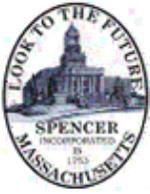


Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, June 2, 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, Shirley Shiver, Paul Sauvageau, and Robert Ceppi.

Planning Board Member Absent: Vice Chair Paul Tee

Staff present: Adam Gaudette, Town Planner

Approval of Minutes: For May 5, 2009

Ms. Shiver made a motion to approve the minutes for May 5, 2009. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

New Business:

A. Minor Site Plan Review, Town of Spencer, Highland Street Water Tank.

Shira McWaters and Jeff Murawski from Tata & Howard, consulting engineers, were present on behalf of the Spencer Water Department. Rob McNeil, Superintendent for the Spencer Utilities and Facilities Department was also present.

Ms. McWaters explained that this project is required in the Administrative Consent Order issued by MADEP. This project will allow the town's water system to be divided into two different pressure zones. Currently there is one zone served by the Moose Hill water tank. In the eastern part of town, pressures meet recommended DEP levels, say 110-120 PSI. In the western part of town, pressures are over recommended levels, in some cases as high as 240 PSI. In addition to providing a second tank at lower elevation to reduce pressures in the western part of town, two other projects are required from the ACO and include 12,000 linear feet of distribution line upgrades and a SCATA security system.

This project's site development includes the 500,000 gallon tank, a booster pump station (BPS), access drive, grading, fencing, and utilities. Included in the BPS is a backup generator powered by natural gas. The tank is proposed to be recessed in the ground with only 6' of reveal in the front part of the tank and 2' of reveal in the rear.

At this point the Board began asking questions of the consultants.

Mr. Ceppi asked to have the east – west boundary pointed out and Mr. Carrera asked about the locus of the project. Ms. McWaters pointed to a map in the application booklet which shows the division line heading north/south Pleasant Street, to the west of High Street, down through the center of Town and down to the east of Elm Street. The site is proposed on the Lake Street School property in the northwest corner of the lot, off Highland Street, across from houses #39 and #41.

Mr. Gaudette asked if soil borings had been conducted and if they expected blasting to be required. Ms. McWaters answered that soil testing has not yet taken place but they do expect blasting to be required to recess the tank as ledge outcroppings are visible at the ground surface.

Mr. Ceppi asked how the reduced pressures would affect the fire suppression systems of businesses in the western part of town. Mr. McNeil responded that most likely pressure reducing valves will no longer be required. Mr. Ceppi was concerned if business owners would be responsible for the cost of eliminating these valves. Mr. McNeil explained that the Water Department would work with owners and he doesn't expect major expenses to accrue.

Mr. Sauvageau asked if there would be any impact to the properties in the eastern part of town. Mr. McNeil responded that those pressures would remain the same.

Mr. Ceppi asked if recessing the tank in the ground was necessary and if blasting could be avoided by having the tank higher/exposed. Ms. McWaters explained that the higher the tank, the greater the pressures become. Mr. McNeil expressed that they felt the one time lasting occurrence was less of an impact than the perpetual view of a high water tank.

Mr. Ceppi asked if heating the water was necessary due to potential winter freezing. Ms. McWaters answered that the constant overturn prevents freezing thus heating was not required.

Mr. Sauvageau asked if there was any noise impact from the generator. Mr. McNeil responded that he expects it to be only 175-200 KW and Ms. McWaters stated that there is sound attenuation provided.

The Board asked about the funding for this project and the timeline. Mr. McNeil explained that the 3 remaining ACO projects are estimated at \$6.6 million. They are hoping that Federal Stimulus Money is able to fund the project. If so, the project needs to be "shovel ready", thus, there is a need to expedite permitting. Also, if stimulus money is not available, the Town is eligible to receive a low interest loan from the State if permitted by July 14, 2009. The Water Department had Tata & Howard evaluate 5 potential sites and the Highland Street site was chosen as the most economical and feasible.

Mr. Ceppi asked about the size of the BPS building. Mr. Murawski responded that it will probably be similar to the 21' x 28' building on Meadow Road.

Mr. Ceppi asked about security. Mr. Murawski pointed out the planned chain link fence that also includes barbed wire on top.

At this point the Board discussed their concerns with blasting in residential neighborhoods as there have been projects in the past that have affected abutters. Mr. Gaudette explained that permitting is required with the Fire Department under the State Regulations of the Board of Fire Prevention. The Board felt that they expect the Town to take all the necessary precautions necessary to prevent negative impacts/damage to abutters. Mr. McNeil explained that they will know more once borings have been conducted and that they will do what is necessary to prevent impacts.

At this point Mr. Carrera closed discussion.

Ms. Shiver made a motion to grant Minor Site Plan Approval to the Spencer Water Department for the new Highland Street Water Tank with conditions as drafted by Mr. Gaudette. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

B. Public Hearing to Extend the Definitive Plan Approval – Deer Run Phase I – Framingham Co-operative Bank. Mr. Carrera opened the public hearing at 7:50 p.m.

Mr. Gaudette gave a brief summary of the events that have taken place since the Board began the process to rescind the subdivision approval. These included a site visit with the Bank and Town Officials as well as preparation of new performance guarantees.

Attorney Joseph Antonellis and Attorney Damien Berthiaume were present representing the applicant. Mr. Antonellis asked if all three public hearings regarding Deer Run could be opened at this time as there is significant overlap expected in the discussion.

At this time, Mr. Carrera opened the following:

C. Public Hearing to Extend the Definitive Plan Approval – Deer Run Phase II – Framingham Co-operative Bank.

D. Continued Public Hearing to Rescind the Definitive Plan Approval – Deer Run Phase I.

Mr. Antonellis explained that it is imperative that Phase II be continued otherwise the bank would have limited interest in completing Phase I. The bank has a lot of value in Phase II with 14 lots remaining, 12 in Spencer. They have already contracted with Hannigan Engineering to complete the bounds and acceptance work in Phase I. They have scheduled the foreclosure and auction of Phase II for June 26, 2009. The Board would still be protected if someone bought the lots as the bank would be responsible for the updated Letter of Credit.

At this time Mr. Gaudette went through the surety budgets prepared by Quinn Engineering, identifying construction and other items that remain. The estimates have increased substantially since last year due to changes in unit pricing and new failures (sidewalk sink holes, pavement cracks, etc.). The new estimates would require that the Letter of Credits for both Phase I and II be

adjusted accordingly. Phase I would go from approximately \$31,000 to \$115,000 and Phase II would go from \$191,000 to \$566,000.

Mr. Carrera opened the discussion to the audience.

Gina Bedford of 11 Deer Run Road asked when the bounds for the lots would be put in. Mr. Gaudette explained that sometime between now and August 15, 2009. Different contractors will be working on different tasks and everything is a priority at this point. Mr. Sauvageau expressed that safety issues, such as the guardrails, are certainly a priority.

Chris Tutlis of 6 Briarwood Lane asked about the transition of Phase I and II and if the acceptance will incorporate his and his neighbor's (#5 – Luce) will be included. Mr. Gaudette stated that they made sure the surety's included accepting their portion of Briarwood Lane. Also, Mr. Tutlis wanted to know if the land in front of his lot that was to be changed when Phase II was approved, will be transferred and constructed properly. Mr. Antonellis stated that the bank would commit to resolving this land issue as it was intended to be done that way.

Mr. Antonellis explained that the bank is concerned about getting everything done before August 15, 2009. He asked the Board to realize that the bank may need another extension and that if they worked diligently in good faith would the Board be willing to grant an extension. Mr. Gaudette advised that if nothing is done between now and the deadline date, that they will be hard pressed to get an extension.

At this time Mr. Carrera asked to closed discussion after no one else asked to speak.

Ms. Shiver made a motion to close all three open public hearings (Phase I extension, Phase II extension, and Phase I rescission). Mr. Sauvageau seconded and the vote was 4-0 in favor).

Ms. Shiver made a motion to grant the applicant's request to extend the definitive plan approval for Deer Run Phase I to August 15, 2009 with the requirement that the Letter of Credit be updated to \$155,074.75. Mr. Sauvageau seconded and the vote was 4-0 in favor.

Ms. Shiver made a motion to grant the applicant's request to extend the definitive plan approval for Deer Run Phase II to July 10, 2010 with the requirement that the Letter of Credit be updated to \$566,503.88. Mr. Sauvageau seconded and the vote was 4-0 in favor.

Ms. Shiver made a motion to withdraw the Board's application to rescind the definitive plan approval for Deer Run Phase I. Mr. Sauvageau seconded and the vote was 4-0 in favor.

Old Business:

A. Continued Public Hearing – Pine Cliff Condominiums OSRD, off Greenville Street.
Mr. Carrera opened the public hearing at 8:45 p.m. *There were no abutters present tonight for this hearing.*

Attorney Damien Berthiaume representing the applicant, James Sielis, brought a letter requesting the Board agree to extend the decision time for the Definitive Subdivision Plan and the Site Plans to June 19, 2009. This would allow the Board to continue to hearing until June 16, 2009. At this meeting the Board and applicant should be able to discuss a possible decision and allowing for some time to obtain final approval letters from Town staff and peer review.

Ms. Shiver made a motion to continue the public hearing to June 16, 2009 and extend the approval time to June 19, 2009. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Ms. Shiver made a motion to adjourn the meeting at 9:00 p.m. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Submitted By:

Approved By:

Adam D. Gaudette, AICP
ODIS Director/Town Planner

Fabio Carrera
Planning Board Chairman