



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

April 04, 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. ANR: Diana Andrews/155 Paxton Road/Create lot.

Diana Andrews, 155 Paxton Road, was present in-person at the meeting.

Mr. Ceppi raised numerous concerns about the ANR plan including not having continuous frontage, therefore the plan would be creating a non-conforming lot. He also stated that the setbacks are not clear, and the Assessor map numbers shown are incorrect. Mr. Ceppi read aloud the definition for the frontage requirements, as stated in Section 2.2 of the Spencer Zoning Bylaw.

MOTION: Ms. Shiver motioned to deny the ANR Plan as submitted for 155 Paxton Road.

SECOND: Mr. Bellemer

DISCUSSION: There was discussion that the plan will need to be revised if the applicant intends to return.

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

3. Discussion: Acceptance of exiting road layout plan and easements for Deer Run, Phase 1, to prepare for proposed road acceptance at the Annual Town Meeting)

Ms. Vivier explained that the layout plan has not changed and in the Planning Board members' packets there was a memo from the Fire Chief, Robert Parsons, regarding the cisterns. Mr. Ceppi mentioned that the Town of Spencer cannot fix the road until the Town of Spencer accepts the road as a public road. Mr. Ceppi wanted to see a list of deficiencies in the road and the estimated cost to fix the road. William Cundiff, U&F Superintendent, reviewed the layout plan presentation and explained there are town owned lots in Phase 2 that cannot be developed until the road is accepted. Additionally, Mr. Cundiff spoke to the Town Assessor and she said the Town of Spencer is missing out on \$60,000 a year for the non-developed lots. Mr. Cundiff said the road is in good shape, may need some crack-

sealing and brush clearing, but the four catch basins were repaired a couple years ago, and recommends the road be accepted as a public road.

Chris Tutlis, 6 Briarwood Lane, was present at the meeting and made comments on the road and the issues he has had with the area where Phase 1 meets Phase 2.

Melissa Kubasiak was present for the meeting and asked about surety to fix the road. Mr. Ceppi stated there is only surety left in Phase 2 and until they accept Phase 1 the Planning Board cannot move forward with the repairs with Phase 2.

MOTION: Ms. Shiver motioned to recommend plan acceptance for Deer Run Phase 1.

SECOND: Mr. Bellemer

DISCUSSION: The plan needs to go to the Board of Selectemen for approval and then to Town Meeting

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

4. Discussion: Draft Housing Production Plan Review

Ms. Vivier explained that Emily, from CMRPC, is still working on revising the edits brought up from the last meeting. Ms. Vivier mentioned after the Housing Production Plan (HPP) and Master Plan are approved there will need to be some amendments to the Zoning Bylaws. Ms. Vivier recommends having a comprehensive review of the Spencer Zoning Bylaw conducted in 2024.

Carol McPherson, 125 Pleasant Street, attended the meeting remotely to discuss some comments she had regarding the HPP. Ms. McPherson mentioned that the changes to Open Space Residential Development (OSRD) will make it similar to a cluster development and wasn't allowed in previous bylaw changes. Secondly, Ms. McPherson explained that it is recommended to change lot sizes and when the last Master Plan was approved they raised the lot sizes to be comparable to surrounding towns. Lastly, Ms. McPherson was unsure she agrees with Spencer becoming a Community Preservation Act (CPA) community. Ms. McPherson asked if once the HPP is approved if they make changes to the Zoning Bylaw for everything recommended. Ms. Vivier answered that once accepted the Town Boards will choose what to act on and not everything may be implemented or applied.

Alan Collette, 40 Cherry Street, was present at the meeting and asked for clarifications regarding the HPP and OSRD.

Discussion tabled until May 02, 2023.

5. Discussion: Board Policies and Procedures

Ms. Vivier reviewed the edits and revisions that she implemented in the latest Board Policies and Procedures draft. Mr. Bellemer pointed out an edit that needed to be fixed. Ms. Vivier mentioned the Planning Board reviewing the application requirements to confirm the process is adequate.

Discussion tabled until May 02, 2023.

6. Planning Board Revolving Account-Invoice Approval

Stonebridge Press Invoice for advertisement of David Prouty High School, No. Brookfield Solar Farm, and FEMA Floodplain Bylaw Amendments.

MOTION: Ms. Shiver motioned to accept payment from the Planning Board Revolving Account to cover the cost of the Stonebridge Press invoice.

SECOND: Mr. Slack

DISCUSSION: None

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

7. Town Planner Report

Reviewed by Ms. Vivier:

- Governor extended remote meetings until 3/21/2025.
- Bundle in meeting material from Matt Defosse regarding North Brookfield Solar Farm for next meeting.
- Brief overview of meeting agenda for 4/18/2023.
- Discussed Master Plan Committee and mentioned the Master Plan Survey is still live.
- The Town Meeting is May 4th, 2023.

8. General Board Discussion & Board Liaison Reports

No comments.

9. Citizen Input

Matt Defosse, 7 Paul's Drive, mentioned visiting the sites before making decisions is critical and requested to ask the applicants to make font bigger on plans to read.

10. Approval of Minutes 3/21/2023

Mr. Slack mentioned to add "(in-person)" on first page after his name.

MOTION: Mr. Bellemer motioned to approve the minutes from 3/21/2023 with the discussed edit.

SECONDED: Mr. Slack

DISCUSSION: NONE

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

11. Request for Executive Session under Mass General Laws, Chapter 30A: §21(a), ¶3: to discuss Open Meeting Law complaint, filed by Attorney Thomas John Recupero, Attorney for Spencer Solar, LLC and Spencer Solar II, LLC, dated October 13, 2022- discussion and

approval of minutes; votes may be taken. (announce that the Board will not reconvene in open session)

MOTION: Ms. Shiver motioned to enter Executive Session at 8:11pm

SECONDED: Mr. Bellemer

DISCUSSION: NONE

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

12. New Business/Adjournment

Meeting adjourned after Executive Session.

Submitted by Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: 4/18/2023

List of Documents used on April 04, 2023

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Memo from Town Planner
- Draft minutes from 3/21/2023
- Drafts minutes from executive session 11/15/2022
- Memo from Fire Chief regarding Deer Run
- Plans for Deer Run Subdivision
- Drafted Planning Board Policies and Procedures
- ANR: application and plans for Diana Andrews/155 Paxton Road/Create lot
- Memo dated 3/21/2023 regarding No. Brookfield Solar Farm from Matt Defosse

Items submitted/ brought to the Meeting:

- None