



## Planning Board – Town of Spencer

### *Minutes*

#### Planning Board Meeting

**Tuesday, October 19, 2021, 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 Jonathan Viner (in-person), Vice Chair Jeff Butensky (remote), Robert Ceppi (in-person), and Maria Reed (remote) Paul Gleason (in-person)

Planning Board Members Absent: None

Staff Present: Todd Miller, Town Planner (in-person) and Monica Santerre-Gervais, ODIS Senior Clerk (remote)

Staff Absent: None

#### **1. Mr. Viner, Chair, opened the meeting at 7:04 pm.**

#### **2. Approval of Minutes: 10/5/2021**

**MOTION: Mr. Ceppi motioned to approve the minutes for 10/5/2021**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)**

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

- 4 Chickering Road- Daniel Watson- Mr. Miller stated the applicant requested a continuance until November.

**MOTION: Mr. Ceppi motioned to table the 4 Chickering Road ANR until 11/16/2021**

**SECOND: Mr. Gleason**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)**

- 34 Brooks Pond Road- Joseph & Krystal Green- Mr. Miller stated the applicant requested a continuance until November.

**MOTION: Mr. Ceppi motioned to table the 34 Brooks Pond Road ANR until 11/16/2021**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)**

**4. Continued Public Hearing: Major Site Plan Review/ Special Permit/ Subdivision - Applicant: Spencer Solar LLC; Owner: Ash Spencer Realty LLC, Location: Ash Street; Spencer Assessor's Map R27-01. The applicant is requesting a Major Site Plan Review under Section 7.4 and Special Permit under Section 7.2 of the Spencer Zoning Bylaw Zoning to install a Solar PV Facility. The applicant is also seeking a Subdivision approval as part of this project. The property is located within the Rural Residential zoning district.**

Steven Pikul, Thomas Recupero, Jeremy Chapman, and Elio Qorri were remote and in-person to represent the applicant. Mr. Miller mentioned they recently received peer review from Lenard Engineering and there are 18 items requiring action. Mr. Recupero discussed their submittal for waivers and the new peer response questions. Mr. Viner felt it may not be beneficial to discuss anything tonight until town official and applicants are on the same page. Mr. Recupero discussed some of the peer review items, stormwater permit, and jurisdictional aspects. Mr. Pikul mentioned the SWPPP has been submitted to the Conservation Commission and currently under review. Mr. Pikul asked about parallel jurisdiction clarity and Mr. Viner said that was one of the discussions between town officials to clarify. Additionally, Mr. Viner asked about peer review comment regarding the drainage design not being functional and Mr. Pikul said discussing with his team and redesign possible.

The Chair opened the public hearing to the public:

Matt Defosse, 7 Pauls' Drive, asked to have waivers and all paperwork available for residents, he is opposed to any type of waivers that the applicant has requested, and applicant constantly submitting last minute, and no decisions should be made. Mr. Viner stated no decision will be made tonight because the Planning Board needs more time to review.

Frank White, 35 R. Jones Road, stated the previous subdivision for this property was denied due to ledge and not being able to blast due to it being in the aquifer protection zone. Mr. Viner stated the applicant is requesting a subdivision where 1 lot will be for the solar farm and 1 lot will be for a single-family home.

There was much discussion regarding when the applicant should return, and it was decided the meeting in December would be best.

**MOTION: Mr. Ceppi motioned to continue the public hearing for the Subdivision, Special Permit, and Site Plan for 133 Ash Street until December 21, 2021**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)**

**5. Continued 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.**

Steven Pikul, Thomas Recupero, Jeremy Chapman, and Elio Qorri were remote and in-person to represent the applicant.

Mr. Miller said there has been no new movement for this application. Mr. Recupero stated they had submitted updated plans and waiver requests at the last meeting and have not received a response yet from BSC Group. Mr. Miller said that BSC Group has been busy but will reach out to them. There was much discussion regarding plan sets and labeling of the plans for the Conservation Commission and Planning Board. Mr. Ceppi stated the applicant needs the subdivision approval first before they discuss the solar farm.

The Chair opened the public hearing to the public:

Dave Nussey, 227 Charlton Road, asked about which department would be the stormwater authority and Mr. Viner said it's a discussion that they are still having. Additionally, Mr. Nussey said the site has been cleared of trees already and no stormwater was discussed. Mr. Miller said he will check to see if there was a forest cutting plan for the site. Mr. Viner said the Conservation Commission has authority for enforcements and fines for tree cutting and stormwater issues. Also, Mr. Nussey asked about the road length and Mr. Viner said the right-of-way limit is a 50-foot design and there are written design requirements for road designs.

Mr. Pikul requested the continuance to be until the December meeting.

**MOTION: Mr. Ceppi motioned to continue the Definitive Subdivision Plan hearing stated on the agenda for R08-10 until December 21, 2021.**

**SECOND: Mr. Gleason**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)**

**6. Major Site Plan Review/ Special Permit/ Aquifer Protection – Applicant/ Owner: Town of Spencer; Location: 69 West Main Street, Spencer Assessor's Map R29-01. The applicant is looking for a Major Site Plan Review under Section 7.4 and a special permit under Section 3.4.1 (Aquifer Protection) and 4.2 (Major Utility in Commercial Zone) of the Spencer Zoning Bylaw to modernize, upgrade, and improve the Wastewater Treatment Plant. The property is located in the Commercial zoning district.**

Mr. Miller mentioned he brought hard copies and large plans for review.

Jean Christy and Ryan Siegel, Tighe & Bond, were present to represent the applicant. Ms. Christy discussed the Town of Spencer Wastewater Treatment Plant (WWTP) was built in the 1940's, the WWTP is on the Aquifer Protection Zone, and they have gone before the Conservation Commission for the Wetlands, there was discussion regarding utilities being connected on South Spencer Road and discussed the submitted drawings and plans.

Mr. Miller said he has no issues with this application as submitted.

Ms. Christy said they are requesting a waiver for the Open Space Plan, floor plan, and lighting plan. Mr. Ceppi said this will be a great project for the town. Mr. Butensky asked about funding for the project because he may need to recuse himself. Mr. Siegel said it was being funded by the Clean Water State Revolving Fund. Mr. Viner asked about a construction pad from route 9 and Ms. Christy said they could put one. There was much discussion regarding aeration tank, maintenance, clarifiers, UV Systems, and Utilities.

Jim LaPlante, Superintendent of the Wastewater Treatment Plant, stated the upgrades will increase screening and reduce the maintenance.

The Chair opened the hearing up to the public and there were no public comments.

Mr. Viner asked when the WWTP was last updated, and Mr. Siegel said in 1986. MR. Viner asked with the upgrades how long until the next overhaul and Mr. Siegel said hopefully 20-30 years.

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

**SECOND: Mr. Gleason**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)**

**MOTION: Mr. Ceppi motioned to approve the Major Site Plan Review/ Special Permit/ Aquifer Protection for the Town of Spencer WWTP with a condition for the applicant to add a construction pad to the plan at the exit**

**SECOND: Mr. Gleason**

**DISCUSSION: Mr. Butensky recused himself from voting**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (4-0)**

## **7. Town Planner Report-**

Mr. Miller stated that all updates from the last meeting are ongoing.

- Had an informal gathering for the housing production plan committee, should last 6-7 months, and the final report can be added to the new Master Plan.
- Warrant officially drafted for Town Meeting

## **8. Citizen Input**

Matt Defosse, 7 Paul's Drive, mentioned at the last Board of Selectmen meeting he suggest all the boards to hold a workshop so they can interact and communicate better.

## **9. New Business/Adjournment**

Mr. Viner discussed at the last Board of Selectmen (BOS) meeting that the request for a higher cap for the Planning Board revolving account will not be on the warrant because the Master Plan will be funded by both the Planning Board and town appropriations. Additionally, Mr. Viner stated with the Planning Board Revolving Fund being rectified the BOS want to see it that will help.

**MOTION: Mr. Ceppi motioned to adjourn the meeting at 9:04 pm**

**SECOND: Mr. Butensky**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)**

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

**Approved by the Planning Board on: 11/02/2021**

### **List of Documents used on October 19, 2021.**

#### **Items sent by email Planning Board or uploaded online prior to Meeting:**

- Agenda
- Drafted minutes for 10/5/2021
- Updated peer review response, peer review, and requested waivers for Ash Street
- 69 West Main Street/WWTP- Special Permit, Major Site Plan Review, and Aquifer Protection plans, narrative, and supporting documents from Tighe and Bond

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

None.