

Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday May 20, 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

Planning Board Members Absent: None

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

Staff Absent: None

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

1. **ANR Borkum Road/Klansek-** Jason Dubois explains this ANR plan. The plan splits an existing parcel into two parcels, both with sufficient frontage and area. The applicant was asked to make a few minor changes add a notation related to upland area and use a different line type. These changes have been made.

Mr. Ceppi notes this plan isn't accurate because the plan shows structures that have already been removed. Mr. Dubois says he submitted this plan before the buildings were taken down. The structures were in place when the survey was done.

Note: Ms. Stolarczyk recused herself from this vote.

MOTION: Ms. Shiver makes a motion to endorse the plan as submitted, Mr. Viner seconds.

VOTE: 3-Yes (Shiver, Viner and Whalen) 1-abstained (Ceppi)

Ms. Buck endorses the plan.

2. **ANR Pauls Drive/Webster First-** This plan creates a new parcel (Parcel A) that will be added to an undersized lot on Paul's Drive to create a conforming lot.

Ms. Shiver asks what the easement shown on the plan is for. Mr. Dubois says it's the Spencer Snow Birds snowmobile trail.

Mr. Viner notes this plan does not show how much land is remaining in the parcel that land is being taken from. It doesn't show the dimensions and the locus map doesn't show it well either. Also there are no monuments on the plan. He feels this is a garbage plan. Mr. Dubois says there were no monuments on Pauls Drive. Ms. Shiver says there are no monuments yet. Monuments will be set after the subdivision is completed. The builder of this subdivision walked away before the road was finished so no monuments would be set yet.

Mr. Ceppi asks if this is a Town road. Ms. Buck says it is. Mr. Ceppi and Viner feel there should be monuments. Mr. Dubois says there are none.

There is much discussion about property markers and monuments.

Mr. Buck says the only new parcel is parcel A, our regulations state a copy of the assessors map is all that's needed to show remaining land.

Mr. Viner says he will take this plan to the Board of Registration because it does not meet any professional land surveying requirements. Mr. Dubois says this plan meets all the requirements for an ANR, if there are bounds to tie into that's good but its not required for an ANR. All that needs to be shown is area, frontage and if it's on a public way.

Mr. Viner says this plan meets the ANR standards but it does not meet the standards of PLS. If you are showing a plan of land it has to show monuments period.

Mr. Shiver says this plan does meet our requirements. If they found bounds when doing the survey they should have been added but no bounds were found. Maybe a note should be added to the plan stating that no bound were found.

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

VOTE: 4 yes (Shiver, Stolarczyk, Ceppi, Whalen) - 1 abstained (Viner)
Ms. Buck endorses the plan.

3. ANR & Ch. 61 Request-Maple Street & Mechanic Street/Moshini -This plan splits an existing large lot into 2 parcels, one of which will be labeled as a non-buildable lot because it lacks sufficient frontage (parcel B). This lot is proposed as the site of a solar farm, which under our zoning is not considered a structure that requires frontage. This property is also subject to a Ch.61 restriction. The Planning Board is required to be notified when such properties are proposed for sale, and the Board may comment to the Board of Selectmen. Ms. Buck notes the Board of selectmen already voted on the Ch. 61 issue last night.

MOTION: Ms. Shiver makes a motion to endorse this plan. Mr. Ceppi seconds.

VOTE: 5-0 in favor

Ms. Buck endorses the plan.

4. Minor Site Plan Review, Applicant/Owner: Southbridge Savings Bank. Location: 130 West Main Street. Southbridge Savings bank is proposing a drive thru and canopy addition. Continued hearing from March 18, 2014.

Mr. Dubois gives an update since the last meeting they have worked with Lenard Engineering to address all the peer review comments. They made some changes to the drainage system adding more detail to protect the wetland. Also they added snow storage areas, updated the maintenance plan for the drainage system and made a sequences of construction plan as requested by Conservation. The project received Conservation approval on May 14th also Steve Tyler reviewed the new plans and had no additional comments.

Mr. Whalen asks if there are any further comments. There are none.

MOTION: Mr. Ceppi makes a motion to close the hearing. Ms. Shiver seconds.

Vote 5-0 in favor.

MOTION: Ms. Shiver makes a motion to approve this Certificate of Decision on Minor Site Plan for Southbridge Savings Bank. Ms. Stolarczyk seconds .motion.

VOTE: 4-0 in favor (Ceppi recused himself)

5. Major Site Plan Review Spencer Veterinary Hospital, Applicant/Owner: Todd A. Davis, JAD Realty Trust. Location: 401 East Main Street, Spencer Assessor's Spencer Veterinary Hospital is proposing to construct a new 6,990 sq. ft. veterinary facility with associated parking. Project Manager Wayne Belec of Waterman Design explains the plans for a new Veterinary Hospital behind their existing building. The existing building will remain in place and be leased for use as another business. The ZBA approved two special permits related to this project on 5/6/2013 (use as veterinary clinic and increase in maximum allowable parking spaces). The Conservation Commission hearing is scheduled for 5/28/2014. They also have to file with Mass DOT for a curb cut permit to make a new driveway on Rt 9. They did receive good feed back when they went to the last DOT meeting.

Mr. Belec has met with the Towns Tech Review committee and received comments from the Fire Chief and Highway Superintendent which he has addresses. The driveway and parking lot meets the measurements for fire equipment.

After a decision has been made on this project they will be coming back to the Board with an ANR plan. Mr. Belec explains they will have to subdivide the current lot into two lots with an

ANR plan. The lot to the east will house the new 6,990 sq ft hospital. The existing clinic will be leased or sold it will no longer be used as an animal clinic.

During the planning of this project they were made aware of an abutter (Mr. Casey) with issues with water running off of the current veterinary hospital parking lot. They have worked with this abutter to address all of his concerns. Mr. Belec says this facility has been designed to meet state and local stormwater requirements. They were careful not to send any more water onto Mr. Casey's land. They utilized a natural ridge line on the site to help control the stormwater. This ridge line is in an ideal location they were able to line up the roof of the building with the ridge line. Mr. Belec details the stormwater systems that will be in place.

There is a discussion on the ANR they go over all the requirements needed for ANR.

The new clinic will look like a large Barn and fit in well with the rural feel of the area. They are proposing larger 10 foot wide parking spaces to accommodate people with pet carriers.

There is an existing water line at the back of the property. They will also be installing a new septic system. They are looking into making this a solar powered facility with panels on the roof.

Mr. Belec explains the stormwater drainage system in detail. Mr. Ceppi asks if Mr. Casey is okay with this. Mr. Belec says Mr. Casey was at the ZBA meeting and was happy with all the improvements. Mr. Casey even sent a letter to Steve Tyler saying he was fine with the plan.

Mr. Whalen asks what type of lighting will be used outside. Mr. Belec shows the lighting plan. He says there will be very little spill over of light onto abutters property.

Ms. Buck notices a detail that was missed up until this point; the back of the property does border a residential zone. Mr. Belec says he can add a buffer along this zone line along the back of the property.

Mr. Belec says after he met with Mass DOT he will have to make a small adjustment to the plan. The entrance to the driveway will be changed from 20 feet to 24 feet. The rest of the driveways will remain 20 feet wide.

Mr. Belec asks if the Board would be willing to approve this tonight.

Mr. Whalen says he would like to continue this hearing this will give time to prepare a draft decision. Also he would like to see a plan for the buffer along the back of the property and get Mass DOT comments.

For the next meeting Mr. Belec will show the zone line and buffer screening. Also the driveway

changes will be on the plan.

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

MOTION: Ms. Shiver makes a motion to continue this hearing to June 12, 2014. Ms. Stolarczyk seconds the motion.

VOTE: 5-0 in favor. \

6. Major Site Plan Review, Applicant: SJA Solar LLC. Owner: Cistercian Abbey of Spencer, Inc. Location: 167 North Spencer Road. Project: Construct a solar facility.

Ms. Buck explains Abbey Solar has requested a continuance by email. Other than limited stormwater information, she has not received any new submittal information from the applicant since the last Planning Board meeting. There is apparently a need to relocate some of the panels because of a conflict with the leach field for the Spencer Brewery facility. We have received correspondence from Steve Tyler regarding MEPA applicability and a letter from Father Eugene LaCasse regarding concerns from some of the residents of the Abbey.

MOTION: Mr. Ceppi makes a motion to continue this hearing to June 12, 2014. Ms. Stolarczyk seconds the motion.

VOTE: 5-0 in favor

7. Request for Waiver of Stormwater Bylaw Requirements NE Power/National Grid- A letter describing proposed utility line maintenance and related request for a waiver was sent to the Board. Ms. Buck recommends a waiver be issued.

MOTION: Ms. Shiver makes a motion to waive the requirements for a Spencer Stormwater Permits for New England Power Company dba National Grid plans for routine maintenance on an existing transmission line (T20 Refurbishment Project) as described in a letter from National Grid to the Spencer Planning Board dated May 15, 2014 and related application materials, conditioned upon the requirements that the Spencer U & F office she be notified of any work within or affecting Spencer Town rights-of-way and that National Grid shall secure and required U & F permits prior to commencement of work in or affecting such rights-of-way. Ms. Stolarczyk seconds the motion.

VOTE: 5-0 in favor

8. Proposed Decommissioning Agreement & Performance Agreement, Treadwell Drive Solar

Treadwell Drive Solar has submitted draft decommissioning and performance agreements for review. Some changes still need to be made with these agreements.

MOTION: Ms. Shiver makes a motion to continue this discussion until June 12, 2014. Ms. Stolarczyk seconds the motion. **VOTE:** 5-0 in favor.

9. **Notice of Default on Letter of Credit, Sunset Holmes Subdivision**

Ms. Buck explains as noted at our last meeting, the Letter of Credit for this project is due to expire on June 27, 2014. She recommends the Board to vote to declare the project in default if they don't respond to the letter to preserve the Town's right to call in the funds from the Letter of Credit.

MOTION: Mr. Ceppi makes a motion to declare that if a new performance guarantee is not submitted 123 Kids has defaulted on the performance and obligations under the Subdivision Control Law and the certificate of decision approved on November 15, 2005.

VOTE: 5-0 in favor

10. **Approval of Minutes-** April 15, 2014

Motion: Ms. Shiver makes a motion to approve the minutes from April 15, 2014. Mr. Viner seconds. Vote: 5-0 in favor

11. **Town Planner Report**

Ms. Buck noted that the Sugden Block Sale Committee is continuing their work on the draft RFP.

With no further discussion the meeting is adjourned.

Submitted by: Brynn Johnson ODIS Clerk

Approved by the Planning Board on: 9/16/2014

List of Documents used on May 20, 2014

Items sent to Planning Board prior to Meeting:

- Agenda
- Memo from Michelle Buck to Planning Board Dated 05/15/14
- Klansek ANR and application
- Pauls Drive ANR and application
- Spencer Veterinary Hospital site plan review and application
- Minutes from 4/15/14

Items submitted at the Meeting: **None**