



## Planning Board – Town of Spencer

### *Minutes*

#### Planning Board Meeting

**Tuesday, April 20, 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 (in-person), Vice Chair Jeff Butensky (remote), Robert Ceppi (remote), and Maria Reed (remote) Paul Gleason (in-person)

Planning Board Members Absent: None

Staff Present: Todd Miller, Town Planner (in-person) and Monica Santerre-Gervais, ODIS Senior Clerk (remote)

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. ANR-**

- **Joseph Brusco/ Gold Nugget Road/Creating Lots-**

Mr. Miller said its just a routine adjustment of lots. Mr. Ceppi asked where lot 6 was and Mr. Viner agreed he did not know either. Mr. Ceppi asked if the plans were stamped, and Mr. Viner said the paper copies have the stamp in the upper left.

**MOTION: Mr. Ceppi motioned to approve the ANR for Gold Nugget 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)**

- **Travis Reilly/ 56 Smithville Road/ Boundary Line Adjustment**

Mr. Miller stated that lot 56A will join the easterly side lot and meets the ANR requirements. Mr. Viner stated that 56 Smithville received a variance and Mr. Miller said there were no stipulations for the variance that would affect this ANR.

**MOTION: Mr. Ceppi motioned to approve the ANR for 56 Smithville 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)**

**3. 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.**

Mr. Miller discussed peer review response. Steve Pikul, Bertin Engineering, stated that they are still waiting on Lenard Engineering (LEI) to respond to their correspondence because currently they are unable to finish the revisions needed. Mr. Pikul mentioned that once they hear from third party, they can revise the plan and make final adjustments. Mr. Pikul mentioned he was still waiting to have a meeting with Steven Tyler, but Mr. Viner explained the new Highway Supervisor was William Cunduff. Mr. Viner mentioned peer review comment # 2 and asked the applicant if the solar lot would adhere to the current bylaw. TJ Recupero, Recupero Law Office, that the frontage was an issue in the beginning and Mr. Pikul said a common driveway agreement was sent, there will be an easement for Edward Rivard, and will resend to Town Planner if needed. Mr. Viner asked about peer review comment #8 if the rear lot subdivision with easement or other agreement if the solar farm is not being accessed through its frontage. Mr. Pikul said the gravel access road is accessing the cul-de-sac, the solar farm is off the cul-de-sac, and showed the lot for Mr. Kent. Mr. Pikul said he was unsure how else they could reconfigure to meet all requirements. Elio Qorri, Bertin Engineering, brought up plan c-3 to show the proposed layout. Mr. Ceppi asked how long the road is for the cul-de-sac and Mr. Qorri said it was 759 feet. Mr. Ceppi asked about length limits on dead end roads and Mr. Viner answered 1000-2000 feet depending on fire access. Additionally, Mr. Viner stated that a curb cut would be a requirement in the General Bylaws and the Planning Board cannot waive.

Mr. Pikul mentioned a comment in the peer review comments that LEI to speak with Town Council to review due to the complexity. Mr. Viner said the proper procedure would have their land use Attorney prepare a memo and Town Council can review the memo and respond and Mr. Recupero said he would submit a memo for Town Council.

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

Mr. Viner stated that in the General Bylaw stipulates the frontage being the origination of the driveway, covers design properties or defer to highway department, and the cross-section needs to be included to the plan. Mr. Qorri brought up the maintenance drive plan and profile and Mr. Pikul said it should cover all subdivision regulations. Mr. Viner said the access drive from cul-de-sac throughout solar facility and Mr. Pikhul reviewed the turnaround for the trucks and maintenance drive but can update if knew info is provided.

**MOTION: Mr. Ceppi motioned to continue the public hearing for the Subdivision, Special Permit, and Site Plan for 133 Ash Street until May 18, 2021**

**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)**

**4. 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 the Planning Board because there has not been significant movement.

Steve Pikul, Bertin Engineering, said they are still waiting for BSC Groups response. Additionally, Mr. Pikul discussed the Conservation Commission meeting relating to wetland delineation, the onsite meeting on March 25, 2021 collectively to discuss the wetlands, there was a lot of rock onsite and BSC was unclear about flag placement, and one flag was missing. Mr. Viner asked if EcoTec was onsite on behalf of Bertin Engineering and Mr. Pikul said yes. Mr. Pikul said they are just waiting on the peer reviewer and Mr. Miller said he will re-reach out to Gillian Davies at BSC Group. Mr. Viner said the delay was from the confirmation from the wetland's delineation. Mr. Pikul stated is a Conservation Commission issue and not Planning Board meeting. Mr. Recupero mentioned that after reviewing emails the Conservation Agent ordered BSC to stop work due to a change order. Mr. Pikul said that Dominic Rinaldi from BSC Group is reviewing Planning Board and Gillian Davies is reviewing the Conservation Commission.

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

Mr. Viner asked if an 81x plan was submitted last year and Mr. Recupero said it was an 81P plan that was endorsed. Mr. Viner felt it was more like an 81x plan and Mr. Recupero said it had characteristic of an 81x, but it was endorsed so it was an 81p. Mr. Viner said the frontage for the subdivision is less than 50 feet and if a waiver will be requested? Elio Qorri, Bertin Engineering, pulled up drawing 2.1 and Mr. Pikul said the frontage is short 3 inches. Mr. Recupero said they have different options; could submit a written waiver request and agrees the law will support it, Mr. Pikul said if waiver was denied could present a different option. Mr. Viner said it would not be the Zoning Boards of Appeals purview to issue a variance. Mr. Recupero discussed an Uxbridge, MA case that with the recommended waiver there was a condition that tied to the solar use only. There was much discussion regarding the access way and frontage.

Matt Defosse, 7 Paul's Drive, said he believes the Planning Board should not accept waivers and the Planning Board needs to be more consistent with all projects and check with Town Council first.

Gary Woodbury, 219 Charlton Road, agreed with Mr. Defosse and said that there is a certain

timeframe when opening newly paved road since it is a new road and there are multiple accidents on the road and said a traffic should be done.

Mr. Pikul said there would be no road opening, no cutting, and staying in gravel shoulder and will require a detail when working. Mr. Woodbury said he would be concerned about the line of sight and Mr. Viner agreed. Mr. Pikul said when they get to the solar application it could be addressed then but Mr. Viner disagreed, and Bertin Engineering will submit it. Mr. Defosse said he is concerned about applicants not knowing all the Town of Spencer's bylaws.

**MOTION: Mr. Ceppi motioned to continue the hearing stated on the agenda until May 18<sup>th</sup>, 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)**

## **5. Town Planner Report-**

Mr. Miller discussed the next steps with CMRPC regarding the Solar Bylaw updates and the Spencer Street Party in 2022.

## **6. General Board Discussion/ Board Liaison Reports**

- Open Space- Mr. Miller said that the Open Space Plan got conditional approval and Conservation and Planning Board can vote to accept the approval.
- EDC- Mr. Miller looking to revitalize and plan upcoming meetings for Economic Development Committee
- Capital Committee- Mr. Viner discussed wrapping up capital committee meetings and closing the warrant.
- CMRPC- Mr. Ceppi signed up for the quarterly meeting but was not able to attend.

## **7. New Business/Adjournment**

Mr. Viner discussed concerns being raised regarding the Deer Run Subdivision and discussing at the next meeting.

Mr. Defosse requested a copy of the CMRPC Solar Report and wants to see Town Representatives to uphold bylaws and the Town not to fear developers.

**MOTION: Mr. Ceppi motioned to adjourn the meeting at 8:39 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: 5/18/2021**

**List of Documents used on April 20, 2021.**

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

- Agenda
- ANR Application and Plan for Joseph Bruso/ Gold Nugget Road & Travis Reilly/ 56 Smithville Road
- 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.

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

None.