



Planning Board – Town of Spencer

Minutes

Planning Board Special Meeting

October 18, 2023, at 7:00 pm

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), and Charlie Bellemer(in-person), Vaughn Slack (in-person)

Planning Board Members Absent: None

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

Staff Absent: None

1. The Chair opened the meeting at 7:05 pm – Mr. Ceppi needed to leave the meeting by 7:30pm and the agenda was rearranged to allow for items 2, 4, and 5 to go first on the agenda.

2. Continued Public Hearing Major Site Plan Review/Special Permit/ Stormwater Permit – Applicant: Peter Rundle-Solar Smart, LLC, Owners: Hillside Baptist Church, Location: 472 East Main Street, Spencer, MA; Assessor's Map R34-8-1. The applicant is requesting a Major Site Plan Review, Special Permit, and Stormwater Permit under sections 7.2, 7.4, and 4.8.9 of The Spencer Zoning Bylaw and Stormwater Regulations to develop a large-scale ground mounted solar PV array (2.917 MW). The property is located within the Rural Residential (RR)/ Commercial (C) with the arrays in RR zoning districts.

Ms. Vivier explained the applicant originally continued until 11/07/2023, however, the Planning Board meeting on 11/07/2023 was cancelled, therefore, we need to continue this hearing until 11/01/2023. Also, Ms. Vivier explained that the application needs to be heard before the Town Meeting on 11/09/2023 due to the moratorium on solar.

MOTION: Ms. Shiver made a motion to continue the Major Site Plan, Special Permit, and Stormwater Permit for 472 East Main Street Solar Array to 11/1/2023.

SECOND: Mr. Bellemer

DISCUSSION: None

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

4. Public Hearing: Action- to rescind the constructive approval for Spencer Solar II, LLC c/o Melink Solar Development for Subdivision Approval on Charlton Road, Assessors' Map R08-10, and reinstate the Planning Board denials of the subdivision.

Mr. Ceppi explained the applicant was not able to attend this rescheduled meeting and needs to be continued until 11/1/2023.

MOTION: Ms. Shiver made a motion to continue the Public Hearing to rescind the Constructive Approval for Spencer Solar II, LLC c/o Melink Solar Development for the subdivision on Charlton Road.

SECOND: Mr. Slack

DISCUSSION: None

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

5. Public Hearing: Action- to rescind the constructive approval for Spencer Solar, LLC for Subdivision Approval on Ash Street, Assessors' Map R27-1, and reinstate the Planning Board denials of the subdivision.

Mr. Ceppi explained the applicant was not able to attend this rescheduled meeting and needs to be continued until 11/1/2023.

MOTION: Ms. Shiver made a motion to continue the Public Hearing to rescind the Constructive Approval for Spencer Solar LLC for the subdivision on Ash Road.

SECOND: Mr. Bellemer

DISCUSSION: None

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

3. Public Hearing: Stormwater Permit (in conjunction with a Minor Site Plan review) – Applicant/Owners: Jeffrey Zukas, Location: Woodside Drive, Spencer Assessor's Map R40-04. The applicant is requesting a Stormwater Permit, section 5.A, of The Spencer Stormwater Regulations and section 7.4.6 (Minor Site Plan) of the Spencer Zoning Bylaw for a proposed contractor's yard to store and process material such as gravel, stone, and loam. The property is located within the Rural Residential (RR) zoning district.

Jeffrey Zukas, 93 Smithville Road, was present for the meeting. Ms. Vivier reviewed the application and explained that in March or April of this year the Planning Board approved an ANR for this applicant, the Conservation Commission issued the applicant Order of Conditions, and recently the Zoning Board of Appeals issued the applicant a Special Permit. Mr. Ceppi asked if other departments had reviewed and Ms. Vivier mentioned it is a private road with 92+ acres, the property is isolated and has no close neighbors to worry about sound or visual impact. Mr. Bellemer asked if the whole area would be leveled and Mr. Zukas explained looking to get it as flat as he can, he will cut and fill, but will protect the buffer zone. Mr. Zukas stated where he currently does this type of work there are too many restrictions and would like to continue the operations in this location but at his own residence.

The Chair opened the meeting up to the public:

Frank White, 35 R Jones, made a comment regarding Wood Turtles and Mr. Zukas said the property he is moving to doesn't have Wood Turtles.

MOTION: Mr. Bellemer made a motion to close the public hearing.

SECOND: Ms. Shiver

DISCUSSION: None

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

Ms. Vivier provided the Planning Board members with the drafted Certificate of Decision for this application and there were no issues or concerns.

MOTION: Ms. Shiver made a motion to approve the Minor Site Plan to Jeffrey Zukas for Woodside Drive.

SECOND: Mr. Bellemer

DISCUSSION: None

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

MOTION: Ms. Shiver made a motion to approve the Stormwater Permit to Jeffrey Zukas for Woodside Drive.

SECOND: Mr. Slack

DISCUSSION: None

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

8. Revolving Account Invoice Approval

The Planning Board members discussed the Stonebridge Press invoice for \$396.90 for advertising charges.

MOTION: Ms. Shiver made a motion to approve the payment for the Planning Board Revolving Account to pay for the Stonebridge Press invoice in the amount of \$396.90.

SECOND: Mr. Bellemer

DISCUSSION: None

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

6. Discussion: Solar Bylaws & Energy Storage Systems

Ms. Vivier mentioned the Solar and Energy Storage Systems moratoriums will be on the warrant articles for the Town Meeting, the Board of Selectmen and Finance Committee voted to approve the articles, and she is working on the amendments and reaching out to surrounding towns.

7. General Board Discussion/ Board Liaison Reports

No discussion.

9. Town Planner Report

Mr. Vivier mentioned the Master Plan Committee will be having a workshop on 10/26/2023 to discuss Town Center, Town Meeting is on 11/9/2023, next Planning Board meeting is 11/1/2023, and there is no meeting on 11/07/2023.

10. Citizen Input

Matt Defosse, 7 Paul's Drive, recommended any amendments of the bylaws be sent to Town Counsel so they won't be rejected. Ms. Vivier explained that is an ongoing practice and all amendments of the bylaw have already been reviewed by the Towns Counsel.

11. Approval of Minutes-9/19/2023 & 10/03/2023

9/19/2023

MOTION: Ms. Shiver made a motion to approve the minutes as written for 9/19/2023.

SECOND: Mr. Bellemer

DISCUSSION: None

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

10/03/2023

MOTION: Ms. Shiver made a motion to approve the minutes as written for 10/03/2023.

SECOND: Mr. Bellemer

DISCUSSION: None

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

12. Adjournment

MOTION: Ms. Shiver made a motion to adjourn the meeting at 7:26pm

SECOND: Mr. Ceppi

DISCUSSION: None

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

Submitted by Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: 11/01/2023

List of Documents used on October 18, 2023

Items sent to Planning Board prior to Meeting by email:

- Agenda 10/18/2023
- Memo from Town Planner
- Drafted minutes from 9/19/2023 and 10/03/2023
- 472 East Main Street-updated plans, updated stormwater plan, updated geotechnical report, peer review response, and original applications.
- Jeffrey Zukas/ Woodside Road Stormwater Permit and Minor Site Plan review application and plans.

Items submitted/ brought to the Meeting:

- Draft Certificate of Decision for Jeffrey Zukas/ Woodside Road Stormwater Permit and Minor Site Plan review.