



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

### ***Minutes***

Planning Board  
December 06, 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) and Vaughn Slack (in-person)**

**Planning Board Members Absent: None**

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

**Staff Absent: None**

**1. The Chair opened the meeting at 7:00pm**

**2. Approval of Minutes: 11/15/2022**

**MOTION: Ms. Shiver motioned to approve the minutes of 11/15/2022**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

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

**3. Continued Public Hearing: Special Permit– Applicant: Freedom Forever, Aaron Wendt; Owner: Craig Lusignan. Location: 83 Northwest Road, Spencer Assessor’s Map R50-3-1. The applicant is looking for a Special Permit under section 4.8.9 (Solar Photovoltaic Generating Installations) to install small scale residential ground mount solar panels. The property is located within the rural residential zoning district**

Paige Pereira, 55 Essex St., Ludlow, MA (by phone) was available to answer questions for the board. She noted that the item will be open for public hearing at the Conservation Committee meeting on December 14, 2022. Ms. Pereira explained there had been a site visit, but it has not been approved yet. Also, Ms. Pereira stated she would provide a list of waivers to Ms. Vivier within the next few days.

Mr. Ceppi suggested that the applicant might want to wait and re-apply under the new Zoning Bylaws because it might be an easier process for the applicant and the applicant could be on the Zoning Board of Appeals agenda for the meeting scheduled in February.

Ms. Vivier stated that while Mr. Ceppi is correct regarding the newly adopted, more applicant friendly bylaws for a new request, for this item at this stage, it would not be cost effective and suggested a continuation until December 20, 2022.

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

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

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

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

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

The Planning Board members reviewed the newly submitted documents from the applicant and discussed that the changes are due to improvement in technology from the time of plan approval to the installation of the project equipment and its requirements.

Pete Forte, Zero Point, (by phone) was available to answer questions for the board. on the telephone.

The fence height is noted on the stamped plans however, it must also be verified on the As-Built plans. Mr. Forte identified that the As-Built will show that the stockade fence required by fire code is located fifteen feet off the concrete pad and is eight feet in height.

Mr. Ceppi expressed concern that the tree line appears in the towns right-of-way on the plans which would indicate that the town is responsible for maintenance. Mr. Forte noted that the trees are located on the property and are not in the right-of-way.

The As-Built also indicates the solar panel heights are eight feet “plus or minus” but need to identify what the actual variation amount is.

The applicant will provide manufacturer specifications to identify the sound decibels for the new inverter. On the As-Built plans, the applicant will note the stockade fence location, clarify the solar panel heights and variations, and clarify the tree line as it may be in the right-of-way and a written statement for landscape maintenance.

Matt Defosse, 7 Paul’s Drive, expressed concern that the developers of the solar projects are not adhering to regulations. Mr. Defosse mentioned that the neighbor to the south of the project will hear the noise from the project. Also, Mr. Defosse noted again that he does not believe the Planning Board should allow project changes or waivers.

**MOTION: Ms. Shiver motioned to continue the discussion until December 20, 2022.**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

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

## **5. Discussion: Board Policies and Procedures**

No items discussed.

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

No items discussed.

## **7. General Board Discussion/ Board Liaison Reports**

No items discussed.

## **8. Town Planner Report**

- Master Plan Update:

Ms. Vivier provided Master Plan folders to the Planning Board members and noted that the Master Plan is due by June 2024 (the 2-year clock began its countdown in June 2022 when funds were awarded).

CMRPC was authorized by the Board of Selectmen to assist in the Master Plan update and CMRPC will be providing a presentation on December 20, 2022, addressing how the process will proceed.

Mr. Vivier noted that the team for the Master Plan update will include one staff member, one Planning Board member, one Board of Selectmen member, and two or three members of the public as voted in by the Planning Board. Please spread the word to interested citizens.

- Zoning Board of Appeals is losing a member and will now be down to two members. Please spread the word to interested citizens.
- Grant Opportunities - Ms. Vivier noted that she is continually seeking grant opportunities and advised the Planning Board that they can use grants to implement improvement projects within the town limits - it's not solely limited to, for example, Parks and Recreation/Trails.

## **9. Citizen Input**

Cameron Smith, 15 Cooney Rd, was present to notify the Planning Board that he has approximately sixty-five acres of land of which thirty-five acres is Conservation land. Mr. Smith

wants to ensure that it cannot be subdivided, and he will be selling ‘development rights’ to a conservation entity (i.e. The Audubon Society) to ensure that it cannot be subdivided.

#### **10. New Business/Adjournment**

**MOTION:** Ms. Shiver motioned to adjourn the meeting at 8:36pm.

**SECOND:** Mr. Bellemer

**DISCUSSION:** None

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

**Submitted by:** Dawn Foster, ODIS Minutes Clerk

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

**Approved by the Planning Board on:** 12/20/2022

#### **List of Documents used on December 06, 2022**

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

- Agenda
- Memo from Town Planner
- Draft minutes from 11/15/2022
- Updated electrical code and plans for 103 North Spencer Road Solar Close-Out

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

None