

Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, December 15, 2009 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:00 p.m.

Planning Board Members Present: Vice Chair Paul Tee, Shirley Shiver, Paul Sauvageau, and Robert Ceppi.

Planning Board Member Absent: Chairman Fabio Carrera.

Staff present: Adam Gaudette, Town Planner.

Approval of Minutes: For November 3, 2009

Mr. Sauvageau made a motion to accept the minutes for November 3, 2009. Ms. Shiver seconded the motion and the vote was 4-0 in favor.

Other Approval: Planning Board Meeting Schedule for 2010

Mr. Ceppi made a motion to accept Planning Board meeting schedule for 2010 as presented tonight. Ms. Shiver seconded the motion and the vote was 4-0 in favor.

New Business:

A. Amendment to Certificate of Definitive Plan Approval – Sunset Holmes, off Sunset Lane and Holmes Street. The applicant, Mr. Rick Hill, informed Mr. Gaudette previously that he was unable to move forward with the project, and that the Bank/Lender would take over. Mr. Gaudette advised the Bank to request an extension time to complete the project from the Planning Board. The public hearing is scheduled tonight to amend the certificate of definitive plan approval to allow for the extension.

Mr. Gaudette said that he e-mailed tonight's Planning Board Agenda to Mr. James Vasil, a representative for the Bank, and Mr. Vasil responded that Mr. Hill will be at the hearing.

This hearing is the first item on tonight's agenda and Mr. Hill has not arrived yet; Mr. Gaudette then asked the ODIS staff to check on Mr. Hill. Staff reported back that Mr. Hill response's was he thought it is not necessary for him to be at the hearing. He has other obligations and could only be present at a later time tonight if the Board permitted.

Ms. Shiver commented this is the fourth time that Mr. Hill, as an applicant, has filed applications to ODIS for public hearings from the Planning Board, and for the record, Mr. Hill didn't attend the first two public hearings, and the third hearing ODIS's staff had to call him to come in. Tonight the staff has had to call Mr. Hill again.

Since there were abutters attending this hearing tonight, the Board decided to open the public hearing to receive comments from abutters. **Mr. Tee opened the hearing at 7:20 pm.**

At this time Mr. Gaudette reported on the current status of the project to the Board. The binder pavement connecting Sunset Lane and Holmes Street was completed, the drainage is functioning, and according to the Conservation Commission everything is stabilized. The developer had already established I/I mitigation contribution with the Sewer Commission. The recent problem with the detention basin grate also has been resolved. Mr. Gaudette noticed that the street was plowed when there was snow recently.

Mr. Robert Bernier of 26 Holmes Street, an abutter, commented that he did the plowing of snow on the area where the project begins.

Mr. Gaudette explained that Mr. Bernier's property, a private owned property, is located where the connection of Sunset Lane and Holmes Street met. The Town will plow Sunset Lane and Holmes Street, but does not plow the private part (the connection area) which is in front of Mr. Bernier's property. This matter should be addressed with the Bank to keep that connection open for emergency access, etc.

Mr. Bernier expressed an interest to purchase the lot next to his property. The lot is owned by the developer, and already has utilities available to it.

Mr. Gaudette advised him to contact the Bank in regards to purchasing the lot. Mr. Hill is still the owner of the property but eventually his Bank will take over the project.

Mr. Bernier commented that Mr. Hill must then continue plowing on that portion of the road until the subdivision is legally owned by the Bank.

Mr. Gaudette stated that Mr. Hill owns the private road. This private road is part of the roadway that connected Sunset Lane to Holmes Street. The private road could only be accepted as a public road if the road is completed (binding, pavement, and working drainage, etc) and is approved by U&F. For Sunset Holmes subdivision project, the developer is required submitting a "Letter of Credit" to secure the bond for the remaining work on the roadway as accordance to the regulations in the Spencer Subdivision of Land. If the developer fails to perform as specified in the Definitive Plan Approval, then the Town has a right to take that surety money and finish the roadway. Next the road will be accepted at the Town Meeting, and then the Town owns the road and is responsible for maintaining it.

The Board decided to continue the public hearing to a later date. Mr. Gaudette will let the Bank know of the Board's concerns; plowing issue and a representative must be present at the next hearing.

Mr. Ceppi made a motion to continue the hearing to January 5, 2010. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

B. Minor Site Plan Review – Bemis Farms Nursery, 29 North Brookfield Road. The Board asked Mr. Gaudette to give a brief on the application.

Mr. Edward Bemis, owner of the nursery, has had discussions with Mr. Gaudette since June of 2009 on the nursery's expansion plan. The plan proposes additions to the greenhouse and to add an overflow parking area to the site. The nursery is an existing Agricultural Use; it is by-right, thus the construction of additions does not require a special permit or variance from the ZBA. However, the construction and expansion plans require a submission of a minor site plan application to the Planning Board.

The building plan is required to be reviewed by both Architectural Access Board (AAB) and the Spencer Building Department. Mr. Bemis has already contacted the AAB and the Spencer Building Inspector regarding regulations and the current State Building Code. The proposed plan must be reviewed and receive site plan approval by the Planning Board before a building permit can be filed.

Mr. Gaudette said the plan presented tonight demonstrated the existing condition and the proposed expansion. Mr. Bemis also provided a formal written request for waiver to Section 7.4.4.B., and information of how often the overflow parking is expected to be utilized.

At this time the Board was reviewing the proposed plan. The Board asked following questions of Mr. Bemis:

Ms. Shiver inquired as to any comments made by the AAB in regards to the proposed plan?

- Mr. Bemis responded that the entry way of the additions would be identical with the existing entry. When he initially applied for a building permit at the time (over 10 years ago) typical greenhouses were not expected to be handicapped accessible facilities. However prior to the issuance of Certificate of Occupancy from the Building Department, there was a regulation that mandated businesses (that open to public), to provide handicapped access to its facility. He came up with a solution that was approved by both the Building Department and the AAB. Mr. Bemis pointed out the handicapped accessible route on the plan.

Mr. Bemis said when he submitted the plan to the AAB this year (2009), he had suggested an idea of using the existing exit as an entry way for people with disabilities to the AAB – the handicapped route could be made with a shorter distance from the parking

lot to the exit. The AAB preferred to not changing anything, the purpose is for everyone to use the same entrance as the entry way.

There is a road (Woodside Road) between the overflow parking area to the greenhouse facility. Ms. Shiver asked whether the AAB requested Mr. Bemis to provide an access across Woodside Road to the facility.

- Mr. Bemis stated the only requirement from the AAB was to provide one more handicapped parking space to be located next to the existing (handicapped) space. The traffic flow on Woodside Road is very light. The only time in which the overflow parking will be utilized is in the spring time and only for about 6 weeks.

The site plan was prepared by the applicant, not by a registered professional engineer. The Board commented on the accuracy of the boundary lines and setbacks' distance. (*The plan does not contain lot line boundary*).

Mr. Gaudette said the applicant has requested a waiver on that requirement (plan to be prepared by the professional engineer). The plot plan is required to be submitted with the building permit application. The Building Inspector, as a Zoning Enforcement Officer, will verify the setbacks and etc.

The proposed additions and the expansion plan is considered a low impact development. The plan submitted tonight was previously reviewed by Mr. Gaudette. The Board also went over the plan and does not have any objections to this minor site plan. Mr. Gaudette had prepared a draft Decision on Site Plan and any modifications can be made at this time. The Board reviewed it and there were no modifications to the decision.

Mr. Ceppi made a motion to grant a waiver from Section 7.4.4.B. Ms. Shiver seconded the motion and the vote was 4-0 in favor.

Mr. Ceppi made a motion to approve the Certificate of Decision on Site Plan with all specified conditions. Ms. Shiver seconded the motion and the vote was 4-0 in favor.

Mr. Gaudette explained that once the decision has been filed with the Town Clerk, staff from ODIS will mail copy of decision to applicant and to all abutters.

Mr. Bemis thanked the Board and Mr. Gaudette for their time. He commented that the Town is fortunate to have Mr. Gaudette as the Town Planner. He also said that Mr. Gaudette was very helpful and has an exceptional ability to work with the applicant.

Other Discussion:

A. Informal Discussion – A Concept plan for property on Tom Casey Road. Mr. Thomas Fancy, from Fancy Land Surveying, contacted Mr. Gaudette in regards to property owned by Mr. David Bulak on Tom Casey Road. He also needed a clarification on rules and regulations pertaining to Rear Lot Subdivisions.

Mr. Gaudette presented ANR plan and subdivision plans on Tom Casey Road to the Board. He then gave some history on the property. In 2002, Lot 1 was created and then had conveyed to the Bulaks and Rivers. In 2004, Lot 1 got separated and the remaining land, called Lot 1-4R was to be conveyed to Lot 2 owned by the Bulaks, *however that has never happened*. The Town adopted Zoning Bylaw Section 5.3.11 (Parcels with Insufficient Frontage) in November of 2006. The Definitive Subdivision on Lot 1-4R was approved by the Planning Board in April of 2007.

At this time the Board reviewed all plans with the rules and regulations of Spencer Subdivision of Land. They made the following conclusions:

The remaining land of Lot 1-4R was never combined with Lot 2, and also the 2007 subdivision was never recorded, Lot 1-4R is eligible for a special permit application under Section 5.3.11 (Parcels with insufficient frontage) providing that it meets all required criteria.

Thus, a filing for a rear lot subdivision under Sec. 5.3.10 and a common driveway is not required.

Mr. Gaudette stated that he will let Mr. Fancy know of the Board's response.

Other Business: None

Ms. Shiver made a motion to adjourn the meeting at 8:30 pm. Mr. Ceppi seconded the motion and the vote was 4-0 in favor.

Submitted By:

Approved By:

Bea Meechan, Senior Clerk
ODIS

Paul Tee
Planning Board Vice Chairman