



Planning Board – Town of Spencer  
*Minutes*  
Planning Board Meeting  
Tuesday March 18, 2014 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 Jonathan Viner

**Planning Board Members Absent:** none

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

**Staff Absent:** none

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

**1. General Discussion, Deer Run Phase II**

Attorney Meloche did not attend the meeting. Project developer Michael Harrington expected Mr. Meloche to be here tonight. He explains he just wanted to meet with the Board tonight to get a better idea of where he is in regards to finishing this project. He says they have finally come to an agreement with the bank to get them out of the picture. Also he has been working on the right of redemption (if they pay it back they taxes they can get the property back) he says they have investors that are going to pay the back taxes. He would like to know what else he needs to do so they can move forward.

Ms. Bucks asks Mr. Harrington if the approvals have expired. Mr. Harrington says from his stand point this is a gray area. The lots were released from the covenant so he doesn't think they can expire after they are released.

Ms. Buck says the project was found in default and the Town owns most of the lots though tax title. Mr. Harrington says this is true but as he understands it the Town has to offer to sell the lots back to him before they can be auctioned off.

Mr. Harrington says he asked Adam Gaudette and was told before he can go to the Selectman he needs to have agreements from the Planning Board and Conservation Commission. Ms. Buck asks what is meant by agreements. By agreements is he looking for general support or completion of necessary approvals? Mr. Harrington says just looking for approvals to move forward with Phase 2.

Ms. Buck notes Phase 2 is under-secured. She discussed this with Attorney Meloche. They would need additional security to move forward. Mr. Harrington says he discussed this with Mr. Meloche as well and there is a lack of funding for the Town to be able to finish the work. He thinks there is about \$290,000 in the account. He would do the work and they can release the funds to him as he does the work. He knows there is enough money to finish what he needs to finish. Ms. Buck says the Town would not be able to allow any additional homes unless Phase 2 was fully secured. He says he would complete up to lot #7; this was bonded. He would finish this before building any more houses.

Mr. Ceppi says there are some facts that need to be checked out before the Board agrees to anything. Does he still have an approved subdivision plan? Does the bond need to be updated? And legally is he going to be able to get these lots back and finances secured?

Ms. Buck asks if Mr. Harrington knows if Mr. Meloche had a more detailed proposal prepared for the Board. He says no he just wanted to have this informal meeting first to get a feel for what the Board wants.

Steve Tyler, U&F Superintendent, says he doesn't check the surety account often but last time he checked this account there was nowhere near \$290,000. There has been considerable snow removal and plowing costs over the years. Mr. Harrington says snow plowing was added to the tax liens. Mr. Tyler will double-check but he thinks the account has far less than \$290,000; he thinks it's closer to \$100,000. Mr. Harrington disagrees.

Ginny Scarlett, former Spencer Conservation Agent, says Phase 1 of this project still has many outstanding issues with the Conservation Commission and the wetlands replication area.

Mr. Whalen notes he came on the Board after the bank took over but he has walked the neighborhood. If they do come to some type of agreement he will be looking at this like a hawk. Mr. Harrington says that's fine but it's been five years and nothing has been happening. If they can't come to an agreement he can walk away. Mr. Whalen says he understands but he is looking at the safety issues. Mr. Harrington says he understands but now he's concerned that the bank wrote a check for \$290,000 to the Town and now he's being told there's only \$100,000 in the account so where is the rest of the money? Mr. Whalen says they will look into that.

Ms. Shiver recommends everyone get all the facts together. Coming to an agreement will benefit everyone especially the home owners.

Ms. Buck asks if he will be working on the remaining deficiencies in Phase 1 or is he just going to focus on Phase 2. He wants to walk away from this in the end knowing everyone is happy. He wants to finish Phase 1. It's his understanding that the road hasn't been taken over because of DEP. He would like to meet with DEP. Ms. Buck notes DEP is only one of the reasons.

Mr. Tyler agrees it's in everyone's best interest for the contractor to finish the project but DEP is not the only reason. There are sidewalk and drainage issues also Phase 2 has no topcoat.

Mr. Whalen asks if there are any more questions. There are none.

- 2. Continued Public Hearing – Major Site Plan Review**, Applicant: SJA Solar LLC. Owner: Cistercian Abbey of Spencer, Inc. Location: 167 North Spencer Road Project: Construct a solar facility capable of generating roughly 17.5 megawatts of solar power. Continued from February 18, 2014.

Steve Plonsker says they don't expect much tonight from the Board. They just replied to Lenard's comments today. He just wanted to come in tonight to make an appearance and answer any questions or comments the Board has.

Ginny Scarlett shows photos of erosion at the 115 Wilson Street solar development. She wanted the Board to see how important erosion control is.

Steve Tyler says there needs to be some more planning and engineering put into this project to prevent things that he has seen happen with other projects in Town.

Mr. Whalen notes in Mr. Tyler's memo he mentioned if a MEPA review is not required they should require Town review be done with Spencer's guidelines. Mr. Tyler says yes he feels there should be some type of Spencer EIR. With the key points being the water quality and a coldwater fisheries review. He has called the Division of Fisheries and Wildlife for comments but he hasn't heard back yet. They may recommend a stormwater system that is unconventional. Because Seven Mile River is a category five waterway it also has endangered species, is a contributory to Town drinking water and it's a coldwater fishery.

Ms. Buck recommends they start by using the frame work the Town already has in the bylaw for impacts to natural resources and wildlife. Not creating a whole new Spencer EIR. Mr. Tyler agrees.

Ms. Scarlett informs the applicant they do need a review done by the state APR program for the use of the access road that passes over APR land to the west of the Abbey. This review must prove that the use of the road will be an advantage to the APR land. She notes if the APR program doesn't approve the use of this road they may have to use alternate roads.

Mr. Tyler would like the applicant to submit something to him that says how much land they feel they can clear at one time, and how that clearing will be controlled.

Mr. Whalen asks if there are any more questions. There are none.

MOTION: Ms. Shiver makes a motion to continue this hearing until the nest meeting April 15, 2014. Mr. Ceppi seconds. Vote 5-0 in favor.

**3. Public Hearing -Minor Site Plan Review, Applicant/Owner: Southbridge Savings Bank. Location: 130 West Main Street. Southbridge Savings bank is proposing a drive through and canopy addition.**

Robert Ceppi owns property abutting this project therefore has recused himself from this hearing.

Jason Dubois from Bertin Engineering is here representing Southbridge Savings Bank. He explains the Bank owns a building at 130 West Main Street. Currently they rent office space in this building. There is an insurance company and an attorney's office, which will stay. They would like to use remaining office space in this building to open one of their own bank branches. The proposed improvements include the addition of a drive-through canopy with drive -hrough lanes along the eastern and northern sides of the building and an ATM addition. There is an existing septic system that failed and will be replaced. The area where the septic system is now will be paved.

They have filed with Conservation; the public hearing for that this next Wednesday. They have received comments from Lenard Engineering and Steve Tyler. Those comments have not been addressed yet.

The required parking is one space for every 225 sq ft. The building floor area is 5,146 sq ft so that would be 23 spaces. There is a maximum allowed in Town of 25 spaces. They are proposing 28 spaces this is more than what is allowed. Currently they have 41 spaces.

Ms. Buck says as Mr. Dubois noted he received comments but hasn't had time to respond yet. In terms of zoning and our requirements for parking spaces and access aisles and drive-through lanes these issues look good. The main comments Lenard Engineering and Steve Tyler had were related to stormwater issues, not so much design issues. Lenard's comments do mention the septic system. Mr. Dubois says he submitted a septic plan to Lee Jarvis two years ago and it was approved as shown on this plan. He will get a copy of that septic plan to Lenard.

Mr. Whalen opens hearing to the public.

Mr. Whalen asks what the topography is like behind this building. Mr. Dubois says it's wetlands.

Robert Ceppi owns the abutting property to the right he asks if there are surveying pins on the property line. Mr. Dubois says yes they found pins in 2011.

Mr. Ceppi asks if the stormwater prevention system will stop water from going onto his property. Mr. Dubois says yes.

Ms. Shiver asks if they will be repaving the parking lot. Mr. Dubois says the only new pavement will be the new drive-through lane. Ms. Shiver asks when the wetlands were flagged. Mr. Dubois says they were flagged in 2011.

Mr. Whalen asks if the septic being replaced will be put in the same spot. Mr. Dubois says yes it will be in the same area. An as-built will be submitted to Lee Jarvis when the system is installed.

Mr. Buck asks when they will be submitting revised plans. Mr. Dubois says by the end of the week he'll submit new plans to Lenard so they should be ready before the next meeting.

Mr. Whalen asks if there are any other questions or comments. There are none.

MOTION: Ms. Shiver makes a motion to continue this hearing to April 15, 2014 and extend the deadline to act on this decision until April 17, 2014. Ms. Stolarczyk seconds the motion.

VOTE: 4-0 in favor

#### **4. General Board Discussion-**

##### **A. Potential Zoning Bylaw Amendments- Driveways**

Steve Tyler sent the Board a memo with his recommendations for a driveway zoning bylaw. Ms. Buck agrees with his suggestions for how they can improve and manage driveway construction.

Where they may differ a little is on what things should be in the Zoning Bylaw and what should be in driveway regulations or General Bylaw. She would like to spend some more time looking at this in more detail to see what belongs in zoning and what should be elsewhere. Also she would like to give some consideration to how they treat commercial driveways verses residential and make it clear.

Steve Tyler agrees with Ms. Buck.

Ms. Shiver asks what the process is now for a driveway permit. Mr. Tyler says he gets everything from a sketch on the back of a napkin to full engineered plans.

Ms. Buck says they will continue to work on this with Mr. Tyler.

**B. Potential Zoning Bylaw Amendments- Inclusionary Housing**

Ms. Bucks says she hasn't had time to work on the inclusionary housing bylaw.

Mr. Whalen would like to invite Pam Woodbury, Director of Council on Aging and Senior Center to come in to talk to the Board about any needs that seniors may have for housing. Ms. Buck will contact her to see if she would like to be involved or has any comments for this bylaw.

**C. Sugden Block Sale update**

This meeting was postponed until April 1, 2014. At that meeting they should have a draft RFP. After the committee reviews it they will have a public meeting on the draft RFP.

The Board discusses the parking issues with this building.

Ms. Shiver recommends the Town ask Price Chopper for the use of some parking spaces. Maybe they would be willing to deed or lease some spaces to the Library.

With no further comments Ms. Shiver makes a motion to adjourn. Mr. Ceppi seconds. Vote is 5-0 the meeting is adjourned at 8:17pm.

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

**Approved by the Planning Board on:** \_\_\_\_\_4/15/2014\_\_\_\_\_

## **List of Documents used on March 18, 2014**

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

- Agenda
- Memo from Michelle Buck to Planning Board Dated 03/13/14
- Color copies of photos taken of Wilson Street Solar project
- Peer review comments from Lenard Engineering dated 3/12/14
- Site Plan application and Plans from Southbridge Savings Bank
- Letter from Reckemann Strategic Consulting Inc. dated 2/25/14 (stating the Abbey does not need a MEPA)
- Memo from Margaret Washburn to Michelle Buck dated 2/19/14
- Two Memos from Margaret Washburn to Michelle Buck dated 2/24/14
- Memo from Steve Tyler to Michelle Buck dated 3/13/14
- Memo from Ginny Scarlet to Steve Tyler dated 2/19/14

### Items submitted at the Meeting:

- none