



Planning Board – Town of Spencer

*Minutes*

Planning Board Meeting

**Tuesday, July 19, 2016 at 7:00 PM**

McCourt Social Hall

Memorial Town Hall

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

Planning Board Members Absent: Jonathan Viner

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

Staff Absent: None

\*\*\*Packets were mailed out on 7/13/16 and were not received by the Planning Board members\*\*\*

1. Mr. Ceppi opens the meeting at 7:03pm.

**2. Public Hearing – Amendment to an approved definitive subdivision plan – Sunset Holmes, Applicant/Owner: James Laney/ 123 KIDS, LLC, Location: off Sunset and Greenville Road, Spencer (Assessors Map U04, U06 & Map R28). The applicant is requesting revisions to the approved subdivision, originally approved in 2006, including the elimination of the dead-end cul-de-sac on Sunset Lane. The property is located within the suburban residential zoning district.**

Larry Sabean, Hannigan Engineering, was there to represent ZPT Energy and James Laney. Mr. Sabean discussed the elimination of Sunset Lane in order to install the solar farm and will divide the land into two lots. Mr. Sabean explained that the current paved portion would be used for an easement and access road. The peer review has been completed, meeting at the town hall on 7/19/16, and they are looking for approval for modifications for the approved subdivision with the following three waiver requests.

1. Sidewalk elimination- Mr. Smith handed out a revised plan to the Planning Board members with a yellow line that shows the roadway alignment. James Laney addressed the Planning Board to discuss his financial hardship and cannot afford to do the sidewalks. Steven Tyler, Highway Superintendent, expressed his concern for having the complete road incentive in Spencer. However, Mr. Tyler explained that Mr. Laney picked up the slack from a failed subdivision by the previous owner. In addition, if the Planning Board does approve the elimination of sidewalks Mr. Tyler would like to see a 4-5 foot vegetation alternative. Mr. Smith explained that Holmes Street pavement is 30 feet wide, which is wider than the usual 24 feet, and he suggested a painted pedestrian/bike lane on one side instead. Mr. Ceppi asked what the yellow line on the plan was for and Mr. Sabean said it identified the sidewalk to be eliminated. Mr. Ceppi expressed that due to the solar farm the Planning Board has already eliminated a third of the sidewalks. Mr. Tyler discussed the condition of the current road and what was

needed to be finalized. There was much discussion in regards to wetlands, design standards, and alternatives to the sidewalks. Also, there was discussion in regards to sidewalk connections and Mr. Tyler expressed that would be later down the road and Dale Street is private with no sidewalks. Richard Kirk, 22 Holmes Street, said Dale Street is too narrow and natives to Spencer use Holmes Street to Greenville Street. Mr. Laney explained the road was scheduled to be paved in the fall, along with guardrails, this project has been ongoing since 2005, and he is not the original developer. Mr. Sabean said Mr. Laney would agree to bike lane, however, Mr. Tyler expressed a bike lane only gave an illusion of safety and would prefer his original suggestion. Not a lot of work would need to be done to allow the clearing and grassy areas, sidewalks can be eliminated, and in its place a 5ft clearing.

2. Elimination of three trees- Mr. Smith felt this was not necessary considering the Planning Board accepted the solar farm and the three street trees were on that portion of Sunset Lane. Mr. Kirk, expressed too many trees were being cut down and not being replaced and he has concerns of water. Mr. Smith said they are required to plant more trees for screening of the solar farm.
3. Waiver for street lights- Mr. Smith explained the Subdivision Regulations required street lights at intersections. Mr. Smith asked if the wiring was completed and Mr. Laney answered no. Mr. Smith asked if the town had a street light policy and Mr. Tyler answered no. Mr. Ceppi expressed he was against eliminating the street light. Mr. Laney asked if the town was actually going to turn the lights on and Mr. Ceppi said he didn't know but he wants the lights.

Mr. Smith handed out a draft of findings and conditions for Sunset Holmes modifications and the updated peer review with responses to Lenard Engineering dated 7/19/16.

**MOTION: Mr. Ceppi motioned to close the public hearing**

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 3-0**

**MOTION: Ms. Shiver made a motion to approve the subdivision modifications with the following conditions:**

1. All provisions of the originally approved Definitive Subdivision Plan and conditions for the development, as well as any subsequently approved Amendments and conditions, are in full effect and shall be complied with except where they are specifically superseded by the approved revised plans referenced above.
2. As discussed during the approval process of the adjacent Solar Project, the ownership of the existing detention basin shall be transferred to the entity that will own the land on which the Solar Project is situated. As part of the Solar Project approvals, the maintenance of this detention basin, along with the maintenance of the detention basins on the Solar Project shall be the responsibility of the operator of the Solar Project. This

condition is part of the Solar Project. As such, the maintenance of this basin including the town or its agent.

An easement over a portion of the former layout of Sunset Lane shall be provided for maintenance of water, sewer and drainage structures in this area. Additionally, an easement shall be provided over this particular basin for drainage, access, and maintenance of this basin in an emergency situation.

Upon the end of the useful life of the Solar Project, it is anticipated that the use would revert to a residential use. At that time, the development shall be required to form a Homeowner's Association which would be required to provide maintenance for this basin. Should an alternative use be desired, the owner(s) of that use shall also be required to form a similar mechanism to provide maintenance of this basin.

3. The following Waivers are:
  - a. approved:
    - not to install sidewalks along the southerly side of Holmes Street in lieu of providing a 5' wide leveled area suitable for installation of a future sidewalk on the south side of Holmes Street from Dale St. to the southeast corner of the Sunset Ln./Holes St. intersection.
  - b. denied
    - not to install street lights at intersections
  - c. deemed unnecessary:
    - not to install 3 street trees on eliminated portion of Sunset Lane cul-de-sac

**SECOND: Ms. Reed**

**DISCUSSION: There was discussion in regards to the easement and town access**

**VOTE: 3-0**

**3. Continued Public Hearing- Site Plan Extension - 103 North Spencer Road Extension- Applicant: Spencer Renewable Energy Owner: John Wentworth & David Parent. Location: 103 N. Spencer Road, Spencer Assessor's Map R49/1/1. Applicant is requesting a four year extension.**

The applicant David Parent was present to the meeting to discuss his request for extension. Mr. Parent said originally the interconnection was unavailable but now because of the Abbey Solar going in they will be able to get the connection. Looking for a four year extension and understands he will need to comply with the new regulations.

Mr. Smith discussed that Margaret Washburn with the Conservation Commission and Steven Tyler with the Highway Department feels a Stormwater Permit would be needed. Ms. Shiver asked the timeline. Mr. Parent explained he does not have a buyer yet but the connection should be ready soon. Mr. Smith explained that according to the Spencer Zoning Bylaws there is no limit on an extension. Mr. Parent expressed that he doesn't want to have to come back for another extension.

**MOTION: Ms. Shiver motioned to grant a two-year extension to Spencer Renewable Energy Solar Farm to 8/17/2018 with the following conditions:**

1. That all work be done in compliance with the originally approved plans and conditions, and any subsequently approved revised plan and conditions.
2. That the project receive an approved Driveway Permit under the current town driveway bylaws in effect at the time of commencement of work authorized under this approved Site Plan.
3. That the project receive a town Stormwater Management Permit in accordance with the town's Stormwater Management Bylaws/Regulations in effect at the time of commencement of work authorized under this approved Site Plan.

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 3-0**

**4. Minor Site Plan Continuation – Applicant/ Owner: Mark and Darlene Handy, Location: 266 Main Street, Spencer Assessor's Map U06/ 54. The applicant is requesting a Minor Site Plan Review under Sections 7.4 of the Spencer Zoning Bylaw to expand garage and parking for existing multifamily/office use. The property is located within the village residential zoning district.**

Christopher Keenan, Quinn Engineering, was there to represent Mark and Darlene Handy. Mr. Smith had handed out the letter from Quinn Engineering dated 7/13/16 in regards to the required stormwater drainage calculations. Mr. Keenan explained that a small amount of water will go on the neighbor's property but pools back on to Mr. Handy's property. Mr. Tyler asked if there was stormwater and Mr. Smith said no. Mr. Tyler asked if they had a driveway permit and Mr. Keenan said not yet. Mr. Tyler reviewed the plan and asked about infiltration and Mr. Keenan explained there would be a plunge pool with recharge and has a drywell onsite. Mr. Tyler asked about the soil and Mr. Keenan said loam and sandy soil.

**MOTION: Ms. Shiver motioned to approve the parking lot and garage at 266 Main Street with the following findings and conditions:**

**Project Findings:**

1. The Planning Board is the Stormwater Permitting Authority for this project and incorporates the approval of said Permit into this Minor Site Plan Approval.
2. The Planning Board finds that the project meets the requirements of Section 6.1 (Off-Street Loading & Parking Requirements). The number of parking spaces proposed is sufficient to serve the proposed use.
3. The Planning Board finds that the proposed project, as shown on the approved plans and conditioned herein, meets the objectives of Site Plan Approval under Section 7.4.8 of the Zoning Bylaw.
4. The Planning Board approves the applicant's request to Waive the required Lighting Plan.

**Conditions:**

### General

1. The site plan that was submitted and dated May 6, 2016, Revised 7/13/16 is herein incorporated as part of this decision. Any significant change requires re-submittal to the Board. The Town Planner shall determine if changes warrant the Board's review.
2. Unauthorized deviations from the approved plan may result in the Planning Board seeking the issuance of a Cease and Desist Order until the deviation is addressed. Violation of any condition contained herein or failure to comply with the approved plan shall subject the Applicant to a zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A.
3. Members or agents of the Planning Board shall have the right to enter the site at reasonable times, upon prior notice, to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
4. Litter and debris in the parking lots, landscaped and buffer areas shall be removed regularly to maintain a neat and orderly appearance.
5. Sufficient travel lanes for reasonable emergency access shall remain accessible and clear of snow year round.
6. This approval shall lapse and become null and void two (2) years from the date of approval if the construction and all site improvements shown on the site plan are not completed within said two years. The Planning Board may grant extensions for good cause, upon written request of the applicant provided:
  - a. said request is submitted prior to the expiration of this Approval, and
  - b. said approval requires the affirmative vote of a majority of the full Board taken at a Public Meeting.

### Pre-Construction

7. Construction activity shall not commence until all required approvals and permits are obtained.
8. Prior to any construction the Applicant or its representatives are required to schedule a preconstruction conference with the Office of Development and Inspectional Services to present all required permits and approvals, recording information, provide contractor and emergency contact information, and schedule required inspections.

### Construction:

9. No construction activity which may cause noise, vibrations, glare, dust, debris, or other detrimental impact to abutting property owners shall be permitted earlier than 7:00 am Monday through Friday or earlier than 8:00 am Saturday, or later than 5:00 pm on any day, or anytime on Sunday or holidays as celebrated by the Town.
10. The site shall be kept reasonably clear of construction debris and trash, and said debris and trash shall be removed periodically from the site. Debris or trash which becomes a nuisance to abutters or which blows onto the adjacent roadway shall be removed immediately upon notification by the Town or its representative.
11. Sediment tracked onto public roads from construction activities shall be swept at the conclusion of each construction day, until all work areas have been properly stabilized.

Project Completion/Occupancy

12. A Certificate of Occupancy for this building shall not be issued until all site improvements as approved by the Planning Board are completed, a construction plan “as-built” has been provided, and the improvements have passed inspection by the Office of Development & Inspectional Services and other relative Town departments.

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 3-0**

**5. Proposed Zoning Bylaw Amendments:**

- Zoning Permit- Mr. Smith went over and discussed that the proposed Zoning Permit would be free and would require the applicant to think about the project they are doing, will allow the Zoning Enforcement Officer to provide feedback, and Mr. Smith believes it would be helpful asset to the town.
- Fences and Hedges- The first time this went to Town Meeting it was denied. Mr. Ceppi and Ms. Shiver agreed that it was not presented correctly. Mr. Smith has received feedback from Mr. Tyler and the Board of Selectmen and some minor changes were added to help get this article onto Town Meeting again.

**MOTION: Ms. Shiver motioned to hold a public hearing for the Zoning Permit and Fences & Hedges at the regularly scheduled September 20, 2016 meeting.**

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 3-0**

**6. Adoption of Minutes**

- June 21, 2016

**Due to the Planning Board not receiving their packets the minutes will be approved at the next meeting**

**7. Town Planner Report/ General Board Discussion**

Upcoming items:

August- Decommissioning bonds for Solar Farm, Table of Use, Solar Bylaw

September- Charlie's Diner

**MOTION: Mr. Ceppi motioned to close the meeting at 8:16pm**

**SECOND: Ms. Shiver**

**DISCUSSION: None**

**VOTE: 3-0**

**Submitted by: Monica Santerre-Gervais ODIS Clerk**

**Approved by the Planning Board on: 8/16/16**

**List of Documents used on July 19, 2016**

Items sent to Planning Board prior to Meeting

Mailed paper copies:

- Agenda
- Memo from Larry Smith dated 7/12/16.
- Application, plans, and narrative for Sunset/Holmes subdivision modifications
- Letter for 103 North Spencer road Solar Farm extension
- Bylaw changes- Zoning Permit and Fences & Hedges
- Minutes for June 21, 2016
- CMRPC- drafted Town Center development plan sent via email 12/31/2014

Items submitted at the Meeting:

1. Agenda, Memo from Larry Smith, and Minutes from 6/21/2016 (due to the members not receiving their packets)
2. Sunset/ Holmes subdivision plan with markings for requested waivers
3. Peer review response from Hannigan Engineering in regards to Sunset/Holmes subdivision modifications dated 7/19/16
4. Drafted findings and conditions for Sunset/Holmes subdivision modifications
5. Drafted findings and conditions for Handy garage and parking lot on 266 Main Street
6. Stormwater Calculations completed by Quinn Engineering for 266 Main Street dated 7/13/16
7. Zoning Bylaw changes to the mended article 6 for fences and hedges dated 7/12/16
8. Zoning Permit- Section 7.8, description
9. Drafted decision for Spencer Renewable Energy extension request
10. CMRPC- delegate form