



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
May 02, 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 7:02pm

2. ANNOUNCEMENT: The Planning Board would like to take a moment to remind the community that the Master Plan survey is open, and we encourage all citizens to participate. A youth survey is also available for kids from grades 6-12. The survey is available online at www.spencermasterplan.com or by scanning the QR code at the bottom of this agenda. Hard copies are also available in Town Hall, the Richard Sugden Library, and the Senior Center.

3. Discussion: Draft Housing Production Plan Review

Emily Glaubitz, CMRPC, was on the call remotely to discuss the updates to the Housing Production Plan from the last meeting. The changes included:

- New cover page and plan summary
- Various edits / additional content / clarifications to some sections
- Description of ACS data source added at beginning of Demographic Characteristics section.
- New data table showing employment/wages from Mass Department of Economic Research
- Margin of error added to Table 10 on vacancy rates, the Assessor does not have data on vacant units
- Added additional information on the town's vernal pools
- Statement that due to the sewer extension moratorium, there are no plans to expand that system
- Removed suggestion to revise the open space location requirement of the OSRD Bylaw
- Removed suggestion to reduce minimum lot size for rural residential; re-phrasing to say that current dimensional requirements should be examined as part of the Master Plan
- Added links and references to examples/resources for various recommended strategies

- New recommended strategy: *Pursue a comprehensive zoning bylaw re-write*. Many of the suggested zoning/policy changes could be done with this effort
- Action Plan Matrix added at end
- After talking with the Assessor, accessing data like year structure built or number of bedrooms isn't a simple process for her and this information may or may not be included in individual reports, so it is not necessarily any more reliable than Census/ACS data, especially since her data is only on taxable properties

Mr. Ceppi asked what incentives or mandates could be put in place to help with increasing affordable housing. Ms. Glaubitz mentioned adding an inclusionary bylaw or density bonuses.

The Chair opened the hearing up to the public:
No questions or comments.

MOTION: Ms. Shiver motioned to refer the Housing Production Plan Review to the Board of Selectmen

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.

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 plan 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 originally commenced on November 17, 2020.

Calisto Bertin, Bertin Engineering, and Attorney TJ Recupero (started remote and arrived in-person) were present for the meeting.

The Chair opened the hearing up to the public:

Ralph Hicks, 21 Lyford Road, asked how many houses will be put in this subdivision and what is the real intent of this application. Mr. Ceppi stated the original application was a subdivision and a solar farm, the applicant needed to make a legal lot so the subdivision needs to be approved first, the subdivision will have two lots, and if approved will return for the solar farm application. Mr. Hicks asked how big the lots were and Mr. Bertin answered one is 60,000 sqft and the other is 49 acres. Mr. Ceppi mentioned the applicant falls under the previous solar bylaw. Mr. Hicks raised concerns about lithium batteries if the applicant installs a solar farm and Mr. Ceppi stated that they need to concentrate on the application for the subdivision first.

Aaron Hutchins, 225 Charlton Road, said he reviewed the edited plans and saw the added curtain drain behind his house. Mr. Hutchins has water and sink hole issues in his backyard. Ms. Vivier presented the photos Mr. Hutchins provided to the Planning Board of his property. Mr. Hutchins raised concerns about the proposed retaining wall, grading, and fence. Additionally, Mr.

Hutchins stated that the applicant ripped apart his neighbor's yard without consent. Also, Mr. Hutchins said when his well is damaged by the blasting, he can't relocate it in his yard due to placement of his leach field and septic system. Mr. Bertin explained that a raw cut was required, the road is steeper, and they made changes to the plan for the curtain drain to help drain the water from his property. Mr. Bertin was not aware of the neighbor's yard being ripped up.

Dave Nussey, 227 Charlton Road, asked the blasting distance area and Mr. Bertin said it will be 200-250 feet. Mr. Bertin explained that the company will come out and inspect the neighbors before and after the blasting and they will look at paint, foundations, etc. Mr. Ceppi felt the radius for inspection needed to be more than 200-250 feet.

Matt Defosse, 7 Paul's Drive, realizes this application is for a subdivision but the abutters properties need to be protected. The applicant lacks knowledge on their own projects and asked if the recently found three inches of frontage has been recorded yet. Mr. Defosse does not agree with the applicant asking for a waiver for sidewalks. In the 49 acres there are interim well head and farmland soil that will be disturbed. Mr. Bertin explained he has a stamped plan and letter regarding the frontage discrepancy, and it had to do with a back pin. Mr. Hutchins said he measured the pins, and the frontage is only 49 feet 9 inches. Ms. Shiver stated that the surveyor made the mistake and needs to rectify the plan with the Registry of Deeds. Mr. Recupero said a simple 81x plan with note can be submitted. Ms. Shiver noted the Planning Board asked for this mistake to be rectified previously and it has not been done. Mr. Bertin said he had two surveyors do the survey and one stamped the plans and the other stamped a letter. Ms. Shiver explained that everyone wants to know how the mistake was made and the correction needs to be submitted to the Registry of Deeds. Mr. Bertin said issues happen all the time and when they sat down and looked at the deeds they decided to resurvey and found the mistake.

Frank White, 35 R Jones Road, stated that blasting can cause geophysical damage and the abutters shouldn't be the ones finding the errors in the plans.

Gary Woodbury, 219 Charlton Road, stated he brought up the water issues many times at meetings and even sent a video. Additionally, the recently found three inches of frontage is not right, Mr. Woodbury walked through the property with the surveyor, the logging went through Bacon Hill Road, and where did the three inches come from. Mr. Bertin has a letter with physical evidence and the reason why the issue arose. Mr. Recupero mentioned they have been working with the town, there are deviations to the plans, they did not move anything, and the pins were the issues, and in good faith they resolved the issue. Additionally, Mr. Recupero stated this project has been through a robust peer review and they want to be good cooperative citizens. Mr. Hicks asked why the Town of Spencer's peer reviewer didn't catch the three inches and asked what they are being paid for. Mr. Bertin stated they did not create the water issues in the neighbors' properties.

Mr. Ceppi reviewed plan C.12 and mentioned that the Bacon Hill lots are under the same ownership and there were numerous options to put the road on Bacon Hill Road without having to go through so many issues with the Planning Board. Mr. Recupero said he did not know who owns K&K Realty and the properties that are under the trust. Mr. Bellemer felt blindsided about the blasting from last meeting and with the neighbors well twenty feet from the blasting he feels

there will be issues. Mr. Recupero said they tried to revise the road and some problems could be solved with waivers for a smaller roadway. Mr. Bertin said they are trying to comply with the town's bylaws and requirements, but they can't get waivers, so they will need to blast. Mr. Bellemer said he would like to see cash for surety.

Mr. Ceppi mentioned that according to the peer reviewer the plans don't comply with the Stormwater DEP regulations. Mr. Bertin stated they can't recharge the water to comply and maintain grades with the detention system but could make the road 100 feet longer. Mr. Recupero explained the Planning Board delegated the Stormwater Permit to the Conservation Commission. Dominic Rinaldi, BSC Group, would like to see the system do 65% and the applicant is at 58%. Mr. Rinaldi explained the applicant has only tried one system and would like to see them try other types of systems to meet the requirement. Mr. Ceppi said the stormwater issues need to be fixed and they need to record the plan regarding the frontage mistake.

MOTION: Mr. Bellemer motioned to continue the Public Hearing Definitive Subdivision Plan for Charlton Road (Bacon Hill Road) until 6/06/2023

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 plan 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.

The Chair opened the hearing up to the public:

Steve Drew, Vice President of the Snowbirds, brought a map to show where the trails were and what would happen if they were not allowed access to the site for the snowmobile trails. Mr. Drew said he came to the last meeting and never heard from the applicant. There was much discussion regarding the Snowbirds snowmobile trail and possible locations and Mr. Recupero stated he needed to speak with the landowner.

Matthew Graves, Snowbirds, was present with his son, they love riding the trails, and the property is in the center of the trail. Mr. Hicks mentioned the trails are valuable to the town, the Snowbirds maintain the trails, and would hate to see the trails be abandoned.

Mr. White is aware of the site from being on the Sewer Commission and stated his concerns with sewage and blasting at the site.

Mr. Defosse raised concerns about the character of the neighborhood being changed when the applicants use the 109 acres for a solar farm.

Mr. Ceppi and Ms. Vivier discussed a letter submitted by abutter Ed Rivard, currently out of town, and since the applicant is moving his driveway, he would clarification on snow plowing, maintenance of the road, visual mitigation, and ensure no issues will come up if he sells his home. Mr. Bertin said Mr. Rivard's lot wont change and they will reach out to him to discuss it.

Ms. Vivier mentioned after speaking with the peer reviewer there are some adjustments to the basins, test pits, waiting on waiver request, and easement draft. Mr. Recupero stated its frustrating that the plans were submitted in March, it took so long for peer review and the stormwater review is under Conservation, and this will not go over well with owners and mentioned statutory regulation for the decision. Mr. Ceppi stated they have asked several times at previous meetings for the test pits to be done.

MOTION: Ms. Shiver motioned to continue the Public Hearing Definitive Subdivision Plan for Ash Street until 6/06/2023

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.

6. Discussion: Board Policies and Procedures

Ms. Vivier reviewed sections that had been updated since the last meeting on this and asked the members to review and provide feedback and comments prior to the next meeting.

7. Minutes approval for 4/18/2023 Special Meeting & 4/18/2023 Regular Meeting

➤ 4/18/2023 Regular Meeting

MOTION: Mr. Bellemer motioned to approve the minutes for 4/18/2023-Regular Meeting as submitted

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.

➤ 4/18/2023 Special Meeting

MOTION: Ms. Shiver motioned to approve the minutes for 4/18/2023-Special Meeting as submitted

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.

8. Town Planner Report

Ms. Vivier discussed the following:

- May 04, 2023, at 7:00pm is Town Meeting
- May 09, 2023, is Election Day
- Master Plan: Community Visioning Night: May 17, 2023
- Next Planning Board meeting DPHS and N. Brookfield Solar

9. General Board Discussion & Board Liaison Reports

Ms. Vivier plans to be out on maternity leave on 7/14/2023.

10. Citizen Input

Mr. White mentioned there will be a Public Meeting on 5/3/2023 at 6:30 regarding the Land Use Bylaw and it is regarding the Spencer Sewer Upgrades. Additionally, he asked how low-income housing is determined and Mr. Bellemer said it was based on the average of the surrounding towns.

Mr. Defosse said as a resident he is sick of hearing excuses from solar applicants, their excuses, and that they don't follow the rules and requirements of the town. Mr. Defosse said the applicants need to do better.

11. Upcoming Events

- Annual Town Meeting: May 4, 2023
- Annual Town Election: May 9, 2023
- Master Plan: Community Visioning Night: May 17, 2023

12. Adjournment

MOTION: Ms. Shiver motioned to adjourn the meeting at 9:47pm

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.

Submitted by Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: 5/16/2023

List of Documents used on May 02, 2023

Items sent to Planning Board prior to Meeting by email:

- Final Agenda R-1

- Memo from Town Planner
- Updated draft Housing Production Plan
- Charlton Bacon Subdivision-updated drainage report, updated plans recieved 5/01/2023, and drafted decision with conditions.
- Abutter pictures and email from 225 Charlton Road sink holes, regarding Charlton Bacon Subdivision.
- Drafted minutes from 4/18/2023 Special Meeting & 4/18/2023 Regular Meeting

Items submitted/ brought to the Meeting:

- Snowbirds Trail Map