



## Planning Board – Town of Spencer

### *Minutes*

Planning Board Meeting  
**February 21, 2023, at 7:00 pm**  
**REMOTE & IN-PERSON**

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

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**Planning Board Members Present: Chair Robert Ceppi (in-person), Vice Chair Shirley Shiver (in-person), Charlie Bellemer (in-person), and Vaughn Slack (remote with technical difficulties)**

**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. To Be Signed**

- ANR: Paxton Rd/Lambs Grove (Approved 2/7/23)
- Special Permit: 83 Northwest Road (Approved 2/7/23)

**3. Stormwater Permit – Applicant/Owners: James Burt, Location: Lot 4B Eagleton Road, Spencer Assessor's Map R38-19. The applicant is requesting a Stormwater Permit, section 4.11 of the Spencer Zoning Bylaw for a proposed single-family home with common driveway. The property is located within the Suburban Residential (SR) zoning districts.**

**• Discussion: Driveway Review for Lot 4b Eagleton Road (per existing Special Permit, a review is required by the Planning Board prior to U&F approval)**

James Burt, 185 Northwest Rd, was available to answer questions regarding this item. Mr. Ceppi asked if the engineer was present to explain the changes and Mr. Burt confirmed he was not. Mr. Burt explained that they had modified the driveway length and end point and added a drain on the side, as recommended by the Town Planner. Mr. Ceppi asked if someone from the town had reviewed the changes. Ms. Vivier noted that Highway Superintendent, William Cundiff, did and said that his comments were regarding the maintenance of the drop inlet. Ms. Vivier recommends adding the inlet it should be maintained by the owner because it does go into a catch basin that is maintained by the town. Also, Ms. Vivier added that there was a question from Mr. Cundiff as to the flows to the catch basin - is there a calculation as to what this would be? Mr. Burt stated that he did not know that information. Ms. Vivier noted that the other comment from Mr. Cundiff was regarding the highway bound on the property. This must be

maintained by the owner and, if disturbed, must be reset by a registered Massachusetts Land Surveyor.

Ms. Shiver asked if the flow calculations were in a narrative in a report or if they were on the plans. She noted that they are supposed to be shown on the plan. There was discussion from Mr. Ceppi and Ms. Shiver regarding the identification/location of the highway bound on the plans. Ms. Vivier pointed out the location of this information the plans. Mr. Ceppi asked if the town normally had a third-party review. Ms. Vivier noted that it was on a case-by-case basis. Mr. Bellemer stated that there must be some type of review to produce calculations for the drop inlet and Ms. Vivier stated that the applicant's engineers calculate those figures. Mr. Bellemer also noted that the maintenance on the drop inlet should be noted on the deed for future owners to be responsible for that maintenance. Ms. Vivier stated that it could be made a condition and sent to the registry of deeds.

Ms. Shiver asked if the Planning Board issues the permit or if the Conservation Commission is responsible for regulating it. Ms. Vivier answered no, since the Planning Board issued the Special Permit, they are the stormwater authority for this project.

Ms. Shiver noted that the highway bound of Worcester County Highway (WCH) is right by the driveway. Mr. Ceppi asked if the board was currently considering just the driveway plans. Ms. Vivier noted that the public hearing is for the Stormwater Permit and there is a general discussion for the driveway at this time, as it was stated in the conditions of the initial Special Permit.

Mr. Ceppi asked if the driveway was level where it met the road, as it didn't seem to be noted on the plans. Mr. Bellemer stated that the contour lines indicate that the driveway is level at that intersection. Mr. Bellemer also asked if it would be helpful for Mr. Cundiff to approve the project if he had the drainage calculations.

Mr. Ceppi asked why this wasn't be reviewed by someone who is qualified to determine if the plans and calculations were correct.

Ms. Shiver noted that normally they would - this project is an anomaly. Ms. Vivier agreed.

Mr. Ceppi asked if this was a public meeting where any of the neighbors could talk about the project. Ms. Vivier responded that anyone could speak.

Kevin Maguire, 8 Wire Village Road, is not opposed to building new homes but lives under where this home is going. He doesn't want to see a house out his back window but is concerned that, living underneath where the house is going, how will this impact his well. Ms. Vivier asked whether he had received an abutters notification in 2021 under the original special permit for the rear lot subdivision. Mr. Maguire stated he had not been notified then and only received two abutter letters within the last month but nothing previously. Mr. Maguire is concerned as to what may be allowed to flow into his well where previously that had not been an issue. Mr. Bellemer noted that it was a valid concern. He proposed installing a 40 mL poly barrier might help. He noted other property where a similar situation had completely changed the flow of water.

Ms. Vivier noted that for tonight, it's only a discussion regarding the driveway and the stormwater permit. The rear lot subdivision has already been approved and there are no grounds to rescind that approval.

Mr. Ceppi agreed however, he noted that building on the lots might disturb the abutters. He asked how many building lots would be on the site and it appears that there are two buildable lots confirmed by the applicant.

Ms. Vivier noted that she would reach out to DC Engineering to provide the drainage calculations.

Mr. Ceppi stated that he would prefer someone to look at the project who knew what they were looking at as he doesn't feel confident determining possible impact to the abutters. He believes having the drainage calculations is a good place to start.

Mr. Ceppi invited comments from the public and received none.

**MOTION: Ms. Shiver motioned to continue the hearing for the Stormwater Permit and driveway discussion for Lot 4B Eagleton Road until March 7, 2021.**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

#### **4. As-Built Review: 36 Howe Road (Residential Ground-Mounted Solar)**

Ms. Vivier noted that the Electrical Inspector signed off and the Building Inspector is waiting for Planning Board to review the as built so he can sign off. She noted that the project was built according to the plans. Mr. Ceppi noted that the as built plans were not stamped and Ms. Shiver also noted that, since the as built plans will be the plans of record, they should include a stamp.

Mr. Ceppi and Ms. Shiver stated they are not comfortable accepting the plans without a stamp.

**MOTION: Ms. Shiver motioned to continue until March 7, 2023.**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

#### **5. Discussion: Draft Housing Production Plan Review (Comments from the Board)**

Ms. Vivier stated that Emily Glaubitz (CMRPC) was attending the meeting remotely. Ms. Vivier invited the board members to ask any questions regarding the document posted on the town's website.

Ms. Glaubitz noted that she had not received any comments from the public via the website yet. Ms. Vivier stated that she had received a comment from a member of the Conservation Commission regarding adding more about vernal pools and wetland protection. Ms. Glaubitz invited Ms. Vivier to convey that she would be happy to meet with the member to further discuss resource and wetland protections.

Mr. Ceppi invited comments and/or questions from the public. Al Colette, 40 Cherry St, inquired as to how far along with the process. Ms. Vivier answered that the town was almost at the finish

line. The final steps are public comments, Planning Board approval, , and then on to the Board of Selectmen. Mr. Colette requested a hard copy of the plan and Ms. Vivier stated she would have a copy printed and ready for him tomorrow.

Ms. Glaubitz stated that the Planning Board would need to vote to adopt the plan as well as the Board of Selectmen. Mr. Ceppi and Mr. Bellemer indicated that they did not feel comfortable adopted the plan without further review and time for Mr. Colette to review and submit questions.

**MOTION: Ms. Shiver motioned to continue discussion until March 7, 2021.**

**SECOND: Mr. Bellemer**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

## **6. Discussion: Regarding Board of Selectmen actions on Master Plan Committee**

Mr. Ceppi invited comments from the Planning Board members regarding this issue. Mr. Bellemer noted that he thought having seven members for the Master Plan Advisory Committee was what was decided.

Ms. Shiver thanked Ms. Vivier for all her hard work in getting this project going. Ms. Shiver is ok with the Board of Selectmen seating the committee with five members.

Mr. Ceppi feels that the reasoning to reduce from nine to seven was lame, other committees have more than seven members, and reducing it to seven because it makes a better committee is not something he agrees with. Mr. Ceppi also feels that the Board of Selectmen did not review the qualifications of the candidates and excluded the candidates who are vocal in the community. MR. Ceppi noted that Jonathan Viner had been on the Planning Board, and he feels that the Planning Board should be tasked with selecting seven members as they have reviewed the applications and qualifications and not the Selectmen who knocked off two people they didn't want on there.

Mr. Ceppi invited comments from the public.

Matt Defosse, 7 Paul's Drive, indicated agreement with the Chair's comments. The more people on the committee, the better representation. He feels that there were personal issues that came into play on the selection of the committee members.

Mr. Ceppi received a question from Al Collette as to who were the two members that were removed by the Board of Selectmen. Mr. Ceppi noted that the Planning Board recommended seven applicants to the Board of Selectmen for appointment, but the Board of Selectmen chose to appoint five. Ms. Shiver noted that a condition of the grant required that the Board of Selectmen was responsible for appointing the committee members.

Mr. Ceppi expressed disapproval with the Board of Selectmen choosing the members in general

when he feels it should be a Planning Board task and, in this instance, he feels that the Board of Selectmen did not review the applications.

Mr. Defosse expressed disappointment and noted that when volunteers are requested and the town rejects them, it sends a bad message. The more people on any committee results in a better product because there's more representation.

Ms. Shiver noted that there were only five members on the Housing Production Plan. Mr. Ceppi asked how many volunteered to be on the committee and Ms. Shiver answered that she was not there when they were selected.

## **7. Discussion: Board Policies and Procedures**

Ms. Vivier noted she is waiting on feedback from the Planning Board members as to what should be removed and what should be added.

Mr. Ceppi and Mr. Bellemer noted that they did not have their documents with them but will send notes to Ms. Vivier.

Ms. Vivier recommended continuing this discussion until March 7, 2023. She advised members to send any comments or revisions to her so she can add it to the working document.

## **8. Town Planner Report**

- Ms. Vivier stated that she sent everyone an email regarding ethics training.
- Ms. Vivier noted that Department of Conservation and Recreation (DCR) requested one last review of the? Floodplain Bylaw before it went to the Board of Selectmen because there were updates from FEMA.
- There are no updates on either Charlton or Ash – she has been putting together a punch list of items that have been requested over time but forgotten about.
- No recent updates on any applications discussed at the last meeting.

Ms. Shiver questioned for the projects that started in March, when does the Planning Board have to make a decision. She believes the deadline is approaching and they may need to take some action. She doesn't need a definitive answer right now but, she wanted to bring it up in case they need an extension approval.

## **9. General Board Discussion & Board Liaison Reports**

Ms. Shiver reported that she believes the Housing Production Plan is a good plan and she would promote it.

## **10. Citizen Input**

Mr. Ceppi invited input - none at this time.

## **11. Approval of Minutes 1/17/2023**

No revisions requested.

**MOTION: Ms. Shiver motioned to approve the minutes of 1/17/2023 as written**

**SECONDED: Mr. Bellemer**

**VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) motion carried.**

## **12. New Business/Adjournment**

**MOTION: Mr. Bellemer motioned to adjourn the meeting at 8:10pm**

**SECONDED: Ms. Shiver**

**VOTE: Mr. Ceppi, Ms. Shiver, and Mr. Bellemer all voted aye, (vote 3-0) 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: 3/7/2023**

### **List of Documents used on February 21, 2023**

#### **Items sent to Planning Board prior to Meeting by email:**

- Final Agenda -R2
- Drafted minutes from 1/17/2023
- Memo from Town Planner
- 4 Eagleton Way Stamped Application, Plans dated 5-20-2021, Final Driveway and Maintenance Agreement and Certificate of Decision.

#### **Items submitted/ brought to the Meeting:**

- None