



## Planning Board – Town of Spencer

### *Minutes*

#### Planning Board Meeting

**Tuesday, February 18, 2020 at 7:00 PM**

McCourt Social Hall, 157 Main Street Spencer, MA 01562  
Memorial Town Hall

Planning Board Members Present: Chair Jonathan Viner, Vice Chair Jeff Butensky, Robert Ceppi, Shirley Shiver, and Maria Reed

Planning Board Members Absent: None

Staff Present: Paul Dell'Aquila, Town Planner, Monica Santerre-Gervais, ODIS Senior Clerk

Staff Absent: None

#### **1. Mr. Viner opened the meeting at 7:04 pm**

#### **2. Minutes:**

##### **-November 19, 2019**

**MOTION: Ms. Shiver motioned to approve the minutes for November 19, 2019**

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 5-0**

##### **-January 21, 2020**

**MOTION: Mr. Butensky motioned to approve the minutes for January 21, 2020**

**SECOND: Mr. Ceppi**

**DISCUSSION: None**

**VOTE: 4-0 (Ms. Shiver abstained)**

#### **3. ANR's:**

##### **Charlton Road/ Bacon Hill-**

Mr. Dell'Aquila noted that this ANR is to enact a three-year zoning freeze on the property under 81P. Joseph Levesque, Levesque Geomatics, agreed that the ANR is for a zoning freeze for three years. Mr. Viner would like to see the label "non-buildable lot" on the plan and Mr. Dell'Aquila stated no lot were being created. Ms. Shiver mentioned that the frontage requirement in the RR zone is 200 sqft and the plan shows 150.

A new plan will be submitted to revise the frontage and label a missing abutter and Mr. Dell'Aquila will sign the Mylar.

**MOTION: Ms. Shiver motioned to have the Town Planner, Paul Dell'Aquila, endorse the amended plan when submitted**

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 5-0**

**60 Maple Street-**

The purpose of the ANR is to create a new "Lot A" out of the existing 1.61 acre lot for future conveyance, with the remaining "Lot B" to remain the property of the Bishop. The property is located in the VR district both lots would be legal conforming lots.

Joseph Levesque, Levesque Geomatics, was present for the meeting.

**MOTION: Ms. Shiver motioned to endorse the ANR**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**VOTE: 5-0**

**4. 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.**

Mr. Dell'Aquila mentioned the applicant submitted a continuance request earlier in the day and will not be attending.

Mr. Viner opened the meeting to the public for comments and there were no comments.

**MOTION: Ms. Shiver motioned to continue the public hearing until 3/17/2020**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**VOTE: 5-0**

**5. 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.**

Mr. Dell'Aquila stated that updated plans were submitted in the afternoon before the meeting. In the memo to the Planning Board the following concerns were listed; road deterioration, future development, battery storage, and noise. Mr. Dell'Aquila suggested a Conservation easement/restriction on the undeveloped portion of the proposed subdivision.

Elio Qorri, Bertin Engineering, and Jeremy Chapman, Melink Solar Development, were present for the meeting. Mr. Qorri discussed the new plans and the stated the changes were a reflection from third party reviews comments such as; drainage, stream crossing, and adding of vernal pools per Conservation request. In addition, the battery storage was discussed and noted that the closest abutter to the battery storage pad was 520 feet away. Mr. Viner asked the applicants to produce a line of site from the abutters and Mr. Dell'Aquila said it would be more appropriate for the western side of the array. Ms. Shiver was concerned that the applicants still had not submitted a definitive subdivision plan because of her concern over the roadway and frontage issues. Mr. Ceppi felt the plans should not be labeled preliminary and final.

The Planning Board requested that the applicant provide subdivision plans and a site plan for the solar array. The subdivision plan will need to be approved first and separately from the array. The applicant is to provide forested vs un-forested calculations to meet the clearing limits. Ms. Shiver raised concerns about the cutting of trees at 10 feet and making sure that number is reflected in the clearing calculations. Additionally, Ms. Shiver asked about the abutter Rivard and the driveway issue and why that issue wasn't resolved with the most recent ANR. Mr. Levesque stated there were boundary and monument issues and it is common to find driveways over boundary lines. Mr. Chapman said they are finalizing the easement agreements with the Rivard Family.

The memo from Melink Solar, dated 2/17/2020, was reviewed.

Ms. Shiver questioned if the previous rescinded Westerman subdivision in 2010 had any conditions restrictions and Mr. Dell'Aquila said no.

Mr. Viner opened the meeting to the public for comments.

Matt Defosse, 7 Paul's Drive, expressed his concern for battery storage and how the Planning Board should not approve battery storage until the solar bylaw is amended. He would like to see the dimensions of the conex boxes and the quantity of conex boxes that will be on site for the battery storage. Also, Mr. Defosse expressed concerns of tree topping and the submittal of late plans.

Nina Rivard, 131 Ash Street, stated the driveway has been in the same location since 1999.

Ralph Hicks, 21 Lyford Road, asked about decommissioning plans, shared concerns with tree topping, and said that lithium ion batteries are volatile. Mr. Hicks stated that battery storage is not required it just makes the applicant more money. There was much discussion about the decommissioning bond process and coverage for the town. Mr. Defosse asked if the decommissioning bond does not cover the full amount who will be stuck paying the remaining bill and Mr. Dell'Aquila stated the property owner. Mr. Viner asked for Town Council opinion since the only way to use the decommissioning bond would be if the property went into tax taking. Mr. Hicks said there needed to be a higher threshold and mentioned some older solar farms do not have bonds.

**MOTION: Mr. Ceppi motioned to continue to March 17, 2020**

**SECOND: Ms. Shiver**

**DISCUSSION: None**

**VOTE: 5-0**

**6. Continued Public Hearing – Amendment to an approved definitive subdivision plan – Sunset Holmes, Applicant/Owner: James Laney/ 123 KIDS, LLC, Location: Sunset and Holmes Street off of Greenville Road, Spencer (Assessors Map U06-117-1, U06-117-2 & U06-152).**

In Mr. Dell 'Aquila's memo to the Planning Board there was an email from Jim Laney that stated he would not be getting the requested bond because the dollar amount was too high.

The Planning Board members discussed Mr. Laney needing to be present at the next meeting and providing a schedule for the road work. Mr. Viner inquired about fining Mr. Laney for not producing a required bond. Mr. Butensky was in support of the fines but wanted to give the applicant more time.

Mr. Viner opened the hearing up to the public and there were no comments.

**MOTION: Mr. Ceppi motioned to continue the public hearing until March 17, 2020**

**SECOND: Ms. Shiver**

**DISCUSSION: None**

**VOTE: 4-0 (SS ineligible to vote)**

**7. Public Hearing- Major Site Plan Review/ Stormwater permit – Applicant/ Owner: Town of Spencer, Location: 14/18/20 Mechanic Street; Spencer Assessor's Map U 07-35/36/37. The applicant is requesting a Minor Site Plan Review under Section 7.4 of the Spencer Zoning Bylaw Zoning to construct a new municipal parking lot. The property is located within the Town Center zoning district.**

Jon Allard, Fuss & O'Neil, and Aimee Bell, Fuss & O'Neil, were present for the hearing. Mr. Allard discussed the project and how it will be paid for by a grant and will be treating Stormwater and storing Stormwater onsite. Mr. Butensky asked why now for this project and Mr. Dell'Aquila replied one building was part of the town's tax taking, one building was donated, and both buildings have been demolished. Also, a significant amount of the project will be paid by a grant. The parking lot will have low maintenance plantings, handicap parking, and vehicle charging station, rain gardens, and benches.

Mr. Viner opened the hearing up to the public:

Mr. Hicks stated the Board of Selectmen support the project. Mr. Defosse had different suggestions for the handicap layout and to fix the post office steps.

Due to timeline restrictions for the grant the Planning Board members agreed on a closer date to meet with the applicant to review the minor changes to reflect third party review.

**MOTION: Ms. Shiver motioned to continue the hearing until Wednesday March 4<sup>th</sup>, 2020 at 7:00 pm**

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 5-0**

**8. Review of Solar Bylaw Advisory Committee-** Discussion of possible dates to schedule 2-3 meetings in regards to the proposed changes.

**9. Discussion on Scheduling Public Hearings for Proposed Bylaw Changes-**

First meeting will be scheduled Thursday March 12, 2020, second meeting will be on Thursday April 02, 2020, and if a third meeting is needed than it will be held on Thursday April 09, 2020.

**10. Board Liaison Report**

- **Solar Bylaw Advisory Committee-** has been dissolved
- **Open Space-** Upcoming forum in April 2020

**11. Town Planner Report**

- **144 Mechanic Street Solar**-Letter dated 1/8/2020 from the Conservation Agent, George Russell, stating that there approval had expired and the applicant will need to file a new Notice of Intent (NOI)
- **Third Party Review**- Email dated 1/23/2020 from the Mr. Russell in regards to being in favor of a single peer reviewer for the Town of Spencer and proposed a RFP/RFQ
- **103 North Spencer Road**- Final decision and signature page handed out
- **LPA Hours**- Planning Board members voted and approved the use of up to 15 LPA hours to be used for Mid-State Trail Mapping and Assessor's Neighborhood Maps
- **Revolving Fund**- Mr. Dell'Aquila discussed using the revolving fund to pay for half of the Master Plan update. Mr. Viner wants a review of the account for the next meeting.

**12. New Business/Adjournment-** No new business

**MOTION:** Ms. Shiver motioned to adjourn the meeting at 10:30pm

**SECOND:** Ms. Reed

**DISCUSSION:** None

**VOTE:** 5-0

**Submitted by:** Monica Santerre-Gervais ODIS Clerk

**Approved by the Planning Board on:** 4/21/2020

**List of Documents used on February 18, 2020**

**Items sent to Planning Board prior to Meeting by email/ print outs:**

- Agenda
- Memo emailed from Paul Dell'Aquila to Planning Board
- Minutes: November 19, 2019 and January 21, 2020
- Updated plan and updated Stormwater management report for 22 Norcross Road/ Sunpin Solar for Large Solar Array with peer review

- Application, plans , and peer review for Mechanic Street parking lot/ owner Town of Spencer
- Memo dated 12/4/2019 from Thomas Gregory, in regards to potential Solar Bylaw changes

**Items submitted at the Meeting:**

- Memo from Melink Solar Development dated 2/17/2020 regarding suggested conditions for Ash Street Solar and updated plans dated 2/11/2020
- Certificate of Decision for 103 No. Spencer Road with signature page
- Continuance request from Sunpin Solar for 22 Norcross Road
- Letter dated 1/8/2020 by George Russell in regards to 144 Mechanic Street Solar Farm and the need to file a new NOI
- Letter dated 2/18/2020 to authorize the use of LPA Hours
- Email dated 1/23/2020 from George Russell, requesting a RFP/RFQ to have one single peer reviewer for the Town of Spencer