



Planning Board – Town of Spencer  
*Minutes*  
Planning Board Meeting  
Tuesday November 19, 2013 at 7:00 PM  
McCourt Social Hall  
Memorial Town Hall

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

**Planning Board Members Absent:** Shirley Shiver

**Staff Present:** Michelle Buck, Town Planner

Mr. Whalen opens the meeting at 7:03pm.

**1. Phil Stoddard, Request to Amend Zoning Bylaw related to lot size “grandfathering”**

Mr. Stoddard explained that there are a number of lots for which the zoning freezes have expired. The minimum lot size increased from 45,000 square feet to 60,000 square feet in 2006. Lots in common ownership [up to 3] had 5 year protection (expired in 2011); lots shown on Definitive Subdivision plans have 8 years. Ms. Buck noted that the 8 years is counted from the date of endorsement of Definitive Subdivision Plans.

Mr. Stoddard noted that he served on the Zoning Bylaw committee, and he felt that it was the intention to allow a “mom and pop” provision to protect lots for small landowners. He thought that perhaps something had not been approved by the Attorney General’s office. He mentioned that people purchased lots, intending to develop later, and did not realize the lot size changed. He said that these property owners are assessed for buildable lots. He also noted that Section 5.3.5. allows an owner of a 90,000 square foot lot (in existence prior to the zoning change), could be divided into two lots of at least 45,000 square feet each by special permit.

Mr. Stoddard mentioned that although subdivision approvals had been extended by 4 years by the Permit Extension Act, Town Counsel’s opinion is that this does not extend to zoning freezes. Mr. Stoddard stated that he had contacted the Attorney General’s office, and that they will not review proposals from private parties, but would provide an advisory opinion on a Town-sponsored proposal. He also suggested contacting CMRPC for assistance.

Ms. Buck stated that Massachusetts has very generous “grandfathering provisions” (the 5 and eight years mentioned earlier). Also, the Zoning Bylaw adopted in 2006 included several provisions providing exceptions, including Section 5.3.5, 5.3.10 and 5.3.11. She said she is unaware of any Town that has extended the deadlines provided under state law. She said that it was likely legally possible, but would probably be difficult legally to make any exception as narrow as the Board would likely prefer.

Board members said that they would consider this option, and suggested: ~~contacting CMRPC and researching how many lots would be affected.~~ 1) **Talking with CMRPC**

**about what other towns have done to date or might be considering doing, as well as any precedent and 2) asking the Assessor about how many lots might be affected.** Ms. Buck noted that CMRPC would find this a strange request. Mr. Stoddard said he would submit a proposal.

## **2. Review Draft Planning Board Report on Proposed Amendments to Spencer's Zoning Bylaw (Medical Marijuana)**

Ms. Buck noted two corrections/changes. On page 4, under Planning Board Report in the middle of the page she recommended deleting the second sentence as it repeats information contained in the last sentence of this Section. Also, under the Planning Board Report at the bottom of the page, she said the 2nd period should be deleted at the end of the first sentence.

Ms. Buck said that if the full text of the bylaw changes is included in the printed warrant, the Planning Board report will be modified to only include the recommendations. Also, the article number will be included.

**MOTION:** Mr. Ceppi makes a motion to recommend approval of the proposed zoning amendments, and to accept the Town Meeting report as discussed tonight. Mr. Viner seconds the motion. **Vote:** 4-0 in favor

## **3. Town Planner Report**

### **A. Housing Study Report**

Ms. Buck had included the Housing Study in the meeting packet, and asked if Board members had comments or questions. Board members briefly discussed the study and its recommendations.

### **B. Miscellaneous Project Updates**

- 1) Treadwell Drive Solar Farm: construction is anticipated to begin soon.
- 2) Spencer Brewery: construction is complete, and the owners are considering on-site sales. Ms. Buck will meet with project representatives on 11/21 to discuss permitting requirements.
- 3) Driveway Bylaw: Ms. Buck reminded the Board that work will be going forward on Zoning Bylaw revisions related to driveways. This can be discussed at the next meeting.
- 4) Sugden Block: the committee has begun meeting, and will be working on an RFP for sale and reuse. A public meeting to solicit input will be held in January.

## **4. Approval of Minutes from September 17, 2013 & October 15, 2013**

Mr. Whalen notes that language is misspelled at the top of page 2 on the 9/17/2013 minutes.

**Motion:** Mr. Ceppi makes a motion to approve minutes of 9/17/2013 with the spelling correction. Ms. Stolarczyk seconds the motion. **Vote:** 4-0 in favor.

**Motion:** Mr. Ceppi makes a motion to approve minutes of 10/15/2013. Ms. Stolarczyk seconds the motion. **Vote:** 4-0 in favor.

**Adjournment:** With no further discussion the meeting is adjourned at 7:47PM.

**Submitted by:** Michelle R. Buck, Town Planner

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

### **List of Documents used on November 19, 2013**

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

- Agenda
- Minutes 9/17/2013 and 10/15/ 2013
- Draft Planning Board report on Zoning Amendments
- Spencer Downtown Housing Study dated October

#### Items submitted at the Meeting:

- Page 5-3 of the Zoning Bylaw (Section 5.3.5) submitted by Mr. Stoddard