



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
December 19, 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 (remote), Charlie Bellemer (in-person), and Vaughn Slack (in-person)

Planning Board Members Absent: none

Staff Present: Lauren Vivier, Town Planner/ Conservation Agent (in-person) and Sarah Campbell (in-person)

Staff Absent: Monica Santerre-Gervais, ODIS Senior Clerk

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

2. ANR's:

39 Lincoln St/ Kevin Huard/Create new lots.

Attorney Phillip Stoddard was present for the meeting to represent Kevin Huard. Mr. Stoddard explained that the applicant wishes to create two lots and the lots meet the zoning requirements.

MOTION: Ms. Shiver motioned to endorse the plan as submitted.

SECOND: Mr. Slack

DISCUSSION: None

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

3. Public Hearing: Special Permit Application – Applicant/Owner: Ryan Walker, Location: 26 High Street, Spencer (Assessors Map U13-79). The applicant is requesting a Special Permit under section 4.3.2 (multi-family) and 6.1 (Off Street Parking & Loading Requirements) of the Spencer Zoning Bylaws to add one (1) unit to a pre-existing 3-family home. The zoning district is VR (village residential).

Ryan Walker, 181 Clinton Street, Sterling, MA was present for the meeting. Ms. Vivier explained the structure is currently a three-family and the applicant is looking to add a fourth unit, a sprinkler and fire alarm system will be added, occupants currently have off-street parking but most of the parking is on town property and the proposed new parking plan gets the parking off town property and allows for eight spots at the rear of the house and would be an improvement. Ms. Vivier spoke to the Highway Superintendent and Fire Chief regarding the new parking lot and fire access, and they were ok with the plan. Additionally, mentioned there are existing non-conformities such as the front setback requirements, the building height exceeds the

requirement, but these conditions do not increase with the added unit, the pre-existing non-conformity does not impact the decision. Mr. Walker added he would like to add an additional unit and the added unit would not cause any detriments. Ms. Shiver asked about the existing conditions of the plot plan and if the numbers at the back of the building are for parking and Mr. Walker said yes. Ms. Shiver asked about the current driveway shown on the plan and Mr. Walker said he needed a curb cut. The applicant will need a driveway permit.

The Chair opened the hearing up to the public:

Carolyn Bain, 30 High Street, as an abutter to the property is for the improvements the new owner wants to make.

MOTION: Mr. Bellemer motioned to approve the Special Permit for 26 High Street.

SECOND: Mr. Slack

DISCUSSION: None

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

4. Public Hearing: Special Permit – Applicant/ Owner: Adam German; Location: 71 East Charlton Road; Spencer Assessor’s Map R14-29-2 and R14-29-3. The applicant is requesting a Special Permit under 5.3.10 (Rear lot subdivision) of the Spencer Zoning Bylaw to create a rear lot subdivision (on 12/15/2020 the applicant received a Special Permit for a rear lot subdivision; however, the special permit expired and needs to reapply). The property is located within the Rural Residential zoning district.

Attorney Nelson Ezen was present at the meeting to represent Adam German. Mr. Ceppi wants to correct the verbiage in the agenda because he felt the Assessor map and parcel numbers are incorrect and it should have been R14-29-3 and R14-29-5. Mr. Ceppi reviewed how he discovered the error on the Town of Spencer GIS Map and wants correction on the parcel numbers. Mr. Ezen explained the parcels, the approval of the ANR in 2020, and the approval of the Special Permit in 2020, and the setback having to do with Rocket Mortgage. Rocket Mortgage released the strip in October 2023 but when the applicant went to add to the deed, they discovered the Special Permit had lapsed and now they are reapplying. Also, Mr. Ezen stated the strip of land is deeded to parcel R14-29-2. Mr. Ceppi stated that parcel R14-29-5 should have been included in the application because Mr. German owns that land, and it is being added to that land.

Mr. Ceppi asked when the Assessor registered the ANR into the Spencer GIS and Mr. German stated he has been paying on it for the last two years. Mr. Ceppi stated the ANR was recorded at the Registry of Deeds February 2023. Mr. Ezen explained they had to record the ANR for Rocket Mortgage. Mr. Ceppi stated that R14-29-5 needs to be included in this application.

MOTION: Ms. Shiver motioned to include parcel number R14-29-5 in the application description for 71A E. Charlton Road.

SECOND: Mr. Bellemer

DISCUSSION: None

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

Mr. Ezen explained the applicant's intent to build their house on 71A East Charlton Road, the applicant needed access and worked out an agreement with their neighbor to buy a strip of land for access to the back lot, and the Germans are only looking to subdivide for one house. This plan came before the Planning Board in 2020 and a Special Permit was approved, however, it lapsed due to title issues and a release from Rocket Mortgage, therefore, the applicant needed to reapply. Mr. Ezen discussed the hardships the applicant faced with Rocket Mortgage for two years. Mr. Ceppi stated in the deed it needs to state that the land cannot be subdivided further and there is only one house lot.

Also, Mr. Ceppi felt that the applicant should notify the abutters for R14-29-5 because the first time the applicant came to the Planning Board there were abutters that were not notified this time around. Ms. Shiver suggested the meeting be continued, the applicant can send out anything that was deficient to the missing abutters, and that should cover everything. Mr. Ceppi said the abutters at the end of East Charlton Road were not notified. There was discussion on GIS Mapping and on how abutter lists are generated.

The Chair opened the hearing up to the public: No comments or questions.

MOTION: Ms. Shiver motioned to continue the meeting to 1/2/2024, with applicant getting abutters list for R14-29-2, R14-29-3, and R14-29-5 and find the abutters missing and notify them.

SECOND: Mr. Slack

DISCUSSION: None

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

5. Discussion: Spencer Meadow Solar LLC. – Decommissioning Bond

Ms. Vivier explained this agenda item is regarding a solar project that was approved by the ZBA in 2016 with a decommissioning bond of \$176,600. The owner is looking to invest their escrow funds, which requires a change in financial institution. The amount transferred is \$187,200.25, after interest and there is no change to the original base amount. The applicant is not required to revisit the decommissioning bond as this was not a requirement in 2016. Even though the permit was issued by the ZBA, under the new regulations the Planning Board is the authority.

MOTION: Ms. Shiver motioned the recognition of Spencer Meadow Solar LLC to transfer funds to Huntington Bank to incorporate the interest into a financial account

SECOND: Mr. Slack

DISCUSSION: None

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

6. Discussion: Solar Energy Storage Systems

Ms. Vivier reviewed the updated bylaw research to start drafting the new amendments for solar. Ms. Vivier received a Town notification from Charlton, and they are looking to add an Energy Storage Battery overlay district and she reached out to them for more information. Also, in another town they had a tier system based on size and districts fall under certain tiers. Ms. Campbell mentioned in Foxborough another bylaw regarding land clearing not to exceed one acre for medium/large energy storage fields. There was discussion on clearing requirements and regulations and fire protection requirements for energy storage systems.

7. Planning Board Policies and Procedures

Mr. Bellemer said he went through the draft and there were minor typographical errors but reads well. There was discussion on scale requirements, abutter notifications, number of meetings, Master Plan section highlighted in yellow as a reminder for updates and evaluation time periods, application requirements.

8. General Board Discussion/ Board Liaison Reports

Mr. Ceppi commented that the plans should not be finalized on the GIS Map until they are recorded at the Registry of Deeds.

9. Town Planner Report

Ms. Vivier commented on the following:

- The Town Clerk received the Ash Street Subdivision appeal.
- Stormwater issues with the current rain recently at Greenville Street, near David Prouty High School, and other construction sites.
- CVS As Built received and peer review estimate is in process.
- Next meeting has 71 E. Charlton Road, Solar Amendments, CVS, and finalizing the Planning Board policies and procedures.
- Town Hall closed 12/25/2023 and 1/1/2024.

10. Citizen Input

Matt Defosse, 7 Paul's Drive, read aloud narrative he gave to the Board of Selectmen regarding water that was pouring down the Abbey Solar Farm onto Route 31 and creating a traffic/safety issue. Mr. Bellemer lives nearby and said before the Solar Farm went to that area there were water issues. Mr. Defosse would like to see specific wording in the new Solar Amendments and cannot be argued by applicants.

11. Approval of Minutes- 12/5/2023

MOTION: Mr. Bellemer motioned to approve the minutes as submitted for 12/5/2023.

SECOND: Mr. Slack

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Mr. Bellemer, and Mr. Slack all voted aye, (vote 3-0) motion carried (Ms. Shiver abstained).

12. Adjournment

MOTION: Mr. Ceppi motioned to adjourn the meeting.

SECOND: Mr. Bellemer

DISCUSSION: None

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

Submitted by Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Planning Board on: 1/30/2024

List of Documents used on December 19, 2023

Items sent to Planning Board prior to Meeting by email:

- Agenda for 12/05/2023 Final R1
- Memo from Town Planner
- Drafted minutes from 12/05/2023.
- Drafted Planning Board Policies and Procedures.
- ANR Application and updated plan for 39 Lincoln Street.
- Special Permit Application and plans for 26 High Street to add a unit to an existing multi-family.
- Special Permit Application and plans for 71 East Charlton Road rear lot subdivision.

Items submitted/ brought to the Meeting:

- Updated Zoning Bylaw copies.