



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
Tuesday, November 17, 2015 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

Planning Board Members Present: Chair Robert Ceppi, Shirley Shiver, Maria Reed and Jonathan Viner

Planning Board Members Absent: None

Staff Present: Larry Smith, Town Planner, Monica Santerre-Gervais ODIS Clerk

Staff Absent: None

Mr. Ceppi opens the meeting at 7:02pm.

1. ANR Plans – Applicant Jobea Robertson; Owner: Linda Comeau, Location: 94 Paxton Road- Boundary line adjustment.

The applicant, Jobea Robertson, and the Owner Linda Comeau were present for the meeting.

The Planning Board members reviewed and discussed the ANR submitted. No question or concerns were presented.

MOTION: Ms. Shiver made a motion to endorse the plan as submitted

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0 in favor

3. Draft Zoning Bylaw Revision - Section 4.3.20 - Tattoo Parlors or Body Piercing Studios

The Planning Board members reviewed the draft Zoning Bylaw revision for Tattoo Parlors and Body Piercing Studios generated by Mr. Smith. Mr. Smith explained that these revisions would allow for the issuance of the Special Permit without the prior obtaining of the Board of Health Permit, but still requires the obtaining of both to operate.

MOTION: Ms. Shiver made a motion to recommend the changes to the Board of Selectman that the Tattoo Parlor and Body Piercing Studios applicant does not need to get a Board of Health Certificate before the Special Permit but they still need to get a Board of Health Certificate.

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 4-0 in favor

4. Discussion - Proposed revisions to Spencer Stormwater Regulations-Section 8 Waivers

Mr. Smith explained to the Planning Board that he had a meeting with Steven Tyler and Margaret Washburn about how the current storm water regulations are written and how an applicant can receive a waiver with a letter of request. The new revision would clarify how the wording should have been that an applicant can request a waiver from some of the storm water requirements (i.e. in the case of LaLiberte detailed engineering plans) but they still have to apply for and receive the Permit. Mr. Tyler, Ms. Washburn, Mr. Smith all felt that this was reasonable to protect the interests of the Regulations.

MOTION: Mr. Viner made a motion to adopt the waiver as written in the draft submitted by Mr. Smith

SECOND: Ms. Shiver

DISCUSSION: None

VOTE: 4-0

5. Discussion - Zoning Table of Uses

Mr. Smith handed out to all the Planning Board members' copies of the suggested changes to the Table of Uses and asked them not to bring them home for review. The goal of the new Table of Uses would be to approve more but eliminate multiple meetings.

Mr. Ceppi asked if the Zoning Board of Appeals accepted the changes. Mr. Smith said he was asking the Planning Board for their feedback first. Mr. Smith discussed the state law, site plans, and special permits. In addition, Mr. Smith said there was two ways to complete this; 1) keep it as two separate permits for the same project, or 2) just automatically require that a Site Plan has to be included with the Special Permit, and that Site Plan Approval is for those "by-right" uses that only require site plan review.

The Planning Board Members will review and discuss at the next meeting.

2. Public Hearing – Amendment to an approved definitive subdivision plan – Sunset Holmes, Applicant/Owner: James Laney/ 123 KIDS, LLC, Location: Sunset and Holmes Street off of Greenville Road, Spencer (Assessors Map U04, U06 & Map R28). The applicant is requesting an extension of deadlines related to this subdivision. This subdivision plan was originally approved by the Planning Board on December 6, 2005.

Kevin Quinn, Quinn Engineering, and James Laney were present for the meeting.

Mr. Quinn explained that Mr. Laney is looking for an extension for the Sunset-Holmes Subdivision and review the new surety numbers he recalculated. Mr. Quinn explained that Mr. Laney would like a two year extension but is hopeful to finish in one year. Mr. Laney made full effort to move forward with the road but got set back looking for contractors to do the road. The report about the basins was submitted at the last meeting and was looking for a waiver on the fences around the basins.

Ms. Shiver explained that they would only be able to grant Mr. Laney with a one year extension. Mr. Smith said the Planning Board could waive that. Ms. Shiver asked if this included the permit extension act and Mr. Smith answered this was probably the fifth extension request. Mr. Laney said he lost count. Mr. Ceppi asked the Planning Board members if anyone had any questions or concerns. Ms. Shiver said she does not want to grant a two year extension and mentioned the road may get done but not the subdivision and Mr. Viner agreed.

Mr. Smith mentioned that the letter of surety expires December 31, 2015 and Mr. Laney said he would get an extension. Mr. Smith handed out the drafted amendments with the new Subdivision deadline being October 31, 2016 with a status update submitted by June 21, 2016. Mr. Smith said the waiver for the fence would need to be something that gets discussed. Mr. Quinn explained that the Conservation Commission may be okay without the fence. In addition, Mr. Laney explained that the six foot chain link fence will be costly and will not last long. Ms. Shiver felt the chain link fence would be an eyesore. Mr. Smith asked how deep the basins were. Mr. Quinn explained the basins drained very quickly. Mr. Viner pointed out that the basins were on lots and a homeowner could change it. Mr. Smith also pointed out that is a great thing that Mr. Laney is willing to finish this project and the Planning Board should support him with finishing the project so he doesn't walk away. The Planning Board members were okay with waiving the fence as long as the Conservation Commission does not see any issues.

MOTION: Ms. Shiver made a motion to waive the requirements of the Spencer Subdivision Regulations permitting a completion extension for a cumulative period of greater than three years and extending the deadline for the subdivision for one year (October 31, 2016), to waive the fence around the stormwater basins, and Mr. Laney to submit a status report by June 21, 2016.

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

Sunset-Holmes Surety Review

Mr. Smith spoke to Mr. Tyler about the surety bond amount and he was okay with it and is hoping the Planning Board helps the applicant get through this project.

MOTION: Ms. Shiver made a motion to accept the surety amount of \$116,737.50

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 4-0

8. General Board Discussion

Mr. Smith handed out the approved Decommissioning Plan for the Abbey Solar project for the Planning Board members to sign. Mr. Smith said the project is underway and the applicant will be sending the checks soon for the bonds with the project starting within the next couple of

weeks. There was a discussion about Mr. Viner abstaining at the last meeting about the Decommissioning Plan.

6. Adoption of Minutes

- October 20, 2015

MOTION: Mr. Viner made a motion to approve the minutes as submitted

SECOND: Ms. Shiver

DISCUSSION: None

VOTE: 4-0 in favor

7. Town Planner Report

Mr. Smith mentioned that the Stormwater Bylaw is under site plan review approval but the agricultural is exempt and the Conservation Commission controls the Wetlands Protection Act. Mr. Smith started the Planning board with a discussion on how they feel who should be the approving authority.

There are two Solar Farm applications for next meeting. Planning Board members are okay with meeting at 6:00pm on December 15, 2015.

MOTION: Ms. Shiver motioned to adjourn the meeting at 7:45pm

SECOND: Mr. Ceppi

DISCUSSION: None

VOTE: 4-0 in favor

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: **12/15/2015**

List of Documents used on November 17, 2015

Items sent to Planning Board prior to Meeting

Mailed paper copies:

- Agenda
- Memo from Larry Smith to Planning Board Dated 11/10/2015
- ANR- Applicant Jobea Robertson; Owner: Linda Comeau, Location: 94 Paxton Road- Boundary line adjustment application and plans
- Public Hearing: Amendment to an approved definitive subdivision plan and request for extension – Sunset Holmes, Applicant/Owner: James Laney/ 123 KIDS, LLC
- Minutes for October 20, 2015

Items submitted at the Meeting:

- Proposed revisions to Spencer Stormwater Regulations-Section 8 Waivers
- Suggested changes to the Zoning Table of Uses
- Sunset-Holmes surety budget, submitted by Quinn Engineering, dated 11/17/2015