



Planning Board – Town of Spencer

Minutes

Planning Board

November 15, 2022, 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 Vaughn Slack(in-person)

Planning Board Members Absent: Charlie Bellemer

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

Staff Absent: None

1. The Chair opened the meeting at 7:07pm.

2. Approval of Minutes: 11/1/2022

MOTION: Ms. Shiver motioned to approve the minutes for November 1, 2022.

SECOND: Mr. Slack

DISCUSSION: None

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

3. 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.

Mr. Recupero noted that the majority third-party review had already been completed and that the basin area would be pulled back as requested. He stated that he expects EcoTec to require approximately two weeks to confirm the existing wetlands flags and refresh those onsite.

The Chair opened the hearing for public comments and requested all comments from the public be regarding the subdivision.

Ralph Hicks, 21 Lyford Road, requested that the Planning Board should clarify the plans for the subdivision to know what is going in, however, the Chair reminded him that this phase of the project is solely regarding subdividing lots. Mr. Ceppi stated any discussion regarding what may or may not be built on the lots in the future would occur at the time of future applications.

MOTION: Ms. Shiver motioned to continue the public hearing until December 20, 2022.

SECOND: Mr. Slack

DISCUSSION: None

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

4. 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 noted that he had been waiting for peer review since April. Ms. Vivier explained that the delay was due to a question of existing funds in the account which also contained funds for another of the Applicant's projects. She is currently waiting on confirmation of peer review. Mr. Recupero also noted that BSC Group had confirmed in September that there were enough funds to conduct peer review. Ms. Vivier explained that there appeared to be confusion on the Applicant's part as to what was required by the Conservation Commission vs. the Planning Board.

The Chair opened the hearing for public comments and requested all comments from the public be regarding the subdivision.

Matt DeFosse, 7 Paul's Drive, noted that the width of the right-of-way had not been previously met and that it should be met to move forward with the project to ensure that the Town of Spencer is not approving waivers. Mr. Hicks and Gary Woodbury, 219 Charlton Rd., both stated their agreement with Mr. DeFosse.

Taylor Wentworth, 245 Charlton Rd., stated her concern that there seems to be problems with this application as it keeps going on and on. Mr. Woodbury also stated that the applicant had approached neighbors to buy land so, the applicant knows he needs more land to meet the right-of-way requirements.

Mr. Recupero noted that the width is currently 49.8' and therefore qualifies for a waiver.

MOTION: Ms. Shiver motioned to continue the Public Hearing until December 20, 2022.

SECOND: Mr. Slack

DISCUSSION: None

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

5. As-Built Review- 103 North Spencer Road

Applicant has requested to hold off on discussion until December 6, 2022, while waiting for his engineering review.

6. As-Built Review-183 Greenville Street/ Residential Ground Mount Solar

Ann Ramsey, 183 Greenville Street, and Chris Jensen, 140 Worcester Road, Barre, MA., were present for the meeting.

Ms. Shiver requested clarification on the correct property line distance. Mr. Jensen indicated that the correct distance was noted on the survey in the Planning Board's possession. Ms. Vivier noted that the Building Inspector and the Electrical Inspector completed site visits.

MOTION: Ms. Shiver motioned to approve the application for Residential Ground Mount Solar at 183 Greenville Street.

SECOND: Mr. Slack

DISCUSSION: None

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

7. General Board Discussion/ Board Liaison Reports

- Ms. Shiver reported that the Housing Production plan will be completed by this Thursday (November 17, 2022)
- Mr. Ceppi noted that he did not attend the most recent meeting of the Central Mass Planning Commission as it conflicted with the Special Town Meeting on November 10, 2022.

8. Citizen Input

None

9. Executive session pursuant to G.L. Ch. 30A, Sec. 21 (a) purposes (1) and (7) "To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements," the Open Meeting Law- Open Meeting Law complaint, filed by Attorney Thomas John Recupero, Attorney for Spencer Solar, LLC and Spencer Solar II, LLC, dated October 13, 2022- acknowledgement of the Open Meeting Law complaint, discussion and response to same; votes may be taken.

Closed to public

10. Town Planner Report: ratify, validate, and confirm discussion held at September 15, 2022 meeting under "Town Planner Report" agenda item re: 1) approval of borrowing by the Town for the high school project; 2) site walk report for Spencer Solar LLC's Ash Street Application; 3) site walk report for solar project on North Spencer Road; 4) North Brookfield Road solar project working group meeting; and 5) annual gravel pits

Ms. Vivier requested that the board members re-sign the verification form (provided) used by the Worcester District Registry of Deeds due to the recent resignation of a board member. Ms. Vivier briefly updated the board on some of the results of the Special Town Meeting, which was held on November 10, 2022. The Solar Bylaw Amendments passed, as well as a new position for Planning Assistant.

11. New Business/Adjournment

MOTION: Ms. Shiver motioned to adjourn the meeting at 8:21 pm.

SECOND: Mr. Slack

DISCUSSION: None

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

Submitted by: Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: 12/6/2022

List of Documents used on November 15, 2022

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

- Agenda
- Memo from Town Planner
- Waiver request document regarding Charlton/Bacon Subdivision, dated 9/1/2021.
- As-Built and narrative for 183 Greenville Street
- Executive Session Documents

Items submitted/ brought to the Meeting:

None