

Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, March 16, 2010 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 Chairman Paul Tee, Shirley Shiver, Paul Sauvageau, and Robert Ceppi.

Planning Board Member Absent: Chairman Fabio Carrera.

Staff present: William Scanlan, AICP Planning Consultant, and Bea Meechan, Senior Clerk ODIS.

New Business:

A. Special Permit – Charles and Ashley Cassanelli, East Charlton Road, Spencer (Assessor’s Map R7, Parcels 2 and 3.1). The applicants are requesting a special permit for a common driveway for lots 2 and 3.1. The property is in the Rural Residential Zoning District.

Mr. Tee opened the hearing at 7:03 p.m. Mr. Tee asked for comment on the plan from Mr. Scanlan. Mr. Scanlan said he had reviewed the plan and found it conforms to the standards of a common driveway in Section 6.2 of the Spencer Zoning Bylaw. However, it doesn’t include the exact location of the proposed house and its driveway.

Mr. Tee said that Mr. Adam Gaudette (Spencer Town Planner and currently the interim Town Administrator) had discussions with Mr. Dubois previously and had seen the proposed plan. Mr. Gaudette confirmed to Mr. Tee that the plan meets all the submittal requirements.

Note: Mr. Jason Dubois from Bertin Engineering and Mr. William Cassanelli were present this evening.

At this time Mr. Tee asked the applicant or the representative for a presentation of the plan.

Mr. Dubois stated that Lot 2 contains approximately 3 acres and Lot 3.1 is about 5 acres. There are two plans submitted: (1) is the driveway cross section plan, and (2) is the driveway centerline profile plan. Mr. Dubois said that the plan meets the Zoning Bylaw requirements. He explained the following:

- The grade from the intersection of the street to the driveway's entrance is 5%. The centerline has a 54-foot radius (requires a minimum of 45 feet). The proposed common driveway is 500 feet long (the maximum is 2,000 feet).
- The intersection with the frontage street is at 45-degrees angle. The driveway's surface uses durable, all seasonal material.
- The easement agreement between the owners of Lots 2 and Lot 3.1 was provided with the application.

The following were questions from the Board:

- ✓ What is the location of the proposed house on Lot 2?
- ✓ What is the sight distance for both directions of the common driveway?
- ✓ Is there any problem with water runoff from the slope to the entrance and down into the street? (The entrance way is at the bottom of the slope)
- ✓ Does the owner have any plan to subdivide Lot 3.1?

Mr. Dubois responded that the proposed house will be built further in the back area of Lot 2 (he pointed to the location on the plan). The common driveway has adequate sight distance (100 feet) for each direction.

Mr. Cassanelli explained that there has always been a gravel passage through Lots 2 and 3.1. The proposed common driveway will be on that existing passage. There is a culvert across from the entrance on East Charlton Street and a pond is located right after. The runoff from the slope travels down to the entrance, to the culvert and into the pond. There has never been any problem with water runoff onto the street. Mr. Cassanelli has no plan to subdivide Lot 3.1.

Two Board members commented that they are familiar with the area and have never noticed any water issue.

The Board opened the hearing to the public for any comments and questions. There were no abutters for this hearing tonight.

The Maintenance Agreement and easement (for Lots 1 and 3) are combined as one document, which have not been recorded yet. The Board required the applicants to submit recorded copy (with book and page number) to ODIS prior to a submittal of the building permit application. The Board directed Mr. Scanlan to list this as a condition in the Special Permit.

With no further comments and questions from the Board, Ms. Shiver made a motion to close the public hearing at 7:30 p.m. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Ms. Shiver made a motion to grant a special permit to Charles and Ashley Cassanelli to construct a common driveway for Lots 2 and 3.1 on East Charlton Road. The plan met all requirements in accordance with Section 6.2, Common Driveways of the Spencer Zoning Bylaw. Mr. Ceppi seconded the motion and the **vote was 4-0 in favor**. The following was included in the motion:

Finding: The Board determined that the findings had met the requirement in MGL, Ch 40A., Sec 9 and Section 7.2 of the Spencer Zoning Bylaws:

1. That the proposed use (common driveway) is in harmony with the general purpose and intent of the zoning bylaw.
2. That the proposed use will not create undue traffic congestion nor unduly impair pedestrian safety.
3. That the proposed use will not impair the integrity or character of the district or adjoining zones, nor will it be detrimental to the health, safety, or welfare of the neighborhood or the Town.

This approval is granted with the following *condition*:

The applicants shall record the Maintenance Agreement and easement for the common driveway for Lots 1 and 3 at the Worcester District Registry of Deeds before the Inspector of Building issues a building permit for a new dwelling. The applicants shall furnish a recorded copy of the Maintenance Agreement and easement to the Spencer Office of Development and Inspectional Services.

Old Business: None

Other Business: None

Approval of Minutes: Minutes March 2, 2010

Mr. Sauvageau made a motion to approve the minutes for March 2, 2010. Ms. Shiver seconded the motion and the vote was 3-0 in favor with Mr. Ceppi abstaining.

Mr. Ceppi made a motion to adjourn the meeting at 7:45 p.m. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Submitted By:

Approved By:

Bea Meechan, Senior Clerk

Shirley Shiver, Planning Board Member