



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
August 15, 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: Jeffrey Bridges, Town Administrator, and Monica Santerre-Gervais, ODIS Senior Clerk

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

1. The Chair opened the meeting at 7:00pm

2. ANR's

- **3 Sherman Grove/Deborah Robertson/Boundary Adjustment**

Deborah Robertson, 3 Sherman Grove, was present for the meeting. Mr. Ceppi mentioned the plan was straightforward and asked if there were any questions from the board and there were no questions. Mr. Ceppi explained that 245 square feet of land will be removed from Parcel 1B and is being added to the top lot.

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

SECOND: Charlie Bellemer

DISCUSSION: None

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

- **176 & 184 Main St/Cornerstone Bank/create new lots**

Mr. Ceppi asked for an explanation of the plan.

Attorney Philip Stoddard was present for the meeting on behalf of Cornerstone Bank. Mr. Stoddard explained they are subdividing the house on the east side of one lot and the bank is encompassing the balance of the lot, and the house will have 10,000 square feet on the east side of the plan.

Mr. Ceppi said ANR is taking two lots, dividing them, and ending up with two lots. Mr. Stoddard confirmed that is correct and said it is on the town frontage and they are making a bigger lot for the bank.

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

- **Hastings Road/Clyde Ames/Create Lots**

Mr. Ceppi reviewed the ANR, and the Planning Board members had no questions or concerns.

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

SECOND: Charlie Bellemer

DISCUSSION: None

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

3. Continued Public Hearing Major Site Plan Review/Special Permit/Stormwater Permit – Applicant: Peter Rundle-Solar Smart, LLC, Owners: Hillside Baptist Church, Location: 472 East Main Street, Spencer, MA; Assessor’s Map R34-8-1. The applicant is requesting a Major Site Plan Review, Special Permit and Stormwater Permit under sections 7.2, 7.4, and 4.8.9 of The Spencer Zoning Bylaw and Stormwater Regulations to develop a large-scale ground mounted solar PV array (2.917 MW). The property is located within the Rural Residential (RR)/Commercial with the arrays in RR zoning districts.

Mr. Bridges stated the applicant has requested a continuance and the Planning Board agreed to continue to 9/5/2023.

MOTION: Ms. Shiver made a motion to accept continuance to 9/5/2023 for the large- scale ground mounted solar PV array located at 472 E. Main Street.

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. Special Permit Application – Applicant/Owner: JC Kady Realty LLC. Candlewood Estates, located off Greenville Street/Candlewood Drive, Spencer (Assessors Map R28-9- (7,9,20,23,25,28,31). The applicant is requesting a Special Permit under section 5.3.10. of the Spencer Zoning Bylaws for a rear lot subdivision. The zoning district is RR (rural residential).

Jason Dubois, DC Engineering, and Jesse Kady, 185 Flag Road, East Brookfield, MA., were present at the meeting.

Mr. Ceppi said this application is regarding phase 2 of the original Candlewood Subdivision and asked if the applicant was changing the subdivision that was previously approved. Mr. Dubois stated the proposal is to eliminate phase 2 of the Candlewood Subdivision and make it into a rear lot subdivision with waivers. Mr. Ceppi stated the applicant needed to come before the Planning Board first because he was supposed to finish the road and stated Town Counsel will need to review the waivers. Ms. Shiver said the Planning Board would need to make a motion to rescind the subdivision. Mr. Bridges said all the extensions and deadlines have expired. Ms. Shiver said if the conditions for the subdivision did not have language which would expire the subdivision, then the Planning Board would need to make a motion to rescind the decision, and once rescinded, it does not exist, and the board could act on approving the rear lot subdivision. Mr. Bellemer asked if lot 5R was an existing three-family home, and it appears a line cuts through the corner of the lot. Mr. Dubois mentioned the line was for a drainage easement and Mr. Kady would not want the Planning Board to rescind the subdivision without knowing the special permit would pass. Additionally, Mr. Dubois agreed the plan did expire and Mr. Kady does not want to re-apply for the Candlewood Subdivision. Ms. Shiver said she had no problem with the rear lot subdivision, but they needed to figure out how to get there. Ms. Shiver said they need legal counsel review and see what actions the board needs to take. Mr. Ceppi asked if Lot 4R and 5R had been built and Mr. Dubois said yes. Mr. Ceppi said if the road is built then 4R will have two hundred feet of frontage.

Mr. Ceppi said there needs to be a shared driveway and to do a shared driveway, they would be cutting off the front yard. Mr. Bellemer asked how the emergency road access works if there is no Candlewood Drive and Mr. Dubois said the road will be removed from the plan.

The Chair opened the hearing to the public:

Ramchandra Moennsad, 10 Candlewood Drive, has lived in the neighborhood since phase 1 and understands they are developing a new development and it is abutting their area. Mr. Moennsad has no problem with Mr. Kady developing a single-family home and requests that the board approve his request as they fully approve of his development. Mr. Ceppi said they are just trying to do everything properly. Mr. Moennsad mentioned it had been more than 10 years that the original developer, Murkland Builders had issues and left, and the Planning Board should approve this. Mr. Ceppi said they have to follow the Zoning Bylaws for everyone and the frontage is not what is required to approve the current plan and Phase 2 had 210 feet of frontage and was part of the expansion, Lot 4 had 200 feet of frontage using cul-de-sac on phase 1, and the current proposal is an existing lot with under 200 feet.

There was discussion regarding Candlewood Phase 1 and 2 and Lot 5. Mr. Ceppi said the Planning Board needs to review everything and make it right.

Rich Williamson, 9 Candlewood Drive, asked whether the Planning Board had any objection to what is being proposed and Ms. Shiver said it would be fine with her.

Mr. Bridges said the second phase property line is superseded and asked for a copy of the title report.

Mr. Ceppi explained if things work out, there are people that do not have objections they just need to follow the bylaws.

Frank Conti, 12 Candlewood Drive, addressed the board and said Mr. Kady reviewed with him what he wants to do for the single unit, and it happens that the couple that want to build there are well know by Mr. Conti, so he is in favor of the project. Mr. Conti mentioned that he has no problems with whatever Mr. Kady must do for the project and he is in favor of Mr. Kady's efforts.

Robert Silveri, 6 Candlewood Drive, said he would rather see a single family and not a multi-family developed.

Mr. Moennsag agrees with Mr. Silveri and said Mr. Kady has done a wonderful job and fully supports the plan and hopes the Planning Board approves plan with no roadblocks.

Mr. Ceppi said once the plan complies with regulations, they will have no problem approving the application.

Cathy Williamson, 9 Candlewood Drive, wanted to thank Mr. Kady for his due diligence and for following the rules and regulations and she thanked the board for following the rules as well.

Ms. Shiver mentioned phase 2 never goes well and they will check with Town Counsel on how to proceed. Mr. Bridges said they want to see the title report and map to show what it looks like, and they can get it to counsel.

Mr. Kady spoke out about his ongoing issues with this project, he went back and forth for two years and does not want to lose the opportunity to do this. Mr. Ceppi said they just need to follow the bylaws. Mr. Ceppi asked if he could be ready for the next meeting so that it can move forward. Mr. Kady said he will be ready for the next meeting.

MOTION: Ms. Shiver made a motion to continue to September 5th, 2023.

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.

5. Major Site Plan Review & Stormwater Permit – Applicant: Todd Tallman, Owners: Cornerstone Bank, Location: 176 &184 Main Street Spencer, MA; Assessor's Map U07-78 & 79. The applicant is requesting a Special Permit under section 5.3.10 of the Spencer Zoning Bylaw and the Stormwater Permit under sections 7.4 and 7.4.2.E of the Spencer Zoning and Spencer Stormwater Regulations to improve façade of existing bank, demolish one office, and reconstruct parking lot/retaining walls. The property is located within the TC-Town Center zoning district.

Mr. Ceppi asked if Dominic Rinaldi, BSC Group, completed the peer review. Mr. Rinaldi attended the meeting remotely and stated it was completed. Mr. Rinaldi said that there are still minor things issues that need to be dealt with but nothing major. Mr. Bridges said the plans were sent to Utilities and Facilities for comments on the driveway and drainage calculations and there is nothing that would prevent the driveway permit.

Ronald Mendes, Graves Engineering, said Cornerstone Bank would like to do building renovations including the front sidewalk, remove one building to reconstruct parking areas. Mr. Mendes stated that there are ninety-nine parking spaces and after the renovations there will only be about sixty parking spaces reconstructed. Mr. Mendes said there are not wetlands on the property, the redevelopment project will reduce impervious surfaces, they will have runoff drainage to a new underground system, the project will reduce the curb cut in spots, but some parts will be expanded. Mr. Mendes said the entrance will remain the same and the current exit will stay the same and the east shortened a bit and the next one for the retail area will be widened.

Mr. Ceppi asked if there would be a right turn only and Mr. Mendes confirmed that was correct and it will be one continuous parking lot. Mr. Bridges asked if the East parking lot is where the easement was, and Mr. Mendes confirmed that was correct. Mr. Mendes said the house next door could use it.

Ms. Shiver asked if they are more concerned with parking than circulation of lot and Mr. Mendes said that was correct, you will have to go through lane, the bypass lane to take a left. Ms. Shiver asked if there were any traffic studies. Mr. Mendes said they did not. Mr. Mendez said they are moving the ATM further away from Route 9 as they would like to reduce the slope.

Mr. Ceppi said that the applicant would have to resolve the items Mr. Rinaldi discussed in the peer review comments from BSC Group.

The Chair opened the hearing up to the public:

Denise Parker, 7 Maple Street, said she is concerned about her house and has had more water in her cellar. Ms. Parker said she cannot prove her issues are from Cornerstone Bank but wants to be sure she will not have more water problems. Ms. Shiver said the catch basin is on town property. Mr. Ceppi asked Mr. Rinaldi if he could check into the issues Ms. Parker discussed. Mr. Rinaldi said they cannot increase runoff volume in any direction so it is part of design that it will not increase and said it will not make it worse. If anything, it might make it better. Ms. Parker asked where the water goes in the catch basin and Mr. Rinaldi said the catch basin goes to an existing drain and connects to an upper portion of pipe that leads to Maple Street and goes in the other direction.

MOTION: Ms. Shiver made a motion to continue to September 19th, 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. Review: Spencer Fairgrounds Final Plan

The Planning Board reviewed the final plan submitted and everyone was good with the plan.

7. Discussion: Solar Bylaw Amendments

Mr. Bridges mentioned that Attorney Eichman recommends the Planning Board request two moratoriums, and he will attend the September 19th, 2023, meeting. The Planning Board can continue to work on the Solar Bylaws and Mr. Bridges will have verbiage for the next meeting. Mr. Bridges suggested having a moratorium for large scale commercial solar and a separate moratorium for battery energy storage systems in September.

MOTION: Ms. Shiver made a motion for large scale commercial moratorium and battery energy storage system moratorium on September 19th, 2023.

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. Revolving Account Approval

Mr. Ceppi stated there are two approvals for the revolving account, first, the advertising cost for Stonebridge Press totaling \$88.20.

MOTION: Mr. Ceppi motioned to pay \$88.20 for advertising.

SECOND: Ms. Shiver

DISCUSSION: None

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

Mr. Bridges stated the second invoice was for the recording fee for Deer Run Phase 1 road acceptance.

MOTION: Ms. Shiver made a motion to approve the expense for recording the Deer Run Phase 1 road acceptance.

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.

9. General Board Discussion/Board Liaison Reports

Mr. Slack gave the Planning Board members and update on the Master Plan, and they are getting to point of creating a mission statement.

Ms. Shiver discussed her belief that at times projects will need waivers to move forward with plans and that Zoning Bylaws should be followed but some waivers should be considered. Mr. Ceppi said he is not going to give waivers out easily.

10. Town Planner Report

Nothing new discussed.

11. Citizen Input

Jonathan Viner, 34 Donnelly Cross Road, does not think the Planning Board has the authority to waive a frontage requirement and the Zoning Bylaw requirements must be met by the applicant. Mr. Viner said the lots could be rearranged for phase 2, and he did not hear all the conversation regarding phase 2, but it would have to be rescinded.

Matt Defosse, 7 Paul's Drive, and asked for clarification on the North Brookfield project, and if it would be on the agenda September 19th and the board confirmed it would. Mr. Defosse said it is his understanding that the Supreme Judicial Court, the Town Attorney, and the applicant have tried to reach an agreement. Mr. Bridges said the town and applicant have been working together and the Planning Board has agreed to review the revised site plan.

12. Approval of Minutes-8/1/2023

MOTION: Ms. Shiver made a motion to approve the 8/1/2023 minutes.

SECOND: Mr. Bellemer

DISCUSSION:

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

13. Adjournment

MOTION: Ms. Shiver made a motion to adjourn at 8:51pm.

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: 10/03/2023

List of Documents used on August 15, 2023

Items sent to Planning Board prior to Meeting by email:

- Final Agenda
- Memo from Town Planner
- Drafted minutes from 8/1/2023
- ANR's- 3 Sherman Grove, 176 & 184 Main Street, and Hasting Road
- 472 East Main Street-Continuance request
- Special Permit application, narrative, and plans for a rear lot subdivision off Greenville Street/Candlewood Drive
- Major Site Plan Review & Stormwater Permit with narrative and plans for 176 & 184 Main Street, Cornerstone Bank
- Minor Site Plan final plan for the Spencer Fairgrounds
- Invoice fro Stonebridge Press and Jeffrey Bridges

Items submitted/ brought to the Meeting:

- None