



Planning Board – Town of Spencer

*Minutes*

Planning Board Meeting  
**Tuesday, October 21, 2014 at 7:00 PM**  
McCourt Social Hall  
Memorial Town Hall

Planning Board Members Present: Chair James Whalen, Shirley Shiver, Robert Ceppi, Mary Stolarczyk and Jonathan Viner (15 Minutes Late)  
Planning Board Members Absent: None  
Staff Present: Michelle Buck, Town Planner, Monica Santerre-Gervais ODIS Clerk  
Staff Absent: None

Mr. Whalen opens the meeting at 7:02pm. Mr. Whalen amended the agenda to add at the end of the meeting discussion about the Driveway by-laws and Tattoo Parlors.

MOTION: Ms. Shiver motioned to accept the amended agenda. Ms Stolarczyk seconds  
VOTE: 4-0 in favor

**1. ANR Plans –**

**GH Wilson Road/Bohan**

This plan divides the existing property into 3 lots. Rick Para was present at the meeting and explained to the Planning Board that the first approved ANR drawing was never recorded; therefore, the applicant will destroy the first Mylar from the previous decision.

MOTION: Ms. Shiver makes a motion to approve and endorse this ANR plan as submitted. Ms. Stolarczyk seconds  
VOTE: 4-0 in favor

**Hastings Road/ Vandale**

This plan reconfigures the land. Mr. Para addressed the Planning Board with clarification on the submitted drawings. David Vandale and Marie Vandale jointly own the rear land (already on record), Mr. Vandale owns 3 building lots in the front and wants to reshape the two building lots and extend it to get double title to the land. Mr. Vandale owns the front 800', and the back 200' is jointly owned by Mr. Vandale and Ms. Vandale. Lot 101= 7.27 acres, lot 102= 2.99 acres parcel 6 & 5. Also, both have the appropriate frontage.

There was much discussion between the Planning Board members and Mr. Para regarding the Locus plan and Parcel with the changes to the ANR.

Mr. Whalen noted that the ANR plan is acceptable at this time but in the future it should have more description.

Mr. Ceppi had an issue with the description for Lot 17-2.

MOTION: Ms. Shiver makes a motion to endorse this plan as submitted. Ms. Stolarczyk seconds the motion. Mr. Ceppi stated that the plan is inaccurate.

VOTE: 3 in favor, 1 opposed (Mr. Ceppi); Mr. Viner recused himself due to coming into the meeting late.

#### **Cranberry Meadow Road/Cerqueira**

Joseph Gauthier was present to discuss the ANR with the Planning Board. The ANR is to divide an existing property lot on Cranberry Meadow Road into three lots (Lots 1, 2, and remaining land). All lots have required frontage on a public way. Mr. Gauthier mentioned that the ANR has a typo on the total area (he submitted a plan with the correction).

Mr. Viner asked about a stone wall on the property and Mr. Gauthier said there wasn't one.

Mr. Ceppi asked about accessibility and Mr. Gauthier said he saw no issues.

MOTION: Ms. Shiver makes a motion to approve and endorse this ANR plan as submitted. Ms. Stolarczyk seconds.

VOTE: 5-0

#### **William Casey Road, William Casey Estates, LLC**

The ANR shows the carving out of one lot along William Casey Road and it has the required frontage and area.

MOTION: Ms. Shiver makes a motion to approve and endorse this ANR plan as submitted. Ms. Stolarczyk seconds.

VOTE: 5-0

#### **4. Discussion, Eric Smith/CMRPC, Downtown Spencer Study**

Eric Smith, Planner with the Central Massachusetts Regional Planning Commission (CMRPC), handed out a project summary to the Planning Board on his findings. Mr. Smith mentioned that the Town of Spencer Town Center was designated a Statewide Priority Development Area, which may provide more opportunities.

The Town of Spencer submitted a DLTA Project request in February 2014 to "Provide a more targeted analysis of the Sugden Block Building in particular and the closely related issue of parking availability in Spencer Center."

Mr. Smith explained that CMRPC conducted assessments and analysis of the Town Center as well as two site visits in May 2014 and June 2014. Mr. Smith noted they found that in general the Zoning Bylaws in Spencer are not holding back redevelopment, but Spencer does not have a shared parking provision and would recommend this. Mr. Smith reviewed the previous planning efforts conducted which focused on Spencer's 2003 Master Plan, the Affordable Housing Plan, the Town Center Revitalization Plan, Downtown Housing Study, Document entitled "Sugden Building Sale-Main St. construction notes," Draft RFP for Sugden Building, and the Spencer Zoning Bylaws and Zoning Map. Mr. Smith described his parking findings.

Mr. Smith evaluated 5 sites identified in the Town Center Revitalization Plan: 1) East side of wall street to the rear of Main Street (136 Main St. and 15 Wall St.), 2) west side of Wall Street to the rear of Main Street block and on the East side of Elm Street (Town-owned & National Grid owned parcels), 3) Town-owned parcel Parcel (U07-26) located at the northwest intersection of Wall Street and Lloyd Dyer Drive, 4) Town-owned property at 14 Mechanic Street, and 5) 25 Mechanic Street. CMRPC feels that 25 Mechanic should be discarded from consideration. Mr. Smith suggested there are three other potential sites for parking opportunities: 1) Laundromat Lot at 55 Mechanic Street, 2) Gaudette Lot at 60 Chestnut Street, and 3) Town-owned Lot located at 46-48 Chestnut Street.

Additionally, Mr. Smith recommended the Town of Spencer adopt a Shared Parking Bylaw Provision; try to formalize a shared parking arrangement with Price Chopper Lot, and leasing agreements (i.e. Santander Bank). Furthermore, Mr. Smith had recommendations for the Town of Spencer to receive funding by applying to Mass. Downtown Initiative Grant, the MDI for Wayfinding, funding through the Economic Development Fund (EDF), and possibly the Historic District Tax Credit for building rehabilitation.

Mr. Viner asked if CMRPC had made any contact with the DPW/DOT for the Main Street reconstruction. Mr. Smith has left them messages but has learned that the streetscape portion happens after 25 % design. A Public Hearing will be held in December 2014.

#### **5. Public Hearing, Definitive Subdivision Approval Request to Extend Deadlines, Laurelwood Phase 2 (7:58 pm)**

Donald O'Neil was present to represent Laurelwood Phase 2 in order to request one year extensions to both the deadline to commence construction of the project [10/27/2014] and the deadline to complete construction [4/27/2016]. This project was originally approved in 2006. The reason why the subdivision has not been completed is due to the housing market economics being low. Another condition Mr. O'Neil wished to be noted is that Laurelwood Phase 1 was completed. The road for Phase 1 was completed but was never officially approved. Over time the road has deteriorated and needs some reconditioning, but the road was completed. In order for Phase 2 to start requires Phase 1 to be completed and approved. Mr. O'Neil's client is still paying taxes on all 32 lots and snow removal.

Mr. Whalen asked Ms. Buck if he and Mr. Viner would be able to vote on this hearing due to the fact these conditions were put in order in 2006 and they were not on the Board. Ms. Buck said that since they are on the Board now they would be able to vote.

Ms. Buck had some concerns on the "zoning freeze" on the project which expires next April [2015]. There will need to be some reconfigurations of the lots to conform to the current 60,000s.f. minimum lot size. Mr. O'Neil noted that a lot of the lots were oversized 4-5 acre parcels. Mr. O'Neil mentioned the possibility of a cluster of subdivisions but that would be based on market considerations.

Shell Francis, in April 2014 asked if they can still continue with the development of the lots if they have subdivision approval is still current and Ms. Buck told him that was correct. If they

change the plan then the Phase 2 would no longer be valid. Ms. Buck said there would need to be a re-submittal if the project changes.

Mr. Viner asked if Mr. O'Neil represented Laurelwood Phase 1 and Mr. O'Neil said that the Phase 1 portion of the project has been completed for quite some time. Ms. Buck mentioned that this project qualified for the Permit Extension Act so it has been awhile since we have had a hearing on Laurelwood Phase 2. Ms. Buck mentioned that this project has no performance bond so if Phase 2 isn't accepted then nothing will happen with the project and the Town of Spencer wouldn't have an enforcement mechanism to require the completion of Phase 1. There was much discussion on the road and how the road was completed and just was never officially approved by the town.

Mr. Whalen noted there is no guarantee of Phase 2 because no work has commenced.

Mr. Viner has concerns about the new Stormwater guidelines and the new Zoning By-laws in 2006.

Brian Kevin, 7 Debbie Drive, said his house is in Laurelwood Phase 1 and he had to meet the Stormwater prevention because he has wetlands. The Phase 2 portion will be abutting his property behind him on the wetlands. Mr. Kevin had to put swale runoffs to prevent the water from going into the wetlands. Ms. Buck said the Planning Board approval is for the road and extension and that type of concern with individual house lots would need to be addressed with the Conservation Commission. Ms. Buck mentioned that with the construction of the homes on the lots they would most likely be on the wetlands. Mr. Viner feels the burden of the Stormwater regulations should not fall onto the homeowners. In addition, Mr. Kevin mentioned the vacant lot next to him and said it has become overgrown and would affect the plowing of the road in the winter time and it would cause an issue for emergency vehicles to get in and out.

Mr. Viner feels they should not approve the extension of Phase 2 since Phase 1 was not done correctly. Mr. O'Neil said the Planning Board did accept the roadwork and released the bond. The road was supposed to go to Town Meeting for the official approval but it didn't. Ms. Shiver explained that a second Engineer went out to inspect the road and came back with a punch list. Mr. O'Neil said some of the issues on the punch list had to do for handicap access ramp for wheelchair access. Ms. Shiver agrees the road was done correctly. Mr. Whalen addressed the Planning Board to make a motion.

MOTION: Mr. Ceppi makes a motion to extend the commencement deadline and completion deadline of the project by 1 year [to 10/17/2015 and 4/17/2017, respectively]. Ms. Shiver seconds.

VOTE: 3 in favor, 1 opposed (Mr. Viner), 1 abstained (Mr. Whalen)

## **6. Public Hearing, Major Site Plan Review, Meadow Solar**

Steven Broyer with ECOS Energy made a brief presentation in regards to his company and the Solar Farm. Mr. Broyer's slideshow illustrated comparable sites to show the Board and abutters how the site will look, what the solar panels are and tilt racking, and he addressed multiple items during the presentation such as: access road, easements, acreage, electrical connections, setbacks,

fence perimeters for safety and trespassers, noise, zoning, landscaping plans, and delivery of equipment.

Vic Lacroix with Spencer Fish & Game, 12 Church Street, said that during the ZBA Meeting they had some major concerns. Recently, they met with Mr. Broyer and have found that the Solar Farm will be less invasive than they originally thought and the location of the field is no longer a concern; however, there are still some concerns with their wetland but Mr. Broyer and his company will be compliant. The Spencer Fish and Game feels this will be a favorable project for them.

Gail Yamiolkowski, 2 Demers Drive, has noise concerns with the electricity. Mr. Broyer replied that the inverters do make a noise but the noise is inaudible when you get to the property line. Ms. Yamiolkowski would like in writing that there will not be a noise issue from the inverters and the connecting poles. Mr. Broyer felt confident enough that he could put that in writing for the abutters. Ms. Yamiolkowski asked about the job duration. Mr. Broyer said the typical construction of the project would be 4-5 months and the ideal start time would be spring of 2015 if approval and permitting has a quick turnaround. Also, Ms. Yamiolkowski asked about the water runoff of the panels. Mr. Broyer said the panels act as an umbrella; ECOS will plant a species to absorb the water. Mr. Broyer wants the runoff to go into the ground and they will also have ditch sections that will be reviewed by the Conservation Commission.

Mike Malone, 128 Mechanic Street, asked about the impact of the Solar Farm on the property taxes. Ms. Buck said that the Planning Board does not address property taxes. Mr. Malone asked about the decommissioning plan for a guarantee. Mr. Whalen told Mr. Malone the town requires a decommissioning bond. Mr. Broyer mentioned in the past towns have accepted the panels as scrap to be used towards the guarantee/decommissioning bond but that would need to be approved at a later date.

Heidi Malone, 128 Mechanic Street, inquired about the fencing decision. Mr. Broyer addressed that the fence plan has not been established but there is a code and it is how the Town of Spencer interprets the code. Ms. Malone wanted to know about barb wiring being used on the fence and how it will affect property values. Mr. Broyer said there will not be a barbed wire fence and they will be installing infrared cameras on the utility poles to detect vandalism. Mr. Broyer has not seen a property value decrease with the Solar Farms. Mr. Whalen said if there are visual impacts that could be addressed with landscaping. In addition, Ms. Malone was concerned with the traffic during the construction. Mr. Broyer said there will be 3-4 semi trucks a day and/or one big day trip for transformer, could be anywhere to 25-300 workers and there will be some construction traffic. Mr. Malone added that he wanted on record that the road is a 20 MPH road and he does not want there to be speeding.

Ms. Yamiolkowski wanted to point out during the fall foliage and winter seasons she will have direct view of the Solar Farm. Mr. Broyer said they are doing their best to accommodate all abutters.

Mr. Whalen pointed out that there was a discrepancy on workers expected onsite (20-30). Mr. Broyer clarified that the amount of workers onsite comes from the timeframe they have to construct the site and added to go with the higher number.

Mr. Lacroix asked if the construction installation was 5 or 7 day work week. Mr. Broyer said it depends on the town. Ms. Buck mentioned work hours are limited on Sundays and early morning hours.

Mr. Ceppi wanted to know about if the project was already fully funded or how the project was going to be paid for. Mr. Broyer explained that there were no loans being taken out and the owner of ECOS is funding it all.

Ms. Buck asked Spencer Fish & Game Club representatives about the stray bullet concerns they had at the ZBA meeting. Mr. Lacroix said they met with Mr. Broyer and did a walkthrough of the property lines. Mr. Broyer will be setting up berms and the club feels the shooting range will not be affected by the Solar Farm. Mr. Lacroix mentioned the club is in the rebirth and the Solar Farm is compatible near the club, Ecos Energy will compensate with evergreens, and the club will also implement their own camera security. Mr. Broyer said there may be a berming issue and would need to apply for a new permit. He had already spoken with Margaret Washburn in the Conservation Commission and stated she would like a new permit pulled for the berms. Mr. Broyer will provide Ms. Buck with a drafted sketch. Mr. Lacroix with Spencer Fish and Game stated that they would be pulling their own permit for the berms.

In addition, Ms. Buck asked Mr. Broyer if he had any response for the questions Lenard Engineering had asked. Mr. Broyer said that he typed up a response that he sent Corey Brodeur. Ms. Buck told Mr. Broyer that she should be provided with copies of all communications. Mr. Broyer said Margaret Washburn told him he needed to discuss all responses to Lenard Engineering and Mr. Broyer felt his response was more of a draft discussion with Mr. Brodeur and he will submit the final through the Office of Development & Inspectional Services at the Town Hall.

There was much more discussions about the fence height. Mr. Broyer said that the code is how the Town of Spencer determines it. No matter what the Town of Spencer would like for the fence ECOS Energy will adhere. Ms. Buck asked the Planning board members if they have a preference on the type of fence and Mr. Viner felt they should leave that decision to the abutters. Mr. Whalen suggested addressing the topic at the next meeting.

Mr. Viner asked about the 3,900 cubic yards of dirt. Mr. Broyer said the there is not a lot of dirt that will need to be removed.

Mr. Viner asked if Mr. Broyer could provide the noise explanation from the manufacturer. With which Mr. Broyer felt it wouldn't be a problem to submit.

Mr. Whalen suggested the hearing be continued to November 18<sup>th</sup>, 2014.

MOTION: Ms. Shiver makes a motion to continue the hearing to November 18, 2014. Ms. Stolarczyk seconds the motion.

VOTE: 5-0 in favor.

Ms. Buck made a note that the filing deadline needs to be extended. Mr. Broyer would like the Solar Farm to be voted on at the November meeting; Ms. Buck explained the Planning Board would need time to file the written decision with the Town Clerk. Mr. Broyer asked for the extension and will take all the questions from all the meetings and address them in writing.

Ms. Shiver motioned to extend the deadline to file a decision to December 31, 2014. Mr. Ceppi seconds the motion.

VOTE: 5-0 in favor.

### **7. Discussion, Associate Planning Board Member (Phil Olivio)**

Mr. Olivio was not present at the meeting. Ms. Buck mentioned there was another applicant and could possibly have both at the next meeting.

### **8. Adoption of Minutes**

- June 17, 2014
- July 15, 2014
- September 16, 2014

Mr. Viner asked if there are minutes missing. Ms. Buck said that there are two sets of minutes missing [8/19/2014 and 9/2/2014] and she will be submitting them soon. There was no Clerk present at these meetings and there were problems with the recordings of the meetings.

MOTION: Ms. Shiver makes a motion to approve all three minutes. Ms. Stolarczyk seconds the motion.

VOTE: 5-0 in favor.

### **9. Town Planner Report/ General Board Discussion**

#### **Construction changes, Treadwell Solar**

Board members reviewed plans showing the proposed changes. Originally-approved solar panels are shown black and white; proposed are shown in blue. The applicant found new manufacturer that would allow the panels to be smaller. Ms. Shiver felt that if they are reducing the size then it wouldn't need to be addressed. Mr. Ceppi pointed out there could be a different installation plan. Mr. Viner wanted the height of the panels addressed. Ms. Shiver wants them to clearly show exactly what they are changing. Ms. Buck explained that this was just a discussion to see if they would need to come in front of the Planning Board for formal amendment.

Mr. Viner feels that due to the spacing the panels would be taller and they should submit a decommissioning plan. Applicant needs to provide a profile as the height of the panels is of major concern. Needs to be resubmitted and approved.

Board members reviewed the submitted correspondence and couldn't find a clear indication of the height of the new panels. Ms. Buck asked if she could approve this as a minor change prior to the next meeting if the panels are determined to be the same height or lower as what the panels that were previously approved. Board members said no; they want the applicant present at the next meeting with more detailed information.

### **Property Reuse and Assessment Plan (PARP)**

The PARP project, a downtown study, is being discussed at the Board of Selectman's meeting on October 29, 2014 at 6:30 pm.

### **Driveway Bylaws**

Mr. Whalen would like to update the Driveway Bylaws related to the request submitted by Steven Tyler. Ms. Buck said this is something that should be addressed, and will be at a future Town Meeting, possibly Spring 2015. She and Steve Tyler agree on the need for bylaw amendments, but they have some differences in the specific methods to address driveways. Also, she must take into account what can pass at Town Meeting. Mr. Ceppi feels Mr. Tyler's opinion is important on this issue. Ms. Buck agreed.

### **Tattoo Parlor Rezoning**

This topic will be addressed at the November 18, 2014 meeting.

### **Candlewood Phase 2**

The applicant is considering changes to Phase 2, but the issue is complicated due to changes in the Zoning Bylaws since this project was approved.

### **Sunset/Holmes**

She has asked Lenard Engineering to prepare a revised bond estimate. The applicant is also considering project changes, but has not yet submitted any details. There are concerns of the applicant walking away from the project.

MOTION: Mr. Ceppi motions to adjourn the meeting at 9:34 pm. Ms. Stolarczyk seconds the motion.

VOTE: 5-0 in favor.

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 11/18/2014

### **List of Documents used on October 21, 2014**

Items sent to Planning Board prior to Meeting

Mailed paper copies:

- Agenda
- Memo from Michelle Buck to Planning Board Dated 10/15/2014

- ANR's-GH Wilson Rd/ Bohan, Hastings Rd/ Vandale, Cranberry Meadow Road/ Cerqueira, and William Casey Rd/ William Casey Estates
- Public Hearing: Subdivision extension Laurelwood Phase 2
- Public Hearing: Major Site Plan Review, Meadow Solar
- Application Letter to fill , Associate Planning Board Member opening (Phil Olivo)
- Minutes for June 17, 2014, July 15, 2014, and September 16, 2014

Items submitted at the Meeting:

- Spencer Town Center summary presentation