

Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, July 17, 2012 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:00PM.

Planning Board Members Present: Chair Shirley Shiver, Mary Stolarczyk, Robert Ceppi and James Whalen

Planning Board Members Absent: Ralph DiChiara and Jonathan Viner

Staff present: Michelle Buck, Town Planner and Brynn Johnson, ODIS Clerk

1. New Business:

A. ANR Application – Applicant Richard Monette, Owner Carl & Mary Wilson. Location: Wilson Street (Wilson Farm). The purpose of this plan is to divide a section of land from Wilson farm into two lots with sufficient area and frontage to meet current zoning.

Ms. Shiver asks if anyone has any questions regarding this ANR plan. There are none.

MOTION: Mr. Whalen makes a motion to approve the ANR plan as shown. Mr. Ceppi seconds the motion.

VOTE: is 4-0 in favor.

B. ANR Application – Applicant Mass Audubon Society, Owner Keith & Victoria Simonovitch. Location: 140 Greenville Street. This plan would take a parcel of land from the Simonovitch property and add it to adjoining conservation land related to Sibley Farm.

MOTION: Mr. Ceppi makes a motion to approve this ANR plan. Mr. Whalen seconds the motion.

VOTE: is 4-0 in favor

C. Conceptual Discussion- by Solterra Solar for a proposed solar farm at St. Josephs Abbey. Presented by Steve Plonsker (Solterra) and Father Robert Morhous (St. Joseph's Abbey). Note: Robert Ceppi recused himself from this project.

Mr. Plonsker explains they have been working with St. Joseph's Abbey and hope to lease land to build an approximately 100 acres, 18 megawatt solar farm on part of the Abbey's 2,000 acre property. Solterra has applied to National Grid for the interconnection of five projects on the Abbey property.

They are waiting to hear back from National Grid. If this project gets approved it will be the largest of its kind in the state.

Mr. Whalen asks if the Abbey will receive any of the power produced at the site. Fr. Morhous says they are still working out the details, but yes it should power the Abbey and Solterra will sell the rest through net metering.

Fr. Morhous explains the Abbey hopes to sustain its self better by leasing this land to Solterra. It will bring desperately needed income to the Abbey to help with added expenses such as healthcare costs.

Ms. Buck asks the Board if they have any concerns or suggestions for Solterra while they are in the early stages of planning.

Mr. Whalen asks how much forest will have to be cleared and if animal habitat will be affected. Fr. Morhous explains the Abbey is very concerned with wildlife habitat. However some trees will need to be cut down and some of the habitat will be disturbed. The Abbey does want to keep a forested edge around their property both for animals and to conceal views of the solar arrays.

Mr. Plonsker says they are in the very beginning of the planning process and will be back in front of the Board when they have a more detailed plan.

Ms. Shiver welcomes them to come back when they are ready to continue with the project.

2. Old Business:

A. Continued Public Hearing – Major Site Plan Review, Cistercian Abbey of Spencer, Inc (owner and applicant), the Spencer Brewery, LLC (tenant and applicant), 167 North Spencer Road, Spencer. This site plan application is a modification of a previously approved Trappist Brewery and bottling facility on the site. Continued hearing from June 19, 2012. Fr. Isaac Keeley and Bill Doyle of Doyle Engineering are present. (Note: The Board does not have quorum to vote on this tonight. Robert Ceppi recused himself, Ralph DiChiara is absent, and Shirley Shiver was absent last meeting.)

Fr. Isaac explains since the last meeting they have started some prep work at the site. They have put up silt fences and cleared some of the trees and stumps.

Mr. Doyle says they have addressed all the comments from Graves Engineering. He goes over the comments.

Mr. Doyle gives Ms. Shiver a brief overview of what she missed from the last meeting. Mr. Doyle explains the site design has been revised from the previously approved plan based on a more advanced building design and the desire for the site and landscaping to compliment the rest of the Abbey. The building has been changed from 30,000 sq. ft. to 40,000 sq. ft. this size building is larger but still under the size the 43,000 sq. ft. approved by the ZBA. The location of the retention basin and the configuration of the roadways have also been changed. The road will

be curved and winding to make it more like a country road. The retention basin has been relocated from the south side of the building to the east side of the building. The basin is currently proposed as a wet basin, creating a permanent pond. The pond is a feature the Abbey wanted showcased. The parking may be moved to the sides of the building so the main windows will have a view of the woods rather than the parking lot. The amount of parking spaces has not been changed but some of the parking spaces maybe left as grass.

Ms. Shiver asks the Board if they have any questions.

Mr. Whalen asks about fire protection. Mr. Doyle explains that the Fire Chief had asked that the pond not be used for the primary fire protection. So they will install underground water tanks. The pond will only be used as a backup water source if needed.

Ms. Shiver asks if the public has any comments. There are none. The public hearing is closed.

Ms Shiver explains the Board is ready to vote on this however tonight they don't meet quorum.

Ms. Shiver will listen to the hearing from June 19th after she does this and signs/files the Adjudicatory Hearing Form with the town clerk she will be eligible to vote. Ms. Shiver will do this within the next week and the Board will hold a special meeting on July 24, 2012 to vote. [The meeting was later re-scheduled to July 25, 2012].

B. Public Hearing – Amendment to an Approved Definitive Subdivision Plan for Deer Run Phase II, Briarwood Lane, Spencer, MA. The application was submitted by Steven Funari, Funari Site Development Inc., for property owned by the Town of Spencer (previously owned by Michael Harrington). Lori Funari is present representing Funari Site Development.

Ms. Funari explains the lots are currently owned by the Town. She would like to buy them back from the Town but hasn't made much progress since the last meeting in February. She has talked to Mary Barrell, Town Treasurer; she was told by Ms. Barrell they cannot purchase the property directly from the Town. Direct sale can only be to the previous owner and would require authorization from the Board of Selectmen. Ms. Funari doesn't exactly know how to get the land back from the Town but feels it would be in the best interest of the Town to sell the land to them rather than have an auction.

Ms. Shiver asks Ms. Buck if she has any information on this.

Ms. Buck says there hasn't been any progress on this application in well over six months and there are significant obstacles in trying to go forward such as tax title, rescission of North Brookfield's approval and plan deficiencies. Ms. Buck says the Funari's were going to look into getting cooperation from the bank to buy the land back, but the bank hasn't contacted the Town at all.

Ms. Funari explains she was going to look into the possibility of talking to the bank and going in front of the Selectman on behalf of the bank if the bank agrees. She says she will

talk to the bank if given more time. It is her understanding that if this doesn't work; auctioning the land will be discussed at the next Town meeting in the fall.

Ms. Shiver recommends Ms. Funari get legal counsel to help her make progress with this complicated situation. She has been given plenty of time to make progress yet none has been made. Ms. Funari says she does have a lawyer that has talked with the Town once early on in this process. She has made calls and asked questions herself but no one seems to be able to give her answers. She says it very frustrating no one seems to know how to handle a situation like this.

Ms. Buck tells Ms. Funari and the Board this hearing was scheduled in July to allow time for information from the applicant to be provided prior to the deadline. The deadline to file a decision is August 29, 2012. She doesn't recommend the Board continuing this past that date.

There is discussion back and forth on why the Town hasn't paved the road yet. The Town owns the property now therefore should pave it, however the process has been held up by this open application.

Ms. Shiver states she doesn't see what the benefit of approving this plan for Funari Site Development given they don't own the land and have made no progress in buying it. The main priority now is getting the road paved and it looks as though the Town maybe able to do this sooner than Funari.

Ms. Shiver asks the Board if they have any comments.

Mr. Ceppi says the reason for tonight's hearing was to see if Funari had any new information, but they haven't submitted anything and have no plan in place for buying the land. He sees no reason to continue this to August. When and if the Funari's get the land back they can submit a new application to the Board. In the meantime the Town should use the bond money to fix the road as best they can. Money from selling the lots at auction should go to paving the road.

Mr. Whalen feels getting the road paved is a safety concern thus making it the first priority. He agrees selling the lots at auction maybe the best way to get the road paved. He also asks if the road can connect to North Brookfield in any way. Ms. Buck says no it will be left a dead end.

Ms. Stolarczyk adds that it is upsetting that nothing has been done.

Ms. Shiver opens the hearing to the public. The following are questions and concerns from the abutters.

Michael Kubasiak, 1 Bellflower Lane: Concerned if the Town steps in now and paves the road it's just going to get destroyed again when new houses get built on the vacant lots. It will become a bumpy, uneven, patched mess just like all the roads in Town.

Mr. Ceppi: Once paved the Street should not be destroyed by construction equipment. And if it is the contactor would be responsible for repairs.

Michael Kubasiak: Is concerned that no one in Town pays attention to what goes in this subdivision; they don't even know where it is. No one ever checked up on Harrington's work, so when a new builder comes and starts building how, can he be sure the Street and Sidewalks aren't destroyed by their equipment. Someone in Town needs to pay attention to what's going on.

Steven Luce 8, Briarwood Lane: Also unhappy with Mr. Harrington the builder. He [Mr. Luce] wants the road done, and hopes the next builder that comes along will be better and won't destroy the new road once it's paved. If the road gets ruined in any way he will be on the phone complaining to the Town. He has lived there and dealt with this for 5 ½ years are his front yard still looks awful; he is fed up.

Donald Ryel, 21 Kittredge Road: Concerned this is going to be left as a dead-end with only one way in and out. All cars coming and going have to drive by his house some drive fast making the road busy and sometimes dangerous.

Michael Kubasiak: What's going on with the wetland replication area?

Ms. Buck: Adam Gaudette, Town Administrator was still working on getting a waiver from DEP last month.

Ms. Funari: Still feels if they get the land back it would benefit the Town. If they could just be given one more month to go to whom even she needs to get answers to move the project forward. She also agrees with Mr. Ryel that a subdivision of this size should have more than one in and out.

Michael Kubasuiak: Wants a formal request made to the Selectman to pave the road. Ms. Shivers says they can write a letter of inquiry recommending the road be paved. Mr. Kubasuiak also expressed concern of a cellar hole in lot 5 Phase II, he would like the Town to fill it in.

Donald Ryel: Wants to know honestly why the road hasn't been done. If the Town owns it now shouldn't the job be out for bid.

Ms. Buck: In some ways having this open application has complicated things especially for Phase II because the Town has been waiting to see if the applicant will be doing the work.

Brian Martin 10 Deer Run Road: What is the status of the punch-list for phase I? Ms. Buck wants to set up a meeting with the Highway Superintendent to get an update on the punch-list.

Michael Kubasuiak: Understands that liens are being placed on the vacant lots to pay for plowing and sanding the road. Are the liens on lots down back pay for the plowing up top as well? Ms. Shiver explains she don't know where the money for plowing is coming from Adam Gaudette, Town Administer would know the answer to that. Mr. Kubasuiak wants to know why Mr. Gaudette isn't here at this meeting. Mr. Buck explains Mr. Gaudette does not work for the Planning Board; he is the Town Administrator now.

There are multiple abutters who shout out voicing their concerns and frustrations with the lack of answers they are getting from the Town. Ms. Shiver reassures them they will look into getting answers to all their questions; the purpose of tonight's public hearing is to make a decision on the Definitive Subdivision plan for Deer Run Phase II.

Ms Shiver asks the Board if they have any questions or comments.

James Whalen: Wants abutters to know because he was not on the Board when this application was filed he cannot vote on it. However if he was eligible he would vote to deny this plan.

Ms. Funari: If the Board denies this plan, could she submit a new plan in the future if they are able to buy the land back. Ms. Shiver and Mr. Ceppi explain if she submits new engineered plans at a later date with all specifications met and comments addressed there would be no reason to deny it. However to build on those lots the applicant would have to go back to North Brookfield for the access approval.

Ms. Shiver asks if anyone else has a comment. There are none, the public hearing is closed.

MOTION: Mr. Ceppi makes a motion to deny this extension. Ms. Stolarczyk seconds the motion.

VOTE: is 3-0 (James Whalen not eligible to vote)

DISCUSSION: Mr. Kubasuiak asks, now that the Fanari's have been denied will the Town pave the road. Ms. Shiver says they will write a letter to the selectman recommending the road be paved. Mr. Kubasuiak also wants to know who to contact for updates. Ms. Buck tells him to contact her.

4. Town Planner Report:

A. Candlewood Estates- Ms. Buck explains she has received a road acceptances request from candlewood Estates. The road acceptance plans have been submitted to Utilities & Facilities and Lenard engineering for review. If all goes as planned the road it will be voted on at the next Town Meeting. Mr. Murkland also is requesting a reduction in his bond amount. This request can be addressed at the August Planning Board meeting.

B. Borrego Solar/115 Wilson- Ms. Buck explains since the last meeting the required soil testing has been done. The testing resulted in changes to the plan. Graves Engineering has reviewed and accepted the revised plan.

C. Miscellaneous- Ms. Buck tells the Board the Open Space Plan is ready for distribution. She asks if the Planning Board members would like a printed copy. The members discuss and decide they would like printed copies.

5. Adjournment - with no further discussion the meeting was adjourned at 8:50 pm.

Submitted by: Brynn Johnson, ODIS Clerk

Approved by the Planning Board on: ____ September 18, 2012 _____

List of Documents used on July 17, 2012

Items sent to Planning Board prior to Meeting:

- Agenda
- Memo to Planning Board from Michelle Buck, Town Planner dated July 12, 2012
- Draft Stormwater Permit for Spencer Brewery
- ANR plan Wilson Street
- ANR plan 140 Greenville Street
- Graves comment letter for 115 Wilson Street dated July 6, 2012
- Graves comment letter for Spencer Brewery dated July 9, 2012
- Solterra Solar packet
- Draft Certificate of Decision for Deer Run Phase II