



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
Tuesday, April 06, 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 in-person: Todd Miller, Town Planner (remote)

Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk

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. 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. Minutes:

- **3/5/2021**

MOTION: Mr. Ceppi motioned to approve the minutes for 3/2/2021

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 (vote 5-0 motion carried)

- **3/17/2021**

MOTION: Mr. Butensky motioned to approve the minutes for 3/17/2021

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 (vote 5-0 motion carried)

3. Stormwater Permit – Applicant: Arista Development LLC; Owners: The Estate of William D. Ekleberry, Richard Cormier, and S-BNK Spencer LLC, Location: 4 lots bounded by High Street, Main Street, and Pleasant Street; Spencer Assessor’s Map U13-98, 99, 100, & 101. The applicant is requesting a Stormwater Permit, section 4.11 of The Spencer Zoning Bylaw for a proposed CVS project. The property is located within the Town Center and Village Residential zoning districts.

Mr. Miller stated the applicant is requesting a continuance for two weeks. There was discussion between the Planning Board members on what date they should continue the meeting to.

MOTION: Mr. Butensky motioned to continue the hearing until May 5th, 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 (vote 5-0 motion carried)

4. Discussion Board Policies-

Mr. Butensky reviewed what they discussed in the previous meetings and having two phases regarding the policies. Mr. Butensky said that phase one would be communication; stated Mr. Miller is doing well communicating but expressed concerns with communication between other Town Officials. Mr. Butensky discussed different avenues to tie in officials and mentioned some Board of Selectmen members that have called into the meetings but would like to see the Town Administrator more involved. Mr. Viner stated the current Town Administrator has given his notice and the Board of Selectmen has a Planning Board Liaison, John Howard, that calls in to the meetings. Mr. Howard was on the call and mentioned his role and that he has been dialing to all the meetings. Phase 2 will be in May or June and will discuss asbuilts, revolving fun, and decommissioning bonds.

5. Discussion: Solar Facility Bylaws

Mr. Miller discussed the 2- page memo from CMRPC regarding the solar facility bylaw edits with their findings regarding solar edits and suggested revisions. CMRPC agreed with the 300’ setback, does not recommend a cap on solar because it has not been tested in court and if ever contested it would be hard to challenge if brought to court. However, Mr. Miller stated the setbacks will control where solar farms can be located. Mr. Ceppi asked about open fields and that dimensionality may not make an affect if it is on a hill because the solar farm will be visible and a 10’ height restriction in five years may not help. Mr. Miller stated they cannot zone it out of existence. Mr. Ceppi stated concerns for farmland owners not being able to sell their land, fighting the newness, and solar farms being funded so they are not going to go away. Mr. Gleason stated that the report was informative. Mr. Viner stated that limiting panel height might be helpful and the larger setback will help wildlife. Mr. Miller discussed panel modules and that PV Panels will change, technology is improving, and there will be changes in the future. Additionally, Mr. Miller discussed visual impacts, vegetative screening and recommended taking CMRPC suggestions. Mr. Miller said the report may seem simple, but it is the best course of action in such a short timeframe. Mr. Gleason mentioned that the report goes hand in hand with a

recent webinar he attended, and Mr. Viner agreed. Mr. Viner discussed screening bond, surety, and ownership changes/contacts for facility and being more thorough. Mr. Ceppi said the ownership affects the bonds and money and how it gets taken care of to make sure the town does not get short changed. Mr. Miller said the issue with cash bonds has not been legally tested but could request proof of transfers with bonds and Mr. Ceppi stated they need bonds upfront. Mr. Viner mentioned a court case appeal in Charlton regarding the form of decommissioning bonds accepted but he was unsure about the outcome.

The chair opened the discussion to the public:

Thomas Recuperero, Recuperero Law, asked if it was possible to post the CMRPC memo to the website to review and Mr. Viner said yes.

Kurt Norquist, 8 Gale Drive, asked to discuss subdivisions and Mr. Viner said this was for solar discussion.

The Planning Board members discussed what type of motion would be needed for this discussion. Mr. Ceppi did not want to commit to exact language without being able to make changes. Mr. Viner said that the Planning Board would still have the option to change drafts before the Fall meeting. Mr. Butensky asked why they needed to make a motion and Mr. Viner explained it serves provide definitive direction for the Town Planner.

MOTION: Mr. Ceppi motioned to consider in a draft the italicized language from the CMRPC memo for review and subsequent edit in the future.

SECOND: Mr. Butensky

DISCUSSION: Mr. Miller said the CMRPC suggestion vested by the Attorney General's office and recommends not altering the wording too much.

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 4-0 motion carried) Unable to hear Ms. Reeds vote

6. Revisions to Stormwater Regulations

Mr. Viner stated he put this on the agenda to provide clarity and gave examples of his concerns regarding stormwater authority. Mr. Viner gave an example; Holmes Street Solar was in front of Planning Board and Conservation Commission for stormwater and wetland protection, the Conservation Commission released the stormwater bond before final approval by the Planning Board and felt it compromised the ability to address issues that may come up. Mr. Viner read aloud the Stormwater Bylaw and stated that Planning Board should be the granting authority and be able to designate and agent on the Planning Boards behalf. Mr. Viner said if the application is for Conservation only then they become the stormwater authority by default. However, if no wetlands than the Planning Board would be the stormwater authority and CVS is a good example because there are no wetlands. Mr. Viner said having Planning Board as the stormwater authority will ensure the project has a better streamlined process. Mr. Ceppi stated he agreed. Mr. Miller said that more communication is needed between Conservation and Planning Board and it would be efforts between both boards.

7. Town Planner Report

Mr. Miller discussed working on the Street Party revitalization for next year, the Open Space is being reviewed, and how the Town of Spencer may be eligible for some grant money toward the rural development funds.

8. General Board Discussion/ Board Liaison Reports

- **Capital Improvement Committee-** Mr. Viner discussed the meetings he has attended and having \$700,000 free cash for capital improvement projects and explained productive highlights needed for town departments.
- **OSRP-** Mr. Butensky said there is a final draft for the Open Space Plan and Mr. Miller said the draft was sent to the state for review and the Conservation Commission and Planning Board can vote when the state is done their approval process.

9. New Business/Adjournment

Mr. Ceppi Motioned to adjourn the meeting at 8:45 pm

Mr. Gleason seconded.

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)

Submitted by Monica Santerre-Gervais, ODIS Clerk

Approved by the Planning Board on: 5/18/2021

List of Documents used on April 06, 2021.

Items sent to Planning Board prior to Meeting by email:

- Agenda
- CMRPC memo regarding Solar Farms
- CVS Stormwater application and plans
- CVS Stormwater continuance form dated 4/5/2021.
- Minutes for 3/5/2021 and 3/17/2021

Items submitted/ brought to the Meeting:

None.