



Planning Board – Town of Spencer

Minutes

Planning Board Special Meeting

September 15, 2022, at 7:00 pm

REMOTE & IN-PERSON

Conference Room A, 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: Lauren Vivier, Town Planner/ Conservation Agent (in-person), Monica Santerre-Gervais, ODIS Senior Clerk (remote), Dawn Foster, Minutes Clerk (in-person)

Staff Absent: None

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

2. Approval of Minutes: August 16, 2022, and August 17, 2022 (Special Meeting)

Minutes approved with minor edits for August 16, 2022, minutes.

MOTION: Ms. Shiver motioned to approve the minutes as corrected for August 16, 2022, and as written for August 17, 2022.

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 Special Permit– Applicant: Freedom Forever, Aaron Wendt; Owner: Craig Lusignan. Location: 83 Northwest Road, Spencer Assessor’s Map R50-3-1. The applicant is looking for a Special Permit under section 4.8.9 (Solar Photovoltaic Generating Installations) to install small scale residential ground mount solar panels. The property is located within the rural residential zoning district.

Ms. Vivier stated that the applicant has requested a continuance of the public hearing until October 26, 2022. She also noted that the applicant has not filed with the Conservation Commission yet.

MOTION: Ms. Shiver motioned to continue the item until October 26, 2022.

SECOND: Mr. Slack

DISCUSSION: Mr. Ceppi asked if it can be noted somewhere that there will be a continuance of the public hearing as abutters have no way of knowing whether to attend. Ms. Vivier suggested that this be addressed when the board reviews its Policies and

Procedures. At this point, the Board still must vote whether to continue the item.
ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

4. Continued Site Plan Review & Special Permit– Applicant/Owner: Spooky Realty Trust, Steven Turner, Location: Meadow Road, Spencer Assessor’s Map U11-12, 12-1, 12-2, 12-3, 12-4. The applicant is looking for a Major Site Plan Review under section 7.4.2 (Site Plan Review required for this use even when there is no new construction or expansion of structures or parking areas) & Special Permit under Section 3.4.1.G (Aquifer Protection Overlay District) and Section 3.4.2.H (Floodplain Overlay District). The property is located within the Commercial zoning district.

Carl Hultgren (Quinn Engineering Inc.) stated that there is currently an easement in the works which should be finalized within one to two weeks. Also, AK Associates has completed their assessment and determined that all is adequate in their report. There will be two new sewer connections and documents will be provided to the Sewer Commission during the permit stage. Mr. Bellemer asked if there would be seats or just a drive-thru and Mr. Hultgren answered both.

Ms. Vivier stated she will obtain the meeting minutes of the Sewer Commission to place within the file. Ms. Vivier also suggested signage/spaces within the parking area to prevent vehicle backups into the roadway for vehicles waiting or picking up.

Board members discussed the need to add traffic flow arrows and signage for designated ‘drive-thru’ waiting spaces and shoulder formation to the plans.

Ms. Vivier noted that she will send preliminary plans of Meadow Road to the board to indicate lanes and shoulder formation.

Matt Defosse (7 Paul’s Drive) commented that there should be signage, like Dippin Donuts, for customers entering traffic to be aware of shrubs and limited field of view.

MOTION: Ms. Shiver motioned to continue the item until October 18, 2022.

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.

5. Continue Request for Extension to an approved Definitive Subdivision Plan – Applicant/Owner: JC Lady Realty LLC. Candlewood Estates Phase II, located off Greenville Street/subdivision in accordance with the previously approved plan. The Candlewood Phase II subdivision plan was approved by the Planning Board on November 20, 2007.

Ms. Vivier stated that she received a continuation request. Additionally, Ms. Vivier received a town counsel memo that clarifies an extension does not void or rescind an approved plan;

therefore, new wording will indicate a time to completion. The applicant can then still apply for an extension if needed.

The board noted it will require As-Built plans prior to approval of this item.

MOTION: Ms. Shiver motioned to continue this item until October 18, 2022.

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. Discussion: 4 Eagleton Way

Ms. Vivier noted that Attorney, Phillip Stoddard, asked to be on the agenda for this item and was to be present but is not. Ms. Vivier explained this is a previously approved Rear Lot Subdivision and stated that the developers want to develop the rear lot first and the front lot later. Ms. Vivier wanted the Planning Board's opinion on if the Special Permit will still be vested.

Planning Board discussion noted that the Special Permit will be vested regardless of which lot is developed first. The board noted that the common/shared driveway requirements must be met as well as any easement agreements and maintenance plans.

Ms. Vivier will verify there is a surveyor-stamped mylar and advise the applicant that it is ok to build the back lot first.

7. Discussion: Board Policies and Procedures

Ms. Vivier noted that once the board has finished the Solar Bylaw amendments, she plans to present discussion points for the board to review such as clarifying/addressing current board policies and procedures, as well as future by-law revisions, and updating the Master Plan.

8. Review & Act: Revolving Account

Ms. Vivier presented an invoice from the New Leader for publication charges in the amount of \$132.30 for payment approval.

MOTION: Ms. Shiver motioned to approve payment to the New Leader in the amount of \$132.30 for publication charges.

SECONDED: 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. Town Planner Report

Ms. Vivier discussed the following:

- \$11.5 million approved by voters for the High School.

- Ash Street Site Walk – requested a storm water plan and Ms. Vivier advised the applicant there needs to be a representative present, who can answer questions, at the opening of the public hearing on the agenda for October 18, 2022. In response to board inquiry regarding timeline to act on Ash Street item – Ms. Vivier will obtain and provide to the board.
- N. Spencer Rd Solar Site Walk – area cleaned up, natural vegetation between the fence and road is ok per the Fire Department. Minor changes to the actual plan do not match the As-Builts. Applicant advised to provide explanation for changes and indicate in assorted colors on As-Builts. There will be an updated narrative as well as an inspection report.
- N. Brookfield Solar Project – No movement, applicants are using 2012 by-laws, we use 2021 and they are appealing the court’s decision.
- Gravel Pit Inspections scheduled with applicants.

10. General Board Discussion & Board Liaison Reports

Ms. Shiver noted the Housing Production Plan discussion is on Wednesday, September 21, 2022, from 6:00-8:00 PM in the Great Hall at Town Hall.

11. Citizen Input

Mr. Defosse asked if the public can comment on a continuance and was advised he could, the Planning Board should invite public comments prior to approving or motioning a continuance.

He also expressed pleasure that the town conducts site walks to ensure ‘boots on the ground.’

He asked if there is a method of control to ensure that fill is appropriate when used and was assured that conditions are added for testing if necessary.

Regarding the N. Brookfield Solar project, Mr. Defosse requested clarification and Ms. Vivier explained that the site and stormwater plans were no longer valid and needed to be resubmitted, the court decision is under appeal, and the Special Permit is vested. Mr. Defosse noted that recent heavy rainwater accumulation has caused a safety issue at the site but was assured that this has been a historical issue and not due to site work.

12. New Business/Adjournment

MOTION: Ms. Shiver motioned to adjourn at 8:24 PM.

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

Submitted by Dawn Foster, Minutes Clerk

Reviewed by Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: 10/18/2022

List of Documents used on September 15, 2022

Items sent to Planning Board prior to Meeting by email and distributed at the meeting:

- Agenda
- Memo from Town Planner
- Drafted minutes from August 16, 2022
- Drafted minutes from August 17, 2022
- Continuance request for 83 Northwest Road
- Continuance request for Candlewood Subdivision extension
- 4 Eagleton Way-Approved Certificate of Decision, plans, common driveway narrative, and application
- New leader invoice - Revolving Fund approval for \$132.30

Items submitted/ brought to the Meeting:

None