



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Wednesday, March 17, 2021 at 7:00 PM

McCourt Social Hall, 157 Main Street Spencer, MA 01562

Memorial Town Hall- **Remote Meeting**

Planning Board Members Present: Chair Jonathan Viner (remote), Vice Chair Jeff Butensky (remote), Robert Ceppi (remote), and Maria Reed (remote) Paul Gleason (remote)

Planning Board Members Absent: None

Staff Present Remote: Todd Miller, Town Planner and Monica Santerre-Gervais, ODIS Senior Clerk

Staff Absent: None

1. Mr. Viner opened the meeting at 7:04 pm and read aloud Covid-19 statement. *“This Meeting of the Planning Board is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, pursuant to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. In order to mitigate the transmission of the COVID-19 Virus, we have suspended public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. We are meeting remotely and broadcasting live on Spencer Cable Access to ensure public viewing access.”*

2. Approval of Minutes: 2/16/2021

Ms. Reed mentioned there were two typos on page 2 and page 11 and to change “Hight” to “High.”

MOTION: Mr. Ceppi motioned to approve the minutes of 2/16/2021 with the noted amendments.

SECOND: Mr. Gleason

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

3. ANR-

- **Arista Development/ 8 High Street, 95 & 101 Main Street**

Mr. Miller confirmed from the last meeting that no conditions can be added to ANRs, he recommends approval, and the raised structures would fall under the Zoning Enforcement Officer. Attorney Phillip Stoddard concurred with what the Town Planner said. Mr. Ceppi was concerned about if the bylaw

does not allow multiple uses on one property. Mr. Stoddard is very confident that the Town of Spencer will be protected. Mr. Viner stated that the land will be combined when in common ownership, the property won't switch hands unless the project is assured to move forward, and the Planning Board is protected. There was much discussion regarding the plan, concerns about raised structures, and notes that can be added to the plan.

MOTION: Mr. Butensky motioned to approve the ANR dated January 22, 2021

SECOND: Ms. Reed

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (4-0/ Mr. Ceppi abstained from voting)

The Chair called for a brief recess until 7:30pm

4. Continued Public Hearing: Special Permit/Major Site Plan Extension; Applicant: ForeFront Power, LLC; Owner: Laura Hopkins, Location: 36 Cranberry Meadow Road; Spencer Assessor's Map R12-4. The applicant is requesting an extension to the Special Permit and Major Site Plan under Sections 4.8.9, 7.2, and 7.4 of the Spencer Zoning Bylaw to install a 2.2 MW Solar PV Facility. The property is located within the Rural Residential zoning district.

Mr. Miller stated that the applicant has requested to withdraw their petition and the proper documentation has been submitted.

MOTION: Mr. Ceppi motioned to close the public hearing for 36 Cranberry Meadow Road.

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)

MOTION: Mr. Butensky motioned to accept the applicants request to withdraw the application without prejudice.

SECOND: Mr. Ceppi

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)

5. Continued Public Hearing: 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 PV Facility. The property is located within the Rural Residential zoning district.

Mr. Miller stated that the applicant has requested to withdraw their petition and the proper documentation has been submitted.

MOTION: Mr. Ceppi motioned to close the public hearing for 22 Norcross Road/ Solar.

SECOND: Ms. Reed

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)

MOTION: Mr. Ceppi motioned to accept the applicants request to withdraw the application without prejudice.

SECOND: Mr. Gleason

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)

6. 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.

Corey Brodeur, Lenard Engineering (LEI), explained he spoke with Todd Miller and emailed him a timeline of the project that was reviewed, there have been five reviews for Ash Street and the applicant has not responded to any of the outstanding peer review comments. Mr. Brodeur added that there are 34 comments that remain unaddressed, several issues including drainage, and the applicant has not submitted a Notice of Intent (NOI) with the Conservation Commission.

Steve Pikul, Bertin Engineering, stated that they were told BSC Group would be the new peer reviewer for this project and felt there was no point in responding to LEI. Also, Mr. Pikul explained that the past Town Planner, Paul Dell'Aquila requested the Subdivision and Solar plans be separated and the peer review should be regarding the subdivision and was unsure if Mr. Brodeur had the correct plan. Mr. Brodeur stated they had the most recent plans that they reviewed, and they still mention solar in the subdivision plans. Mr. Viner mentioned at the last meeting, at the applicant's request, to keep LEI as the peer reviewer and the applicant needs to respond to the comments from LEI so the project can progress. Furthermore, Mr. Viner felt there would be no more productive comment until peer review comments are addressed.

Jeremy Chapman, Melink Solar Development, mentioned that at the last hearing an abutter raised concerns and since the last meeting emailed Mr. Miller with the answer. Mr. Viner said they can confirm in the interim.

The Chair opened the hearing up to the public but there were no questions or comments.

Mr. Ceppi asked if the applicant needs more time or if they will be ready for the April 20th meeting and Mr. Pikul said the April meeting will be fine.

TJ Recupero, Recupero Law Office, mention to the Planning Board that there are two items and by statute with the one motion mention all the items or have separated motions.

MOTION: Mr. Ceppi motioned to continue the public hearing for the Special Permit and Site Plan for 133 Ash Street until April 20th, 2021

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)

7. Continued Definitive Subdivision Plan: Applicant: Colin Derhammer; 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. Miller did not have much for an update but mentioned that in the frontage of the plan states 150 feet and it should be 200 feet and could require a variance.

Mr. Pikul said the BSC Group is the peer reviewer for this application not LEI and they submitted updated plans on 12/30/2020 and have not heard back from BSC Group. Mr. Viner asked Mr. Miller if he has had communication from BSC Group and Mr. Miller said not for this project. Mr. Ceppi asked why the applicant has not inquired about the delay from BSC Group and Mr. Pikul stated he was told to communicate through the Town Planner. Mr. Miller stated that he knew the weather was causing some delays with peer review regarding the Conservation Commission and was unsure if that was a factor for the Planning Board to. Mr. Recupero mentioned that they have been in contact with BSC Group regarding Conservation Commission comments.

Mr. Viner needed to log off and asked Mr. Butensky to take over and Mr. Butensky asked for a recess until 8:15pm.

There was much discussion regarding the importance of BSC Group responding to the applicant and Mr. Miller said it will be his top priority and Mr. Pikul will send the current plans electronically to the Town of Spencer.

The Chair opened the hearing up to the public but there were no questions or comments.

Mr. Recupero made the same point on how the Planning Board should motion separate agenda items and it was noted on the agenda it only state definitive subdivision plan.

MOTION: Mr. Ceppi motioned to continue the hearing stated on the agenda until April 20th, 2021

SECOND: Ms. Reed

DISCUSSION: Applicant to resubmit plans and BSC Group needs to respond.

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)

8. Continued Special Permit Hearing - Applicant: Daniel Rubin, Freedom Forever Massachusetts, LLC; Owner: Craig Lusignan, Location: 83 Northwest Road; Spencer Assessor's Map R50-3-1. The applicant is seeking a Special Permit under Section 4.8.9 (Solar Photovoltaic Generating Installations) of the Spencer Zoning Bylaw to install a ground mounted 13.050 KW solar panel system. The property is located within the Rural Residential zoning district.

Mr. Miller stated that the applicant has requested to withdraw their petition and the proper documentation has been submitted.

MOTION: Mr. Ceppi motioned to close the public hearing for 83 Northwest Road.

SECOND: Ms. Reed

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)

MOTION: Mr. Ceppi motioned to accept the applicants request to withdraw the application without prejudice.

SECOND: Ms. Reed

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)

9. Town Planner Report-

Mr. Miller discussed his memo to the Planning Board that discussed the next steps with CMRPC regarding the Solar Bylaw updates

10. General Board Discussion/ Board Liaison Reports

- Open Space- Mr. Butensky supplied the Planning Board with the first draft of the Open Space Plan to review
- Capital Committee- Mr. Viner discussed the upcoming capital committee meetings for Town Department and starting the ranking process.
- CMRPC- Mr. Ceppi signed up for the quarterly meeting but was not able to attend.

11. New Business/Adjournment

Matt Defosse, 7 Paul's Drive, commented on the belligerent caller and the unacceptable behavior.

MOTION: Mr. Ceppi motioned to adjourn the meeting at 8:41 pm

SECOND: Ms. Reed

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (5-0)

Submitted by Monica Santerre-Gervais, ODIS Clerk

Approved by the Planning Board on: 4/6/2021

List of Documents used on March 17, 2021.

Items sent by email Planning Board or uploaded online prior to Meeting:

- Agenda
- ANR Application and Plan Arista Development/ 8 High Street, 95 & 101 Main Street
- Charlton/ Bacon Solar/ Subdivision-Definitive site plan, existing conditions, drainage report, peer review by BSC, and decommissioning plan
- Ash Street Solar Subdivision- Plans, drainage report, two peer review reports by LEI, subdivision plan, existing conditions plan. Grading/wetlands crossing, slope analysis, infiltration testing, and waiver request.
- Minutes 2/16/2021
- 22 Norcross Road, Request to withdraw
- 36 Cranberry Meadow Road, Request to withdraw
- 83 Northwest Road, Request to withdraw

Items submitted/ brought to the Meeting:

None.