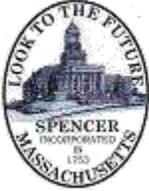


Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, September 21, 2010 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:05 p.m.

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

Planning Board Member Absent: Robert Ceppi.

Staff present: Michelle Buck, Town Planner.

New Business:

A. Site Plan Amendment – Alan Letendre, 10 West Main Street, Spencer. Mr. Letendre requested to meet with the Board in regards the modifications made to the Approved Site Plan for Country Spirits, 10 West Main Street. Mr. Robert McNeil, Superintendent Utilities & Facilities, reviewed the As-Built plan and inspected the site. He found that things were not done according to the approved Site Plan. Mr. McNeil sent a notification letter with 8 items in question to the applicant on August 19, 2010. Mr. Michael Lion from Bertin Engineering Associates (applicant's engineer), responded to all comments in the letter dated September 13, 2010.

Note: Mr. Letendre and Mr. George Lussier (applicant's contractor/consultant) were present this evening.

Mr. Lussier went over the responses (to Mr. McNeil's comments) with the Board as follows:

1. The pavement around the drop inlet has a section of pavement that has collapsed and will be replaced within two (2) weeks.
2. The section of roadway where the new drainage pipe was installed was repaved last fall when the installation of the pipe was complete. The new pavement has gone through one winter season already and has shown no sign of heaves or cracks.
3. The concrete structure is H-20 rated with an H-20 cast iron manhole cover, not just a common concrete basin. They will provide specifications to Mr. McNeil.
4. The toe of the slope contained ledge very close to the surface; some of the ledge was removed to allow for the installation of the roadway. The toe of the slope has a stone

swale that will catch any runoff coming off the hill or any seepage that may happen during spring months.

5. The DMH and trench drains will be cleaned.
6. The vertical granite curbing was changed to a bituminous concrete berm as a way to control cost of the project. The owner of the site will take any responsibility to maintain the existence of the berm.

Items 7 (a deep sump for the detention pond), and 8 (riprap outfall cemented at the lower detention basin) are not required in the design plan. Due to the above modifications made, items 7 and 8 are necessary for safety concerns and in resolving drainage problems. In addition, the riprap outfall has been made larger, and a geo-textile fabric was added to the base.

The Board asked if the applicant notified Mr. McNeil in regards to drainage problems during construction.

Mr. Lussier said that Mr. Letendre and his engineer met with Mr. McNeil at the site and went over the issue.

Mr. Lussier said that for safety concerns, the applicant installed a barrier to prevent vehicles from sliding down and into the pond. He then pointed out the area on the plan to the Board. Mr. Letendre spent several thousand dollars on this item, which was not required on the approved site plan.

In the approved site plan there is a condition stating that there shall be fencing around the outside dumpster and in front of the recycling storage area – for aesthetic purposes. Mr. Lussier explained that fencing in front of the recycle storage is basically just typical vinyl material swing door which is not durable and practical. There is also a slope right behind the area (which blocks view of the dumpster). Mr. Lussier and Mr. Letendre indicated that they have worked to make the site attractive and address drainage concerns. He provided photographs to the Board. At this time Mr. Letendre asked the Board for a waiver on the fencing.

Mr. Sauvageau made a motion to waive a condition on fencing/screening around the dumpster and the recycle storage area [condition #21]. Ms. Shiver seconded the motion and the vote was 3-0 in favor.

The Board inquired as to the landscaping plan in front of the building.

Mr. Letendre replied that due to the heat, and dry weather in the months of July and August, the planting was put on hold. He will start planting soon.

The Board directed the applicant to contact Mr. McNeil in regards to above items and to address Mr. McNeil's concerns.

Mr. Letendre and Mr. Lussier thanked the Board and Ms. Buck for their time.

B. ANR – Steven Cutler and Timothy Masterson, Paxton Road. The purpose of this plan is to create two new lots. Parcel A consists of 47,642 square feet is to be combined with Lot 1 and conveyed to Steven Cutler. Parcel B consists of 86,410 square feet is to be combined with Lot 2 and conveyed to Timothy Masterson. As result Lot 1 is now contains 3.32 acres, and Lot 2 contains 3.28 acres of land. The plan was revised to reflect Section 5.3.9 of the Spencer Zoning Bylaw (minimum net useable area). Ms. Buck reviewed the plan and it meets requirements for endorsement of an ANR plan.

The Board reviewed the plan at this time. Mr. Sauvageau made a motion to accept the ANR plan as present tonight and to have Ms. Buck endorse the plan. Ms. Shiver seconded the motion and the vote was 3-0 in favor.

C. ANR – Kenneth Sandstrom c/o Cushing & Doland, PC, 78 Donnelly Road. The purpose of the plan is to subdivide an existing lot into two new lots. As result, Lot 1, which has an existing house, now consists of 11 acres, and Lot 2 consists of 37.4 acres of land.

Ms. Ginny Scarlet, Spencer Wetland Soil Specialist, submitted a memo (9/2/2010) stating that there are two outstanding Orders of Conditions on the property. Lot 1 as proposed includes a wetlands replication, wetlands, and an intermittent stream. Lot 2 may have additional protected wetland resources. She also sent a letter to the applicant notifying them of the existing condition.

The Board reviewed the plan at this time. The plan does not demonstrate the existing boundary and the proposed boundary lines. The Board commented that there should have been distinctive lines for both the existing and the new lines in order to prevent any future confusion. Ms. Buck found the plan sufficiently clear to understand the purpose of the plan. Wetlands, an intermittent stream, and wetlands replication on Lot 1 should also be included on the plan. If either lot got sold, it is important to disclose this information to a potential buyer.

The Board went over the ANR plan requirements/checklist and commented that there were several items not shown on the proposed plan. However, under the subdivision control law, an ANR plan may be divided provided that each parcel contains the minimum frontage required under the current Zoning Bylaw. In this case the frontage does meet the requirement, and the Board cannot withhold the ANR plan endorsement.

The Board asked if Ms. Scarlet is required to review the ANR plan.

Ms. Buck stated that it has not been a practice that the ANR plan is required to be reviewed by Ms. Scarlet. However, Ms. Scarlet stated that she would like to participate in the reviewing process.

Ms. Buck suggested sending two letters: 1) a letter to the applicant reminding them of the requirement to document compliance with the Town's upland requirement prior to any construction, and 2) a letter to the engineer that prepared the plan informing him of Spencer's submittal requirements for ANR plans. The Board concurred.

Approval of Minutes: Minutes for 8/3/2010 and 8/17/2010

Mr. Carrera made a motion to amend the minutes for 8/3/2010 to add a sentence on page 4, third (3rd) paragraph which read:

“The Board had requested the applicant to provide free electricity in perpetuity for both abutters.”

Mr. Sauvageau seconded the motion and the vote was 3-0 in favor.

Mr. Sauvageau made a motion to amend the minutes for 8/17/2010 to add a paragraph as follows (on page 1):

“The Board discussed and agreed to delegate its authority to Ms. Buck, the new Town Planner, to endorse the ANR plan. Ms. Shiver made a motion to have Ms. Buck endorse the ANR plan on behalf of the Board. Ms. Sauvageau seconded the motion and the vote was 4-0 in favor.”

Ms. Shiver seconded the motion and the vote was 3-0 in favor.

Other Discussion:

A. The Planning Tasks. The task list presented to the Board at the previous meeting was prepared by the former Town Planner, William Scanlan, and it is an extensive list of projects. Ms. Buck explained that she is a part-time employee and her working hours are limited (15 hours per week). Ms. Buck reported the current status of projects as follows:

- Stormwater Regulations - near completion.
- Open Space and Recreation Plan. Ms. Scarlet is updating the map and inventory of open space and conservation properties. Ms. Buck coordinating ADA access evaluation (Bill Klanssek to inspect properties), and will work on completion of the text.
- Flood Plan Zoning Amendment. This is planned for the 2011 Annual Town Meeting.
- Update Commonwealth Capital Form. Ms. Buck is currently working on it.
- CDBG – Downtown Activities. Ms. Buck said that she will touch base with Pioneer Valley Planning Commission.

The Board thought the highest priority is to work on the inclusionary zoning and CDBG with Pioneer Valley Planning Commission, and advised Ms. Buck to pursue that first. Ms. Buck mentioned that another priority is addressing failing subdivisions.

With no further discussion, Ms. Shiver made a motion to adjourn the meeting at 9:15 p.m. Mr. Sauvageau seconded the motion and the vote was 3-0 in favor.

Submitted By:

Approved By:

Bea Meechan, Senior Clerk

Fabio Carrera, Planning Board Chairman

List of Documents used on September 21, 2010

- Site Plan of 10 West Main Street dated 1/15/2009.
- Letter from Bertin Engineering Associates, Inc., dated 9/13/2010.
- Photo pictures of the dumpster and recycling site at 10 West Main Street provided by Alan Letendre.
- ANR Plan and application of Paxton Road.
- ANR Plan and application of 78 Donnelly Road.
- Spencer Subdivision Regulations for Approval Not Required (ANR) plans.
- Minutes for August 3, and August 17, 2010.
- Long Range Planning Tasks dated 9/21/2010.