



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, December 21, 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: Acting Chair Jeff Butensky (in-person), Robert Ceppi (in-person), and Shirley Shiver (in-person) 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. Acting Chair, Mr. Butensky, opened the meeting at 7:00 pm.

2. Approval of Minutes: 11/16/2021 & 12/07/2021

- 11/16/2021

MOTION: Mr. Ceppi motioned to approve the minutes for 11/16/2021

SECOND: Mr. Gleason

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Mr. Gleason all voted aye, and the motion was carried (vote 3-0 motion carried- Ms. Shiver abstained)

- 12/07/2021

MOTION: Ms. Shiver motioned to endorse the plan.

SECOND: Mr. Gleason

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Mr. Gleason, and Mr. Shiver all voted aye, and the motion was carried (vote 4-0 motion carried)

3. ANR's

- **65 Maple Street/19 McDonald Street/ Estate of Marilyn F. Gruin**

Mr. Miller explained the ANR plan was to create a new lot and said it had adequate access and met lot requirements. Mr. Ceppi had multiple questions regarding the ANR plan including where the frontage was, owners name not on the plan, and how the plan is confusing. Mr. Butensky agreed with Mr. Ceppi. There was much discussion regarding the plan errors and the Planning

Board members agreed the applicant needed to revise the plan. Mr. Ceppi recused himself because he had worked for someone on the plan.

MOTION: Mr. Butensky made a motion to deny the ANR as submitted

SECOND: Ms. Shiver

DISCUSSION: The applicant can revise the plan with edits they discussed and return to the Planning Board

ROLL CALL VOTE: Mr. Butensky, Ms. Shiver, Mr. Gleason all voted aye, and the motion was carried (vote 3-0 motion carried- Mr. Ceppi recused himself)

- **269 Main Street/ David Durgin/ Create lots**

Mr. Miller explained the applicant was dividing a large parcel into 4 lots and mentioned the plan meets the requirements for square footage and frontage. Ms. Shiver started to make a motion but then retracted her motion. Mr. Ceppi had questions on why the remaining land notes on the locus and on the plan were different.

Jason Dubois, DC Engineering, was on remotely to discuss the remaining land. Mr. Ceppi asked if the plan affect Bryce Giggey and Mr. Dubois said no but found the error on the plan and said he would edit and resubmit the mylar.

MOTION: Ms. Shiver motioned to endorse the plan.

SECOND: Mr. Gleason

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Mr. Gleason, and Mr. Shiver all voted aye, and the motion was carried (vote 4-0 motion carried)

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.

Mr. Miller discussed the quorum issues and communication between the applicant, Planning Board, and Town Counsel. The Planning Board requested Attorney Eichman to come to the meeting and he will be at the January 18, 2022, meeting and mentioned to the members not to discuss the Attorney Privileged email.

Steve Pikul, Bertin Engineering, was present for the meeting and said he would agree to continue the meeting until 1/18/2022. Mr. Miller said he would like the continuance request in writing.

TJ Recuperero, Recuperero Law, was concerned that the Town's Attorney marked an email privileged to the Planning Board and felt hesitant on written continuances. Mr. Miller stated they need more communication and can send over a memo. Additionally, Mr. Recuperero discussed the subdivision having deadlines and the applicant will not withdraw the application or accept a denial. Mr. Recuperero

is hoping to work with the Town of Spencer but will not surrender their rights and will verbal commitments but not written. Also, Mr. Recuperio said the applicant could go to the Town Clerk and get Constructive Approval but will hold off if the Planning Board is willing to work with them.

Mr. Butensky opened the hearing up to the public and there were no questions or comments.

MOTION: Mr. Ceppi motioned to continue the Special Permit with written permission, and the subdivision contingent upon verbal permission into writing from the applicant's attorney, until January 18, 2022.

SECOND: Ms. Shiver

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Mr. Gleason, and Mr. Shiver all voted aye, and the motion was carried (vote 4-0 motion carried)

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.

Mr. Miller discussed how this application is much like the last hearing, however, Mr. Gleason has satisfied the Mullins rule so he is eligible to vote, therefore, 3 members can vote on this application. Mr. Butensky asked about how the Planning Board should proceed and MR. Miller stated they could just continue. Mr. Ceppi said the applicant still owes the Planning Board plans and the Planning Board is still waiting for peer review comments.

Steve Pikul, Bertin Engineering, stated they would like to continue the special permit and site plan approval.

Mr. Butensky opened the hearing up to the public and there were no questions or comments.

Mr. Butensky started to make a motion to continue but rescinded his motion.

MOTION: Mr. Ceppi motioned to continue the Charlton/Bacon application, contingent upon written permission from the applicant, until January 18, 2022.

SECOND: Mr. Gleason

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Mr. Gleason, and all voted aye, and the motion was carried (vote 3-0 motion carried, Ms. Shiver abstained)

6. Major Site Plan Review/ Special Permit– Applicant: David Franca, Franca Services; Owner: Gregory Lano; Location: 0 Donnelly Road, Spencer Assessor's Map R35-25. The applicant is looking for a Major Site Plan Review under Section 7.4, and a Special Permit under Section 4.2 (A3 Multi Family in SR District) and 4.2.3 of the Spencer Zoning Bylaw

to construct a multi-family housing development. The property is located within the suburban residential zoning district.

Mr. Butensky stated the applicant provided a request to continue until January 04, 2022.

MOTION: Ms. Shiver motioned to continue the hearing until January 04, 2022

SECOND: Mr. Ceppi

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Mr. Gleason, and Mr. Shiver all voted aye, and the motion was carried (vote 4-0 motion carried)

*****5 Minute Recess*****

7. Review & Act: OSRP Acceptance Letter

Mr. Miller discussed the Open Space acceptance letter, and the members need to act on accepting the letter and sign.

MOTION: Ms. Shiver motioned to accept the letter and being in support of the OSRP

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Mr. Gleason, and Mr. Shiver all voted aye, and the motion was carried (vote 4-0 motion carried)

8. Town Planner Report-

Mr. Miller stated that all updates from the last meeting and added communications with Town Counsel, bylaw revisions, and downtown revitalization.

9. General Board Discussion/ Board Liaison Reports

- Mr. Butensky stated the members should get copies of the new bylaw when it is published.
- Ms. Shiver mentioned new binders
- Mr. Ceppi discussed issues with the 20 & 32 McCormick Solar asbuilts
- Discussion regarding next policy meeting covering conditions, asbuilts, development agreement, and how to proceed with cease and desists
- ODIS Clerk, Ms. Santerre-Gervais, mentioned potential application time limits and timeframe issues with BSC Group

10. Citizen Input

Matt Defosse, 7 Paul's Drive, discussed having issue with solar applicants requesting subdivisions before solar, developers' timelines should not be a concern for the Planning Board, discussed ongoing issues with approved solar farms, and requested the Planning Board to protect the limited open space that is left. Mr. Defosse mentioned GH Wilson Solar Farm and lying about batteries and to have them prove previous Planner approved them.

11. New Business/Adjournment

Mr. Butensky discussed seeing the resume of a potential new member, discussed inviting new members to meeting before appointed. Ms. Shiver asked if there were any committees needing a Planning Board delegate and Mr. Butensky stated they need to reconstruct the board at next meeting.

MOTION: Mr. Ceppi motioned to adjourn at 8:49 pm

SECOND: Mr. Gleason

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Mr. Gleason, and Mr. Shiver all voted aye, and the motion was carried (vote 4-0 motion carried)

Submitted by Monica Santerre-Gervais, ODIS Clerk

Approved by the Planning Board on: 1/18/2022

List of Documents used on December 21, 2021.

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

- Agenda
- Drafted minutes for 11/16/2021 & 12/07/2021
- ANR Application and Plans for 65 Maple Street/19 McDonald Street/ Estate of Marilyn F. Gruin and 269 Main Street/ David Durgin/ Create lots
- Ash Street Solar- Special Permit /Major Site Plan Review, plans, narrative, and supporting documents
- Bacon/Charlton Solar Farm- Special Permit /Major Site Plan Review, plans, narrative, and supporting documents
- Email from Todd Miller regarding quorum for Ash Street Solar & Charlton/Bacon Solar
- O Donnelly- Special Permit /Major Site Plan Review, plans, narrative, and supporting documents.
- Continuance documentation for O Donnelly dated 12/15/2021
- OSRP Letter

Items submitted/ brought to the Meeting:

- None