



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, June 15, 2021, 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 Jonathan Viner (in-person), Vice Chair Jeff Butensky (in-person), Robert Ceppi (in-person), 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 7:06 pm.

2. Approval of Minutes: 5/18/2021

- **5/18/2021-** Ms. Reed stated that there were two errors on page 6 in the Deer Run discussion, change “completes” to “complete,” and “ti” to “to” after “Mr. Miller answered.” Mr. Butensky said he thought there was no July meetings and Mr. Viner felt there were two motions made on the Deer Run discussion and Ms. Santerre-Gervais will revisit the minutes and make the edits needed.

MOTION: Mr. Ceppi motioned to table the 5/18/2021 minutes until the next meeting

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)

- **6/2/2021-** Mr. Butensky said the “d” in board is missing on the 1st page and Ms. Reed pointed out the word thought was missing a “t” on the same line.

MOTION: Mr. Butensky motioned to approve the minutes with the edits discussed.

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)

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.

Steven Pikul, Bertin Engineering, Elio Qorri, Bertin Engineering, and TJ Recupero, Recupero Law attended the meeting remotely.

Mr. Miller said he was in receipt of drainage reports, updated plans, cover page, and peer review comments from the applicant that has been distributed to the Planning Board but there has not been enough time to have the material reviewed by third-party.

Mr. Recupero discussed a comment from Corey Brodeur regarding a stormwater permit and it being submitted concurrently during the application process. Mr. Recupero stated there are some issues with the Conservation Commission that will be addressed. Mr. Recupero asked for guidance from the Planning Board on how to proceed. Mr. Viner discussed the stormwater process during site plan review, during jurisdictional wetlands involvement than Conservation Commission becomes the stormwater authority and was unsure if the stormwater needed to be submitted with the subdivision approval. Mr. Recupero stated it was unclear in the peer review comments and Mr. Viner said he would need to investigate and get back to the applicant. Mr. Pikul added that there is over an acre of disturbance and the contractor will go through the EPA and just needs clarity on what stormwater permit means to the Planning Board. Mr. Miller said he will explore stormwater regulations. Mr. Pikul believes the permits should be pulled on a final design plan.

Mr. Viner said he would like to see two separate plans to separate the subdivision and the site plan to avoid confusion. Mr. Pikul said he could put the items in question in gray scale to see the frame of the references. Mr. Viner would like separate sets and Mr. Pikul said utilities will be in gray scale. Mr. Recupero stated they will continue to try and meet the Planning Boards expectations. Mr. Ceppi wants to make sure they see on the plan the road, construction of the road, and the lots.

Mr. Viner opened the hearing up to the public:

Matt Defosse, 7 Paul's Drive, stated he was on the Solar Review Bylaw Committee and felt the rules to submitting new material was 7 days in advanced. Mr. Viner explained that an ANR is 7 days in advanced to be on a meeting agenda, for site plan a couple weeks before the meeting for new material is best practice, however, the Planning Board would not make any decisions on the recent materials because there was not enough time for it to be reviewed by third-party. Mr. Viner asked why the applicant cannot discuss directly with third-party and Mr. Viner answered they do work between each other, but it is still part of the Planning Board consideration and there is a procedural process.

Mr. Ceppi started to make a motion to continue the hearing, but it was not seconded and there was much discussion regarding clarity on what was before the board, voting on separate applications, and motioning to continue items that have not yet been voted on. Mr. Recupero stated they would need to make three separate votes and he will generate a letter for the Planning Board regarding the applications.

MOTION: Mr. Ceppi motioned to continue the public hearing for the Subdivision, Special Permit, and Site Plan for 133 Ash Street until July 20, 2021

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed (no answer when asked for vote response), Mr. Ceppi, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (4-0)

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.

Steven Pikul, Bertin Engineering, Elio Qorri, Bertin Engineering, and TJ Recuperero, Recuperero Law attended the meeting remotely.

Mr. Miller said they received the peer review response shortly after the last meeting and there was a list of waivers the applicant would need to request in writing. Mr. Pikul discussed the peer review comments and what they have already revised on the plan to help reduce the footprint. Mr. Viner asked about separating the plans for this project too and Mr. Pikul said he would need clarification regarding the Spencer stormwater bylaws for this project as well. Mr. Miller stated that the applicant did pay the site plan and special permit fee, however, the special permit application did not get stamped in by the Town Clerk, but the item will proceed after the subdivision is approved.

The chair opened the hearing up to the public:

Matt Defosse, 7 Paul's Drive, asked if the waivers are at the discretion of the Planning Board and Mr. Viner said yes and discussed the waiver request process. Mr. Defosse said as a resident he would like to see the Planning Board deny any waiver requests.

Gary Woodbury, 219 Charlton Road, said he agrees with Mr. Defosse and the waivers should be denied.

Mr. Viner stated that all waiver requests need to be submitted to the Planning Board in writing. Mr. Recuperero said that the reason to deny a waiver cannot be arbitrary and that the waivers could be in the public's/town's best interest. Mr. Defosse asked if residents would be able to review and share input on the waivers and Mr. Viner said yes.

MOTION: Mr. Ceppi motioned to continue the Definitive Subdivision Plan hearing stated on the agenda until July 20, 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 (5-0)

5. Town Planner Report-

Mr. Miller stated that all updates from the last meeting are ongoing.

- **LRRP**
- **Solar Bylaw**
- **Housing Production Process- veterans village in predevelopment phase and they are looking at the property on Lyford Road.**
- **CMRPC-inventory map**
- **Grant writing and research**

6. General Board Discussion/ Board Liaison Reports

Mr. Ceppi discussed the CMRPC- quarterly annual meeting.

7. New Business/Adjournment

MOTION: Mr. Ceppi motioned to adjourn the meeting at 8:51 pm

SECOND: Mr. Viner

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: 8/03/2021

List of Documents used on June 15, 2021.

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

- Agenda
- Draft Minutes: 5/18/2021 and 6/02/2021
- Charlton/ Bacon Solar/ Subdivision-Definitive site plan, existing conditions, drainage report, peer review by BSC, and decommissioning plan, updated peer review comments.
- 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, waiver request, updated plans and design review comment and resolution form.

Items submitted/ brought to the Meeting:

None.