

Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, October 19, 2010 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:05 p.m.

Planning Board Members Present: Chairman Fabio Carrera, Shirley Shiver, and Paul Sauvageau.

Planning Board Member Absent: Robert Ceppi.

Staff present: Michelle Buck, Town Planner, and Bea Meechan, Senior Clerk, ODIS.

New Business:

A. Public Hearing – Laureldale Woods, LLC, (Phase II) Mr. Donald O’Neil, applicant, Paxton Road. The applicant is requesting an extension of time to complete the approved subdivision project.

Note: Mr. Sauvageau was sick and Mr. Ceppi was out of town. Only two members (Mr. Carrera and Ms. Shiver) were present tonight, thus there were not enough members to have a quorum. Since the applicant and an abutter were here this evening, Mr. Carrera asked Bea Meechan, staff, to contact Mr. Sauvageau if he could come in just for this hearing.

Ms. Meechan was not able to reach Mr. Sauvageau, but left a message for him.

At this time, it was 7:27 p.m., Mr. Carrera decided to continue the public hearing to November 16, 2010, and it will be the first item at 7:00 p.m. on that date. He requested the staff to re-mail the notification letters informing the continuation date to all abutters.

For the record, the Board did not open the public hearing.

Mr. Sauvageau arrived at 7: 35 p.m.

B. ANR – Teresa Olson, 25 Thompson Pond Road. There is an existing shed on Lot 1 that was found to be 9.01 feet from the property line (instead of the required 10 foot setback). The plan would take a small piece of land (Lot S approximately 50 square feet) and combine Lot S with Lot 1 to make the shed 10 feet from the lot line. Ms. Buck pointed out the location on the plan. The ANR plan does not state that Lot S is not a buildable lot as required in the ANR plan

submission. Ms. Buck informed Mr. Bryan Slack of this (Mr. Slack is the Engineer who prepared the plan). Because it is a minor change Ms. Buck wrote the notation “Lot S is not a buildable lot” on the plan submitted which Mr. Slack agreed. Ms. Buck also added the word “public” under both street names (Sherwood Drive and Thompson Pond Road). There are no wetlands on the property, and the plan meets submittal requirements.

The Board reviewed the plan at this time. Ms. Shiver made a motion to accept the ANR plan as present tonight and to have Ms. Buck endorse the plan. Mr. Sauvageau seconded the motion and the vote was 3-0 in favor

Approval of Minutes: Minutes for September 21, 2010

Ms. Shiver made a motion to approve the minutes for September 21, 2010. Mr. Sauvageau seconded the motion and the vote was 3-0 in favor.

Old Business:

A. Performance Guarantees. Ms. Buck stated that with the Permit Extension Act of 2010, most residential projects (subdivisions) are automatically extended, but the performance guarantee (surety and covenant) is not subject to the extension. Ms. Buck has been reviewing all projects in terms of performance guarantees deadlines for completion; she reported the following:

Candlewood Estates, Phase 1. The current deadline for work completion was September 19, 2010 and is permitted for continuation to September 19, 2012 under the Permit Extension Act. The bond was set for an amount \$42,000 in 2006. The Board approved the same bond amount (\$42,000) in 2008 when the developer requested an extension of time to complete the project. The bond will expire on *December 13, 2010*. The bond of \$42,000 has remained at the same amount since 2006. Ms. Buck thought there should be a review on the work remaining with updated pricing according to the current economy. She requested Graz Engineering to review and produce an updated total cost. The memo from Graz showed the updated estimation cost of \$49,813 which Ms. Buck submitted to the Board at this time.

The Board had a lengthy discussion on the updated bond amount. Mr. Carrera suggested negotiating with the developer – will approve the original bond if the developer were to provide a modified right-of-way as a connection to the Midstate Trail and deeded to the Town. Ms. Shiver and Ms. Buck said there is a risk involved. If the developer fails, the Town has to finish all necessary work. Ms. Shiver recommended that Mr. Robert McNeil, Superintendent Utilities & Facilities, review the cost estimate by Graz Engineering. The Board prefers a memo from Mr. McNeil if (in his opinion) the amount should be higher than the given amount (\$49,813).

Ms. Buck will report the outcome at the next Planning Board Meeting, November 16, 2010.

Sunset/Holmes Subdivision. The ownership was transferred from Mr. Richard Hill, original owner, to Webster First Federal Credit Union in December of 2009. Although there might be a new owner, but that has not yet to be confirmed. The Letter of Credit, for the amount

\$90,000 which will expire *on December 6, 2011* still listed the Bank as the record owner. The current deadline for work completion is December 6, 2010 and is permitted for continuation to December 6, 2012 under the Permit Extension Act. The estimated bond amount for the project is now 3 years old. Ms. Buck requested Graz Engineering to review the remaining work and produce an updated total cost. The memo from Graz showed an estimated cost of \$114,000 which Ms. Buck submitted to the Board at this time. This amount does not include an estimate for road acceptance plans.

Ms. Buck said she will discuss the project with the Bank, the new owner if applicable, and Mr. McNeil; and any comments/responses received will be included in the discussion at the November 16th meeting.

Note: Ms. Shiver inquired as to why Ms. Buck selected Graz Engineering for reviewing the above projects.

Ms. Buck indicated that Graz Engineering was the Town's Peer Review Engineer at the time of approval of these projects and has had participated in the earlier estimates on both projects – it is a continuity of reviewing projects by the same Peer Engineer.

The Board asked about the status on other subdivision projects. Fairview Estates [Paul's Drive] was completed and the road acceptance plan has been recorded. Ms. Buck said there is no activity for both Bixby Trail Estates and Rolling Ridge (they appear to be eligible for a two year extension under the Permit Extension Act).

Ms. Buck also gave a brief summary of the following projects in which *eligibility under the Permit Extension Act is questionable:*

- Olde Sibley Farm: No surety, the Approved Subdivision Plan was endorsed and the Covenant signed, however, these documents have yet to be recorded. In addition, ODIS does not have a signed copy of the covenant.
- Pine Cliff Condos: No surety, the Decision and the Approved Subdivision Plan have not been recorded yet. The Decision required commencement within 18 months; the deadline is 4/14/2011.
- Taft Estates: The Approved Subdivision Plan and the Covenant have yet to be recorded.

The Board and Ms. Buck discussed the **above projects**. Because the necessary documents (Decision, Covenant, Approved Plan, and the updated Surety) have not been filed and properly recorded; they may not be eligible under the Extension Act. However, these developers may believe they are qualified for the extension under the Permit Extension Act. Ms. Shiver asked if the Board has any obligation to notify the unqualified project's developers. Ms. Buck said that the Board has such obligation. The Board asked Ms. Buck to try to determine whether or not the projects qualify for the extension.

Projects not eligible under the Permit Extension Act:

- Deer Run: The Board rescinded the Subdivision Plan Approval, and the Town received the surety fund in September of 2010.
- Sullivan Estates: The developer, Edward Jardus, was in default; the Board voted and granted an approval for the Town to take the surety.
- Westerman Estates: The Planning Board rescinded the Subdivision Plan Approval in February of 2010.

The Board had a discussion regarding Lot 1 ANR, Pine Cliff Condos- Open Space Residential Development, on Greenville Street. Mr. James Sielis, the developer, agreed to convey Lot 1 (as part of the open space) to the Town of Spencer. The Board directed Ms. Buck to follow up on the matter.

Other Discussion:

- A. The Planning Task – CDBG and Downtown Activities.** Ms. Buck reported the Town does not qualify for a submittal of a grant application (in February of 2011) because the awarded grant received for housing rehabilitation has not been fully utilized.
- B. Updating on Country Spirits** – Mr. Alan Letendre, owner, met with Mr. Robert McNeil, Superintendant Utilities & Facilities, and discussed the site’s modifications. Some minor work remains to be completed. Mr. McNeil needs to do a final inspection after work is complete.
- C. Upcoming meeting** – The November 16th Planning Board meeting will include the public hearing for a major site plan review from FLEXcon and a minor site plan review from Dairy Queen.

Note: Mr. Carrera announced he will not attend the November 16th meeting.

With no further discussion, Mr. Carrera made a motion to adjourn the meeting at 8:50 p.m. Ms. Shiver seconded the motion and the vote was 3-0 in favor.

Submitted By:

Approved By:

Bea Meechan, Senior Clerk

Shirley Shiver, Planning Board Member

List of Documents used on October 19, 2010

- ANR plan and application, 25 Thompson Pond Road.
- Application on Extension of Time, Laureldale Woods Subdivision.
- Subdivision Accounts Tracking/Planning Board Residential Projects.
- Memos from Graz Engineering, LLC, itemized list on work remaining and estimation amount on Candlewood Estates and Sunset/Holmes Subdivision.