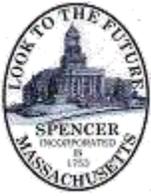


# Planning Board – Town of Spencer

## *Minutes*

Regular Planning Board Meeting  
Tuesday, July 19, 2011 at 7:00 PM  
McCourt Social Hall  
Memorial Town Hall



---

The meeting was called to order at 7:10 p.m.

Planning Board Members Present: Chair Shirley Shiver, Robert Ceppi, Mary Stolarczyk, and Ralph DiChiara.

Planning Board Member Absent: Vice Chair Paul Sauvageau.

Staff present: Michelle Buck, Town Planner, and Bea Meechan, Senior Clerk, ODIS.

### **New Business:**

**A. Discussion, Conceptual Plan, OSRD Laureldale Wood Phase 2 – Quinn Engineering.** Ms. Shiver asked Mr. Kevin Quinn to make a presentation on the conceptual plan.

Mr. Quinn explained Laureldale Wood Phase 2 was approved by the Board in 2006. With the market downturned the owner to the subdivision thought that they must do something conceptual in line with the current market in order to move forward with the project. Mr. Quinn submitted the original approved plan Phase 2 to the Board at this time.

Mr. Quinn said the owner and Quinn Engineering looked at the development plan for the open space development. Mr. Quinn and Attorney Donald O'Neil are here tonight essentially to discuss the proposed open space plan and to get the Board's opinion, any concern or comments the Board may have.

Mr. Quinn went over the proposed plan at this time. The proposed plan contains an 874 foot cul-de-sac. The original approved plan Phase 2 has extensive wetlands across the entire properties, thus the layout of the plan was designed to accommodate the wetlands. Mr. Quinn said the plan minimized the wetlands impact to zero which is a big bonus. He continued the explanation as follows:

- The roadway and the road's infrastructure will be in a smaller scale as opposed to the convention subdivision plan. The owner is interested in building of less of construction and more of dense construction.
- The roadway's design is simple; it has a small stormwater management area, and has cluster/community septic system.
- The proposed road is 24 feet wide which is less than the required standard under the convention subdivision. However, Mr. Quinn thinks it serves the purpose – smaller population.

- The plan proposes a single sidewalk which Mr. Quinn thinks it shall be proficient for this small and short dead end street.

Ms. Shiver asked if the existing pavement has a width of 30 feet.

Mr. Quinn said the existing pavement is 30 feet wide.

Mr. Quinn said Ms. Buck cautioned him that the zoning since has changed. The approved plan consists of 27 lots in total, and it is a conventional subdivision plan that does not fully maximize. With that being said Mr. Quinn will look at the plan to figure it out, and will get an assessment on that. The building of the two-family dwellings requires a special permit from the Planning Board. He said the proposed plan and the special permit will be filed concurrently with the Board. Phase 2 has 54 acres of land, and approximately 93% will be dedicated to the open space.

Ms. Shiver inquired as to the number of units created by the proposed plan.

Mr. Quinn said the total lot number is 27 lots, and the proposed plan will create 32 units. He explained the configuration of how he arrived at 32 units; 15% bonus for being the OSRD plan; and 5% density bonus for providing at least 60% as an open space land. [Number of dwelling units permitted: The maximum number of dwelling units may not exceed 15% above the maximum that would be obtained under a conventional subdivision design for single-family home, except when a density bonus is granted by the Planning Board such as a density bonus of 5% for a project that provide at least 60% open space].

Ms. Buck said when she reviewed the plan she found that more than half of these lots, as they were previously approved, are well in excess of 60,000 sq ft. (As required in the current Zoning Bylaw).

Mr. DiChiara asked whether the proposed plan is in compliance with the current Zoning Bylaw. He also asked for a clarification on the extension granted in the previous, whether or not it was an automatically granted due to the Permit Extension Act. In addition, he asked when that extension is due to expire.

Mr. Quinn said the Phase 2's plan was a subdivision plan, and was previously approved by the Board under the Spencer Subdivision Regulations. The plan proposed tonight is a proposed OSRD plan modifying the previous approved subdivision plan.

Ms. Buck explained that applicant/owner was eligible for an automatic extension due to the Permit Extension Act, but Mr. O'Neil requested only 1 year extension.

Mr. O'Neil indicated he requested only 1 year extension because the original approved plan stated that the Board could only grant for 1 year extension. The extension will expire in October of 2011.

Ms. Buck explained the original plan was approved under the old Zoning Bylaw, the zoning freeze for this approved plan is to 2015; however, the owner wants to take an advantage of the OSRD plan instead. Mr. DiChiara said that requires re-submitting of preliminary plan for the OSRD. Ms. Buck concurred.

Mr. DiChiara went over the above changes, which are the road's width and the sidewalk. He then asked if there are any more changes to the approved plan.

Mr. Quinn said under the regulations the dead end street is required 750 feet in length for any street providing an access to more than 15 dwelling units. However, the proposed plan could not comply with the subdivision regulation's length; it falls short. He explained that if the length were to be the same as required (750 feet), it would be detrimental to the layout of the subdivision.

Ms. Shiver asked to identify the specify length distance on the plan. She also asked if the two-family dwelling will be constructed side-by-side to each other.

Mr. Quinn pointed it out the distance on the plan at this time. The two-family dwelling will be constructed side-by-side.

Ms. Shiver inquired as to the amount of the buffer perimeter of the lot.

Mr. Quinn said under the zoning bylaw, a 100-foot buffer is required along the perimeter of the home that abutting to the public road; and a 75-foot buffer is required along the adjoined lots.

Mr. DiChiara referenced to the first lot situated at the end of end cul-de-sac (specified as Lot 22 in Phase 1, located at the corner of Donna Drive and Dale Circle), he then asked – has a house been built on the lot yet?

Mr. Quinn said no it is just a lot, no home has built on it yet; this particular lot is associated with Phase 1.

Mr. DiChiara suggested of moving the proposed homes down to lot 22, this will accommodate the length of the dead-end street so it meets the requirement of 750 feet. He asked if there is any reason why Mr. Quinn did not do that.

Mr. Quinn said the particular lot in question is in Phase 1 whcih was already approved and had recorded. He said this lot is a resource for the applicant; it is not a disposable lot.

Ms. Shiver reviewed the layout of the plan and commented that it wouldn't make sense to build the right-of-way on the other side, and the proposed plan has the subdivision be built next to the road, she then asked if that is the best geographic location for the homes being constructed there.

Mr. Quinn concurred that is the best possible location for the homes.

In regards to the number of units created, Mr. DiChiara asked if the given numbers is the maximum unit numbers for this proposed OSRD project.

Mr. Quinn explained the original plan approved for 27 lots. When he did the calculation on the bonus point and the density bonus he got 32 units as indicated above.

Ms. Shiver said in regards to the density bonus point, the Board has to review/check on the net buildable space and how you achieved that density point. Under the current Zoning Bylaw, the dead end street is required for 2,000 feet and an emergency access must also be provided for the subdivision project in the Rural Residential district. Since the homes in Phase 1 had already been occupied, people are residing there, and some of these homes have their backyard abutting to the proposed homes in Phase 2's plan. From the design perspective, Ms. Shiver commented the layout of the proposed plan could affect the existing subdivision (Phase 1) and also the current residents who already live there. [She said unless the areas between the lots in Phases 1 and 2 are very well buffered].

Mr. Quinn explained the proposed plan is the OSRD, and the backyard areas of the lots in Phase 2 are all woods and trees. With that being said the lots in Phases 1 and Phase 2 are well separated and isolated from each other. He said the Phase 2's layout plan will have a minimal impact to the residents currently live in Phase 1.

Ms. Shiver asked what would be the benefit in doing the community septic system as opposed to a single septic system tank on each lot. There shall be the Community Septic System Association (CSSA) managing the cluster septic system, and the Homeowner Association handles the general maintenance, Ms. Shiver said.

Mr. Quinn said due to the density of the proposed OSRD plan, the separated single-septic system isn't practical and manageable in this case. The DEP does like the community septic system particularly because the CSSA is the entity that the DEP can contact when there is a problem (in regards to the septic system). They have a capital fund that is already established, and when there is a problem with the septic system, the CSSA have a mean of a remedy to offset the cost. Mr. Quinn said each lot will have its own well.

In referencing to the land which will be dedicated to the open space as mentioned above, Ms. Shiver inquired as how the ownership of those parcels would be turned over, whether in *fee ownership*, or just simply transfers it to the entity with restrictions (such as to the Town with Conservation's restriction). She then asked if Mr. O'Neil considers transferring the in-fee ownership of those parcels.

Mr. O'Neil said the parcels, which will be the open space, contain 50 acres of land. He needs to review the regulation on the subject matter. Mr. O'Neil said the option is to either offer the open space to the Spencer's Conservation which typically has to set up the HA as the owner of the open space's parcels; or it can be deeded to the Land Trust.

Ms. Shiver commented that either way the in fee ownership will go to the whole community and/or the Land Trust, which seems to be more value for just people who live in that community – Laureldale Subdivision, rather than benefit the whole town.

The Board members had a discussion in regards to the Mid-State Trail near the property, which is not directly abutting to the property. Mr. Ceppi asked if the road, the previous right-of-way, can be used as an access to the trail.

Mr. Quinn said there is an easement on Phase 1, and it could conceivably have the trail's system come through the entire project of Phase 2. Mr. O'Neil said that the proposed plan has preserved the right-of-way for the wetlands area in Phase 2, he pointed out the specified location on the plan.

Ms. Buck asked if the owner of the project is willing to transfer the land over to either Conservation or the Land Trust, or, the owner just wants to keep it and restrict it just to the homeowners.

Mr. O'Neil said he doesn't know what the owner wants to do. The land has to be restricted permanently, therefore it doesn't make much different whether given it to the Conservation, or the Land Trust. However, he thought that the Land Trust is more applicable.

Ms. Shiver commented if the community (Laureldale Woods) has an access to that land, open space, just for themselves; they could do something such as putting a community center, or a pool, etc., rather than given it to the Land Trust, or the entity with Conservation's restriction. She said in terms of the open space land, the Board shall thought about as to what would be the best and the most use to the Town and also the Mid-State Trail.

Ms. Shiver said the next step is to submit a preliminary plan to the Board and schedule a public hearing. The Board will go over the density bonus point, review the calculation of how the point achieved to the given number, and also review the zoning regulation on the density and the wetland areas. The plan must demonstrate the parking area, driveway, snow removal's storage area, the drainage, and location of the fire cistern, etc.

Mr. Quinn and Mr. O'Neil thanked the Board members and Ms. Buck for their time.

**B. Public Hearing – Draft Open Space and Recreation Plan.** Ms. Shiver opened the hearing at 7:50 p.m. Ms. Shiver asked Ms. Buck for a summary of the plan.

Ms. Buck said the town has been working on the Open Space Plan since 2007, and since then the town actually has 4 different Town Planners, who have been working on the plan. A full draft plan was available in 2008. In 2009, a survey was sent out to the resident to get the public's input. In 2010 and 2011, Ms. Buck and the Conservation have been working on updating the demographic information based on the 2010's census, doing the maps, and doing the ADA handicapped accessibility's inventory which is the main mandatory component of the plan. Ms. Buck said the plan consists of goals, objectives, and action plan. She distributed the handouts to the Board members at this time.

Ms. Buck explained the plan contains 5 primary goals which are: 1) Protect valuable water resources from adverse impacts; 2) Retain Spencer's rural, small-town character; 3) Enhance recreation opportunities for Town residents & visitors; 4) Preserve Spencer's open space and natural heritage; and 5) Establish a continuous open space planning process. Ms. Buck said there are specific tasks to implement those goals and objectives, each task is assigned to the responsible party, and the tasks are scheduled to carry out over the next 7 years.

Ms. Buck said the town was already planning to finish the open space plan during this year (2011). The process was sped up so that we would be able to apply for the Land Grant that was due last Thursday, July 14<sup>th</sup>. We have to have a draft plan with the Land Grant application and that was done, and the draft open space was included. However, the public process is continuing, including tonight's hearing. ConCom held a hearing on July 6<sup>th</sup> which received a lot of good input, and the comments received on that hearing will be incorporated to the open space plan. Ms. Buck said that the Planning Board itself, as the body, will be commenting on the open space plan as the Board of Selectmen (BOS) also has to comment on the plan. Ms. Buck said once all of those comments, changes, and edit are made, a more final plan will be submitted to the State for reviewing and approval.

Ms. Shiver opened for any comments and questions from the public at this time.

Mr. William Shemeth of 6 Dale Street, a co-chairman of Spencer Park & Recreation Commission (P&R), said the P&R Commission already addressed all of the recreational items and had provided the information to go into the plan. He wanted to give the Board a background on the process of which the P&R Commission had given as the input. The following were documents/information used in developing the capital plan by the P&R Commission:

- Used the appraisal record established by the maintenance and facility committee set up by the BOS. [This committee would go around and conducted appraisals of all town facilities, including the P&R].
- Looked at the result of the site visits that were done earlier this year, in 2011.
- Looked at the history and projected forward on what residents had suggested what they would like to see.

Mr. Shemeth said the most revised capital plan which the Commissioners have developed was based upon on a joint site visit between the P&R Commissioners and the Foreman of U&F. He said they went around, in the spring of this year, identified all of the current issues, and based upon that the Commissioners submitted a revised detail capital plan to the Town Administrator.

Mr. Shemeth explained the P&R Commissioner wanted to expanding the program and providing the opportunity for the Spencer's residents to make the most enjoyment of the P&R facilities that are available in town. The capital plan doesn't just only to maintaining the facilities; it also incorporated and taken these expanding programs into the account as well. Mr. Shemeth said the above information provided comprehensive input to P&R Commission which Ms. Buck had included into the open space plan. He is hoping that the Planning Board is in favor and support the open space plan. Mr. Shemeth submitted the 2011 Capital Needs Assessment and Schedule of Maintenance to the Board at this time, the document listed as Appendix B.

Mr. DiChiara asked about the future grants from the Federal and State - when the Town will be able to apply for the grants.

Mr. Shemeth responded that in order to apply for Park & Recreation's grant; the Town must have this draft open space and recreation plan in place first. There are several grants the Town could apply for if this draft has been established, and the Town could do in the following year.

Mr. DiChiara said once the draft is in place, the Town then will qualify for the grant. He asked about the grant's processing - how the grant recipient got chosen among all the applications submitted.

Mr. Shemeth said the Town will qualify and be eligible to apply for the grant once the draft is established. The application's selection depends on the nature of the grant, some are self-enrollment programs, and some are ranked by the number - based upon the number of criteria and where/what rank you are at within the criteria.

Ms. Shiver asked if the merit is based on the actual technical submission of the grant, and on how well the grant's application is comprehended and elaborated.

Mr. Shemeth said no, and explained that each year the State will make a determination on what P&R needs to be improved (e.g. sport fields, swimming facilities, beaches, and trails), and next is to announce the grant. The grant's application would focus on that particular improvement, and how to enhance the activity once it has been improved.

Mr. Michael Toomey sent information on the Forest Future Visioning Process (FFVP) via e-mail to Ms. Buck prior to tonight's meeting, and asked Ms. Buck to forward it to the Board members. He would like to know if the Board has any comments on that.

Ms. Buck said she did receive the information, but didn't forward it to the Board. Ms. Buck hasn't had an opportunity to review it yet; it is her intention to review it.

Mr. Toomey said the Department of Conservation & Recreation (DCR) made some changes to the Landscape Designation for parks and forests. The DCR set up the FFVP to seek the input from the public on how to accomplish the designation process, and there were series of public workshops and the public comment held in 2010 and beginning of 2011 as well. The FFVP allocated the parklands into 3 different designations, and Spencer has been designated for the woodlands. Mr. Toomey would like to get the comments from the Board on those changes; how it may affect the Town of Spencer.

Mr. Toomey said there is a vast amount of land surrounding Spencer and other neighbor towns that shall be reserved and preserved. He is here tonight to discuss this potential with the Board.

Ms. Buck said she understood that, the FFVP is more of a designation on the category of the forest plan of the existing lands which basically is under the State's jurisdiction, and not about

adding or acquiring more lands for preservation. Ms. Buck said she would provide more information to the Board.

Ms. Shiver asked for the timeline to response, or comment back to the DCR. She said that if the Landscape Designation will have an impact on the Spencer's open space plan, the Board then will address it. In addition, do you have any comments of how the Board could address this, or what the Board needs to do, Ms. Shiver asked.

Mr. Toomey said the timeline to comment is until August 20, 2011. He suggested to first look at the designation land, which is in the center of Spencer and all of the surrounding areas, next is to identify on what each parcel has in terms of easements, trails, forest land, etc., and then map them out, and document it so that the public know these areas are preserved and protected.

Ms. Shiver asked if Mr. Toomey is an engineer – environmental engineering?

Mr. Toomey said he and his associates work together in hoping to become a founding of a group call "A Friend of Mass State Forest Park Network." The group is mainly focused on reviewing the policy that would be workable so that the policy could be established and enforce.

Ms. Shiver thanked Mr. Toomey for bringing the matter to the Board's attention, and the Board will take this under consideration before making a decision on the open space plan.

Mr. Toomey said if he could, he would like to request the Board to contact the Governor to fill the vacant position on the Forest Stewardship Council Agency, which oversees the DCR. He said there shall be a representative for the Worcester's county, but there is none at present time.

Ms. Shiver said she would check with the State.

Mr. Shemeth said the P&R received a grant from one of the State's program, but it hasn't been officially referenced in the Appendixes that attached to the open space. The Appendix shown 2 main trails – mid state trails, and that what the P&R has available on the map.

Ms. Shiver asked if the State has this particular map on its State's mid state trial and state parks.

Ms. Buck said the Town has some brochures on the recreation facilities. For a final plan she thought of doing a summary table listing the town's recreation facilities, or attached one of the brochures we have to the plan.

Mr. Shemeth recommended having the brochures be included with the open space plan as opposed to the summary table.

The Board members thanked both Mr. Shemeth and Mr. Toomey for the information provided tonight.

With no further questions and comments, Mr. Ceppi made a motion to close the public hearing at 8:20 p.m. Ms. Stolarczyk seconded the motion and the vote was 4-0 in favor.

**C. Discussion, LAND Grant-Sibley/Warner Farm (Charlie Wyman, Mass Audubon).**

Mr. Charlie Wyman, the land protection specialist for Massachusetts Audubon (MAB), contacted Ms. Buck and asked to be on the next Planning Board meeting which is scheduled for tonight. He gave a brief summary to the Board. The Sibley's property was purchased by the developers for a subdivision project, but the developers since lost the property to foreclosure and MAB has reached an agreement with the bank. The bank has given MAB a one year option to June of 2012 to purchase the property for \$2.3 million.

Mr. Wyman said this provides time for MAB to see if the Conservation Partnerships can come together with multiple partners, and bringing some funds and interests to the table. It is possible to preserve most, if not, all of the property, and this is where MAB is at, up to this point. The MAB has developed the beginning of a funding strategy for the property, and the Town has already submitted one grant application [and there is also one grant application MAB is submitting].

Mr. Wyman used the plan, prepared by the original owner of the property, to demonstrate the division of the property into 5 different parcels. He gave the following explanation:

- The largest parcel contains 250 acres, which located in the middle of the property, is the parcel the Town has applied for the LAND Grant (LG) in the previous week. The LG program provides partial reimbursement to the Town for municipal conservation's purchases and administered by the Executive Office of Energy & Environment Affairs (EOEEA). The maximum grant award is \$500,000 in which Spencer has requested for that amount.
- The odd shaped parcel, Mr. Wyman pointed out it out on the plan, which takes most of the active hay field and of the prime soil on the property. The funding source for this particular parcel is the Agriculture Preservation Program, State's APR Program. Mr. Wyman and Ms. Buck are proceeding with the grant application (APR).
- The small parcel along Route 9, the possible funding program for this parcel is the Conservation Partnership, which runs by the EOEEA, and the application will be sent out tomorrow (7/20/2011).
- There are 2 parcels, one is 2.5 acres and the other is 10 acres, are indentified as possible limited development parcels. It isn't MAB's choice to have any limited development parcels there on the property. Mr. Wyman said for the funding, or other reasons, MAB may consider the idea of the limited development of one - or both of those parcels.
- Other parcels in the property are considered as commercial development in order to provide tax revenue and economic development for the town. [Mr. Wyman pointed out the location on the plan]. He said the parcels have beautiful frontage.

In reference to the commercial development's parcels, Ms. Shiver commented that the Board shall change the zoning district in the Zoning Bylaw to the mixed use, not just commercial use -

the beautiful frontage's area shall be under the residential zoning district which cannot be used for the commercial use.

Mr. Wyman said in the next few months there will be discussions on the best solution of the following: the property's ownership, the management, the uses allowed, and the funding. He explained the programs (LG and APR) would provide the funds about half of the total purchase's price, therefore the funds from the private fund raiser and as well as from the Town Meeting will be needed in order to make this happens.

Ms. Shiver commented the most critical thing is the funding. She asked as to when the awarded fund will be announced. She also asked whether the grant requires the Conservation's restriction, and if is, the fund doesn't pay for the in fee land ownership; it just the fund for the Conservation's right.

Mr. Wyman said typically the LG and APR release the grant's award announcement in late October, or early November. The Grant Program's Board will hold a couple of the meetings prior to the Spencer's Fall Town Meeting (FTM); and it is helpful to know what the program's board is willing to do before going into the FTM. Mr. Wyman explained if all of the partners including the Town are agreed on an alternative involving the ownership of the land, thus the LG program could provide funding for the town to purchase the in fee land ownership, and likewise the APR program would only buy the restriction. He said the question on who owns the land is opened for a discussion, and it could be a non-profit organization such as MAB, Land Trust, or the Town to own the land.

Ms. Buck commented that the Town couldn't submit the LG in such a short time without the assistance of the MAB. MAB hired and paid for the appraisal, did all the mapping, and prepared the narrative for the grant. The town couldn't have gotten together so quickly without having a partnership with MAB on this project.

Mr. Wyman said on behalf of MAB, we were pleased to do it and very motivated to do it. MAB and as much as the Town would like to see this land protected.

Mr. DiChiara said if the Town votes to approve on purchasing the property at the FTM, and receiving the grant awards, but other sources of funding is also needed. He then asked of how long it would take to acquire other funding.

Mr. Wyman said the bank gave the dateline to purchase until the end of June, 2012. Most of the key decision on the grants (e.g. the Town, the APR and the LG) will come through in October/November. The real question is the private fund raising that will be necessary to supplement the public funds. If the time is run out (June, 2012), the property will go back on the market.

Mr. Toomey said for the open space's stand point, he asked if it is possible that some of the parcels in this property be tied into the part of the Draft Open Space Plan (OSP).

Ms. Shiver asked Ms. Buck if a language could be added on to the OSP in that the Town has tried to acquire these parcels because they are such important land to the Town.

Ms. Buck replied that the property – Sibley has already been mentioned as the important parcel in the draft OSP. Though we could add more detail to the draft.

Ms. Buck asked the Board for any comments, or correction on the draft OSP.

Ms. Shiver said she doesn't really have any comments. She then asked if people who are supposed to review the draft, have they review it yet?

Ms. Buck responded there were several recommendations, especially changes in the text, from the P&R. In addition, there were specific things that will be added (e.g. protect sufficient land for hunting and fishing, work on establishment of community gardens in Spencer, restore funding for a full-time Town Planner, publicize available tax-deductible charitable contributions to Town funds for open space and recreation purposes, and prioritize establishment of an active Open Space & Recreation Committee). Ms. Buck said the Spencer Board of Selectmen (BOS) and Central Mass Regional Planning Commission (CMRPC) need to comment on the draft OSP. She will ask for comment letters from the Planning Board, the BOS, and also the CMRPC.

Mr. DiChiara commented that there are several goals and objectives, and an extensive list of tasks in the draft OSP. He isn't sure on how all of these objectives will be implemented and carried out. He does concern that, after all the amount of work and much of the effort has been put into the draft, the Town may not have enough funding or enough staff to oversee on the plan's implementation, and therefore the draft OSP will be stalled – not further progressing. Mr. DiChiara would like to know what the Board can do to progressively move forward on the tasks or on any specific task on the list.

Ms. Buck said the concerns she has are; first the list of tasks which is very ambitious; and second the limited of town funding and staff resources. Nevertheless, the Town at least has the list in place to work off, when the opportunity has presented itself – when the funding is available.

Ms. Shiver said what the Town needs is, the Open Space Plan Committee and a full time Town Planner. She suggested of setting up an Implement Committee for the OSP. Ms. Shiver, as a Planning Board Chair, could appoint the Board's members to handle/manage the implementation process. Another option is to have every Board does the similar thing so that the Town doesn't need more volunteer, or the volunteer we already have make more commitment to the plan.

Ms. Stolarczyk asked on how the draft OSP is based on, and is the Town already has the plan in place?

Ms. Buck said it based on the 1999 OSP, and many of the tasks are leftover from that plan. Some certain thing were accomplished, however there are a lot of tasks have carried forward - and now is the draft OSP. Ms. Buck commented that Spencer has maintained the parks, also has worked very hard, whether set aside finance resources or apply for grants, to make all of the parks

accessible to people with disabilities – which hasn't done by the other towns. The parks here in Spencer are well-maintained.

The Board said the director of the ADA lives in Spencer; he makes sure the parks are up to the current codes.

Mr. DiChiara noticed there are 11 lakes, ponds, and reservoirs in Spencer, and only one was being mentioned in the draft OSP. The town has 11 lakes, there shall be 11 dams. He then inquired on the status of the dams.

Ms. Shiver said the dams are privately owned. Ms. Buck explained that even they are privately owned the town does notify the Lake Associations to do what they can for the safety of the residents.

Ms. Shiver referenced to the DCR, and said that the FFVP & Land Designation is a big thing, but not many people know about the program. Ms. Shiver thinks that the FFVP shall be mention, or somehow tied in with draft OSP, but she isn't certain of how to do that.

Ms. Buck suggested of doing a separated comment letter to be submitted to the DCR/FFVP before the comment's deadline.

Ms. Shiver said her comment on the FFVP is that the Board needs to review and look at the FFVP, to see how it could has an impact to the draft OSP – this is the comment from the Planning Board.

Ms. Buck said she will prepare the comment's letter and it shall be signed by the Planning Board Chair – Ms. Shiver.

Ms. Shiver asked if the other members have any comments at this time, there are none from the rest of the three members.

Ms. Shiver and Ms. Buck thanked Mr. Wyman and Mr. Toomey for their times.

#### **Other Discussion: Town Planner Report**

**A. Sunset/Holmes Subdivision.** Ms. Buck said the owner, Mr. Jim Laney, still hasn't provided an updated letter of credit to ODIS yet. ODIS staff received a phone call from the Vice President of the Bank, inquiring about the compliance with that request (letter of credit), and he is still working on it. Ms. Buck informed that the project is also up for sale again.

The Board said if the current owner doesn't produce the letter of credit, the Board will not grant an extension when the request comes in for an approval on the extension time on the approved definitive subdivision plan.

**B. Draft Stormwater Regulations.** The public hearing on the matter has continued to September, 2011.

**C. Inclusionary Housing Bylaw.** Ms. Buck met with the MRPC in the previous week, and basically the MRPC will review the draft version. They will do additional research particularly on the ratio calculation in which the Board is interested in (calculation the fees in lieu of units).

**D. Delegate for MRPC.** Mr. Ceppi said he will continue as the alternate. Ms. Shiver said she is the delegate representing the BOS, and will continue as same. In conclusion, both Mr. Ceppi and Ms. Shiver remain in their previous' roles.

With no further discussion, Mr. Ceppi made a motion to adjourn the meeting at 9:15 p.m. Ms. Stolarczyk seconded the motion and the vote was 4-0 in favor.

Submitted By:

Approved By:

---

Bea Meechan  
Senior Clerk

---

Shirley Shiver  
Planning Board Chair

### **List of Documents used on July 19, 2011**

- The approved definitive subdivision plan – Laureldale Wood Phase 2, the plan was approved by the Planning Board in December of 2007.
- Draft Open Space & Recreation Plan dated 6.22.11.
- Letter from Mr. Ernest Grimes, Spencer Conservation Chariman, to Mr. Charles Wyman, Massachusetts Audubon Society, dated 7.13.11.
- Letter from the BOS dated 7.12.11 appointed Ms. Buck to be a contact pers for the Town' Local Acquisition for Natural Diversity (LAND) application.
- Letter from Ms. Buck to Celia Riechel, Executive Office of Energy & Environment Affairs, dated 7.12.11
- E-mail from Mr. William Shemeth to Ms. Buck on 7.6.11 subject: draft Open Space Plan input.
- Document on the Proposed DCR Landscape Designations.