



## Planning Board – Town of Spencer

### *Minutes*

#### Planning Board Meeting

**Tuesday, March 20, 2018 at 7:00 PM**

McCourt Social Hall, 157 Main Street Spencer, MA 01562  
Memorial Town Hall

Planning Board Members Present: Chair Robert Ceppi , Jonathan Viner, Shirley Shiver, and Maria Reed and Jeff Butensky

Planning Board Members Absent: None

Staff Present: Paul Dell'Aquila, Town Planner and Monica Santerre-Gervais, ODIS Senior Clerk

Staff Absent: None

#### **1. Mr. Ceppi opened the meeting at 7:10pm**

#### **2. ANR's**

- **Central Land Development Corp, N'yly of Windbrook Dr./ W'ly of Sycamore Dr. & E'ly of Lake Ave., create new lots**

Brian MacEwen, Graz Engineering, was present for the meeting. Mr. Dell'Aquila explained that at the last Planning Board meeting there were old rights of way and due to the complexity of title documents additional proof needed to be provided. Mr. Dell'Aquila handed out a title statement from Worcester County Abstract Co., LLC, dated March 16, 2018, which verifies the land ownership. Mr. Viner said the title statement references Quitclaim Deed Book 57984, pg 100, dated 11/02/2017, and he wants to review. Mr. Viner read aloud part of the Quitclaim Deed, "said premises are conveyed subject to rights of way by owners of record over the streets and ways to the public highway and access to the shore of Stiles Reservoir over lands reserved for beaches, all as shown on the above-mentioned plans." Mr. MacEwen said that's the original deed, stated in title statement, subject to rights that others have. Mr. MacEwen said that the discussion is not about right but of the ownership which has been clearly defined in the title statement. Mr. Ceppi asked about the rights from the old subdivision and Mr. MacEwen said anyone who had rights written into their deeds would have ownership to the beach and they were done on a lot by lot basis.

**MOTION: Ms. Shiver motioned to endorse the plan**

**SECOND: Mr. Butensky**

**DISCUSSION: Mr. Viner abstained**

**VOTE: 4-1**

- **Central Land Development Corp, Baldwin( Clark Rd/Lake Ave), Boundary line Adjustment**

Brian MacEwen, Graz Engineering, was present for the meeting. Mr. Dell'Aquila summarized that the intent of the ANR is to create four building lots on the north side of Baldwin Street in Leicester

with a portion of proposed Lot 5 is located in Spencer. Mr. Dell'Aquila spoke to the Town Planner in Leicester, Michelle Buck, and the ANR was approved by them a couple months ago. Mr. Dell'Aquila asked if all stopped at the town line and Mr. MacEwen said no. Mr. Dell'Aquila asked if there was any intent on developing on the land in the future and Mr. MacEwen said yes.

**MOTION: Ms. Shiver motioned to endorse the plan**

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 5-0**

- **Norman Bassett, 35 Marble Road, Boundary Line Adjustment**

Tim Callahan, Millbury, MA, was present for the meeting and explained the intent of the ANR is so the homeowner can create a smaller lot that he can build on for himself and sell his current home. Both lots would conform to zoning regulations. Mr. Dell'Aquila mentioned small error on plans that the square footages of the existing structures were not shown, it is clear that the property complies with the current standard for lot coverage (15% max). The ANR plan as submitted otherwise complies with the town's ANR submission requirements.

**MOTION: Ms. Shiver motioned to endorse the plan**

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 5-0**

- **Janet Chalifoux, Cooney Road, Create 2 Lots**

Jason Dubois, DC Engineering, was present for the meeting. Mr. Dell'Aquila explained that the purpose of this plan is to create a new Lot 22A out of land owned by Janet Chalifoux and convey/combine it with other land of one owner (R-38-31, 22 Cooney Rd.) to form one contiguous lot of approximately 8.1 acres; and also to create a new Lot 24A out of land owned by Janet Chalifoux and convey/combine it with other land to another owner (R38-32, 24 Cooney Rd.) to form one contiguous lot containing approximately 3.53 acres; and to create a new Lot 26 as a separate parcel of approximately 1.93 acres. All three lots would be legal conforming after this action. It should be noted that the current Lot R-38-31 is subject to a Chapter 61B lien, which will affect the taxation of the resultant parcels after this action. Otherwise, the ANR plan as submitted complies with the town's ANR submission requirements.

**MOTION: Ms. Shiver motioned to endorse the plan**

**SECOND: Mr. Viner**

**DISCUSSION: None**

**VOTE: 5-0**

- **George Watson Jr, Borkum Road, Create 3 Lots**

Jason Dubois, DC Engineering, was present for the meeting. Mr. Dell'Aquila explained the purpose of this plan is to create a new Lot 1 of land owned by George & Clara Johnson. It should be noted that the current Lot U07-11 is subject to a Chapter 61A lien, which will affect the taxation of the resultant parcels after this action. Additionally, potential wetlands on the site are not indicated, however any future construction would be subject to the town's Stormwater Bylaw. Otherwise, the ANR plan as submitted complies with the town's ANR submission requirements.

**MOTION: Ms. Shiver motioned to endorse the plan**

**SECOND: Mr. Butensky**

**DISCUSSION: None**

**VOTE: 5-0**

**3. Public Hearing Continuation – Continued Special Permit/ Major Site Plan Review/ Stormwater Permit – Applicant: ForeFront Power, LLC; Owner: Laura Hopkins, Location: 36 Cranberry Meadow Road; Spencer Assessor's Map R12/4. The applicant is requesting a Special Permit under Section 4.8.9 of the Spencer Zoning Bylaw to install a 2.2 megawatt solar farm and Site Plan Review under Section 7.4 of the Spencer Zoning Bylaw. The property is located within the Rural Residential zoning district.**

Opened continued public hearing at 7:30 pm.

Mr. Dell'Aquila explained that we are still awaiting approval of the stormwater permit by the Conservation Commission; however, there is an unresolved issue with property owned by Bond Construction across Cranberry Meadow Road from the proposed project site. With runoff being discharged onto their property, Bond wants some surety in the event of any damage. The Conservation Commission cannot close their hearing until that matter has been resolved; however, there will need to be action that needs to take place at the May Town Hall meeting, therefore, we most likely won't have the applicant return until the May Planning Board meeting.

**MOTION: Ms. Shiver motioned to continue to the April 17/2018 meeting**

**SECOND: Mr. Viner**

**DISCUSSION: ForeFront filled out continuation form until April 17, 2018; therefore, we would need to continue the next meeting too.**

**VOTE: 5-0**

#### **4. Adoption of Minutes:**

- **February 20, 2018**

There was discussion on why findings and conditions are included in minutes.

**MOTION: Ms. Shiver motioned to approve the minutes for 2/20/2018 as submitted**

**SECOND: Mr. Viner**

**DISCUSSION: None**

**VOTE: 5-0**

## **5. Town Planner Report/ General Board Discussion**

- **Downtown Initiative Grant \$15,000**
- **Summarized past conference at Amherst**
- **Next meeting is new solar projects**

**MOTION:** Ms. Shiver motioned to close the meeting at 7:45pm

**SECOND:** Mr. Butensky

**DISCUSSION:** None

**VOTE:** 5-0

**Submitted by:** Monica Santerre-Gervais ODIS Clerk

**Approved by the Planning Board on:** 4/17/2018

### **List of Documents used on March 20, 2018**

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

- Agenda
- Memo emailed from Paul Dell'Aquila to Planning Board Dated 3/14/2018
- ANR- application/ plans, Central Land Development Corp, Baldwin( Clark Rd/Lake Ave), Boundary line Adjustment
- ANR- application/ plans, Norman Bassett, 35 Marble Road, Boundary Line Adjustment
- ANR- application/ plans, Janet Chalifoux, Cooney Road, Create 2 Lots
- ANR- application/ plans, George Watson Jr, Borkum Road, Create 3 Lots
- Updated plans and Addendum package for Cranberry Meadow Solar and continued document from ForeFront
- Minutes for February 20, 2018

#### **Items submitted at the Meeting:**

1. Brian MacEwen, Graz Engineering, brought extra ANR's for Windbrook with additional documents to support owner of record of title. Worcester County Abstract Co., LLC, dated March 16, 2018, title statement. Quitclaim Deed Book 57984, pg 100, dated 11/02/2017.
2. Lenard Engineering email dated 2/12/18, Sunpin Solar all set with changes.