



Planning Board – Town of Spencer  
*Minutes*  
Planning Board Meeting  
Tuesday October 15, 2013 at 7:00 PM  
McCourt Social Hall  
Memorial Town Hall

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**Planning Board Members Present:** Chair James Whalen, Shirley Shiver, Mary Stolarczyk, Robert Ceppi and Associate Member Jonathan Viner.

**Planning Board Members Absent:** Ralph DiChiara

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

Mr. Whalen opens the meeting at 7:00pm.

**1. Approval of Minutes** – July 16, 2013 and August 20, 2013

**Motion:** Ms. Shiver makes a motion to approve minutes. Ms. Stolarczyk seconds the motion.

**Vote:** 5-0 in favor.

**2. 7:00pm Continued Public Hearing-** Common Driveway Special Permit,  
Applicant/Owner: Clifford Leinonen. Project Location: 9 R Jones Road.

Ms. Buck gives the Board an update on the plans. The Fire Chiefs issues with the plan have been addressed. The Conservation Commission has approved the plan. Ms. Buck asked Mr. Leinonen for two changes. First the assessor's map numbers were transposed, she asked him to fix that on all sheets. He made the corrections. The second thing is the frontage on one of the lots was shown as 25 feet but is currently only 18.92 because the ownership hasn't been transferred yet. This correction has also been made.

The Zoning Enforcement Office confirmed that a variance will be required for the lot with 18.92 feet of frontage.

Mr. Ceppi asks for clarification in the decision that only one single-family can be built on each lot.

Ms. Shiver asks who will review the utility agreement. Mr. Leinonen states the cost will be split between the two owners.

Due to the absence of Ralph DiChiara: Mr. Ceppi makes a motion to allow Associate member Jonathan Viner to vote on this application. (Mr. Viner was present for all hearings related to this application). Ms. Shiver seconds the motion. Vote 4-0 in favor.

Mr. Ceppi notes the plan has a printing error. The copier made lines all over one of the pages. The Board asks Mr. Leinonen for a new plan with no printing errors.

**MOTION:** Mr. Ceppi makes a motion to approve this Special Permit as discussed. Ms. Shiver seconds the motion. **Vote:** 5-0 in favor

Note: The applicant shall submit a full-size corrected set of plans (without the printing errors).

- 3. 7:15pm Public Hearing – Amendment to an approved definitive subdivision plan – Candlewood Estates Phase II**, an extension of Candlewood Drive off Greenville Street. The applicant is requesting an extension of deadlines related to this 5 lot subdivision. The subdivision plan was approved by the Planning Board on November 20, 2007. Application is submitted by Brian Murkland for Murkland Construction Co., Inc.

Attorney Damien Berthiaume is present to represent Brian Murkland and Murkland Construction. Mr. Berthiaume explains they would like an extension to complete Candlewood Estates Phase II. Presently the deadline for completion is December 19, 2014. Based on the economic conditions and downturn of the housing market over the past few years this project was not completed as quickly as they had expected. Therefore he is asking the Board to extend the time to complete construction of Phase II until December 19, 2017.

Mr. Whalen opens the public hearing at 7:25pm.

Mr. Ceppi lays out a timeline. This subdivision plan was approved in 2007 he had 3 years to complete it which would be 2010. He got a 4 year automatic extension so he is good until December 2014 (over a year away). For other subdivisions the Board normally gives one year extensions, but he is asking for three years

Mr. Murkland explains house #5 in Phase I became part of the Phase II decision after some lot lines were changed. Mr. Murkland demonstrated that construction had started on Phase II so no extension of the commencement deadline is necessary.

Mr. Whalen asks Ms. Buck in her opinion how has this subdivision been going as far as development and progress given the state of many other subdivisions in Town. Mr. Murkland says he has been in Town for 11 years and has never had any major issue. Ms. Buck agrees, and notes that she did not receive any complaints during construction of Phase I.

Ms. Buck asks what they plan on doing about the zoning issues. One of the lots does not conform to current zoning and zoning freeze recently expired. Mr. Berthiaume says he would like only to address the extension right now and deal with the separate issue of zoning later.

Mr. Ceppi feels two years would be enough of an extension, three years on top of the year he has left is too much time to leave a project unfinished.

Mr. Murkland says as the market is now it's not worth the risk to build the road in Phase II. He would like more time to wait for the economy and housing market to get better. Also he

has two lots on Greenville Street that he wants to build on first to try to recoup some funds before starting Phase II.

Mr. Ceppi says they should give a two year extension and if he needs more time he can come back to the Board. He has one year left before the original deadline so they will be adding two years onto that giving him three years.

Mr. Berthiaume says although they have asked for three years they would be fine with two years.

Mr. Whalen closes the public hearing at 7:28.

**MOTION:** Mr. Ceppi makes a motion to extend the subdivision completion date an additional two years to December 19, 2016. Ms. Shiver seconds the motion.

**VOTE:** 4-0 in favor

#### **4. 7:30pm Public Hearing Proposed Amendments to Spencer's Zoning Bylaw-**

- A. Amend Sections 2.2 (Definitions) and 4.2 (Use Table, Principal Uses) and add a new Section 4.8.8. (Registered Marijuana Dispensaries), to provide for the establishment of Registered Marijuana Dispensaries (also known as Medical Marijuana Treatment Centers) in appropriate places within specified distances from parks, schools, childcare facilities, and other land uses potentially incompatible with said facilities.
- B. Delete the Existing Section 4.8.8. (Temporary Moratorium on Medical Marijuana Treatment Centers) that prohibits Medical Marijuana Treatment Centers through 6/30/2014.

Ms. Buck gives a power point presentation with an overview of some of the State regulations of Registered Marijuana Dispensaries. And

Ms. Buck shows the Board zoning maps illustrating areas where dispensaries would be allowed in four districts including Commercial, Industrial, Town Center and Residential Business Overlay. She shows two maps: one with a 300 foot buffer and one with a 500 foot buffer from any school, childcare facility, park or any other place children commonly gather. Board members also asked if the state DPH regulations had the same list of uses. Ms. Buck said that she will check.

There is a discussion on what is considered a childcare center. Mr. Whalen says they should add the word licensed to the bylaw, so only licensed childcare facilities would be counted when determining setbacks.

Ms. Buck recommends the 500 foot buffer; she only mapped out the 300 foot setback because she originally thought the 500 feet wouldn't leave enough available space. Selectman Donald Berthiaume was unable to make tonight's meeting but he and the other selectmen support the 500 foot buffer.

Mr. Viner asks if the buffer is from property line or from the building on the property. Ms. Buck says it's from the property line if any part of a lot falls in the setback the whole lot

would be eliminated. Mr. Viner notes that this will eliminate a lot of lots if they go with the 500 foot buffer.

Ms. Buck said she can check how the distance setbacks are defined in the DPH regulations.

Mr. Ceppi and Whalen support the 300 foot setback. Mr. Ceppi feels a 500 foot setback would be too restrictive. Ms. Shiver and Stolarczyk support the 500 foot buffer.

The Board was unable to agree on a 300 foot or 500 foot buffer at this time.

Ms. Buck asks the Board if they would like to keep the four proposed zoning districts in play (Commercial, Industrial, Town Center and Residential Business Overlay). All Board members agree to keep all four districts.

Ms. Buck asks the Board if they want to require applicant to get minor or major site plan review. Major would require a public hearing.

Mr. Ceppi says he would like dispensaries to be treated like any other business (i.e. use existing thresholds for minor vs. major site plan). Other Board members agreed.

Ms. Shiver recommends continuing this hearing until they get more input from the Select Board, and to make changes discussed. Also, she suggested considering a 500 setback, with reduction to 300 feet by special permit. (Note: the Selectmen were unable to make tonight's meeting due to a School Committee meeting.)

MOTION: Ms Shiver makes a motion to continue this public hearing until November 6, 2013 at 7:00pm. Ms. Stolarczyk seconds the motion. VOTE: 5-0 in favor

This Hearing will be continued November 6, 2013 at 7:00pm.

## **5. 8:00pm Town Planner Report**

- A.** Ms. Buck informs the Board the Sugden Block reuse committee met for the first time last week. They are looking into options to sell the Sugden Building. They will meet again on November 4<sup>th</sup>.
- B.** Ms. Buck reminds the Board a while ago the Town had received a grant to complete a Downtown Housing Study. This study has been completed and she will distribute this at the next regularly scheduled meeting.

## **6. Adjournment:** With no further discussion the meeting is adjourned.

**Submitted by:** Brynn Johnson, Jr. Clerk

**Approved by the Planning Board on:** \_\_\_\_\_

## **List of Documents used on October 15<sup>th</sup> 2013**

### Items sent to Planning Board prior to Meeting:

- Agenda
- Memo from Michelle Buck dated 10/10/2013
- Minutes July 16 and August 20, 2013
- Proposed Zoning Amendments, Medical Marijuana
- Proposed 300 foot setback Med Marijuana Dispensaries Zoning Map
- Proposed 500 foot setback Med Marijuana Dispensaries Zoning Map
- Draft Certificate of Decision on Special Permit for 9 R Jones Road
- Memo from William Klansek, Zoning Enforcement Officer to Michelle Buck dated 10/9/2013
- Letter from Michelle Buck to Murkland Construction Co dated 9/18/2013