recupero mentioned at the beginning there were 38 comments from Lenard Engineering's peer

review, then 18 comments 9 is regarding stormwater, the plans have not changed, and this public hearing restarted on March 1<sup>st</sup>, 2022.

Open to the public:

Ellen Sousa, 88 Wire Village Road, mentioned she is part of the Common Ground Land Trust and would like to see this land remain in Open Space. Ms. Sousa would like the solar farm and subdivision to not be approved and keep the land unfragmented for wildlife. Additionally, Ms. Sousa stated the Common Ground Land Trust tried to buy the land to keep in Open Space, but their offer denied.

Mr. Ceppi asked how long the peer reviewer needs. Ms. Vivier said that a couple of wetlands need to be re-flagged. Mr. Recupero stated it does not all need to be re-flagged just a couple flags. Ms. Shiver asked how many peer review comments are pending and Mr. Qorri answered thirteen.

**MOTION: Mr. Bellemer motioned to continue the public hearing for the Ash Street Subdivision to 11/15/2022**

**SECOND: Ms. Shiver**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

**5. Continued Public Hearing 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 remote and Attorney, TJ Recupero, was present for the meeting.

Mr. Recupero stated this application is being peer reviewed by BSC Group and there was a conference call last week. Mr. Qorri and Ms. Vivier discussed the conference call and will be continuing the contract that exists and extract the Conservation Commission. Ms. Shiver brought up the waiver for access and frontage. Mr. Recupero stated that he submitted those waivers last October.

Open to the public:

William Cundiff, Highway Superintendent, caution the Planning Board to not accept one letter from the applicant and decision should not be based on observation.

Mr. Qorri commented on the peer reviewer and there were only a few comments left to address.

**MOTION: Ms. Shiver motioned to continue the public hearing for Charlton/Bacon Subdivision until 11/15/2022**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

**6. Continued Site Plan Review & Special Permit– Applicant/Owner: Spooky Realty Trust, Steven Turner, Location: Meadow Road, Spencer Assessor’s Map U11-12, 12-1, 12-2, 12-3, 12-4. The applicant is looking for a Major Site Plan Review under section 7.4.2 (Site Plan Review required for this use even when there is no new construction or expansion of structures or parking areas) & Special Permit under Section 3.4.1.G (Aquifer Protection Overlay District) and Section 3.4.2.H (Floodplain Overlay District). The property is located within the Commercial zoning district.**

Carl Hultgren, Quinn Engineering Inc, was present for the public hearing and discussed submitting the new plans, the easement requested was executed and submitted to the Board of Selectmen for final sign off, added dark arrows on pavement for direction flow, and two spaces added for waiting customers. There was discussion on when the Board of Selectmen can hear the applicant. Steven Turner, owner, was present for the meeting and mentioned he would speak to Brenda Savoie about getting on the Board of Selectmen agenda. Mr. Ceppi mentioned waiting for the easement to be finalized but Mr. Hultgren asked if it could be conditional approval. Ms. Vivier noted that Planning Board Member Vaughn Slack would need to be a voting party and he is absent.

Open to the public: no discussion.

**MOTION: Ms. Shiver motioned to continue Site Plan Review & Special Permit for Meadow Road until 11/1/2022**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

## **7. As-Built Review- 103 North Spencer Road**

Peter Forte, Zero Point Development, was present at the meeting.

Ms. Vivier went over the recent submission from the applicant that included a letter that discusses the changes. Ms. Vivier stated the changes noted was the Tree locations/Right-of-way deviations highlighted by Utilities and Facilities Department, Equipment buildings and violation of electrical code due their indoor locations, and Output of panels differs from approved equipment.

Mr. Ceppi was concerned about the 45 minutes for review from the Peer Reviewer. Ms. Vivier stated the actual peer review was completed last year and this recent peer review was for the As-Built. Mr. Forte mentioned they did get approval but not from the Building Inspector. Mr. Forte mentioned the changes were in red and Mr. Ceppi requested a Professional Engineer (PE) Stamp on the drawings. Ms. Shiver stated they would like to know the panel height and Mr. Forte said

they are under ten feet. Mr. Forte discussed the tree location being a concern at one time, however, Mr. Cundiff inspected and signed off on the permit. Mr. Ceppi expressed not wanting their tree on the Town right-of-way due to maintenance. Ms. Vivier read aloud an email from Mr. Cundiff regarding the tree location. Mr. Bellemer mentioned his concerns of weeds.

Ms. Vivier asked why the equipment is on multiple concrete pads and not the one pad as approved. Mr. Forte stated the plans were from 2010 and they were concept drawings because all the equipment they have on site can not fit in a shed. Ms. Vivier stated she has a letter from the manufacturer stating why the electrical equipment can not be contained in a shed. Mr. Ceppi mentioned the shed was to help with the noise and suggested the applicant build an eight-foot stockade fence.

Ms. Vivier discussed the third item regarding the output of panels and mentioned the panel layout is slightly different than the original plan. Ms. Vivier asked if the new layout was reviewed for the decommissioning bond and the Planning Board members said there was no decommissioning bond for this project. Mr. Forte stated everything electrical changed because there was not an electrical plan with the 2010 application. Mr. Ceppi stated he remembers this application coming before the Planning Board more than once and there was more than one page. Ms. Vivier stated Zero Point Development was not the original applicant.

There was discussion regarding the proposed shed, the original plan from 2010 and the racking system. Ms. Vivier mentioned she would like to see a “No Parking” sign on the gate. Ms. Vivier recapped what the applicant needs to provide for the next meeting which included panel height, proposal of fence around equipment pads, and the PE Stamp on the plans.

No motion needed for this discussion. Applicant to return on 11/1/2022.

## **8. Review & Act: Revolving Account**

The Planning Board members reviewed the invoices for Graves Engineering to pay \$497.00 and Stonebridge Press for \$147.00.

**MOTION: Ms. Shiver motioned to approve the invoices for Graves Engineering and Stonebridge press using the Planning Board Revolving Account**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

## **9. Town Planner Report**

- Ms. Vivier requested a formal report regarding the Landfill Solar Fire and will provide an update to the Planning Board when she receives the report.
- Discussed the draft of the Town Warrant is on the Town of Spencer’s website.
- The November 1, 2022, meeting will have Meadow Road Extension and 103 No. Spencer Road As-Built review. Additionally, Ms. Vivier would like to have a discussion regarding Policies and Procedures for the Planning Board. Items would include, As-Built

review process, 2023 Meeting Calendar, Agenda Format, Readvertisements, Revolving Account, and Peer Review Process. Mr. Ceppi asked about reviewing the general conditions for solar.

## **10. General Board Discussion & Board Liaison Reports**

No discussion

## **11. Citizen Input**

Jonathan Viner, 34 Donnelly Cross Road, mentioned a Stormwater Permit being issued for 103 North Spencer Road, an application to amend the plan was denied, and the applicant was asked to add trees on the south-easterly corner.

## **12. New Business/Adjournment**

**MOTION: Mr. Bellemer motioned to adjourn at 9:29 PM.**

**SECOND: Ms. Shiver**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

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

**Approved by the Planning Board on: 11/01/2022**

## **List of Documents used on October 18, 2022**

### **Items sent to Planning Board prior to Meeting by email and distributed at the meeting:**

- Agenda
- Memo from Town Planner
- Drafted minutes from September 15, 2022, September 20, 2022, and September 26, 2022
- ANR Plan- Wire Village Road/William George
- ANR Plan- Wire Village Road-Gold Nugget Road/William George
- New leader invoice - Revolving Fund approval for \$147.00
- Graves Invoice- Revolving Fund approval for \$497.00
- Email from Elios Qorri regarding Charlton/Bacon Subdivision
- Updated plans and easement plans for 5 Meadow Road-Expansion
- As-Built plans, peer review, and overlay plan for 103 North Spencer Road

### **Items submitted/ brought to the Meeting:**

None