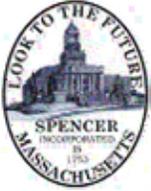


Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, April 21, 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, Vice Chair Paul Tee and Shirley Shiver.

Planning Board Members Absent: Paul Sauvageau and Robert Ceppi.

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

Approval of Minutes: For March 3, 2009

Mr. Tee made a motion to approve the minutes for March 3, 2009. Ms. Shiver seconded the motion and the vote was 3-0 in favor.

New Business:

A. Definitive Subdivision and Site Plan Review – Pine Cliff Condos, OSRD, James Sielis, off Greenville Street. Mr. Carrera opened the public hearing at 7:11 p.m. He then read the following brief to the public. James Sielis has applied for Definitive Subdivision Plan Approval under the requirements of the Spencer Subdivision Regulations of Land. The applicant proposes a subdivision with 3 lots 20 units to be known as Pine Cliff Condos OSRD (Open Space Residential Development) on property located at Greenville Street (MBL R28/11-61B), 50 Greenville Street (MBL R28/36), 52 Greenville Street (MBL R28/37) and 54 Greenville Street (MBL R28/38). The area is located in the Rural Residential Zoning District. The application also involves site plan review for the three 4-unit buildings.

Mr. Carrera asked the applicant for a presentation of the plan.

Jeffrey Howland from Graves Engineering, Inc., representing the applicant, said the proposed project is the construction of an Open Space Residential Development (OSRD), containing a total of 20 units on 4.7 acres of land. About 29.6 acres will be deeded to the Town or other conservation entity as open space with access from Greenville Street. In addition, the snowmobile trail (which runs along Greenville Street in the front of the proposed project) will remain in tact with no alteration to the trail's location. In lieu of a conventional

detention pond, a constructed wetland is proposed on the north side where the existing pond is located. The applicant has filed the Notice of Intent with the Conservation Commission (ConCom), and the public hearing is continued to May 13, 2009. ConCom would like to hear comments from the Planning Board before issuing a decision.

Mr. Howland said that some of the comments received from Town Officials, Adam Gaudette, Town Planner, the Water Office, Highway Department and ConCom, were addressed verbally. The plan will be modified accordingly. Mr. Howland met with Sewer Commissioners previously to discuss the sewer plan; he is waiting for comments from the Commissioners.

Regarding the stopping sight distance, Mr. Howland said that the sight distance meets the requirements based on American Association of State Highway and Transportation Official (AASHTO). According to AASHTO, the minimum sight distance required with the 30 mph speed limit is 212 feet in this section of Greenville Street. Mr. Howland explained the sight distance from the north side (of Greenville Street) is 300 feet and from the south side is 249 feet, and, this sight distance is adequate for a vehicle speed of 35 mph. The posted speed limit on this section of the street is 30 mph, said Mr. Howland.

Mr. Carrera requested Mr. Howland to check the number of posted speed signs including their location along Greenville Street and reports back to the Board at the next meeting.

Mr. Howland also needs to submit another waiver for the roadway to be constructed with the centerline coinciding with the centerline of the street right-of-way as advised by Mr. Gaudette.

Mr. Howland finished his presentation at this time. Mr. Carrera then opened the Board for questions and comments.

First and foremost, the Board expressed appreciation to Mr. Sielis for proposing to offer the open space to the Town.

Mr. Tee asked about the sewer capacity, what was comment from the Sewer Commission?

Mr. Howland said at a preliminary stage he met with the Sewer Commission to discuss sewer capacity and the possibility of sewer connections (from the project) with the Town's existing sewer line. The survey was done on all existing sewer lines. Sewer models were created along with a study of the flows, the result demonstrated that they (existing sewer lines) have enough capacity. The analysis was presented to the Sewer Commission during the review of the preliminary plan. The Sewer Commission confirmed the sewer capacity, and, the sewer line from the proposed project can connect to the existing sewer line with a stipulation that the developer participate in the Inflow/Infiltration (I/I) mitigation program the town has established.

Mr. Sielis and his engineer met with the Sewer Commissioners recently as stated above. He indicated nothing has changed on the sewer plan, and he will submit a commitment letter to the Sewer Commission again.

Mr. Tee asked if the Fire Chief has any comment on the proposed plan and the radii of the cul-de-sac.

Mr. Gaudette replied that the Fire Chief went over the plan with him in terms of fire hydrant locations, water access - laterals/connections for water and sewer, but didn't discuss the radius of the circular turnaround in the cul-de-sac yet. Mr. Gaudette had a discussion with Mr. Howland on the configuration of the cul-de-sac. If it is determined that it is not safe/proper for emergency vehicles to turn around, Mr. Howland then could explore other alternatives as allowed in the OSRD Bylaw. The final plan will be presented to the Fire Chief for an approval.

At this time Mr. Gaudette made a suggestion of having monumental markers separate the proposed project's land from the no-disturb buffer area and open space land. The future residents of the Condos will then know of the exact boundary; to avoid disturbing the no-disturb area and the protected open space land.

Mr. Howland said that he is considering placing markers along with the existing stonewall on the west side boundary.

Mr. Carrera asked Mr. Howland about the construction of the replicated wetland and its feature appearance.

Mr. Howland said that Eco Tech which specializes in designing/replicating wetlands, is hired to do the replication. The area of the replicated wetland would be equivalent to 1 and ½ size of the existing wetland, once the process has completed. The feature will be similar to the wetland, with shallow water and wetland marsh. Once the wetland has been established, it doesn't require any maintenance.

At this time the Board, Mr. Gaudette and Mr. Berthiaume (applicant's attorney) had a lengthy discussion on the open space land to determine the conveyance of the ownership with the following options:

- convey to the Town's Conservation Commission;
- have the Homeowner Association retain ownership and give the conservation restriction to the Town; or
- convey to Land Trust with a conservation restriction

Mr. Gaudette said that he will draft a letter to Spencer Conservation Commission and give them the first right of the refusal the open space land. If ConCom is interested then the security/surety on the wetland replication is needed. The wetland replication procedure takes different stages to complete. Thus, a request of a temporarily easement is needed for an access in order to finish the replication in the open space land. *Mr. Gaudette advised to have the easement be documented on the recordable sheet.* After ConCom has released the surety the open space land shall be conveyed to the town. Mr. Gaudette suggested that the conveyance must take place prior to lots release and an issuance of building permit.

The Board asked if the architectural design of building structures meets standard requirement (did not provide with the plan submitted). What is the screening buffer for the buildings from the street (Greenville Street).

Mr. Gaudette explained that in terms of a site plan review it is a minor site plan, and doesn't require a submittal of the units design structure. Mr. Howland, however gave a description of the components of the units to the Board. He presented drawing, showing features of the buildings to the Board. Mr. Howland indicated that the amount of grading on the specific area will be limited and will maintain as much woods/green as possible. *Mr. Gaudette advised to have the actual distance of the buffer zone be documented on the recordable sheet.*

The Board asked about the sidewalk, if there is any?

Mr. Howland said instead of the typical sidewalk, there will be constructed a trail way throughout the proposed project. Basically it is considered part of the landscaping; it will look natural and blend in with the existing trail.

At this time Mr. Carrera opened the hearing for the public.

Joan Rosseel of 56 Greenville Street asked how the construction of the proposed project will be properly regulated. Who will monitor the procedure to ensure that the wetland, traffic and the likes meet the requirements?

Mr. Gaudette responded to the concerns as follow:

- ✓ Planning Board will issue a decision with conditions the applicant must be in compliance with.
- ✓ Prior to the construction, the representative for the applicant will meet with appropriate Town Officials to review the plan and all required permits will be presented at this time.
- ✓ Police Officers (paid Police Detail) will conduct the traffic during the construction phase.
- ✓ During the construction, the sign will be posted for hours of operation with the contact telephone numbers of Town Officials (residents can notify the town if the limited construction hours are violated).
- ✓ ConCom is governing wetland procedures and will issue a decision with certain conditions. Representative from the applicant will meet with ConCom to review the plan and the proposed wetland mitigation.

Mr. Gaudette said that basically, everything that involves with the project will be reviewed and regulated to ensure that the development meets all requirements.

Ms. Rosseel said that her property is located at the end of the proposed project, and a good amount of woods will be removed, she expressed a concern regarding privacy. She then asked how much of woods/land (the distance from the end of the project to the back of her property) will remain intact.

Mr. Sielis responded that the land in that specific location is available for sale, if anyone is interested. He indicated the area on the back of Ms. Rosseel is declared as a wetland by Spencer ConCom. It is protected wetland as part of the OSRD. There is a 75-foot no-disturb buffer.

Stephanie Underwood of 46 Greenville Street stated that her property is near the swamp and next to the swamp is proposed wetland mitigation. She said that in the spring time about 50 feet of her property is flooded due to the water table in the area. She has two concerns. *First*, the water runoff from the proposed project will add more impact to the water table which means more water problems for her. *Second*, Ms. Underwood has a stone monument built into the ground; the blasting of out-cropping ledge could affect the monument.

Mr. Berthiaume said that the vegetation will be planted bordering the area between Ms. Underwood's property and the proposed wetland mitigation area. Mr. Howland will do a calculation on the proposed pervious surface in order to account for any additional stormwater. The water runoff will be collected into the stormwater wetland area and then into the wetland mitigation. Mr. Howland thinks that beavers, in term of creating destructions, are more likely to cause the rising of water level than the project would. For the blasting, Mr. Howland stated that the process is regulated by the Spencer Fire Department. The survey will be done and everything must meet the standard requirements prior to permit issue (by the Fire Chief).

Ms. Underwood wondered on how the snowmobile activity will be perceived by the future residents of the proposed project.

Mr. Sielis said that the snowmobile track has been part of town recreation for number of years. In addition, the Snowbirds Association of Spencer has maintained a good relationship with Mr. Sielis. They (Snowbirds Association) have maintained and improved the area. There has never been any issue associated with the snowmobile activity. Mr. Sielis specified that a deed restriction on the snowmobile track will be included as part of Condo Association Document. Potential buyers will be aware of the snowmobile activity.

Gary Woodbury of 219 Charlton Road commented there is no sidewalk on the driveway to the Condo which means no handicapped accessible either?

Mr. Gaudette and the Board stated that currently there is no sidewalk along Greenville Street, thus no existing handicapped ramp to be tied to. It is also a private owned property therefore the road will never become a public road. The trail system is provided within the proposed project.

Mr. Berthiaume clarified that at the preliminary plan meeting the sidewalk was discussed. To have a sidewalk means more of impervious coverage and the likelihood of people using the sidewalk is limited. The applicant decided to do the internal trail system.

Mr. Carrera expressed that the Board encourages any subdivision to have a sidewalk on the roadside specifically the main road. For this proposed project since there is an existing trail (begins from the north side of the pond and runs along Greenville Street in front of the

proposed project), the sidewalk is better served with the trail, not required to be a handicapped accessible. The idea is to provide a safe passage for people and school children (school bus route is along Greenville Street).

The Board and Mr. Gaudette inquired on the mailbox; whether it will be a group-mailbox versus individual. Mr. Gaudette said that the site for a group-mailbox should be provided in the landscaping plan.

Mr. Howland stated that he had already discussed the matter with the Post Master. A group-mailbox is preferable for the subdivision.

Ms. Shiver asked why the ConCom wanted to hear comments from the Planning Board before they issue a decision.

Mr. Howland said the ConCom has the public hearing remains open in case the Planning Board requests a major modification on the plan. ConCom prefers to review the final plan before closing its public hearing. With this approach, the applicant doesn't have to keep revising plans and resubmit to both ConCom and Planning Board for approval.

The following were additional comments and questions from the Board and Mr. Gaudette to the applicant and his associates:

- Waivers; for minimum street right-of-way widths of 50 feet; for street width of 22 feet.
- Utility Easement for Water & Sewer Departments; provide an access for both Water & Sewer.
- Plowing; responsible by the Condo Association.
- Lighting; each unit has its own lighting, not provide any street lighting within the proposed project.
- Temporary Stock Piling; the SWPPP plan will be submitted to ConCom at the final public hearing. ConCom will inspect/review the stock pile through-out the construction phase.
- Exterior Element; restriction on exterior element such as trash can, air conditioning unit, it needs to be camouflaged with environment.

Mr. Gaudette indicated that since the proposed project is part of OSRD it requires only a minor site plan review. The Planning Board will be conducting a site plan review at the same time as the OSRD. Mr. Gaudette mentioned that if any addition (deck) is added to the back of units, it must meet 100 feet minimum setback requirement in the Spencer Zoning Bylaw.

Mr. Gaudette advised that it is practical to have everything be included (location of temporary stock-pile, snow storage area, etc) in the phasing plan. The contractors who do work at the site will know of where things should be and what needs to be done – minimize mistakes and additional time to complete.

Mr. Berthiaume said that to minimize the impact of the roadway, the first phase of the construction plan is to build units 15 & 16. The second phasing plan is to construct units 13 & 14.

There were no further questions and comments from the Board, the public and the applicant at this time.

Mr. Berthiaume on a behalf of the applicant, requested to continue the public hearing to May 5, 2009.

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

B. Minor Site Plan Review - William Farmer, 19 Maple Street. Mr. Gaudette indicated that this is not a public hearing. Mr. Gaudette then presented a brief introduction of the plan to the Board as follows:

The property is pre-existing, nonconforming structures which contained two buildings; #17 and #19 Maple Street. Building number 19 was destroyed by the fire. A building permit was issued for a reconstruction and does not require a special permit from the Zoning Board of Appeals as accordance with Section 4.9.2.C of the Spencer Zoning Bylaw. Previously, the Planning Board asked Mr. Gaudette to check on the site plan. Mr. Gaudette spoke to the Bill Klansek, the Building Inspector, and discovered that the site plan review is certainly required. Any changes of the Use, in this situation from Residential to Commercial, requires a site plan review by the Planning Board.

There is no traffic study done since it is a minor site plan. Mr. Gaudette had contacted Rob McNeil (Superintendent Utility & Facility) regarding to stormwater management; there is no requirement. The project has no concerns with the Conservation Commission due to the absence of wetlands.

Mr. Gaudette referred to his comments on the plan (dated 4-16-2009) to the Board. He then addressed the following comments:

- Multiple snow storage areas. The plan demonstrated four snow storage areas, the concern is whether or not they all necessary.
- Sidewalk. The runoff flows in the same direction toward the sidewalk. Due to the multiple snow storage areas, the sidewalk could be overflowed with the runoff water (as snow will melt) and the sidewalk will be frozen at night (in the winter time).

At this time Mr. Gaudette asked Mr. Farmer to explain the current construction to the Board.

Mr. Farmer specified that snow will be plowed and stored in the back parking lot, and other areas, first. He has no intention to plow/store snow in the locations near the sidewalk. Part of the property (corner of Route 31 & Cherry Street) was taken as an easement by the town.

Mr. Farmer notified the Board he will gain approximately 6 feet of the area (at this specific corner) when the town has finished the intersection and the sidewalk.

Mr. Gaudette has a concern that the runoff could flow into the abutting property (the Lamoureux) based on the grade level in that area. He then asked if Mr. Farmer has any plan to prevent that.

Mr. Farmer said that the runoff in question will flow to his driveway and travel down into the town catch basins (located at the end of the driveway). In addition, the abutter's property is also owned by Mr. Farmer. He will ensure no impact.

Mr. Gaudette requested to have that area checked in terms of the grade level and the runoff.

In reference to the rip-rap, at the corner of Route 31 and Cherry Street, Ms. Shiver asked if the vegetation could be planted to stabilize the area.

Mr. Farmer replied due to the steepness of the slope, rip-rap will be more preferable for maintaining the stability. For an aesthetic point of view, he is considering planting trees just around the corner of the retaining wall (rip-rap will not be clearly visible to the public).

Mr. Gaudette advised to classify type of trees and total number of trees in a revised plan.

The following were additional comments from the Board and Mr. Gaudette:

- **Dumpster.** The Board would like to have a screening be installed around the dumpster.
- **Lighting.** The lighting must meet the requirements of Section 6.4 of the Spencer Zoning Bylaw. Mr. Gaudette requested a submittal of the back-lighting manufacturing description from Mr. Farmer.
- **Signage.** The application and a plan for signage are yet to be submitted.

At this time the Board advised Mr. Farmer to finalize the plan with Mr. Gaudette. Mr. Gaudette indicated that he will review everything discussed tonight. Next, Mr. Gaudette will meet with Mr. Farmer and his engineer at the site.

The Board decided to continue this minor site plan review to May 5, 2009 and requested a revised plan be presented by that day. Mr. Gaudette will prepare a draft decision and present to the Board at that time.

Old Business:

A. Continuation of Major Site Plan Review – Country Spirits, 10 West Main Street.

Mr. Gaudette informed the Board that Allan Letendre, the applicant, requested to continue the public hearing to May 5, 2009 and asked for an extension of the mandated deadline for action to May 29, 2009. The applicant needs more time to resolve the easement issue with National Grid before a submittal of the final revised plan to the Board.

Ms. Shiver made a motion to accept the applicant's request to continue the public hearing to May 5, 2009, and granted the extension deadline for action to May 29, 2009. Mr. Tee seconded the motion and the vote was 3-0 in favor.

B. Discussion – Deer Run Phase I. Mr. Gaudette informed the Board of the current status on the project (see memo dated 4/16/2009). Based on last meeting (12/16/2008) the Board voted to grant an extension for Deer Run Phase I with the condition that the guardrails will be installed by March 15, 2009 and the bounds and other items be completed by May 31, 2009. If either of these deadlines were not met, the Board would hold a public hearing to find the applicant in default. Mr. Gaudette had visited the project recently and found the guardrails have not been installed, yet. Several phone calls were made to Mr. Harrington (the developer), but no response back.

Mr. Gaudette said since the updated Performance Guarantee was issued prior the Amendment Decision was approved, and only references the Original Decision of 2002. He then made recommendations to the Board as follow:

- First: Hold a public hearing; the Board makes a motion to rescind the Original Decision of 2002.
- Second: Hold another public hearing; the Board makes a motion to find the developer in default for completing the construction of the roadways. The Board has authority to vote to take the monetary surety and use on complete the construction of the roadways.

Ms. Shiver made a motion to start a formal procedural to rescind the approved decision for subdivision Deer Run Phase I. Mr. Tee seconded the motion and the vote was 3-0 in favor.

Mr. Gaudette will schedule a date for a public hearing, do advertising and notify Mike Harrington (the developer).

C. Discussion – Candlewood I. At the previous public hearing for the Stormwater Management General Bylaw (3/3/2009), the Standring family asked questions about the Candlewood subdivision. They felt the approved subdivision (Candlewood) should be in compliance with the new Bylaw. They have an on-going problem that relates to the subdivision for awhile. The Board directed Mr. Gaudette to investigate, follow up and report back to the Board at the next meeting.

Note: The Standrings were present tonight for this informal discussion.

Mr. Gaudette had reviewed the files and prepared a memo to the Board (dated 4/16/2009). The memo contains a sequence of events and timelines from the date the application was filed (in 2005) to the date of last event occurred (in 2008). He also spoke with several people involved; Ginny Scarlet, ConCom; Rob McNeil (U&F); Graves Engineering and Brian Murkland, the developer.

Mr. Gaudette then proceeded giving a summary as follow:

Mr. Standring stated that Candlewood Subdivision caused excess water runoff flows to part of their property (the barn and driveway areas). They thought the subdivision created an impact on the drainage in the area. Mr. Murkland and his engineer (Graves Engineering) responded that the runoff was a pre-existing drainage condition.

The U&F reported no historical issues and commented that as long as peak flows are reduced under post-development conditions, there should not be a problem. Mr. Murkland and Graves Engineering acknowledged that comment and offered 3 modifications to the Standrings and U&F. Karen Cullen, former Town Planner, sent a letter to the Standrings stating that Mr. Murkland and Graves Engineering would file a design and permit application for pipe across road to Sibley property.

Several Town Officials (Town Planner, Superintendent of U&F, Highway Department and ConCom), Town Peer Engineer, Brian Murkland and his engineer (Graves Engineering), had met with the Standrings at the site to determine a temporary solution. The result was to block outlets of drainage basin during dry season as a temporary solution. A permanent solution was to install a pipe across the road to Sibley property.

ConCom approved the applicant for pipe across road to Sibley property (August 9, 2007). Mr. Standring had appealed the approval to DEP soon-after ConCom granted the approval to the project.

Last event, ConCom issued Certificate of Compliance for project on November 18, 2008.

Mr. Gaudette informed the Board that since then everything has stalled, nothing has happened and the developer received his Certificate of Compliance.

At this time the Board asked Mr. Standring whether they have received a respond from the DEP.

Mr. Standring replied that he hasn't yet received any respond from DEP (since August, 2007).

Mr. Gaudette said that generally if DEP is not responding, it indicates that they are upholding ConCom's decision (according to Ginny Scarlet).

Mr. Standring then asked for advice from the Board.

The Board stated it has appeared that Mr. Murkland put forward an effort to accommodate the problem and the Standrings. Since ConCom has granted a Certificate of Compliance to the project already, the only suggestion the Board has is to work with Mr. Murkland, the Town (U&F), and be flexible with the outcome.

Mr. Gaudette will contact Rob McNeil (U&F), Mr. Murkland and reports back to the Board, and also notify the Standrings.

Other Business: Board Discussion - Annual Town Meeting Report (MGL 41, c. 81I):
Discontinue portion of Alta Crest Cross Road.

Mr. Gaudette state that Ms. Donna Zalauskas came to the Board in December of 2008 for ANR approval for property on Northwest Road (aka Alta Crest Cross Road). The purpose of ANR was to separate Lot 1 from the entire land. The Board voted to endorse ANR plan. Currently Ms. Zalauskas has an offer to purchase Lot 1. The problem is, a very small portion piece of land (approximately 266 sq.ft.) situates in the public right-of-way. Ms. Zalauskas then contacted Mr. Gaudette to discuss the matter. Mr. Gaudette consulted with Stan Weinberg (Town Counsel) on a suggested process. Mr. Weinberg advised the following:

First, the SelectBoard at its meeting, shall vote and refer to the Planning Board for a report in accordance with MGL, Chapter 41, Section 81I the matter of the discontinuance of a portion of East Road, also known as Alta Crest Cross Road.

Second, the Planning Board at its meeting, shall review the matter, and if finds no objections, votes to recommend the passage of Article 9 of the warrant for the Annual Town Meeting on May 7, 2009.

The Board reviewed the plan and had no objections. Ms. Shiver then made a motion to recommend the passage of Article 9 of the warrant for the Annual Town Meeting on May 7, 2009. Mr. Tee seconded the motion and the vote was 3-0 in favor.

Mr. Gaudette will prepare a report for the Town Meeting (May 7, 2009).

Ms. Shiver made a motion to close the meeting at 9:50 p.m. Mr. Tee seconded the motion and the vote was 3-0 in favor.

Submitted by:

Approved:

Bea Meechan
Senior Clerk, ODIS

Fabio Carrera
Planning Board Chairman