



Planning Board – Town of Spencer

Minutes

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

Planning Board Members Present: Chair James Whalen, Shirley Shiver, Maria Reed and Jonathan Viner

Planning Board Members Absent: Robert Ceppi

Staff Present: Michelle Buck, Town Planner, Monica Santerre-Gervais ODIS Clerk

Staff Absent: None

Mr. Whalen opens the meeting at 7:00 pm. He noted Mr. Ceppi's email dated 2/17/15 about not being able to attend the meeting.

1. Meadow Solar Continued Public Hearing –

Ms. Buck recommends a continuance because the applicant needs more revisions to address Conservation Commission issues including a wetland crossing at an access point.

MOTION: Ms. Shiver motioned to continue the hearing for one month until the next Planning Board meeting on 3/17/15.

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 4-0 in favor

2. Application, Chapter 61 Request-

The owner, David Simonis, is requesting that his property be removed from Chapter 61 tax classification in order to sell a portion of his land. Ms. Buck mentioned that the applicant is required to notify multiple boards of this request. The property is to go before the Board of Selectmen's meeting on 2/23/2015. There were no objections to this request. Ms. Buck will notify the Board of Selectmen.

3. Discussion, Zoning Bylaw Amendments-

Driveways

Ms. Buck drafted the Driveway Bylaw Amendments. She mentioned that driveway requirements were submitted in 2009, but they were not passed at the Town meeting. However, they were mistakenly included in the zoning Bylaws until 2013 when a property owner noticed the error. The drafted amendments are similar to those submitted in 2009 Section 6.2 Common Driveways as well as language for from Steven Tyler in some sections such as adding to 6.2.1 "and shall conform to the Spencer Driveway Bylaw and Spencer Highway Department Driveway Permit Requirements."

Ms. Shiver asked for clarification on section 6.2.1 for the first paragraph “The number of driveways shall be limited to two per street line,” and felt the language should be changed to clarify. Mr. Viner said if you had a “U” driveway and having more of those. They don’t want the parcel owner to have a “U” driveway and another driveway. Ms. Buck commented that she wanted to get Mr. Tyler’s opinion on section 6.2.2 for the width requirements of the driveways. Section 6.2.3 is the same as 2009. Section 6.2.4 is new item explicitly allowing commercial properties to have common driveways.

Ms. Shiver asked about the common driveway bylaw. Ms. Buck said the way the bylaw is written is for residential structures. Section 6.2.5 is to be removed and plan requirements put through to the Highway Department. Mr. Whalen mentioned driveway cuts and questioned the language being the highway responsibilities. Ms. Buck explained that if someone pulls a building permit the applicant shouldn’t have to go to the Planning Board for a driveway. Ms. Shiver asked about subdivision driveways and if that would go through the Highway Department as well. Ms. Buck would need to double-check the language in Spencer’s Subdivision Regulations.

Mr. Whalen asked about Stormwater Permits and where does the line get drawn on what the Planning Board and Highway Department are responsible for. Ms. Buck said that Stormwater Permits for driveways go through the Highway Department. Commercial projects that don’t trigger Conservation would come to the Planning Board, but single-family homes would go through the Highway Department. Ms. Buck said the Driveway Bylaws should be made simpler so that there is only place for people to go through for driveways.

Sections 6.2.6 through 6.2.10 are to stay the same and have similar language that was written in 2009 except 6.2.8 with the reference “and shall conform to the Spencer Driveway Bylaw and Spencer highway Department Driveway Permit Requirements.” Section 6.2.11 is what the Town of Spencer has now for common driveways is the same but would just have a different number.

Ms. Shiver asked where someone would go to find commercial shared driveway standards. Ms. Buck said the current draft doesn’t have specific standards for commercial shared driveways, and that this could be considered. Mr. Viner asked about the veterinarian shared driveway [Spencer Veterinary Hospital] and that possibly any commercial shared driveway to go before the board. Ms. Shiver also commented on the veterinarian having to conform. Ms. Buck said the current standards for common driveways were not reviewed for that project because that section was intended to apply only to residential shared driveways. Ms. Buck will talk to Mr. Tyler about commercial shared driveways. Add subsection numbering A. same language, B. There is a note in regards the width of the driveway, C. Stay the same, Section D. Mr. Tyler added snow storage and easement language, and E. stays the same. Then amend 7.2.1 for all driveways and Ms. Buck to meet with Mr. Tyler to discuss more.

Tattoo Parlors

Brydi Ricard was present for the meeting. Ms. Buck explained the amendment would allow tattoo parlors by Special Permit in the Town Center district. Buffer zones have been removed, and a paragraph was added in regards to the Board of Health requirements.

Ms. Ricard mentioned she would need to speak with the Board of Health in regards to some of the requirements. Mr. Whalen asked if she had any questions about the drafted amendments and Ms. Ricard said no. Ms. Shiver asked about site plan requirements, neighborhood character, and

if Special Permit requirements would apply to Tattoo Parlors since there are no setbacks. Ms. Buck said yes and read Article 7.2.3 subsections A-C [required findings for special permits]:

- A. The use is in harmony with the general purpose and intent of this Bylaw and any applicable subsections herein.
- B. The proposed use will not create undue traffic congestion nor unduly impair pedestrian safety.
- C. The proposed use will not impair the integrity or character of the district or adjoining zones nor will it be detrimental to the health, safety or welfare of the neighborhood or the Town.

Ms. Shiver asked if they should add specific zoning requirements. Mr. Viner commented that they should have enough language to fall back on if they approve or deny a Special Permit for tattoo parlors. Mr. Whalen stated that he was comfortable presenting the amendments to Town Meeting. Ms. Shiver added it would need to be submitted by the board of Selectmen. Ms. Buck mentioned that she will be attending Board of Selectmen meeting on March 9, 2015 on another matter and feels it would be a good idea to bring up when she is there. There was much discussion about Town Meeting procedures, dates, length of meetings, and voting requirements.

Ms. Ricard asked about submitting support letters. Mr. Whalen said that during the Town Meeting she could stand up and present the letters of support. Ms. Buck felt it was beneficial if she could get the letters beforehand so she can bring them with her when she goes to Board of Selectmen meeting and they could be entered into the record at the Planning Board public hearing. Ms. Buck will notify Ms. Ricard when she is certain of the date this will be discussed by the Board of Selectmen. The Planning Board public hearing will be on March 17, 2015

4. Adoption of Minutes

- January 20th, 2015

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

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 4-0 in favor.

6. Town Planner Report/ General Board Discussion

- **Planning Board Voting Requirements-** Ms. Buck wanted to clarify the voting requirements since some questions had come up. Ms. Buck gave an example that if something was voted on five years ago, and the applicant came back, it's considered a new application and all the board members can vote on it. However, with ongoing hearings new Planning Board members cannot vote on them unless they were present for the first hearing. Also, any Planning Board members present for a hearing that is ongoing must be present for all the hearing dates. Therean allowance that they may be absent once but would need to come in and listen to the audiotape of the hearing and sign off that they listened to the minutes.

- **CMRPC-** Final CMRPC Town Center PDA report. This project is complete, and the report should be posted on the Town of Spencer's website. Ms. Buck mentioned that Wilson Farm has been designated as a statewide Priority Preservation Area (PPA).
- **Misc-** Ms. Buck asked the board members if the date for April's meeting was okay. The Planning Board members said they were still okay with the date.
- **Deer Run-** Mr. Whalen added this item to the general discussion. According to Mr. Whalen, Gina Beford posted on Facebook her concern about her road not being plowed correctly in the subdivision. The plow driver that comes through makes one pass and the road is not safe for anyone including school aged children. Mr. Whalen asked Ms. Buck what the Planning board's jurisdiction was in order to make sure the road was being plowed properly. Ms. Buck mentioned that the road is a private way and there was already a lien on some of the properties due to the Town of Spencer plowing and submitting the developer the bills. Ms. Shiver suggested the homeowners could form a homeowners association and pay for a plow to come through or possibly find someone in the subdivision that would be willing to plow the road. Ms. Buck said unfortunately the road was not accepted by the town and therefore it is up to the developer to take care of the snow removal and plowing. Ms. Shiver also mentioned that it is up to the homeowners to shovel their own sidewalks. There was much discussion on public versus private roads and the snow removal for subdivisions, including Laureldale Woods. Ms. Buck has received several complaints regarding Laureldale Woods snowplowing this winter.

Closed the meeting at 8:30

MOTION: Mr. Whalen

SECOND: Ms. Shiver

VOTE: 4-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: **3/17/15**

List of Documents used on 2/17/15

Items sent to Planning Board prior to Meeting Mailed paper copies:

- Agenda
- Memo from Michelle Buck to Planning Board Dated 2/11/2014
- Letter and site plan from Attorney Meloche & Meloche, dated 1/13/15, in regards to the Chapter 61 Request
- Drafted Tattoo Parlor Zoning Bylaw with the Town of Spencer's Body Art application
- Drafted Amendments for the Driveway Zoning Bylaws dated 2/10/2015.
- Minutes for January 20th, 2015
- Letter for CMRPC in regards to Spencer Town center

Items submitted at the Meeting:

- Email from Robert Ceppi dated 2/17/15