



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, August 17, 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. Butensky, Vice Chair, opened the meeting at 7:05 pm, Mr. Viner, Chair, arrived shortly after to resume as Chair for the meeting.

2. 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, and Thomas Recupero were remote to represent the applicant. Mr. Miller stated earlier in the day he emailed Mr. Pikul for new information but never heard back from him. Mr. Recupero explained he has some items to send and discussed two letters he will be sending (1 for Ash Street and 1 for Charlton/Bacon). Mr. Recupero said the letter will discuss the subdivision, the statute of limitations, and consent to set public hearing/delay. Mr. Recupero will supply the Planning Board with the letter and the memorandum for waivers. Mr. Viner agreed that the letter would be the best process for both parties and would like to verify if the proper permit fees were collected. Mr. Pikul discussed his request for a meeting with the Town Planner and Town Counsel and is still waiting for a date. Mr. Viner was curious as the topics that needed to be discussed with the Towns Counsel and Mr. Pikul said the subdivision packet for Ash Street and Charlton/Bacon, and Mr. Miller referenced guidance from Town Counsel. Mr. Recupero explained the burden is on him to get the information to the town so that Town Counsel can review and comment. Mr. Miller will defer to Attorney Eichman on best procedure and/or meeting availability.

Mr. Viner opened the hearing up to the public:

David Nussey, 227 Charlton Road, discussed drainage issues on the Charlton/Bacon project and Mr. Viner asked him to wait and discuss on the next agenda item. Mr. Recupero apologized because he discussed both projects.

Mr. Butensky felt it was important to visit both properties with the applicants. There was much discussion regarding Open Meeting Law and site visits and Mr. Miller said he would review the Open Meeting Law and get back to the Planning Board. The Planning Board members agreed on Saturday September 18, 2021, at 9:00 am to have a site walk.

Mr. Pikul requested to continue the public hearing for the Subdivision, Special Permit, and Site Plan for 133 Ash Street.

MOTION: Mr. Ceppi motioned to continue the public hearing for the Subdivision, Special Permit, and Site Plan for 133 Ash Street until September 21, 2021

SECOND: Mr. Butensky

DISCUSSION: Mr. Recupero to provide before the next meeting the letter and memo with waivers.

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)

3. 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, and Thomas Recupero were remote to represent the applicant. Mr. Viner said we should change the agenda item and remove "Colin Derhammer."

Mr. Miller said he has not received any new information. Mr. Pikul explained that he spoke with Corey Brodeur, Lenard Engineering, regarding the stormwater permit but there still needs to be clarity on who is the authority, currently the Conservation Commission has a policy with the Notice of Intent (NOI) with the EPA but acknowledged that was not a normal process. Mr. Pikul would like to see the stormwater permit question be a discussion topic when they meet with the Towns Counsel. Mr. Recupero added that there is a requirement for the stormwater bond management and that would need clarity too. Mr. Viner discussed stormwater authority and regulations. There was much discussion regarding stormwater and bonds.

Mr. Viner opened the hearing up to the public:

David Nussey, 227 Charlton Road, explained when the trees were cleared behind his property there has been water in his cellar, and he wanted to know if waddles should have been installed to prevent the water runoff. Mr. Viner explained that a forest cutting plan is regulated by the DCR and done earlier than this application. Mr. Pikul had Mr. Miller bring up the subdivision plan and explained that if the project is approved, they would have a detention pond in the cul-de-sac to manage the stormwater. Additionally, Mr. Pikul said that within the field there will be infiltration trenches and then the water will go into the ground, and clean stormwater will be channeled to four bays, and an O&M will be established for annual cleaning.

Matt Defosse, 7 Paul's Drive, stated the applicants create the runoff issues and then try to rectify and abutters need to protect themselves. Mr. Viner stated the tree clearing happened before the application was submitted. Mr. Ceppi felt that if the subdivision doesn't get built Mr. Nussey

will have more problems and should go after the landowner because the issues will continue. There was much discussion regarding the site and addressing the current issues going on at the site and abutters property.

Mr. Pikul requested to continue the Definitive Subdivision Plan hearing for the Charlton/ Bacon project.

MOTION: Mr. Butensky motioned to continue the Definitive Subdivision Plan hearing stated on the agenda until September 21, 2021

SECOND: Mr. Ceppi

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)

4. Town Planner Report-

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

- **Met with the new grant writer**
- **Trying to revive the Economic Development Committee**

5. General Board Discussion/ Board Liaison Reports

Nothing new to report.

6. New Business/Adjournment

MOTION: Mr. Ceppi motioned to adjourn the meeting at 8:37 pm

SECOND: Mr. Butensky

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: 9/07/2021

List of Documents used on August 17, 2021.

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

- **Agenda**

Items submitted/ brought to the Meeting:

None.