



Planning Board – Town of Spencer

Minutes

Planning Board Special Meeting

December 12, 2023, at 6:00 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 (remote at 6:15pm), Charlie Bellemer (in-person), and Vaughn Slack (in-person)

Planning Board Members Absent: none

Staff Present: Lauren Vivier, Town Planner/ Conservation Agent (in-person) and Sarah Campbell (in-person)

Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk

1. The Chair opened the meeting at 6:08 pm

2. ANR:

- **78 So Spencer Road/ Harold Ormsbee/ Create 2 Lots.**

Attorney George Kiritsy and Harold Ormsbee were present for the meeting. Mr. Kiritsy explained the reasoning for the ANR Plan to sell the home on South Spencer Road, not increasing the non-conformity, and having existing frontage on private way. Mr. Kiritsy stated during his research the private way has been there since 1861 and has access. The owner, Mr. Ormsbee, would like to retain the back lot and add it to his other property. Mr. Ceppi said he could not find track one and two and Mr. Kiritsy came up to show the rods on the parcel. Mr. Ceppi asked where the information came from, and Mr. Kiritsy said it was from the Town Assessor. Mr. Kiritsy explained that while doing the deed search, he discovered that in the past years there was a typo on the deeds, and it had continued all these years.

Mr. Ceppi questioned if it is a private way or right of way and Mr. Kiritsy said it is a private way. Mr. Kiritsy discussed his experience in the land court and said the most important thing is it does have access, the Town of Spencer is maintaining the road, and the new owner will be using that road. Mr. Ceppi was not concerned with access but the difference between the private way and right of way wording. There was much discussion regarding findings and wording on past deeds.

Ms. Vivier asked if the Planning Board members received the opinion from Town Counsel, who said, “for one-lot plans the Board does not consider whether the single lot created by the plan has adequate frontage on a way,” and the Planning Board must endorse the ANR plan. Mr. Ceppi said that Town Counsel did not specify private way or right of way and that was a problem for him.

Jeffrey Bridges, Town Administrator, stated it does not matter about the name of the road but that the property in the deed can use the access for the property, and under case law the Planning Board must approve the ANR because it is not a subdivision. Mr. Ceppi said his issue is that you cannot have frontage on a right of way and Mr. Bridges said there is no law that says that. Mr. Kiristy stated this lot was in existence before Subdivision Control Law and they come before the Planning Board under Section C. Mr. Ceppi said he is still concerned with the wording right of way and when he looked at the deeds for 80 South Spencer Road it says right of way. Mr. Ormsbee said the current deed now says private way.

MOTION: Ms. Shiver motioned to approve the plan as resubmitted.

SECOND: Mr. Bellemer

DISCUSSION: Three signatures are needed for the ANR, Ms. Shiver gave permission to Ms. Vivier to sign the ANR for Ms. Shiver.

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

MOTION: Mr. Bellemer motioned to allow the Town Planner, Lauren Vivier, to sign the ANR in place of Ms. Shiver who is out of town.

SECOND: Mr. Slack

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

3. Discussion: Solar Bylaws & Energy Storage Systems

No new updates.

4.. Town Planner Report

No new updates.

5. Citizen Input

No Comments.

6. Adjournment

MOTION: Mr. Slack

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 Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on:1/30/2024

List of Documents used on December 12, 2023

Items sent to Planning Board prior to Meeting by email:

- Agenda for 12/12/2023 Final R1.
- Updated ANR supporting documents and plan for 78 South Spencer Road.

Items submitted/ brought to the Meeting:

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