

Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, March 3, 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: Chairman Fabio Carrera, Paul Tee, Shirley Shiver, Paul Sauvageau and Robert Ceppi.

Planning Board Member Absent: None

Staff Present: Adam Gaudette, Town Planner and Bea Meechan, Senior Clerk, ODIS

New Business:

A. Public Hearing – Proposed Stormwater Management General Bylaw. To establish minimum requirements and procedures to control the adverse effects of land conversion activities – increased and contaminated stormwater runoff associated with these activities may impair the water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater.

Mr. Carrera opened the public hearing at 7:19 p.m. He asked Mr. Gaudette to give a review of the proposed bylaw and present it in the hearing, tonight.

Mr. Gaudette explained that the Town has a Stormwater Discharge Permit with the Environmental Protection Agency (EPA). The EPA mandates the Town to create local bylaw regulations and other procedures to ensure the stormwater collection system is not discharging pollutants into the wetlands. The regulations and guidelines are used in reviewing the stormwater for any potential or post impact to the quality of water and other natural resources. The regulations will be imposed on any project of land conversion that disturbs the area greater than 1 acre of land, as well as smaller activities on 15% slope or within 100' of a catch basin.

The Town Administrator had appointed Mr. Gaudette, ODIS Director & Town Planner, Robert McNeil, Superintendent U&F, Lee Jarvis, the Health Agent and Ginny Scarlet, Wetland & Soil Specialist, Conservation Commission to draft the bylaw. The document was presented to other Boards in Town for comments. Mr. Gaudette then presented the comments from other Commissions to the Planning Board. *Note Mr. Gaudette requested to have these comments be reflected in tonight's minutes (3-3-2009).*

Mr. Gaudette said that the purpose of the stormwater regulations is to protect the overall water quality and the flow of natural resources such as lakes, ponds, streams, rivers, wetlands and ground water. Attached with the proposed bylaw is a list of the Stormwater Bylaw's Key Points, which describes the benefits and the features of the bylaw. Mr. Gaudette then reviewed all the following sections in the proposed bylaw:

1. Purpose
2. Definitions
3. Authority
4. Applicability
5. Exemptions
6. Administration
7. Enforcement
8. Severability

Mr. Gaudette explained that because the Town does not have a comprehensive bylaw in place, the only time that stormwater reviews occur are when there is a filing Notice of Intent (NOI) with Conservation Commission (ConCom). The ConCom reviews the application under the state Wetland Protection Act and our local bylaw – Article 7 of Spencer General Bylaws.

As for reviewing stormwater for Site Plans the Town can't mandate stormwater designs be in compliance with DEP's stormwater management policy, unless the project is within 100-feet of wetland, or within 200-feet of perennial stream or river.

Mr. Gaudette stated that due to EPA mandates, the Town is subject to a fine if is not taking measures to adopt a bylaw.

At this time Mr. Carrera opened the Board for questions or comments.

The following were questions from the Board to Mr. Gaudette:

- Who mandates the Town to create and implement the stormwater bylaw?
The EPA requires the Town to create and implement the stormwater bylaw under MS4 Permit.
- What is the time line in regards to the bylaw adoption?
Mr. Gaudette said that there will be an article on the Spring Town Meeting Warrant. If voted to approve, the bylaw will then be reviewed by the Attorney General within 120 days of Town meeting. We will start working on regulations so we can implements the bylaw after it is approved by the Attorney General.
- Does the Town need to schedule any more public hearings?
Tonight's public hearing (3-3-09) is the only hearing being held for this proposed bylaw. Mr. Gaudette said that the EPA believes it is essential to have the community/public be involved and participate in the process. Public

hearings are not required for General Bylaws. The public hearing is being held in order to get input, feedback, and comments from the public and community. The notice of the public hearing was published in the local newspaper and the bylaw was posted at the Town Library and Town Clerk. In addition, the document was posted on the Town's website.

- The Board asked if we have received any comments from the public.
Mr. Gaudette stated that most comments came from the Town Boards (ConCom, Sewer, Water, etc), who have reviewed the draft bylaw. Currently, we have not received any comments from the public.

Mr. Gaudette stated that the proposed bylaw presented tonight is the most recent up-to-date document and is ready to be submitted to the SelectBoard for the ATM warrant.

The Board suggested to have the document sent to the Board's Peer Engineer. It maybe prudent to get comments and feedback from them as well. They may have reviewed stormwater bylaws for other municipalities and they could provide helpful information that can be incorporated into this draft proposed bylaw.

Mr. Gaudette suggested that this idea may be more useful when we are creating regulations to so with the bylaw.

With no further comments or questions from the Board, Mr. Carrera then opened the hearing to the public.

Robert Laprade of 35 McCormick Road asked if he should notify the Town of any changes to his previously approved activities. The notification would serve as a "courtesy" from the land-owner to the Town. Mr. Laprade said that he has a pre-existing project that was previously approved by the ConCom; and in the past, he had always notified the ConCom of any new plan on his project.

The Board and Mr. Gaudette responded they certainly appreciated that "courtesy." It allows both the Town and the owner an opportunity to have a discussion prior to any changes. Thus the Board can give a fair recommendation of what can be done to avoid any problems from occurring.

Mr. Laprade said that if there is a new subdivision development in town, would the surrounding abutters be notified? In addition, abutters who reside at greater distances, especially downhill and downstream from such development project should be notified, too. The runoff as a result of the development could have an impact to those areas.

Mr. Gaudette explained that abutters who reside within a 300-foot radius from the development do receive the notification of the development plan. (The Assessor provides the abutter list for mailing of the notification).

The Board commented that the 300-foot radius could be expanded when dealing with the stormwater issues.

Mr. Gaudette said that the expansion of 300-foot radius could be done with the discretion of staff. When a project is submitted, ODIS staff (ConCom Agent/Town Planner) could make a determination whether or not the notification beyond the 300-foot radius is necessary.

Mr. Laprade asked if the subdivision development poses a problem with the drainage, and a water problem could occur, as in the water must be diverted into wetland or other resources, would the abutter be notified?

Mr. Gaudette addressed that for subdivision projects, reviews for stormwater management already take place. Town Officials (Utility & Facilities, Sewer Department, ConCom) including a Town Peer Engineer, will review the subdivision's stormwater system and design. In addition, they also review the existing and the proposed drainage discharge from subdivision to the receiving watercourse. The abutters are notified of the subdivision project, and the Town holds public hearings as well.

Shirley Standing of 101 Greenville Street asked about *approved subdivisions* that have different phases/stages of the development. She asked whether or not this proposed bylaw will be enforced on future phases of the development.

Mr. Gaudette said that any new activities on lots are subject to this proposed bylaw; he then made a reference to Section 4 (Applicability) of the proposed bylaw. The subdivision itself is exempt.

Ms. Standing expressed to the Board the on-going-situation with the subdivision (Candlewood) on Greenville Street in which she is an abutter. Various Town Officials along with the owner of the subdivision and his engineer, had visited the site, and found that the runoff from the subdivision flows into part of Ms. Standing's property. A solution was discussed and agreed on by all parties. However, there hasn't been anything done in term of the solution, and it has been two years since, said Ms. Standing.

The Board did recall the event, and directed Mr. Gaudette to do a follow up.

Mr. Gaudette said that he will research, follow up with the ConCom, and report back to the Board. He will notify Ms. Standing of the findings as well.

At this time there were no further comments or questions from the Board and the public.

Mr. Tee then made a motion to close the public hearing at 8:10 p.m. Mr. Sauvageau seconded the motion and the vote was 5-0 in favor.

Old Business: Continuation of Major Site Plan Review – Country Spirits Corp, 10 West Main Street.

Mr. Gaudette informed the Board that Mr. Dubois, the applicant's engineer, requested to continue the public hearing. Additional time is needed in the process of revising plan.

Ms. Shiver made a motion to continue the public hearing to March 3, 2009. Mr. Sauvageau seconded the motion and the vote was 5-0 in favor.

Approval of Minutes: For February 17, 2009

Mr. Tee made a motion to approve the minutes for February 17, 2009. Ms. Shiver seconded the motion and the vote was 5-0 in favor.

Ms. Shiver made a motion to adjourn the meeting at 8:30 p.m. Mr. Sauvageau seconded the motion and the vote was 5-0 in favor.

Submitted by:

Approved:

Bea Meechan
Senior Clerk, ODIS

Fabio Carrera
Planning Chairman