



## Planning Board – Town of Spencer

### *Minutes*

#### Planning Board Meeting

**Tuesday, August 03, 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), Maria Reed (remote), Paul Gleason (in-person), and Robert Ceppi (in-person)**

**Planning Board Members Absent: None**

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

**Staff Absent: None**

**1. Mr. Viner opened the meeting at 7:02 pm**

**2. Approval of Minutes: 5/18/2021 and 6/15/2021**

- **5/18/2021**

**MOTION: Mr. Butensky motioned to approve the minutes for 5/18/2021**

**SECOND: Mr. Gleason**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)**

- **6/15/2021- Mr. Viner asked about clarity on the access road to the facility to the subdivision particularly the statement that the applicant said they could not access from frontage due to wetlands.**

**MOTION: Mr. Ceppi**

**SECOND: Ms. Reed**

**DISCUSSION: Ms. Santerre-Gervais to review and make necessary edits**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)**

**3. Discussion: Board Policies and Procedures.**

Mr. Butensky said the Planning Board should discuss asbuilts but did not prepare anything to discuss. Mr. Viner said they can defer the discussion to another agenda items to discuss the topic.

**4. Discussion: Solar Facility Bylaws**

Mr. Miller discussed the draft bylaws, three sections with new edits, discussed highlighted items. Mr. Miller said this is just the first step to become a base line and can make other edits in the

future. Mr. Butensky said the edits would decrease availability of land for solar. Mr. Viner asked if the language was from the CMRPC memo and Mr. Miller said he took it verbatim. Mr. Viner said the design standards need to link with section 2 and Mr. Miller said he would make the appropriate edits including the table. Mr. Miller said a public hearing needs to be scheduled. Mr. Viner asked about the ownership changes and Mr. Miller said they need to keep it vague and avoid being overly descriptive. Mr. Viner asked about the visual impact mitigation and Mr. Miller stated he took CMRPC's recommendations verbatim. Mr. Viner said on page 4-58, 4<sup>th</sup> line, recommended it saying vegetative screen shall be a minimum of 30 feet and Mr. Miller said he can revisit the minimum for vegetative screening. Additionally, Mr. Viner said in section 2, first sentence, regarding structures and the definition in the bylaws and it was found and read aloud.

Matt Defosse, 7 Paul's Drive, listed concerns regarding the new edits such as:

2.4.E- be specific about who the owner and who the operators will be on the project, 4.2 he is against applicant receiving any waivers, f.3- need clarity on owners, D.10- evidence from the utility company, #11- should include definition on what is hazardous, #12- acoustical study should include night noise, #13 A- abandonment, 13 D- include escalator for decommissioning bonds, #16-applicant should not be allowed to grade the project site into compliance, G3 visual impact needs clarity, and page 458- screening for 30 feet is not big enough.

Potential meeting dates were discussed.

**MOTION: Mr. Butensky motioned to schedule the Solar Zoning Bylaw Revisions on 9/7/2021 at 6:00 pm**

**SECOND: Mr. Gleason**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)**

## **5. Discussion: Special Permit Conditions and Certificates of Occupancy**

Mr. Viner stated he put this item on the agenda because the Certificate of Occupancy's were issued to 20 and 32 McCormick solar arrays, however, the applicant did not submit asbuilts and other conditions have not been satisfied by the Planning Board. Mr. Viner said the conditions were ignored and not enforced, and the Board of Selectmen have not addressed the issue. Mr. Ceppi asked if the approved site plan was used or an altered plan. Mr. Butensky asked what the asbuilt was for and Mr. Ceppi explained it is to show how the project was built. Mr. Miller said the Planning Board still needs to approve the Certificate of Completion to cover the asbuilts. Mr. Ceppi stated that they need to get the asbuilts before the Building Inspector issues the Certificate of Occupancy. Mr. Viner stated the Certificate of Completion should come before the Certificate of Occupancy, it is the process now, and not being implemented. Mr. Butensky suggested communicating with the Board of Selectmen and/or bring up at a meeting. Mr. Ceppi add language to the Zoning Bylaws that they can only use approved site plans from the Planning Board for a building permit and Mr. Viner said section 7.4.3.H already states no deviation of plan without the approval of appropriate permitting facility.

## **6. Discussion: Planning Board Revolving Account Audit Report**

Mr. Viner said he was the one that brought up the Planning Board Revolving Account discrepancies with the Board of Selectmen, he spoke at the meeting, and he is unsatisfied and underwhelmed with the auditor's report. There was much discussion on what the auditors had what they needed to investigate, and examples given to the auditing firm. Additionally, the finding included that the Planning Board did not sign off on expenditures and fees that were deducted from the account, the former Town Planner did not have any right to sign off on what was deducted from the revolving account, and there were instances where fees collected were not put in the right accounts.

Ralph Hicks, 21 Lyford Road, stated the Board of Selectmen did not know the revolving fund was not being audited regularly, procedures will change in the future, discussed the audit, and explained they cannot discipline the former employee because he left.

Gary Woodbury, 219 Charlton Road, explained there are four revolving accounts, he is following the money and some fees were up to interpretation, and continuing to work on the issue.

## **7. Discuss & Act: Abutter notification policy for PB applications**

Mr. Viner said he put this item on the agenda because currently all public hearing/ abutter notifications are being sent by the ODIS department and feels this responsibility should be done by the applicant, other communities currently do this. The process will be that the applicant receives the abutters list from the assessor, sends certified mailings, shows evidence to hold hearing. Mr. Viner stated it will put more burden on the applicant to satisfy the application process and take burden away from the Town of Spencer. There was much discussion regarding the process of certified mailings. Mr. Viner motioned to direct ODIS Head and Town Planner to present new abutter notification process to present at the next meeting.

**MOTION: Mr. Ceppi motioned to direct ODIS Head and Town Planner to present new abutter notification process to present at the next meeting.**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)**

## **8. Town Planner Report**

Mr. Miller discussed meeting the new grant writer and still working on a magnitude of items that were discussed at the previous meeting.

## **9. Review & Act: Revolving Account**

Mr. Viner added this item to the agenda to obtain balances on all expenditures and review and act on the Planning Board Revolving account going forward.

## **10. Board Reorganization**

- **CMRPC Representative-**

**NOMINATION:** Mr. Ceppi nominated himself for CMRPC Rep

**DISCUSSION:** None

**ROLL CALL VOTE:** Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

- **Economic Development Committee-**

**NOMINATION:** Mr. Viner nominated Mr. Gleason for the Economic Committee

**DISCUSSION:** None

**ROLL CALL VOTE:** Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

- **Capital Improvement Planning Committee-**

**NOMINATION:** Mr. Ceppi nominated Mr. Viner

**SECOND:**

**DISCUSSION:** None

**ROLL CALL VOTE:** Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

- **Vice Chair-**

**MOTION:** Mr. Viner nominated Mr. Butensky for Vice Chair

**SECOND:** Mr. Ceppi

**DISCUSSION:** None

**ROLL CALL VOTE:** Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

- **Chair-**

**MOTION:** Ms. Reed nominated Mr. Viner for Chair

**SECOND:** Mr. Ceppi

**DISCUSSION:** None

**ROLL CALL VOTE:** Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

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

Nothing new to report currently.

## **12. New Business/Adjournment**

Mr. Butensky stated that public comment should be added on the end of future agendas.

Mr. Defosse made a special note that the people running the Powder Mill Park are doing a great job, having programs, and concerts. Also, Mr. Defosse noted that some dead branches on the westerly side could be potentially dangerous.

**MOTION: Mr. Ceppi motioned to adjourn the meeting at 9:11 pm**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, 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: 9/7/2021**

### **List of Documents used on August 03, 2021.**

#### **Items sent to Planning Board prior to Meeting by email:**

- Agenda
- Draft Minutes: 5/18/2021 and 6/15/2021
- Edited Solar Farms bylaw amendments.
- Open Space Recreational Plan

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

None.