



Planning Board – Town of Spencer

*Minutes*

Planning Board Meeting  
**Tuesday, September 15, 2015 at 7:00 PM**  
McCourt Social Hall  
Memorial Town Hall

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

Planning Board Members Absent: None

Staff Present: Larry Smith, Town Planner, Monica Santerre-Gervais ODIS Clerk

Staff Absent: None

Mr. Ceppi opened the meeting at 7:03pm.

It was noted for the record that James Whalen resigned from the Planning Board.

**1. ANR Plans –**

- **William Casey Estates, LLC, dated 9/24/2014-Rescind Approval of 10/21/2014 & William Casey Estates, LLC, dated 5/11/2015-Rescind Approval of 5/19/2015**

Both plans were handed out to the Planning Board members to review what they had approved in the past. Phillip Stoddard was present for the meeting and came up to explain that these two ANRs had previously been approved and endorsed by the Board, but were never recorded. They have since been superseded by another ANR that had subsequently been approved and endorsed by the Board which has been recorded and the lot has been sold.

**MOTION:** Ms. Shiver made the motion to rescind the Mylar's for the William Casey Estates that the Planning Board approved on 10/21/2014 and 5/19/2015.

**SECOND:** Mr. Viner

**DISCUSSION:** None

**VOTE:** 4-0 in favor

- **Charles & Cynthia Prouty, dated 5/18/2015- Lot 1 & 2, 333 Main Street**

Cynthia Prouty, 333 Main Street, was present for the meeting.

Mr. Smith explained that the ANR showed adequate lot size and frontage.

Mr. Viner asked if the Planning Board would need to address the curb cutting needed. Mr. Smith said that was for the Highway Department to handle. In addition, Mr. Smith explained to the board that when approving an ANR all the Planning Board members are looking for is adequate frontage, is frontage on public way, and can you get to frontage to the buildable lot.

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

**SECOND:** Ms. Reed

**DISCUSSION:** Mr. Viner wanted to note that the plan does not have Main Street/ Route 9 properly.

**VOTE:** 4-0 in favor

**Larry Smith endorsed the plan.**

- **William & Lois Klasek, dated 4/15/2014, Lot A & B Clark Rd. / Borkum Rd.**

Mr. Smith explained that the applicant is cutting out both lots and both lots have the minimum frontage required. Mr. Viner asked if this plan was previously approved. Mr. Ceppi mentioned it got lost. Mr. Smith explained that the plan was previously approved but was lost before it got recorded. Ms. Shiver asked when the plan was endorsed. Mr. Smith said the previous ANR will be researched to find the endorsement date. Mr. Ceppi mentioned the house on the plan is gone.

**MOTION:** Ms. Shiver made a motion to rescind the ANR previously endorsed on 5/20/2014. In addition, Ms. Shiver made a motion to approve the new plan as submitted.

**SECOND:** Mr. Viner

**DISCUSSION:** None

**VOTE:** 4-0 in favor

**Larry Smith endorsed the plan.**

- **Phil Stoddard and Mark Andrews, dated 9/2/2015- Lot 4 Meadow Road Street a/k/a West Main**

Phillip Stoddard was present for the meeting. Mr. Smith said both lots have enough frontage.

**MOTION:** Ms. Shiver motioned to endorse the ANR as submitted.

**SECOND:** Ms. Reed

**DISCUSSION:** None

**VOTE:** 3-0 in favor

**Mr. Viner abstained from voting.**

**Larry Smith endorsed the plan.**

## **2. Request for Stormwater Permit Waiver- James LaLiberte, 195 Charlton Road**

James & Rachel LaLiberte, 195 Charlton Road, was present at the meeting to request a storm water permit waiver. Mr. & Mrs. LaLiberte previously (2 ½ years ago) had their 37 acre parcel at 195 Charlton Road logged which created an approximately 2.5 acre and 5-6 acres clear cut sections. They worked with the Conservation Commission in converting the 2.5 acre clearing to paddocks and an area for their horses. They now want to convert the 5-6 acre clearing to pasture where riders can take their horses.

Mr. LaLiberte mentioned that the land had been surveyed and a fence was put up for the horses. Their intentions are to work on the larger area and plant grass. In order to complete the task they will be using a “brontosaurus” machine which mows and mulches vegetation up to 8” in diameter. The mulched mowing will be left in place to act as stabilization against erosion which

will eventually decompose into the topsoil. This mowing will take down the understory and young saplings but will leave the already growing natural grass. Manure and new seed will also be spread. Because the brontosaurus machine costs \$1500.00 per day they intend to do the work in three phases: Year 1 (2015) – convert 1-2 acres, Year 2 (2016) – convert the next 1-2 acres, and Year 3 (2017) – convert the remaining area. All work is planned to avoid any wetlands or buffer zones.

Mr. Smith asked if the brontosaurus grinds stumps and Mr. LaLiberte answered 8 inches or less. Mr. LaLiberte addressed the Planning Board and showed them pictures of what the machine looks like. Ms. Shiver asked if Mr. LaLiberte will be operating the excavator and he answered no. Ms. Shiver asked if the applicant would be disturbing the ground. Mr. LaLiberte answered that he plans to foster the grass for the horses. Mr. Ceppi asked about the pictures and Mr. LaLiberte explained that the different colors are the different stages and the dashed lines are the pre-existing trails. There was much detail given by Mr. LaLiberte about his property and boundaries. Ms. Shiver noted that the applicant won't be disturbing any topsoil or any kind of runoff for storm water discharge. Mr. Ceppi asked for a contour map and Mr. LaLiberte said the red is the flattest area. Mr. Viner asked about the previous Stormwater waiver and Mr. Smith said that this was how it was handled before, except that the prior one was also required to get Site Plan Approval which he believed really wasn't required the way the Bylaw and Stormwater Regulations were worded. However, he noted that the final waiver document would be almost identical to the previous one, so they would be consistent. Mr. Viner asked if they were the appropriate authority to vote on the storm water waiver and Mr. Smith said that in this case they were. Mr. Smith also mentioned that the Stormwater section in the bylaw needs updating for the next case to clarify the Waiver process.

**MOTION:** Ms. Shiver motioned to approve the storm water permit waiver with the generated findings and conditions:

*After finding that it was in the public interest and not inconsistent with the intent and purpose of the Stormwater Bylaw, the Planning Board waived compliance with submittal requirements for a Major Stormwater Permit (Stormwater Regulations, Section 4) because the clearing is for agricultural use, subject to the following conditions:*

**Conditions:**

General

1. *Tree clearing and erosion/sedimentation control shall be completed in conformance with:*

- *The letter from James and Rachel LaLiberte to the Planning Board dated 7/27/15*
- *The plan entitled Forest Stand & Boundary Map prepared by Roger Plourde, Jr., C.F., MA Lic. #192 dated July 2015*
- *MA Department of Conservation and Recreation FOREST MANGEMENT PLAN for James & Rachel LaLiberte prepared by Roger Plourde Jr. and approved by the DCR Service Forester (dated 8/17/2015) and Regional Supervisor (dated 8/18/15)*

*and such documents are herein incorporated as part of this decision. Any significant change requires re-submittal to the Board. The Town Planner shall determine if changes warrant the Board's review.*

2. *Members or agents of the Planning Board shall have the right to enter the site at reasonable times, upon prior notice, to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the*
3. *This approval shall lapse and become null and void two (2) years from the date of approval if the proposed work is not completed within said two years. The Planning Board may grant extensions for good cause, upon written request of the applicant.*
4. *Construction and maintenance shall be in conformance with the Town of Spencer Stormwater Regulations. A Stormwater Certificate of Completion is required consistent with Section 11 of the Stormwater Regulations:-*

**SECOND:** Mr. Viner

**DISCUSSION:** None

**VOTE:** 4-0 in favor

### **3. Discussion, Informational only- Treadwell Solar**

Hem Shanker, Jenner Renewable Holdings (Solar) Inc., was present for the meeting just to update the Planning Board of the completed sale of the Treadwell Solar project to Nugen Capital. Mr. Shanker believes that Nugen Capital has significant experience building solar projects in MA and will be working with their existing EPC, Gehrlicher Solar, to finish the projects. They have provided Nugen Capital's contact information.

### **4. Discussion, Informational only- Hem Shanker (JRC US Holding, LLC)**

Hem Shanker, Jenner Renewable Holdings (Solar) Inc. (JRC US Holding, LLC), was present for the meeting to update the Planning Board on their preliminary plans to develop another solar facility on 22 landlocked acres abutting their already approved Treadwell Drive solar project. Mr. Shanker mentioned that he had a meeting on 9/15/15 with town officials to address what their next steps would be. There are wetlands in the northeast and southeast of the lot and JRC US Holding, LLC will stay away from them and the buffer zones. Mr. Shanker explained that they want to expand and fence all the area all at once so there is only one access from the original site. Also, Mr. Shanker met with the abutter from the original project that had issues with the project and he is working with them to make sure the project goes smoothly and the abutter doesn't see the solar farm from their home. Mr. Shanker welcomed feedback and questions from the Planning Board.

Mr. Smith recommended that Mr. Shanker get the wetlands approval first from the Conservation Commission. Ms. Shiver asked how many watts and Mr. Shanker said 4 mega watts. Mr. Ceppi mentioned that they already had 12 mega watts and Mr. Shanker agreed and said there is capacity to expand the project. Mr. Viner asked about the current project status and Mr. Shanker said that the trees are cleared, they are in the process of pulling permits, and are hopeful to have completed by the end of the year. Ms. Shiver asked if this would be a separate project and Mr. Shanker said it would be because it was purchased separately. Mr. Smith asked about timing and Mr. Shanker said he was hoping to get on the Conservation Commission meeting in

November and possibly being back to meet with the Planning Board in January/February of 2016 and is having the Abbreviated Notice of Resource Area Delineation (ANRAD) completed before the winter. Mr. Ceppi asked if it was wooded and Mr. Shanker answered yes, and that they have the contour maps that show the water flowing towards the wetlands. Mr. Shanker had larger plans of what was handed out and there was much review of the plans. Mr. Shanker will follow the rules and guidelines of the bylaw and stay in accordance with them.

## **5. Notice to Withdraw from Chapter 61A- Spencer Farms LLC, Lot #2 Wire Village Road**

Mr. Smith explained to the board that the applicant is looking to sell the lot, which is part of the larger farmland parcel under Chapter 61A; the town has the right of first refusal but would need to come up with the \$34,000.00 in a short amount of time, but explained that the Conservation Commission's Wetland Soil Specialist informed him that there would be a permanent Conservation on the rest of farm if the lot was withdrawn.

Mr. Smith read aloud his recommendation for the Planning Board:

*At their meeting on September 15, 2015 the Spencer Planning Board reviewed the Notification of the Removal of a parcel on Wire Village Road from M.G.L. Chapter 61A, more specifically identified as Lot #2 on a plan entitled Plan of Land In Spencer, Mass owned by Spencer Farms LLC prepared by David E. Ross Associates, Inc., dated February 2015 and endorsed by the Spencer Planning Board on March 17, 2015.*

*After reviewing the materials submitted by the applicant's representative, the Planning Board voted unanimously to recommend to the Board of Selectmen that the Town not exercise its Right-Of-First Refusal to acquire the property. The Board found that the removal and sale of this parcel would have the beneficial result of the remaining 77+ acres of the farm being placed under a permanent Conservation Restriction in cooperation with the Common Ground Land Trust.*

Mr. Ceppi asked how long the restriction would last and Mr. Smith said that it would be in perpetuity and would require a 2/3 vote from the State Legislature to release it. Land under Chapter 61A is not in perpetuity but is assessed at a lower tax rate. Mr. Ceppi asked if there is a roll back on the taxes if they asked for the land and Mr. Smith said sometimes depending on the situation and how long it's been under a management plan.

**MOTION:** Ms. Shiver made a motion to recommend to that the Board of Selectmen not to exercise the town's right of first refusal.

**SECOND:** Ms. Reed

**DISCUSSION:** None

**VOTE:** 4-0 in favor

## **6. Adoption of Minutes**

- **July 21, 2015**

**MOTION:** Ms. Shiver made a motion to approve the minutes as written.

**SECOND:** Ms. Reed

**DISCUSSION:** None

**VOTE:** 4-0 in favor.

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

- Next meeting there will be a progress report for Sunset/Holmes Subdivision
- Next Tuesday, 9/22/2015, there will be a Pre-Construction Conference in regards to the Abbey Solar Project and the decommissioning bond.
- The next Zoning Board of Appeals meeting will have the Tattoo Parlor Special Permit request.
- Ms. Shiver mentioned she went to the CMRPC meeting/open house and updated the Planning Board on what was talked about and she also mentioned that CMRPC has a lot of in-house talent.
- Mr. Smith mentioned they need to get a fifth member.
- Ms. Shiver mentioned that the checklist for the ANR's need to be filled out and submitted.

**MOTION:** Ms. Shiver made a motion to adjourn the meeting at 8:12 pm

**SECOND:** Ms. Reed

**DISCUSSION:** None

**VOTE:** 4-0 in favor.

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

**Approved by the Planning Board on: 10/20/2015**

### **List of Documents used on September 15, 2015**

#### Items sent to Planning Board prior to Meeting

##### Mailed paper copies:

- Agenda
- Memo from Larry Smith to Planning Board Dated 9/8/15
- ANR's-(2) William Casey Estates to rescind approval, Charles & Cynthia Prouty for Lot 1 & 2 Main St, William & Lois Klansek for Lot A & B Clark Road, and Phil Stoddard and Mark Andrews for Lot 4 on Meadow Street a/k/a West Main.
- Request for Stormwater Permit Waiver- James LaLiberte, 195 Charlton Road.
- Informational email and letter dated 8/25/2015, for Treadwell Solar
- Minutes for 7/21/2015

##### Items submitted at the Meeting:

- Notice to Withdraw from Chapter 61A - Spencer Farms LLC, Lot #2 Wire Village Rd. (Assessor's Map/Parcel 38-20-2)
- Informational letter and drawings from Hem Shanker in regards for conceptual expansion dated September 8, 2015.
- Memo generated by Larry Smith for the recommendation for the Notice to Withdraw from Chapter 61A dated 9/16/2015

