



Planning Board – Town of Spencer

Minutes

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

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

Planning Board Members Present: Chair Robert Ceppi (in-person), Vice Chair Shirley Shiver (in-person), Charlie Bellemer (in-person), and Vaughn Slack (in-person)
Planning Board Members Absent: None
Staff Present in-person: Lauren Vivier, Town Planner/ Conservation Agent (in-person), Monica Santerre-Gervais, ODIS Senior Clerk (remote)
Staff Absent: None

1. The Chair opened the meeting at 7:00pm

2. 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 Road, and Attorney Phillip Stoddard were present at the meeting. Mr. Stoddard explained that Jason Dubois, Engineer for this application, worked with the Highway Superintendent, William Cundiff, to address easement issues. Mr. Cundiff confirmed he worked with Mr. Dubois and the plan had been changed.

The Chair opened the meeting to the public and there were no questions or comments.

The drafted Certificate of Decision was discussed along with conditions for stormwater management.

MOTION: Ms. Shiver motioned to approve the Stormwater Permit for 4B Eagleton Road

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

3. Discussion: Debbie Drive (Discuss citizen complaint about snow removal within the Laureldale subdivision)

William Cundiff, Highway Superintendent, addressed the Planning Board regarding the numerous complaints his office receives regarding Debbie Drive snow removal. The Laureldale Subdivision was never completed, the road still maintains private, and the snow removal is not removed in a timely manner. Mr. Cundiff explained that snow removal is the responsibility of the developer and the snow is not removed for day (s) after storms and busses and vehicles can't get through. Mr. Cundiff urged the Planning Board to make future conditions with subdivisions and to collect surety to ensure residents are protected. Mr. Cundiff suggested sending a letter to the developer from the Planning Board.

Ms. Vivier mentioned the developer wants to come back for phase 2 and Ms. Shiver suggested inviting the developer to a meeting to discuss Laureldale. Ms. Vivier will draft a letter for the Planning Board members to review and mail to the developer.

4. Continued Public Hearing 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. This is a readvertisement of the public hearing on this application, which was originally commenced on November 17, 2020.

Calisto Bertin, Bertin Engineering, and Attorney TJ Recupero were present for the meeting. Mr. Ceppi asked if this application was close to requesting an extension to the decision and Mr. Recupero stated the timing extension ended in September 2020 but the applicant has been cooperating with the Planning Board and hopeful a decision will be made. Ms. Vivier explained new plans were submitted, BSC Group Peer Review came in this afternoon, and the memorandum submitted by Mr. Recupero was sent to Town Counsel for review.

Ms. Vivier mentioned a concern from BSC Group regarding a basin on a ledge. Mr. Bertin stated they had to move one of the basins, created a subsurface collection system, although the basin sits on the ledge but they will put a liner around it and seal it. Mr. Bellemer mentioned the retention basin would be steep and would affect lots to the west of it and precautions should be taken. Mr. Bertin said they could put in a French drain or clay liner. Ms. Shiver asked if hay bales will be installed on the private property easement and Mr. Bertin answered they will not be working on anyone's property. Gary Woodbury, 219 Charlton Road, remotely mentioned were the water runoff issues took place.

Ms. Shiver brought up the newly found three inches for the right-of-way (ROW) and suggested as a condition having the surveyor go out to the property, double check measurements, and record the new plan with the Registry of Deeds. Mr. Recupero said they can correct it with an 81X Plan. Ms. Shiver requested that the surveyor confirm by certification that it is fifty feet all the way up and note the bearings were wrong on the deed. Mr. Bertin stated all the plans were revised and they submitted a letter regarding the ROW. Mr. Ceppi asked if there was ledge and

how will it be removed. Mr. Bertin said there is ledge, and they will blast or hammer. Mr. Ceppi raised concerns for the effects of blasting and hammering for the neighbors. Mr. Recupero suggested adding a condition to send a notice to the neighbors before work for ledge removal begins. Mr. Bertin stated worst case they will only be going down six feet. Mr. Ceppi asked what would happen if a neighbors foundation cracks and Mr. Bertin stated they changed the plans to meet the requirements for the subdivision.

There was discussion regarding third party review for the fire access, sidewalks, and updating waiver requests. Ms. Vivier asked if the road will remain private and Mr. Bertin said yes. Mr. Cundiff mentioned runoff and although not increasing the amount it may increase the rate. Ms. Vivier noted she is waiting on wetland comments.

The Chair opened the meeting to the public:

Dave Nussey, 227 Charlton Road, asked about the ROW and the applicant meeting requirements. Mr. Nussey had blasting concerns regarding his neighbors.

Taylor Wentworth, 245 Charlton Road, mentioned the amount of water that comes off a hill at a neighbor's home and she is concerned with stormwater runoff.

Mr. Recupero mentioned the Planning Board cannot regulate blasting and Mr. Ceppi state the Planning Board protects the town people and their homes.

Mr. Cundiff asked what waivers the applicant would be requesting, and Mr. Recupero answered only sidewalks.

MOTION: Mr. Bellemer motioned to continue the Definitive Subdivision application for Charlton Road (Bacon Hill Road) until April 18, 2023.

SECOND: Mr. Slack

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

5. Continued Public Hearing 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.

Calisto Bertin, Bertin Engineering, and Attorney TJ Recupero were present for the meeting. Ms. Vivier mentioned they received new plans and documents on Monday and unfortunately not enough time to review before the meeting. Ms. Vivier discussed some concerns from Corey Leonard, Haley Ward, and further review needed for the second basin and new drainage calculations. Mr. Ceppi said he was concerned with stormwater basins. Mr. Bellemer raised concern about construction and the large vehicles on Ash Street.

The Chair opened the meeting to the public:

Matt Defosse, 7 Paul's Drive, expressed concerns for the wetlands on the parcel and they need to be protected.

Mr. Cundiff asked if the neighbors know the road will not be public and Mr. Recupero said the road will be maintained by a Homeowners Association (HOA). There was much discussion on what had been revised on the plans and updated to meet the Zoning Bylaw requirements.

MOTION: Mr. Bellemer motioned to continue the Definitive Subdivision application for Ash Street until April 18, 2023.

SECOND: Ms. Shiver

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

6. Town Planner Report

Ms. Vivier discussed the following:

- On the April 4th, 2023 meeting there will be discussion regarding Deer Run Road Acceptance, the draft Housing Production Plan, policies and procedures review, and there will be an executive session to review and accept the minutes from the executive session regarding the Open Meeting Law complaint.
- On the April 18th, 2023 meeting David Prouty High School (DPHS) application, North Brookfield Solar Farm Site Plan Review and Stormwater permit application, and at 6:30 pm a special meeting for the FEMA Floodplain amendments.
- The Master Plan survey is live and, on the website, has its own Facebook page, and webpage. Additionally, there are hard copies at the Town Hall, Senior Center, and Library to fill out.
- Ms. Vivier discussed the Citizen's Planner Conference she attended.

7. General Board Discussion & Board Liaison Reports

Ms. Shiver discussed the letter regarding Laurelwood and Ms. Vivier said she will draft the letter and send to the Planning Board for comments before mailing out. Additionally, Ms. Shiver mentioned the Housing Production Plan online and that she attended the Citizen's Planner Conference as well.

8. Citizen Input

Matt Defosse, 7 Paul's Drive, discussed how Solar Developers make the choice to come to the Town of Spencer and go through the process of applying for applications and if they are denied they need to accept the Planning Boards decision. Mr. Defosse does not want to see the developers grade the sites to meet the Zoning Bylaw requirements. Also, Mr. Defosse stated the

developers need to stop submitting information last minute and do a better job presenting documents at the meetings.

9. Approval of Minutes 3/07/2023

Mr. Slack mentioned edits to adding “Road” to Charlton and Bacon Hill under Town Planner Report.

MOTION: Ms. Shiver motioned to accept the minutes from 3/7/2023 with the amendments discussed.

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

10. New Business/Adjournment

MOTION: Mr. Ceppi motioned to adjourn the meeting at 9:15 pm.

SECOND: Ms. Shiver

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

Submitted by Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: 4/4/2023

List of Documents used on March 21, 2023

Items sent to Planning Board prior to Meeting by email:

- Final Agenda -R1
- Memo from Town Planner
- 4 Eagleton Way Stamped Application, updated Plans received 3/20/2023, Final Driveway and Maintenance Agreement and Certificate of Decision.
- Laureldale subdivision-Documentation
- Ash Street Subdivion- updated drainage report, letter regarding resubmission, and updated plans received 3/20/2023.
- Charlton Bacon Subdivision-updated drainage report, letter regarding right-of-way, and updated plans received 3/08/2023.
- Drafted minutes from 3/07/2023

Items submitted/ brought to the Meeting:

- Third Party Review from BSC Group regarding Charlton Road/ Bacon Hill Road