



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
August 01, 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: Monica Santerre-Gervais, ODIS Senior Clerk (Remote), Gloria Agossou, CMRPC-Interim Town Planner (in-person) Margaret Bousquet, Minutes Clerk (in-person)

Staff Absent: Lauren Vivier, Town Planner/ Conservation Agent (on leave)

1. The Chair opened the meeting at 7:05pm

2. ANR: 155 Paxton Road/Diana Andrews/ Create new lots (resubmission from denied ANR plan on 4/4/2023)

Diana Andrews, 155 Paxton Road, was present at the meeting.

Mr. Ceppi addressed the new plan that was corrected by Jarvis Landscape. Ms. Shiver asked if the Planning Board had the corrected plan and mylar. Ms. Andrews said the board has the corrected plan that was provided July 31st, 2023, with lines removed.

MOTION: Ms. Shiver made a motion to endorse the submitted plan.

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.

3. Continued Minor Site Plan – Applicant: Eric Kibbe, Spencer Agricultural Association, Owners: Town of Spencer, Location: 46 Smithville Road, Spencer, MA; Assessor's Map R32-28. The applicant is requesting a Minor Site Plan Review under sections 7.4.6 of the Spencer Zoning Bylaw to build an open-air shelter at the Spencer Fairgrounds. The property is located within the Rural Residential (RR) zoning district.

Eric Bater of Tauper Land Survey joined by Mika Lassi1, Professional Engineer were present at the meeting. Mr. Bater explained the modifications that were made to the plan, but it is still an open-air structure. Mr. Bater mentioned they added a berm to keep runoff from going on stone and a drainpipe. Mr. Ceppi asked why the stone is being kept when it is not needed. Mr. Lassika stated the berm is intended to direct water to the right. Mr. Bater said if the board wishes they

can remove the stone and it can be covered with grass. Mr. Slack asked which would be easier to maintain. Eric Kibbe, Spencer Agricultural Association, said grass would be easier. Mr. Bater said the land pitches away from existing slope to catch runoff. Mr. Ceppi wants to ensure the work is done right. Mr. Slack asked what the perc rate was, and Mr. Bater said it is sand and gravel, but they are not installing a septic system. Mr. Ceppi asked if anyone reviewed the calculation. Mr. Bater said it was submitted to the town, but he is not sure what was done after that. Jeff Bridges, Town Administrator, mentioned the application was a minor site plan review and it does not trigger third-party review.

MOTION: Mr. Bellemer motioned to approve the minor site plan application for the Spencer Fairgrounds contingent upon plan submission edits that the stone be removed and only have the drainpipe with the berm and directional arrows for intended flow.

SECOND: Mr. Slack

DISCUSSION: Applicant will supply Planning Board with updated plan before construction.

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

4. Discussion/possible action: decided date to resubmit their plan and notify abutters, regarding Applicant/Owners: Jaime Scarff/ Spencer Solar Farm LLC. Location: North Brookfield Road, Spencer, MA; Assessor's Map R39-14. The applicant is requesting a Major Site Plan Review under sections 7.4, 7.4.5, and 4.8.9 of The Spencer Zoning Bylaw to develop a large-scale solar PV facility. The property is located within the Rural Residential (RR) zoning district.

Mr. Bridges notified the board that a 2 to 1 vote is an affirmative vote according to Town Counsel. Additionally, Mr. Bridges explained that the applicant will be resubmitting their application and plans for the hearing on 9/19/2023 and Town Counsel will be present at that hearing. Mr. Bridges stated that the only thing the Planning Board must do tonight is acknowledge the affirmative vote and accept the extension to 8/18/2023. Currently, there is a court case before the Supreme Court in the first or second week of September but depending on how the resubmission of plans goes the case may be dismissed.

MOTION: Mr. Bellemer made a motion for the board to acknowledge the affirmative vote and extend the time for decision to 8/18/2023.

SECOND: Mr. Slack

DISCUSSION:

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

5. Discussion: Solar Bylaw Amendments

Mr. Bridges stated that the moratorium wording should be ready by the 8/15/2023 meeting. Mr. Ceppi mentioned the board needs more time to make changes to the Solar Bylaws. Ms. Shiver mentioned that the Attorney General denied the cap of solar facilities and it would be wise for a

moratorium. Mr. Bridges said that Town Counsel reviews all bylaw amendments. Mr. Ceppi said the goal is for the board to get moratorium ready for the Fall Town Meeting.

6. CMRPC Delegate

Mr. Ceppi said he has been the CMRPC delegate for a while and asked if someone else would like to do it, there are four meetings per year. Ms. Shiver agreed to be the CMRPC Delegate.

MOTION: Mr. Bellemer motioned to elect Ms. Shiver to the CMRPC Delegate

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.

7. General Board Discussion/ Board Liaison Reports

Ms. Shiver mentioned the Housing Production plan is on hold. Mr. Bridges said they are crafting a better sewer plan.

Mr. Ceppi wanted to discuss waivers and felt the board gives out a lot of waivers and maybe they are giving out waivers that should not be given out. Mr. Bellemer mentioned that the most recent waiver approved was ok by the third-party reviewer. Mr. Bridges reviewed the Zoning Bylaws and the Planning Board's Rules and Procedures with Town Counsel and there are some discrepancies with the majority vote language and if the board wishes to change the wording, then changes to the Rules and Procedures needs to be made.

8. Town Planner Report

Ms. Agossou received an inspection report for the Landfill/Solar and will make sure the board gets copies.

9. Citizen Input

Matt Defosse, 7 Paul's Drive, had a few brief comments regarding solar and he understands the state is encouraging solar, however, the state has a program about reforestation, and the Department of Energy Resources (DOER) recommends not clearing forests. MR. Defosse is willing to help the board if necessary and the board should review the Solar Bylaw Committees recommendations.

10. Approval of Minutes- 6/6/2023, 6/20/2023, and 7/18/2023

- **6/6/2023**

Mr. Slack reviewed edits that needed to be made on pages 2, 3 and 4.

MOTION: Ms. Shiver motioned to approve the minutes with the discussed edits on page 2,3, and 4.

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.

- **6/20/2023**

MOTION: Ms. Shiver motioned to approve the minutes 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.

- **7/18/2023**

Mr. Ceppi reviewed edits that he would like addressed on pages 1 and 2.

MOTION: Mr. Bellemer motioned to approve the minutes with the discussed edits on pages 1 and 2.

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.

Mr. Bridges mentioned that Charlton/ Bacon Subdivision and Ash Street Subdivision have submitted a timely appeal and more information will be provided at a later time.

11. Adjournment

MOTION: Mr. Bellemer motioned to adjourn the meeting at 8:06 pm.

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.

Submitted by Margaret Bousquet, ODIS Minutes Clerk

Reviewed by Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: 8/15/2023

List of Documents used on August 01, 2023

Items sent to Planning Board prior to Meeting by email:

- Final Agenda
- Memo from Town Planner & Interim Town Planner
- Drafted minutes from 6/06/2023, 6/20/2023, and 7/18/2023
- Minor Site Plan Review - application and revised plans for 46 Smithville Road-Spencer Fairgrounds
- No. Brookfield Solar Letter regarding Consent to Extend time to file dated 7/7/2023
- No. Brookfield Solar Letter regarding Consent to Extend time to file dated 7/19/2023
- Memo from Town Administrator, Jeff Bridges, dated 8/1/2023, regarding Spencer Solar Farm, LLC and Charlton/Bacon Ash Appeals.

Items submitted/ brought to the Meeting:

- None