



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, December 15, 2020 at 6:00 PM

McCourt Social Hall, 157 Main Street Spencer, MA 01562

Memorial Town Hall- **Remote Meeting**

Planning Board Members Present: Chair Jonathan Viner (remote), Vice Chair Jeff Butensky(remote), Robert Ceppi (remote), and Maria Reed (remote) Paul Gleason (remote)

Planning Board Members Absent: None

Staff Present in-person: Ian McElwee, Interim Town Planner

Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk

1. Jeff Butensky opened the meeting at 6:00 pm and read aloud Covid-19 statement. *“This Meeting of the Planning Board is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, pursuant to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. In order to mitigate the transmission of the COVID-19 Virus, we have suspended public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. We are meeting remotely and broadcasting live on Spencer Cable Access to ensure public viewing access.”*

2. Discussion of Board Positions and Agenda

Jeff Butensky would like to discuss the future of the Solar Bylaw, internal issues, how the Agenda is set up, site visits, how to interact with the town employees and define the roles of the Planning Board. Mr. Ceppi nominated Jonathan Viner as the new chair.

MOTION: Mr. Ceppi made a motion to nominate Jonathan Viner to Chair.

SECOND: Mr. Butensky

DISCUSSION: None

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

Mr. Viner made a motion to ratify the Agenda.

MOTION: Mr. Ceppi

SECOND: Mr. Butensky

DISCUSSION: None

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

3. ANR- Lot 10, 7 Paxton Road – Laureldale Family Trust

Kevin Jarvis joined the hearing to represent the family. The plan is to split 5 lots. The land is staying in the family. There was a discussion on what lots are buildable. Mr. Viner asked Mr. Jarvis to re-submit the plans and label the lots that are not buildable for Lot 7.

MOTION: Mr. Viner to approve the ANR as submitted

SECOND: Mr. Butensky

DISCUSSION: There was discussion on which parcels go with which Lot. Mr. Viner said that wetlands should have been shown on the plans for the Lots. The plan does not meet the ANR requirements for the Town of Spencer.

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi and Mr. Viner all voted aye, and the motion was carried (4-0 Mr. Gleason did not vote)

MOTION: Mr. Viner motioned to withdraw & re-submit the plans.

SECOND: Mr. Butensky

DISCUSSION:

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Viner all voted aye, and the motion was carried (4-0 Mr. Gleason did not vote)

MOTION: Mr. Viner motioned to modify the Agenda.

SECOND: Mr. Butensky

DISCUSSION:

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

4. Public Hearing: 2020 Open Space and Recreation Plan Discussion

George Russell explained the Open Space Plan that has been updated since 2011. He said the outline for the plan is dictated by DCR (Department of Conservation & Recreation). Mimi Kaplan, from CMRPC, joined the meeting. She has been the one updating the plan. One of the benefits of the plan, is that the town can receive a whole host of grants. If anyone would like to add input, Mimi can add it to the plan. Jan Parke's from CGLT (Common Ground Land Trust) will present the draft to the Board of Selectman. It would be good to get an approval letter from the Planning Board. Matt Defosse, a resident, was glad to hear the plan is ADA compliant. There was talk about creating a budget, fund, or revolving account for the plan.

MOTION: Mr. Viner voted to close the public hearing.

SECOND: Ms. Reed

DISCUSSION:

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

5. Continued Special Permit – Applicant/ Owner: John Kennedy, 50 E. Charlton Road; Location: East Charlton Road; Spencer Assessor’s Map R14-53-1, R14-53-3, R14-53-5. The applicant is requesting a Special Permit under 5.3.10 (Rear lot subdivision) of the Spencer Zoning Bylaw to create a rear lot subdivision. The property is located within the Rural Residential zoning district.

Jason Dubois joined the meeting to represent the applicant. There was a discussion on the setbacks.

MOTION: Mr. Viner motioned to approve the plans.

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Viner all voted aye, and the motion was carried (4-0 Mr. Gleason was not able to vote on this agenda item)

6. Continued Special Permit – Applicant/ Owner: Adam German; Location: 71 East Charlton Road; Spencer Assessor’s Map R14-29-2 and R-14- 29-3. The applicant is requesting a Special Permit under 5.3.10 (Rear lot subdivision) of the Spencer Zoning Bylaw to create a rear lot subdivision. The property is located within the Rural Residential zoning district.

Jason Dubois joined the hearing and represented the applicant. There was a discussion on the rear lot subdivision with the common driveway.

MOTION: Mr. Ceppi motioned to approve the special permit.

SECOND: Ms. Reed

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Viner all voted aye, and the motion was carried (4-0 Mr. Gleason was not able to vote on this agenda item)

7. Continued Public Hearing – Special Permit/Major Site Plan Extension; Applicant: ForeFront Power, LLC; Owner: Laura Hopkins, Location: 36 Cranberry Meadow Road. Spencer Assessor’s Map R12-4. The applicant is requesting an extension to the Special Permit and Major Site Plan under Sections 4.8.9, 7.2, and 7.4 of the Spencer Zoning Bylaw to install a 2.2 MW solar array. The property is located within the Rural Residential zoning district.

Mr. McElwee spoke about how the proposed solar array at 36 Cranberry Meadow Road has become impacted by the Solar Moratorium. There were no representatives for the applicant. Mr. Butensky wanted Attorney Jonathan E. Eichmann’s opinion. Attorney Eichmann said it can be continued up to a year.

MOTION: Mr. Butensky motion to continue Cranberry Meadow to March 16, 2021

SECOND: Mr. Ceppi

DISCUSSION:

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Viner all voted aye, and the motion was carried (4-0 Mr. Gleason was not able to vote on this agenda item)

8. Continued Public Hearing-Major Site Plan Review/Special Permit Applicant: Sunpin Solar Development, LLC; Owner: Peter and Carol Gaucher, Location: 22 Norcross Road; Spencer Assessor's Map R40-07. 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 Farm. The property is located within the Rural Residential zoning district (looking to continue for 6 months)

Andrew Vardakis, a Civil Engineer, with Wood Environmental joined the hearing. Jamie Boyd of Sunpin Solar joined as well. Mr. Vardakis said that they have been addressing both Planning Board and Conservation Commission Board with Peer Review. There was a discussion about continuing to 6-months. Ms. Boyd said that this has been in the works for a few years. They have spent considerable time and money. If they stop for 6 months, are they going to have to start all over again. Mr. Viner said that it would be according to the new Solar Bylaw from the Attorney General. Ms. Boyd would like to continue to one month. Mr. Ceppi suggested waiting until the new bylaw. Mr. Viner consulted with the Town Council who said that there would be no issue either way. It was decided that they continue for a month.

MOTION: Mr. Butensky motioned to Continue 22 Norcross Road to January 19, 2021

SECOND: Ms. Reed

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Viner all voted aye, and the motion was carried (4-0 Mr. Gleason was not able to vote on this agenda item)

9. Continued Public Hearing: Major Site Plan Review/ Stormwater Permit Renewal – Applicant: Chris Nolan, BETA Group, Inc.; Owner: DG Northeast 2020 Holdings, LLC Location: North Brookfield Road; Spencer Assessor's Map R39/14. The applicant is requesting an extension to a Major Site Plan Review under Section 7.4 of the Spencer Zoning Bylaw to install a solar array. The property is located within the Rural Residential zoning district.

Tom Gregory was contacted by the representatives' Attorney to include an extension to the permit. Tad Heuer, of DG Northeast, joined the hearing. He asked Atty. Eichmann if DG provided all that was needed, would the building permit be allowed. Mr. Viner believes that it would be allowed. It was decided that they would like to continue to the next month.

MOTION: Mr. Ceppi motioned to Continue North Brookfield to January 19, 2021

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Viner all voted aye, and the motion was carried (4-0 Mr. Gleason was not able to vote on this agenda item)

10. 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 Farm. The applicant is also seeking a Subdivision approval as part of this project. The property is located within the Rural Residential zoning district.

Steve Pikhul from, Bertin Engineering, joined the hearing along with Attorney Thomas J. Recupero and Jeremy Chapman. Mr. Viner asked if they provided applications for each component. The three components were the Major Site Plan Review, the Special Permit, and the Subdivision. Mr. Pikhul said currently they are reviewing and submitting the peer review questions and comments. The applicant would like to continue to the next meeting. Mr. Viner said that each component would be a separate item on the Agenda. Mr. Recupero said that the previous planner requested the Subdivision plans first.

MOTION: Mr. Ceppi motioned to Continue to January 19, 2021

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Viner all voted aye, and the motion was carried (4-0 Mr. Gleason was not able to vote on this agenda item)

11. Continued Definitive Subdivision Plan - Applicant: Colin Derhammer; 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.

Steve Pikhul joined the hearing and said they are reviewing the Peer Review Comments from BSC. Mr. Viner asked if they proposed anything different for the frontage, because that was discussed as the last meeting that they are proposing a cul-de-sac. The applicant would like to continue until the next meeting.

MOTION: Mr. Ceppi motioned to Continue to January 19, 2021

SECOND: Ms. Reed

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Viner all voted aye, and the motion was carried (4-0 Mr. Gleason was not able to vote on this agenda item)

12. Special Permit - Applicant: Daniel Rubin, Freedom Forever Massachusetts, LLC; Owner: Craig Lusignan, Location: 83 Northwest Road; Spencer Assessor's Map R50-3-1. The applicant is seeking a Special Permit under Section 4.8.9 (Solar Photovoltaic Generating Installations) of the Spencer Zoning Bylaw to install a ground mounted 13.050 KW solar panel system. The property is located within the Rural Residential zoning district.

Daniel Rubin, the applicant, and Craig Lusignan, the owner, joined the hearing. They are proposing a small scale solar on the residential lot. Mr. Viner wanted to know the timeline. Mr. Lusignan said that at the end of the year he may be transferring ownership. There was discussion as to if it fell under the Solar Moratorium. Attorney Eichmann said it does not because it is not large-scale solar.

MOTION: Mr. Butensky motioned to continue until January 19, 2021

SECOND: Ms. Reed

DISCUSSION: None

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

13. Discussion: Solar

Mr. Butensky recommended discussing Solar another time. He wants to launch an initiative on policies for the board. There was discussion on having a Special Meeting to discuss those topics. Mr. Gregory reminded the board to come in and sign 51 Borkum Roads decision.

14. Approval of Minutes

The board agreed to Table the minutes to the next meeting.

MOTION: Mr. Butensky motioned to Table the 10/20/20 & 11/17/20 minutes to January 19, 2021

SECOND: Mr. Ceppi

DISCUSSION: None

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

15. Town Planner Report-CMRPC Delegate Ian McElwee

Mr. McElwee wanted to know if the Board would like the meetings to be at 6 pm or 7 pm. The board agreed to start at 6:00 p.m.

16. General Board Discussion/Board Liaison Reports

The board discussed having the Special meeting on Thursday January 14, 2021 at 7:00pm. Mr. Viner welcomed the new Board member, Paul Gleason.

17. New Business/ Adjournment

MOTION: Mr. Viner motioned to adjourn the meeting at 10:14 pm

SECOND: Mr. Butensky

VOTE: 5-0

Submitted by Jane Green ODIS Clerk

Approved by the Planning Board on: 1/19/2021

List of Documents used on December 15, 2020

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Minutes

Items submitted/ brought to the Meeting:

None