



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, March 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: Acting Chair Robert Ceppi (in-person), Shirley Shiver (in-person), Vaughn Slack, (in-person), Robert Lucier (in-person), and Charlie Bellemer (in-person)

Planning Board Members Absent: None

Staff Present: Lauren Trifone, Interim Town Planner (in-person) and Monica Santerre-Gervais, ODIS Senior Clerk (remote), and Jeff Bridges, Town Administrator (in-person)

Staff Absent: None

1. Acting Chair, Mr. Ceppi, opened the meeting at 7:03 pm. New Planning Board members were introduced and spoke briefly about themselves and their background. Mr. Ceppi introduced Ms. Trifone as the Interim Town Planner.

2. Approval of Minutes: 2/1/2022

Mr. Bellemer mentioned repetitive errors regarding “Mr. Shiver” and should be “Ms. Shiver.”

MOTION: Ms. Shiver motioned to accept the minutes from 2/1/2022 with the discussed edits

SECOND: Mr. Ceppi

DISCUSSION: None

ROLL CALL VOTE: Ms. Shiver and Mr. Ceppi voted aye, and the motion was carried (vote 2-0 motion carried the new Planning Board members were not eligible to vote)

3. ANR’s-

- **23 School Street, Joshua Leary, Create Lots**

Mr. Ceppi explained that the plan is to split one lot into two lots, it has frontage, has enough acreage, and it meets the setbacks. Ms. Shiver stated the note on the plan was adequate.

MOTION: Ms. Shiver motioned to accept the ANR as submitted

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, Mr. Lucier, and Mr. Bellemer all voted aye, and the motion was carried (vote 5-0 motion carried)

- **12 Jolicoeur Ave, William McComas, Create Lots**

Mr. Ceppi explained that the plan is to cut out 1A from the parcel and has adequate frontage and square footage. Mr. Lucier asked about visiting the lot and if abutters were notified. Mr. Ceppi and Mr. Bridges discussed the process for approving ANR's. MR. Slack asked about the stone wall on the plan and Mr. Ceppi explained the plan to him.

MOTION: Ms. Shiver motioned to accept the ANR as submitted.

SECOND: Mr. Lucier

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, Mr. Lucier, and Mr. Bellemer all voted aye, and the motion was carried (vote 5-0 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.

Steve Pikul, Bertin Engineering, Attorney, TJ Recupero, and Jeremy Chapman, Melink Solar Development, were present and remote for the public hearing. Mr. Recupero discussed the previous meeting they attended and the issues with the Planning Board meeting quorum, therefore, they needed to renotify abutters and readvertise. Mr. Ceppi said he spoke to Attorney Jonathan Eichman and the Planning Board needs to accept the request to withdraw without prejudice the Special Permit and Site Plan Review applications. Mr. Recupero said they will start the public hearing fresh due to the new members and they are happy to discuss the application or wait until a later date. Ms. Shiver mentioned they would need a continuance for the decision and recommended June 30, 2022. Mr. Pikul asked to continue using the LEI as the Peer Reviewer. Additionally, Mr. Pikul said they had to withdraw their Notice of Intent (NOI) and would need to reestablish that. Mr. Pikul mentioned not using BSC Group further for the Charlton/Bacon Peer Review and Ms. Trifone said she has had a good relationship with BSC Group. Mr. Bellemer questioned the inconsistencies Mr. Pikul had with BSC Group and Mr. Pikul answered the turnaround time in too long and BSC Group is too busy. Ms. Trifone stated that the plans had changed many times and therefore it delayed third party review.

Mr. Pikul asked if the new members were qualified, and Mr. Ceppi said they have been sworn in and they are members. Ms. Trifone asked about proof of abutter notification and Mr. Pikul stated they would mail in the proof. Mr. Ceppi said they will open the subdivision but will need to continue the meeting to get the proof of abutter notification and new member material.

The corrected advertisement for this meeting was:

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.

MOTION: Ms. Shiver motioned to continue the subdivision application

SECOND: Mr. Bellemer

DISCUSSION: Next meeting need proof of abutter notification and material

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, Mr. Lucier, and Mr. Bellemer all voted aye, and the motion was carried (vote 5-0 motion carried)

MOTION: Ms. Shiver motioned to accept the request to withdraw for the Special Permit and Site Plan Review

SECOND: Mr. Bellemer

DISCUSSION: Next meeting need proof of abutter notification and material

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, Mr. Lucier, and Mr. Bellemer all voted aye, and the motion was carried (vote 5-0 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. Pikul explained they are responding to BSC Group and will be ready for the next meeting to supply the Planning Board with a fresh plan and comments. Mr. Chapman and Mr. Recupero mentioned this application is like Ash Street and because of the new members they will need to readvertise and start fresh. Mr. Ceppi stated they would need an extension of time for the decision. There was much discussion regarding when the meeting will be held and it was decided that May 3, 2022, would be the best date.

MOTION: Mr. Ceppi motioned to have the applicant extend the time of decision and readvertise the Charlton/ Bacon application on May 3, 2022

SECOND: Mr. Ceppi

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi

6. 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. Ceppi mentioned the applicant submitted the request to withdraw the application without prejudice.

MOTION: Ms. Shiver motioned to accept the request to withdraw without prejudice.

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, Mr. Lucier, and Mr. Bellemer all voted aye, and the motion was carried (vote 5-0 motion carried)

***** Short Recess*****

7. Discussion: Board Policies and Procedures and Board Reorganization

Mr. Ceppi explained that the previous Chair, Jeff Butensky, used to discuss and update the policies and procedures but he would not be continuing but someone could volunteer. Mr. Ceppi explained that they need to reorganize the board. There are additional committees that needs to be voted on but the Planning Board requested a complete list so they can review. Ms. Trifone said she would supply them before the next Planning Board meeting.

MOTION: Ms. Shiver nominated Mr. Ceppi as Chair of the Planning Board.

SECOND: Mr. Bellemer

DISCUSSION: Mr. Ceppi accepted

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, Mr. Lucier, and Mr. Bellemer all voted aye, and the motion was carried (vote 5-0 motion carried)

MOTION: Ms. Shiver volunteered to be Vice Chair

SECOND: Mr. Ceppi

DISCUSSION: Ms. Shiver accepted

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, Mr. Lucier, and Mr. Bellemer all voted aye, and the motion was carried (vote 5-0 motion carried)

8. Review & Act: Revolving Account-

Mr. Ceppi explained this is a place holder on the agenda for if an invoice needs to be voted on to be paid out of the Planning Board Revolving Account. There are no bills currently to be discussed.

9. Town Planner Report

Interim Town Planner, Ms. Trifone said she will provide memos to the Planning Board before meetings going forward. Mr. Bridges stated that Ms. Trifone will fill the role until a future course of action.

10. General Board Discussion & Board Liaison Reports

Ms. Shiver said they had there first Capital Improvement Committee meeting and they will be visiting the various departments to see their needs to distribute money.

Mr. Bridges said they will be holding training by KP Law for Open Meeting Law in the future, but the date has not been determined yet.

Ms. Shiver mentioned to the Planning Board to log into the Citizens Planning Collaborative and review a Solar Citing Video, also, Dr. Dan Rogen from Clark University has a map of solar from meta data and turned it into GIS Layers.

11. Citizen Input

Matt Defosse, 7 Paul's Drive, welcomed the new members and Ms. Trifone. Mr. Defosse read aloud a narrative he read at the Board of Selectmen meeting regarding the need to keep addressing commercial solar amendments, discussed his role on the Solar Review Committee for a year, and the current amendment was approved by the Attorney Generals office. Mr. Defosse the commercial solar amendments need to be a priority provided documents to the Planning Board members.

12. New Business/Adjournment

MOTION: Ms. Shiver adjourn at 8:30 pm

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, Mr. Lucier, and Mr. Bellemer all voted aye, and the motion was carried (vote 5-0 motion carried)

Submitted by Monica Santerre-Gervais, ODIS Clerk

Approved by the Planning Board on: 4/05/2022

List of Documents used on March 01,2022.

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

- Agenda
- Drafted minutes from 2/1/2022
- ANR Application and Plans for 23 School Street
- ANR Application and plans for 12 Jolicoeur Ave
- Request to withdraw without prejudice for 0 Donnelly dated 2/14/2022
- Email from Attorney TJ Recupero dated 1/27/2022 regarding Ash Street application

Items submitted/ brought to the Meeting:

- Solar documentation from Matt Defosse