



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
Tuesday, February 01, 2022, 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: Chair Jeff Butensky (in-person), Vice-Chair 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 7:08 pm.

2. Approval of Minutes: 1/18/2022

MOTION: Mr. Ceppi motioned to accept the minutes as submitted

SECOND: Ms. Shiver

DISCUSSION: None

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

3. Continued 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 opened the hearing and retracted due to the applicant submitting a continuance request.

MOTION: Mr. Ceppi motioned to accept the continuance request for 0 Donnelly Road to 2/15/2022

SECOND: Mr. Butensky

DISCUSSION: Mr. Ceppi confirmed the applicant received the letter from Mr. Mill and Mr. Amos from 11/15/2021 and Mr. Miller said yes.

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

4. Continued Site Plan and Special Permit– Applicant/Owner: Joseph & Krystal Green, Location: 34 Brooks Pond Road, Spencer Assessor’s Map R51-18-1. The applicant is looking for a Special Permit under Section 6.2.5 (Common Driveways) to create a common driveway to serve the existing dwelling at 34 Brooks Pond Road and new proposed dwelling. The property is located within the Rural Residential zoning district.

Mr. Miller mentioned that a revised plan was submitted by Jason Dubois due to the requirements from the last meeting. Attorney Philip Stoddard was present at the meeting and Jason Dubois, DC Engineering was on the call remotely. Mr. Stoddard reviewed that the common driveway was being requested by a mother and father giving land to their son to build a house, the house could have a driveway, but they want to avoid disturbing the wetlands, and the driveway is pre-existing. Mr. Ceppi stated at the last meeting he was clear that he wants the applicant to meet all the Zoning Bylaws and General Bylaws for this common driveway. Additionally, Mr. Ceppi mentioned a max grade requirement and a paved apron requirement. Mr. Stoddard explained the driveway is pre-existing and Mr. Ceppi stated since it is changing to a common driveway, they will need to meet the bylaws. There was much discussion regarding the easement language and maintenance agreement. Mr. Stoddard mentioned the turnaround was added to the revised plan and the grading chart complies.

Mr. Miller read aloud some of the common driveway regulations and that he had talked to the Highway Superintendent, William Cunduff, and there have been no issues of runoff at this property. Waivers and conditions were discussed regarding the grade and apron. There was discussion about the drainage of runoff going into the wetlands and that the applicant would need to go through the Conservation Commission.

The Chair opened the hearing to the public:

Mr. Stoddard expressed concerns about issues board members have and working with the, Mr. Butensky discussed durable road material, and Mr. Dubois stated they would still need a driveway permit and Mr. Cunduff will need to sign off on the driveway. Mr. Ceppi stated he wants all the Bylaws and requirements met.

Jonathan Viner, 34 Donnelly Cross Road, was concerned about the applicant not doing concurrent permitting with the Conservation Commission and he was concerned about emergency vehicles, especially fire trucks, making the current 4% grade. Mr. Dubois explained that they were waiting to see if the Special Permit would be approved before spending more money but the Conservation Agent, Lauren Trifone, is aware of the project and supports not going through the wetlands. Mr. Ceppi said he would not vote yes unless the grade is 1% and Mr. Stoddard said they will comply with that.

MOTION: Ms. Shiver motioned to close the public hearing

SECOND: Mr. Gleason

DISCUSSION: None

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

MOTION: Mr. Ceppi motioned to approve the Site Plan and Special Permit for 34 Brooks Pond Road with the condition the applicant meets the General Bylaws, Zoning Bylaws, Driveway Requirements, and ODIS policies.

SECOND: Ms. Shiver

DISCUSSION: None

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

5. Discussion: Board Policies and Procedures & 8. Discussion: Asbuilts and Current Solar Projects

Mr. Butensky combined items 5 & 8 on the agenda.

Also, Mr. Butensky explained he is waiting on Mr. Miller to supply the Planning Board a list of discrepancies of the three solar farms from how the plans were approved and the asbuilts. Mr. Miller said he would most likely have that list at the March 1st meeting.

6. Review & Act: Revolving Account

No activity to discuss.

7. Residential Ground Mount Solar: Research & Discussion

Mr. Miller has been working on Residential Ground Mount Solar Bylaw Amendments to go to Spring Town Meeting. Recently, Mr. Miller has reviewed surrounding towns and Shirley MA, had the most similarities to Spencer, however, Shirley, MA, goes by square footage in there by laws and Spencer goes by output. Mr. Butensky said they would like a memo by March 1st with the amendment.

9. Town Planner Report

Mr. Miller discussed reviewing asbuilts, working on residential solar amendments, and working with the Housing Production Committee to release the survey.

10. General Board Discussion & Board Liaison Reports

- Mr. Ceppi expressed being consistent with all applicants and making sure they follow the bylaws.
- Mr. Butensky discussed the cancellation of the March 15 and April 19 meetings and coming up with a new meeting date. Mr. Ceppi said to wait until they know what is on the agenda. Mr. Butensky suggested canceling the July 5th meeting and the Planning Board members were ok with that.

11. Citizen Input

Matt Defosse, 7 Paul's Drive, explained now that phase 1 of the solar amendments were approved, he expressed the need for the phase 2 commercial solar amendments. Mr. Defosse said residents have come together to make a list of proposed changes and wants the changes to be on

the Spring Town Meeting. Mr. Miller explained that the amendments voted on in November have still not been approved by the Attorney General's office and they need for those to be approved first. Mr. Defosse would like to have a workshop to discuss the amendments and MR. Butensky said he would be ok with a workshop and discussion on the next agenda. Mr. Defosse was upset that the residential ground mounted solar was being discussed before the commercial solar.

12. New Business/Adjournment

Mr. Butensky welcomed new Town Administrator, Jeff Bridges, to the meeting and thanked him for attending.

MOTION: Mr. Ceppi motioned to adjourn at 8:25 pm

SECOND: Ms. Shiver

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Mr. Gleason, and Ms. 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: 3/1/2022

List of Documents used on February 01,2022.

Items sent by email to the Planning Board and printed out for use at the meeting:

- Agenda
- Memo from Town Planner for meeting
- Drafted minutes from 1/18/2022
- Continuance documentation for O Donnelly dated 1/28/2022
- 34 Brooks Pond Road-Revised plan, Access & Utility Agreement

Items submitted/ brought to the Meeting: