



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
February 7, 2023, **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), 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 (remote)

Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk

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

2. ANR's

- **18 Laurel Lane/ Thomas & Donna Flannery/ Boundary Line Adjustment**

Jason Dubois, DC Engineering & Survey - Charlton, was present to discuss. House 18 is gaining the triangle abutting Laurel Lane and the property that is Flannery (not a buildable lot) is gaining land down by the water on Sugden. Both lots are currently undersized.

MOTION: Mr. Bellemer motioned to approve and endorse the ANR

SECOND: Ms. Shiver

DISCUSSION: None

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

- **Paxton Road/Lambs Grove/ Matthew & Jolene Sicard/ Create Lots**

Mr. Dubois clarified that the ANR is to take land from 150 Paxton Road, owned by Christopher and Jane Ryan, and land from 152 Paxton Rd, owned by Matthew & Jolene Sicard, to add to U33-4 Lambs Grove so that the lot meets the requirements for a 3-bedroom house. Additional land is being taken from 152 Paxton Road and added to 150 Paxton Road so that it remains conforming.

MOTION: Ms. Shiver motioned to approve and endorse the ANR

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.

Ms. Vivier confirmed that the list of waivers was received and no one representing the applicant was attending today’s meeting. Ms. Vivier stated that the biggest issue now was the 100’ setback not being met (only 52.7’) however, a waiver was submitted to address this.

MOTION: Mr. Bellemer motioned to approve the Special Permit to install small scale residential ground mount solar panels at 83 Northwest Rd with the waivers and conditions as suggested.

SECOND: Mr. Slack

DISCUSSION: None

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

4. 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.

Ms. Vivier noted that she has received comments from peer reviewers, Haley Ward and BSC Group, but the reviewer is not available to be on phone tonight to discuss. There are many unresolved comments the previously received reviews received by the Planning Board (from previous 3 reviews). Ms. Vivier does have some questions for the applicant that need to be addressed.

TJ Recuperero, representing Spencer Solar LLC, and Calisto Bertin, from Bertin Engineering, were available to answer questions. Mr. Recuperero noted that a different engineer had signed off since the last review. Bertin Engineering intends to address the new comments from the latest peer review for the next meeting.

Mr. Ceppi agreed that it’s best for all to have the applicant submit information requested in current peer review and allow peer review time to receive and review applicant’s comments and waivers, if necessary.

MOTION: Ms. Shiver motioned to continue until March 21, 2023

SECOND: Mr. Slack

DISCUSSION: None

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

5. 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.

Mr. Recupero, representing Spencer Solar, LLC., was available to answer questions. Ms. Vivier received BSC's updated comments based on resubmitted plans. The peer reviewer could not be on the call for this meeting due to scheduling conflict but will be available for the next meeting. Ms. Vivier also brought up items that had been requested in Spring of 2022 but had not been received.

Calisto Bertin, from Bertin Engineering discussed a change to detention basin. It was noted on plans that they would not need to cut into bedrock for the detention basin located under the road. Drainage (sufficient granular soil) is good and will mainly continue to drain towards Charlton Rd as it has been in past (existing condition). There is sufficient room for fire apparatus to turn and a cistern has been added to the plans.

Mr. Ceppi asked what remained on this item and Ms. Vivier noted that funds need to be replenished for peer review and Conservation is awaiting peer review comments.

Mr. Recupero expressed concern over the amount quoted for peer review of the final items.

William Cundiff, Utilities and Facilities Superintendent requested if the proposed road going to be private in perpetuity and the response was 'yes'. Mr. Cundiff requested that in the Planning Board's findings, they note that the road will remain private in perpetuity.

David Nussey, 227 Charlton Rd, questioned that "the 50' was going to be granted to the applicant" and Mr. Ceppi stated that the applicant requested a waiver. Nussey asked if the wetland behind him was going to be filled or impacted. The applicant stated that they would not be touching that area of the property. Mr. Nussey stated that the water has gotten worse since trees had been removed several years ago and his neighbor has developed sinkholes in his back yard. Mr. Ceppi noted that his neighbor's removal of the trees has caused the excess water runoff and it is more of a civil matter to have it fixed.

Matt Defosse, 7 Paul's Drive, questioned the need for a cistern and Mr. Ceppi noted that the fire department requested a cistern for the sub-division due to the distance from the nearest hydrant.

Jonathan Viner, 34 Donnelly Cross Road, asked how much separation there would be from the bottom of cistern to impervious layer. Mr. Bertin noted that, while it varies, it is roughly 2 feet.

Gary Woodbury, 219 Charlton Rd, commented that he believes the water runoff will be affected by the work of the applicant. Also, if they can't meet the 2% grade, they can't meet the criteria and should turn this application down.

Mr. Defosse questioned if waivers need to be submitted in writing. TJ Recupero, Attorney for the applicant, noted that they do not need to be in writing for sub-division but are usually provided so that the Planning Board knows what they are waiving.

MOTION: Ms. Shiver motioned to continue until March 21, 2023.

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.

6. Discussion: Deer Run (Board Review of Road Acceptance)

Ms. Vivier noted the Deer Run subdivision project was abandoned by the developer whose company has since dissolved. The Town of Spencer has maintained the road and steps are now being taken to make the roads of Phase I public. Ms. Vivier noted that since there is no applicant to propose the road acceptance, the Planning Board needs to recommend it and follow the steps required to make the road public.

Mr. Cundiff noted that there have been issues with this road and that the Planning Board needs to be sure there is enough surety in situations like this. Mr. Ceppi reminded Mr. Cundiff that the surety for this project was under 2002 requirements when costs would have been sufficiently covered. Ms. Vivier noted that the company has since been dissolved and therefore, there is no means to request additional surety from the developer.

Mr. Cundiff stated that the road is substantially complete, so the Planning Board needs to complete the paperwork process to be able to present the road for acceptance at the Town Meeting.

Mr. Viner commented that there were minimal funds left over from Phase 1 and a couple hundred thousand dollars left over from Phase 2 but was unsure as to the means of accessing them. Mr. Viner stated that to his knowledge there was a wetland replication that was supposed to be completed as part of Phase I and it was never done.

MOTION: Ms. Shiver motioned to recommend to the Town Selectmen to accept Deer Run, Phase 1 as a town road.

SECOND: Mr. Slack

DISCUSSION: None

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

7. Discussion: Master Plan Steering Committee (Applicant Recommendations)

Ms. Vivier asked the Board members if they had all reviewed the candidate summaries that were provided. Mr. Ceppi commented that he thought it would be better to have 6-7 candidates in the instance where some might not be able to attend or decided to drop out.

Mr. Ceppi suggested that each member write down their top four candidates and use that information to determine their recommendation.

Mr. Bellemer noted that, if all applicants were chosen, there would still only be roughly ten members.

Mr. Ceppi suggested picking five and two alternates.

Mr. Woodbury expressed concern that the Master Plan process should be under the Planning Board purview and that he did not understand why the candidates were being appointed by the town's Selectmen.

Jeff Bridges, Town Administrator, noted that, under the organizing document of the Master Plan Advisory Committee adopted by the Board of Selectmen, membership appointment of the Master Plan Steering Committee is by the Board of Selectmen.

Mr. Ceppi recommended accepting all applicants to ensure broad representation.

MOTION: Mr. Bellemer motioned to recommend all applicants as of this meeting to the Board of Selectmen for inclusion on the Master Plan Steering committee.

SECONDED: Ms. Shiver

DISCUSSION: Ms. Vivier also noted that the draft website and survey completed by the consultant for the Master Plan Steering Committee to review.

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

8. Discussion: Board Policies and Procedures

Mr. Bellemer stated that he believes all waiver requests must be submitted in writing. Ms. Shiver commented that, although not required legally, the Planning Board can request that all waivers be in writing.

9. Town Planner Report

Ms. Vivier, for the sake of time, requested tabling the Policies and Procedures document review for next week.

Ms. Vivier recommends establishing "common driveway" special permit fees (\$150) as they require more work. Also, she recommends adding a "waiver request" fee (\$25 per waiver, max of \$500) for all special permits, sub-divisions, site plan reviews, etc. as seen in comparable towns. There was general agreement among the board members.

Ms. Vivier denied the North Brookfield Solar application as it did not meet zoning requirements. Applicant intends to modify plans to conform to current Zoning Bylaws.

10. General Board Discussion & Board Liaison Reports

Ms. Shiver reported that Housing Production was up for review on the town's website.

11. Citizen Input

Mr. Defosse suggested looking at penalty fees and reviewing them. Also, Mr. Defosse complimented the volunteers for volunteering their time and efforts and encouraged employees to adhere to the Master Plan when making decisions.

12. Approval of Minutes 1/17/2023

Minor grammatical revisions made.

MOTION: Ms. Shiver motioned to approve the minutes with minor edits for 1/17/2023

SECONDED: Mr. Bellemer

DISCUSSION: NONE

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

11. New Business/Adjournment

MOTION: Mr. Ceppi motioned to adjourn the meeting at 9:15pm

SECONDED: Mr. Slack

DISCUSSION: None

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

Submitted by Dawn Foster, Minutes Clerk

Reviewed by Lauren Vivier, Town Planner and Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: 2/21/2023

List of Documents used on February 7, 2023

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Memo from Town Planner, dated 1/31/2023
- ANR Plans for 18 Laurel Lane and Paxton Road/Lambs Grove
- Draft minutes from 01/17/2023
- MPSC Member Candidates list for Master Plan Committee and MPSC Committee Charge
- 83 Northwest Road-Freedom Forever waiver requests
- Charlton/ Bacon updated plans and peer review comments updated 1/31/2023
- Ash St – updated plans, drainage report, and resubmission updated 1/31/2023

Items submitted/ brought to the Meeting:

- None