



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, April 05, 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: 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)

Staff Absent: None

1. Chair, Mr. Ceppi, opened the meeting at 7:00 pm.

2. Approval of Minutes: 3/1/2022

Mr. Bellemer commented on some errors on page 2, “there” should be “their,” “mentioning” should be “mentioned”, “is” instead of “in,” and “M/r.” should be “Mr.” Also, Mr. Bellemer said on page 4 “need” should be “needs” and at the bottom another “there” should be “their.”

MOTION: Mr. Bellemer motioned to approve the minutes for 3/1/2022 with discussed amendments.

SECOND: Ms. Shiver

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)

3. ANR: Gold Nugget Farm Road/Hastings Road/ Bruso Family Trust

Jason Dubois, DC Engineering, was present to discuss the ANR application. Ms. Trifone said her only question would be to know the reason for dividing the lots and if they are selling the center portion to another adjoining lot. ~~and~~ Mr. Dubois said that was correct. Mr. Dubois said the piece in land lock will be conveyed to Anthony & Maureen Agbay.

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)

4. 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.

Elio Qorri, Bertin Engineering, Attorney, TJ Recupero, were present and remote for the public hearing.

Ms. Trifone asked who owned the land on the North End and Mr. Recupero stated he would find out. Mr. Qorri reviewed the project, the address is 133 Ash Street, the land is 106.8 acres, the parcel is in the rural residential zoning district, a former hunting lodge used to be on the parcel. There are existing power lines in the South, a man-made pond is on the parcel. The site has wetlands, and marsh, the parcel has rolling topography, and the property has two access points on Ash Street. Mr. Qorri explained the proposed subdivision will be divided into two lots with adequate frontage, the roadway for the subdivision will be 766 feet long with a right of way. Also, Mr. Qorri mentioned that multiple test pits have been completed. They are filling and not cutting on the site, and there will be The site. The plan proposes a series of catch basins.

Mr. Bellemer asked who would be responsible for the maintenance of the site and road and Mr. Qorri said the applicant will be responsible and they will have a maintenance agreement drafted. There was much discussion regarding lighting, the roadway, and property lines. Ms. Shiver inquired about the staging area on the plan and Mr. Qorri stated they needed a staging area for construction of the roadway. Ms. Trifone asked what the total amount of earth being removed is and Mr. Qorri responded they are not removing but adding 5,365 cubic yards. Mr. Lucier asked about tree policies in place and waivers and Mr. Ceppi stated they will review that another time.

The Chair opened the public hearing to the public:

David Caputo, 135 Ash Street, expressed drainage concerns to his property. Mr. Caputo explained that the road already floods and his property already gets flooded and muddy, and he is having well issues. Mr. Ceppi explained the applicant must make less of an impact and the drainage will go through peer review. Mr. Caputo asked about the road being on his property line and the snowmobile path. Mr. Ceppi answered the question and Mr. Lucier stated the snowmobile path was not on the plan.

Simon Gicheru, 123 Ash Street, asked how the project will affect his property and Mr. Qorri explained they will not be near his property.

Matt Defosse, 7 Paul's Drive, felt that only notifying abutters within 300 feet is not enough for solar farms. Mr. Defosse asked about the grading and Mr. Ceppi stated they were only discussing the subdivision at this meeting. Mr. Defosse asked about the fill being brought into the site and if the fill is tested and who owns Spencer LLC. Mr. Recupero explained that Spencer LLC is a single entity owned by Melink Solar Development in Atlanta. Mr. Defosse asked how many

solar projects they have done in Spencer and Mr. Recupero believed just the two applications recently submitted and perhaps one a long time ago.

Edward Rivard, 131 Ash Street, asked about the lighting height and Mr. Qorri stated they have not completed the lighting plan yet but are accepting recommendations. Mr. Rivard asked about the proposed drains being less than 50 feet from his well. Mr. Qorri answered that the water from the roadway will be filtered and flow into the town owned drain.

Jan Parke, CG Land Trust, was concerned about tree removal, the number of trees being removed, and if the Town of Spencer had a list of significant trees. Mr. Qorri could not answer how many trees would be removed from the site, but he will find out and they do a pre and post study for drainage.

Peter Sielis, Board of Directors for the Snowbirds Club, explained the snowmobile trail has been at this site for many years and wanted to know how the applicant would address the trail. Mr. Recupero said they sent a letter in 2019 to the Snowbirds regarding the trail, he was unaware if the applicant will allow continued access, but he will inquire. Mr. Ceppi stated an alternate path could be allowed.

Mr. Ceppi addressed a letter they received from William Cundiff, Highway Supervisor, with concerns such as Land Surveyor stamp on the plan, stormwater calculations, clarity of the spillway, concrete berm, and all solar wording should be removed from the plans. Ms. Shiver stated on plan C7, she would like the staging area removed because it is not required for a subdivision. Ms. Trifone stated there was language about solar panel racks that would need to be removed and an area that mentions Southbridge, MA that would need to be edited. There was much discussion regarding peer review, and they will keep LEI as the Planning Board peer reviewer and Conservation Commission will continue to use BSC. Ms. Shiver asked who the owner of Ash Realty, LLC and Mr. Recupero said Mike Kent.

MOTION: Ms. Shiver motioned to continue the hearing for the subdivision application until 5/3/2022

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)

5. Special Permit– Applicant/Owner: Gjergji Disho, Location: 17 Cherry Street, Spencer Assessor’s Map U07-55. The applicant is looking for a Special Permit under Section 4.3.2.A (Multi-Family Dwellings) for Conversion of existing two-family to a three-family. The property is located within the Town Center zoning district.

Ms. Trifone stated that after review of Article 6, 6.1.1.H, requires the applicant to have six parking spaces. Gjergji Disho, 17 Cherry Street, stated he has two spots already and will make four more spots. Mr. Ceppi asked if this met the Zoning Bylaw requirements for Town Center and Ms. Trifone said yes.

Mr. Ceppi opened the hearing up to the public: no comments or questions.

Mr. Ceppi mentioned an abutter letter from Stephen Hashesy, dated 3/19/22, regarding street parking issues. There was much discussion regarding potential future parking areas. Mr. Ceppi commented that a sprinkler system will need to be installed and Mr. Disho said he would do that.

MOTION: Mr. Bellemer motioned to close the hearing.

SECOND: Mr. Slack

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)

MOTION: Mr. Bellemer motioned to accept the plans and approve the special permit for 17 Cherry Street.

SECOND: Ms. Shiver

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)

6. Stormwater Permit – Applicant/ Owner: Capstone Realty Trust; Location: 1 Donna Drive, Assessors Map R46-22. The applicant is requesting a Stormwater Permit, section 4.11 of The Spencer Zoning Bylaw for a proposed Single Family Home Construction. The property is located within the Rural Residential zoning districts.

Kevin Quinn, Quinn Engineering, and Charbel Najem, Capstone General Contracting, were present at the meeting. Mr. Quinn explained the applicant is looking to build a new single-family home on 1 Donna Drive. It will have a septic system and well. They will use straw wattles and a crushed stone pad to limit sediment. Ms. Trifone stated the land is flat and has no major concerns. The Planning Board members discussed the Laureldale Subdivision and items needed to finish the subdivision.

Mr. Ceppi opened the hearing up to the public: no comments or questions.

MOTION: Ms. Shiver motioned to close the hearing.

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)

MOTION: Mr. Bellemer motioned to accept the stormwater permit for 1 Donna Drive.

SECOND: Ms. shiver

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)

7. W. Main Street/Dustin Doray- Stormwater Bond Release Request

Dustin Doray, Doray Trucking, was present at the meeting. Ms. Trifone stated that per the Certificate of Decision conditions Mr. Doray has provided the asbuilt plan, MSDS Sheets, and Hazmat plan, and looking for approval to release the bond.

MOTION: Ms. Shiver motioned to release the bond at 17 West Main Street

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)

8. Review & Act: Revolving Account-

Mr. Ceppi explained the need to vote on payment to Stonebridge Press for \$239.20 and for the funds to come out of the Planning Board Revolving Account.

MOTION: Mr. Bellemer motioned to approve payment of \$239.20 to the Stonebridge Press.

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)

9. Town Planner Report

Interim Town Planner, Ms. Trifone, discussed a possible NOI Grant that could be used towards the Master Plan, reviewing/completing tasks from the previous Town Planner, reviewing current and new applications, mentioned Town of Spencer cleanup day on April 23, 2022, and the Candlewood Subdivision needing to return for Site Plan approval.

10. General Board Discussion & Board Liaison Reports

Mr. Trifone explained the need for volunteers to be on the Housing Production Committee and the Economic Development Committee. Mr. Ceppi nominated Mr. Bellemer to the Economic Development Committee and Ms. Shiver volunteered for the Housing Production Committee.

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)

11. Citizen Input

Matt Defosse, 7 Paul's Drive, expressed his concerns as a resident that the Solar Developers can't answer questions about their projects. Also, Mr. Defosse said having multiple people involved in the application process makes the project tough to follow.

12. New Business/Adjournment

MOTION: Ms. Bellemer motioned to adjourn at 9:37 pm

SECOND: Mr. Slack

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: [5/3/2022](#)

List of Documents used on April 05, 2022.

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

- Agenda
- Drafted minutes from 3/1/2022
- ANR Application and Plans for Gold Nugget Farm Road/Hastings Road/ Bruso Family Trust
- Applications and plans for 133 Ash Street Subdivision
- Email from Peter Sielis, Board of Directors for the Snowbirds Club
- Application and plans for Special Permit/ 17 Cherry Street
- Abutter letter for 17 Cherry Street, Stephen Hashesy, dated 3/19/22
- Application and plans for Stormwater permit/ 1 Donna Drive
- 17 W. Main Street Bond Release- Original Certificate of Decision, Asbuilt plan, MSDS Sheets, Hazmat plan.
- Revolving Account-Stonebridge Press Invoice for Planning Board advertisements

Items submitted/ brought to the Meeting:

- Letter from William Cunduff regarding 133 Ash Street.