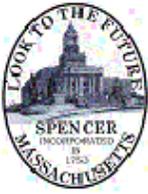


# Planning Board – Town of Spencer

## *Minutes*



Regular Planning Board Meeting  
Tuesday, June 16, 2009 at 7:00 PM  
McCourt Social Hall  
Memorial Town Hall

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The meeting was called to order at 7:00 p.m.

Planning Board Members Present: Chairman Fabio Carrera, Vice Chair Paul Tee, Shirley Shiver and Paul Sauvageau.

Planning Board Member Absent: Robert Ceppi

Staff present: Adam Gaudette, Town Planner and Bea Meechan, Senior Clerk, ODIS

### **Approval of Minutes: For May 19, 2009 and June 2, 2009**

Mr. Tee made a motion to approve the minutes for May 19, 2009. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Mr. Tee made a motion to approve the minutes for June 2, 2009. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

### **New Business:**

**A. Public Hearing to Extend the Definitive Plan Approval – Rolling Ridge Subdivision - RHT Realty Trust**, located on North Spencer Road, Spencer, MA. **Mr. Carrera opened the public hearing at 7:05 p.m.** Mr. Gaudette said that in reviewing subdivision files, he found that Rolling Ridge Subdivision Approval was about to expire. Mr. Gaudette sent a letter to Mr. Robert Toupin, owner of the Subdivision, and asked if he would like to request an extension of time to complete the construction of the road and the drainage system. Mr. Toupin responded and indicated that he is requesting the extension.

At this time Mr. Carrera asked the applicant to give explanation on the extension requested.

Mr. Toupin stated that due to the current economic conditions which are affecting the housing market, he is unable to begin construction. He then asked the Board for an extension as allowed in the Certificate of Approval for good cause.

The Board commented that Rolling Ridge has good cause to justify an extension, especially with the current market conditions. At this point Mr. Carrera opened the hearing to the public for any questions or comments.

Mr. James Morrow of 4 Browning Road inquired on the existing drainage problem, especially up the hill from him, and asked if there is any plan to address this.

Mr. Toupin indicated that the engineering design plan including a detention pond was already approved by the Planning Board. The Board acknowledged that drainage issues had been discussed in the previous public hearings. The Board directed Mr. Gaudette to send copies of the previous minutes to Mr. Morrow. Mr. Gaudette then showed the design plan to Mr. Morrow.

Ms. Shiver made a motion to close the public hearing. Mr. Tee seconded the motion and the vote was 4-0 in favor.

Ms. Shiver made a motion to grant Rolling Ridge a one year extension to May 19, 2010 on the subdivision which was previously approved by the Planning Board on May 19, 2006. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

**B. ANR – Town of Spencer, the Applicant, and Ms. Kelly Chisolm, 125 Main Street.**

Mr. Gaudette explained that Ms. Chisolm, owner of Finally Kelly's at 125 Main Street, has been mandated by the Architectural Access Board to provide handicapped access to the public. The only place that is feasible to install/attach a handicapped ramp is the west side of the building, which abuts Town-owned property, Sugden Block Building. Ms. Chisolm contacted the Town Administrator and made an offer to purchase a small strip portion of land about 572 square feet, indicated as Parcel A on the ANR plan. The subject matter was put on the Warrant for the Fall Town Meeting 2008; the Town voted and authorized the sale and transfer of ownership through the Board of Selectmen.

At this time the Board was reviewing the ANR plan and questioned about the parking space, frontage, setback and also the river that goes through Parcel A. The plan doesn't impact the frontage for either parcel. Mr. Gaudette explained that as long as the ANR meets the submittal requirements for ANR (and it does), the Board is obligated to endorse it. Mr. Gaudette said that the Town must obtain the deed easement access to Parcel A for the maintenance purpose of that underground sewer line prior to the transferring of ownership.

There were no further questions and comments from the Board. Mr. Tee then made a motion to approve the ANR plan as submitted tonight and to have Mr. Gaudette endorse the mylar. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

**C. Public Hearing - Major Site Plan Review, Town of Spencer; the Applicant, for a new fire station at 11 West Main Street, Spencer. Mr. Carrera opened the public hearing at 7:20 p.m.** Fire Chief Robert Parsons, Mr. Kevin Quinn from Quinn Engineering, Mr. Dennis Ross and Ms. Katrina Pacheco from Pacheco Ross Architects, were present tonight. Mr. Carrera asked Chief Parsons to brief the Board on the application.

*There were no abutters present tonight for this hearing.*

Chief Parsons explained that when the Master plan was established in 2003, the renovation of Fire Station was one of the objectives in the plan. A feasibility study was done in 2004 – 2005

and recommendations were given in terms of what could be done and what could not, regarding the existing building. Mr. Ross and Ms. Pacheco (Architects) used that study to analyze the site and the building, and have provided several plans. The cost factors to meet current codes and the regulations were the main concerns. Since the existing Fire Station was built in the 1970s, it is best to construction a new Fire Station versus renovate the existing station. A fire station is now considered a “critical facility,” and every component of the building has to be in compliance with current codes and regulations. To renovate wouldn’t be as cost-effective as building a new station. At this point Chief Parsons turned the presentation to Mr. Ross and Ms. Pacheco.

Mr. Ross said that they went through about 8 possible plans; the most cost-effective plan is to construct a new Fire Station. He presented the plan which included floor plans, the location of offices, access in and out of the building, parking areas and other features of the proposed building. At this time he turned the presentation to Mr. Kevin Quinn.

Mr. Quinn gave an over view of the site conditions as follows:

- Parking. There are designated staff parking spaces. Public parking will be at the rear of the building. The project is also proposed to have parking spaces to the easterly side of property which will connect to the parking of the police station.
- Drainage system. The plan includes catch basins for drainage and a pump station for waste water. Also, in compliance with DEP Stormwater Management, recharge systems are provided for roof-runoff.
- Clear the back area of the property in order to maintain the same grading level.
- A 4-foot height of retaining wall will be installed along the driveway as shown on the plan.

There is some open space located in the front, between the lot lines of the Police Station and the Fire Station. The Board expressed a concern that people may mistakenly enter through the Police entrance, go around the handicapped space, and continue through that open space as a means to get to the Fire Station. The Board recommended that there should be a “Do Not Enter” sign (with the lettering side facing police station) at the end of the handicapped spaces. The other option is to paint “Do Not Enter” letterings on the pavement beginning from the main public entrance door (of the fire station) and continue adjacent to the handicapped parking of police station. *The Board pointed out the location on the plan to Mr. Ross.*

Mr. Ross acknowledged the comments. He will check that particular area with the two options as suggested by the Board. He also thought of doing something in terms of the architecture, at the door area which will be noticeable and catch people attention. Mr. Ross will explore these ideas and report back to the Board.

Ms. Shiver said that another suggestion to address this problem is, making the entrance clearer by moving the existing entrance of police station toward the west so it could be in-line with the

back garage, and constructing an island in the open space separating the lot line from each other permanently.

Mr. Ross said that the objective is to leave things as they are. Mr. Quinn and himself will take it under consideration, evaluate the area and will get back to the Board.

The proposed plan illustrated snow storage area in the front parking of the abutting police station. There are a limited number of parking spaces in the lot. Mr. Sauvageau was concerned that if snow is stored there, it would be greater interference with the parking spaces, and also emergency vehicles may not be able to access through the driveway.

Mr. Quinn responded that if the amount of snow being stored has an impact on the parking area and on the sight distance when vehicles are pulling out then the Highway would be called. Chief Parsons stated that when the situation has happened, and he notifies the Highway Department to remove snow off that specific storage area.

Ms. Shiver asked about the location of dumpster. Chief Parsons said that a shared dumpster is located at the rear of the Police Station. He pointed out to the location on the plan.

Mr. Carrera asked how long would it take to construct the new Fire Station, and if the existing building is demolished, would there be temporary housing during the construction process. Additionally, what is the life expectancy of the new Fire Station?

Mr. Ross said that in general, it takes about 14-16 months to build a new Fire Station. There are several companies that provide temporary housing, but first is to find the site/location for that. Chief Parsons indicated that the temporary housing can be placed in the back of the Highway Department. Mr. Ross stated that the life expectancy of the new fire station is 75 years.

There is a single-family house located on the westerly side which abuts the fire station's driveway. Mr. Carrera asked if the Town has notified this particular abutter. Mr. Sauvageau also inquired about lighting along the westerly side, whether it might have an impact to the abutter.

Chief Parsons said that he had shown the plan and explained the details of the project to the owner of that property. The owner has no objections to the project. Mr. Ross said that there will be three lighting poles along the westerly side of the driveway (he pointed out the location of these light poles). By their positioning and the distance from the abutting property, the ray from the light poles should not have any impact to the abutter. There is some lighting on the building (fire station) as well. Mr. Ross said that all lighting is specified to point down to the ground.

Mr. Carrera commented that it seems like a lot of paving is in the back parking lot already. He then asked why the project proposes to increase the impervious paving in the back area, and if that is essential?

Mr. Ross explained that currently if a rescue vehicle is trying to return to the site, due to the limited space for the vehicle to turn around, the staff has to stop and interrupt the traffic on Main

Street in order to let vehicle back into the driveway. The additional impervious paving is certainly essential for vehicles to circulate safely and turn around in the front parking lot without interrupting the traffic.

Mr. Sauvageau asked will there be any consideration of using efficiency energy saving systems in the new fire station. Mr. Tee said that the roof has a great height; he asked if there is a possibility to install tower communication on the roof.

Mr. Ross responded that the entire apparatus based floor area is radiant-floor-heating; it is a very cost-effective system. The entire building will have on/off light-sensor, insulated doors, windows and ceilings. Chief Parson specified that there are 8-10 antennas on the roof presently. He said that the idea of having some type of tower communication is expected, and it will be located on the back of the building to protect aesthetics.

Mr. Sauvageau said that MassDEP has proposed new StormWater Regulations (SWR); it is still in a proposal stage. If it becomes a regulation this year, he then asked would the stormwater for the Fire Station need to be reviewed again?

Mr. Quinn indicated that stormwater system of the proposed project is in compliance with the current SWR that was updated in January of 2008. The new regulation is more applicable to a Low Impact Development (LID) project. This proposed project isn't good candidate for a LID project due to level grade conditions.

Mr. Gaudette advised the Board to continue the public hearing. ODIS is still waiting for comments from Cullinan Engineering (Peer Review Engineer) on stormwater management; Sewer Department; Utilities and Facilities; and Building Inspector. The Zoning Board of Appeals will hold a public hearing for variances and special permit on June 23, 2009.

Mr. Tee made a motion to continue the public hearing to July 7, 2009. Ms. Shiver seconded the motion and the vote was 4-0 in favor.

### **Old Business:**

**A. Continued Public Hearing – Pine Cliff Condominiums OSRD, off Greenville Street, Spencer. Mr. Carrera opened the public hearing at 8:05 p.m. *There were no abutters present tonight for this hearing.***

Mr. Gaudette said that at the previous meeting (6-2-2009), ODIS was waiting for final comments from Cullinan Engineering and approval letters from Town staff. The Board also requested to add the detail of landscaping paths on to the plan. Since then all comments were addressed, and the landscaping path detail has been added on to the revised plan. Mr. Gaudette has prepared draft decision, the Board could review it, make any changes or any additions to the final decision tonight.

The Board asked for a clarification on condition #33. Mr. Gaudette explained that under the MGL Chapter 61B, Recreational Land, the owner must notify the Town of the intent to convert

the property to another use. Basically, the Town has the first right of refusal to purchase, or could refer the option to a Land Trust, within 120 days.

Mr. Gaudette said that he has yet to receive final comments from Wright Pierce, a consulting firm for Spencer Sewer Department - *Mr. Sielis said that he didn't receive anything either.* Mr. Gaudette explained that Condition# 45 is basically reserved for sewer comments (from Wright Pierce). In order not to hold up the process, the Board could grant an approval on the decision based on what has been presented tonight. Also, anything that needs to be addressed in terms of sewer will be incorporated into the plan for endorsement. The Board and Mr. Sielis agreed.

Mr. Carrera asked if there is any construction phasing. Mr. Gaudette said that it is such a small project, thus construction phasing isn't necessary. However, there are requirements spelled out in the conditions for construction sequencing; clearing the site/removing trees, construct drainage system, then construct buildings, etc.

Referencing the plan, Ms. Shiver pointed out that there is a proposed indicator line for a pedestrian path on the south side of the project, but it fails to identify that the path as it goes around the gazebo. Mr. Gaudette said that he would modify condition #32 to reflect that another indicator should be labeled.

With no further comments and questions at this time, Ms. Shiver then made a motion to close the public hearing. Mr. Tee seconded the motion and the vote was 4-0 in favor.

*At this time the Board, Mr. Gaudette and Mr. Sielis were reviewing all waivers requested.* Ms. Shiver then made a motion to grant the following **waivers**:

Waiver #1 under Article 2, Section 3.d.22.a

Waiver #2 under Article 3, Section 5.B.1.f.

Waiver #3 under Article 3, Section 5.B.1.i.

Waiver #4 under Article 3, Section 5.B.1.j.

Waiver #5 under Article 3, Section 5.B.2.d

Waiver #6 under Article 3, Section 5.B.2.e.3.

Waiver #7 under Article 3, Section 6.C.

Waiver #8 under Article 3, Section 6.E.a.-b. with the note that a waiver has not been granted from Article 3, Section 6.E.c., which requires monuments at all other locations to be installed as iron pipe or drill hole.

Mr. Tee seconded the motion and the vote was 4-0 in favor.

Ms. Shiver made a **motion to reject Waiver #9** under Article 3, Section 6.B. (street lighting)

Mr. Tee seconded the motion and the vote was 4-0 in favor.

At this time the Board, Mr. Gaudette, and Mr. Sielis were reviewing all conditions in the decision. All parties agreed to modify the following **conditions**:

**Condition #28:** Change “and operated by the Homeowners Association” to “and operated by Condominium Association.” And also add “The plans submitted for endorsement shall be revised to include the streetlight location.”

**Condition #32:** Add “The plan submitted for endorsement shall be revised such that Sheet L-1.0 shall include an additional Proposed Pedestrian Path indicator in the area of the gazebo and associated retaining walls.”

**Condition #45:** Sewer comments from Wright Pierce will be incorporated in the plan for endorsement.

**Condition #46:** The location of the new hydrant shall be reviewed in the field, and it will be incorporated in the plan for endorsement.

Mr. Tee made a motion to approve the Definitive Subdivision and OSRD with conditions as amended tonight. Ms. Shiver seconded the motion and the vote was 4-0 in favor.

Mr. Gaudette indicated the Board must also act on the Site Plan Approval for the three 4-unit buildings. **The Board should also conduct a vote on the site plan review at this time.**

Mr. Sauvageau made a motion to grant site plan approvals for the three buildings containing units 1-4, 8-1, and 17-20 subject to the conditions of the Definitive Subdivision Approval. Mr. Tee seconded the motion and the vote was 4-0 in favor.

**Other Business:**

**A. Minor change to the plan – Dippin Donuts, 292 Main Street, Spencer.** Mr. Steven Karapatsas, the owner, met with Mr. Gaudette at the site. He pointed out that the radius around the drive-thru is tight and several cars have scraped the concrete bollards. Mr. Karapatsas asked if he could extend the sidewalk at the rear of the building by 1 foot and which will push out the drive-thru travel lane the same distance. The access lane to the outside of the drive-thru lane would be decreased as a result but would still remain 13-14 feet wide. Mr. Gaudette also provided a sketch of the plan showing the changes. Mr. Gaudette thought that this could be done as a construction change and would not need the filing of an amended site plan. The Board agreed.

The Board reviewed the sketch plan, Mr. Tee then made a motion to approve the minor change as requested. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Ms. Shiver made a motion to adjourn the meeting at 9:45 p.m. Mr. Tee seconded the motion and the vote was 4-0 in favor.

Submitted By:

Approved By:

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Adam D. Gaudette, AICP  
ODIS Director/Town Planner

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Fabio Carrera  
Planning Board Chairman