



Planning Board – Town of Spencer  
*Minutes*  
Planning Board Meeting  
Tuesday July 16, 2013 at 7:00 PM  
McCourt Social Hall  
Memorial Town Hall

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**Planning Board Members Present:** Chair James Whalen, Shirley Shiver, Ralph DiChiara, Mary Stolarczyk, Robert Ceppi and Associate Member Jonathan Viner.

**Planning Board Members Absent:** None

**Staff Present:** Michelle Buck, Town Planner and Brynn Johnson, ODIS Clerk

Mr. Whalen opens the meeting at 7:05pm.

**1. Reorganization of Board-** Ms. Shiver makes a motion to table the reorganization until the end of tonight's meeting. Mr. DiChiara seconds the motion. 6-0 in favor.

**2. ANR - 8 Gale Drive, Owner/Applicant:** Kurt Nordquist (*lot being taken out of 61A*)

Mr. Nordquist explains he would like to take a 60,000 sq ft parcel of his land out of 61A so his nephew can build a house. Because the land is being taken out of 61A the Town has right of first refusal. The Board of Selectman already voted last night to allow this parcel to be removed for 61A. The Planning Board does not have any objections to this parcel being taken out of 61A.

Motion: Ms. Shiver makes a motion to recommend the lot be taken out of 61A and not purchased by the Town. Mr. DiChiara seconds the motion. Vote: 5-0 in favor

Motion: Ms. Shiver makes a motion to approve the ANR plan. Ms. Stolarczyk seconds the motion. Vote: 5-0 in favor.

**3. ANR – 66 G.H. Wilson Road, Owner:** Stiles Nominee Trust. Applicant: Ryan Maloney.

Mr. Maloney explains he would like separate a parcel from his parents land so he can build a house. The parcel has wetlands on it so he will be on the Conservation Commissions agenda in August. Richard Para the land surveyor was unable to attend tonight's meeting.

Mr. Viner would like the plan to show the entire property owned by the Maloney's. He did some research on the area and surrounding plans and found some discrepancies on this ANR. Therefore feels it would be beneficial to show the whole property. Ms. Buck says it is not in the Towns requirements to show the whole property. If it's a large parcel with remaining land you can show the remaining land in a general manner on an assessor's map, which he

did. It's also shown in the locus. This is the typical way ANR plans are done for large parcels. The applicant should not have to get over 25 acres surveyed to cut out one lot.

Mr. Viner says the surveyor was the same for all the surrounding land. Therefore he should have all this info already; he would just have to add it to the plan.

Mr. Ceppi agrees with Mr. Viner.

There is much discussion on adding the remaining land to the plan.

Mr. Maloney says this has been his parents land for 30 years. He would like to know what the concern is. Mr. Ceppi says it's a matter of accuracy to protect him and to make sure it's right. They want to make sure this plan is correct before they approve it.

Ms. Buck recommends the Board endorse this plan. They are creating one new lot which meets the states requirements for endorsement of an ANR plan. It has sufficient frontage on a public road. Mr. Ceppi asks if it matters that it's not accurate. Ms. Buck says it is accurate for the parcel being divided out. The surrounding land does not matter for the purpose of an ANR plan. The Board is not responsible for doing extensive deed research on surrounding land.

There is much discussion on the remaining acres owned by Mr. Maloney's parents and a previously approved ANR plan.

Mr. Whalen asks what this lot will be used for. Mr. Maloney says just one single family home.

Ms. Buck reads a portion of the Subdivision Control Law and explains this plan conforms to the standards for an ANR. To show remaining land on a large parcel would be nice, but it's not required.

There is much discussion of the property lines and previous ANRs. Mr. Viner feels that the acreage figures are not accurate.

Mr. Ceppi, Whalen and Viner all feel it is important for this plan be correct before they approve it.

**MOTION:** Ms. Shiver makes a motion to endorse this ANR plan. Ms. Stolarczyk seconds the motion.

**VOTE:** 2 – In favor (Shiver, Stolarczyk)  
2 – Opposed (Whalen, Ceppi)  
1 – Abstain (DiChiara)

The plan as submitted is not endorsed.

**4. Continued Public Hearing- Major Site Plan Review**, Applicant: Old Wardour Holdings, LLC. Owner: Michael Ballou. Project Location: 22 Treadwell Drive. Continued public hearing from April 16, May 21, and June 18, 2013.

Mr. Whalen recused himself do to a conflict of interest. Mr. Ceppi will serve as Chair for this hearing. Mr. Whalen leaves the room.

Mr. Ceppi opens the hearing.

Ms. Buck gives an update. Since the last meeting the applicant has submitted revised plans. The revised plan has a fence corridor between the wetlands to allow wildlife passage, and moved fencing further from wetlands. The southern (larger) detention basin was reconfigured to be greater than 100 feet away from the vernal pool location as well as the outlet from the basin. The abutter's screening has been modified so that includes both 200 feet of 6 foot high solid fence (on a 2' berm) and approximately 360 feet of 12' spaced spruce trees on the rear portion of her property. Also, portions of the fence were changed to standard chain link instead of black vinyl coated in areas that will not be visible.

The applicant has also submitted a development and fiscal impact statement. The traffic impact assessment is limited, but this is appropriate given the proposed project.

The Zoning Board of Appeals approved the project on 5/21/2013. The Conservation Commission approved the project on 7/10/2013.

Jason Dubois says they made a cross-section view from Ms. Roberts's porch looking west. He shows the Board this drawing. They are comfortable with the screening, berm and fence shown in the drawing.

The fence is hollow and will be maintained by Old Wardour. Mr. Ceppi would like to make it a condition that Old Wardour is responsible for the fence.

The decommissioning plan and fence plan were mailed to the Board. The decommissioning plan is discussed.

Ms. Buck asks the Board if they have preference for a trust or a bond. The Board agrees they would rather a trust.

Ms. Shiver would like a condition or a small bond to make sure all the landscaping gets done according to the plans.

Mr. Ceppi opens to the public.

Ms. Roberts of 18 Treadwell Drive says she is fine with the landscaping and fence as they have been shown to her.

Mr. Ceppi asks if there are any more questions there are none. Public hearing is closed at 8:20pm.

The Board discusses conditions to be added to the decision. [See final decision on file for Conditions 1 through 26].

MOTION: Ms. Shiver makes a motion to approve the certificate of decision on site plan for Old Wardour Holdings, Treadwell Drive solar facility with all changes made.

VOTE: 4-0 in favor [Note: James Whalen recused himself from this hearing]

**5. Continued Public Hearing – Major Site Plan Review** Applicant: Transdevelopment Group. Owner: Holston Land Co., Inc. and Seven Mile River Farm Assoc. Location: 22 Podunk Highway. Project: Expand the automotive distribution operation at the New England Automotive Gateway facility. This hearing was continued from June 18, 2013. Dan Feeney, PE Beals and Thomas, Ned Bartlett project attorney, George Bell and Kory Bryan are present.

Mr. Whalen opens the hearing at 8:45pm.

Mr. DiChiara passes out the Town stormwater regulations that were adopted in 2011 to use for reference during this hearing.

Mr. Feeney explains he has submitted revised plans and addressed comments from Graves Engineering and the Conservation Commission.

Mr. DiChiara wants to make sure there is no water contamination associated with this project. Mr. Bartlett says they have met or exceed all the State and local regulations and standard for stormwater runoff.

Mr. Whalen opens the hearing to the public.

Mike Toomey of Ash Street asks who will monitor the stormwater regulations and runoff. He suggest in-stream monitoring to ensure water downstream is not contaminated. Ms. Buck informs him the Conservation Commission is the stormwater permit granting authority for this project because there are wetlands involved. The Conservation Commission has hired Graves to review the stormwater permit application.

There is much discussion on water quality, pollution and stream monitoring.

Mr. Don Taft of Brookfield is a member of a lake association downstream he feels stream monitoring would be a good thing to look into.

Mr. Bartlett notes stream monitoring will only tell you pollutants are present in the water it won't help in determining where it came from. He says septic systems are one of the biggest polluters.

Mr. Toomey disagrees that septic systems are the biggest polluters. He wants the Board to take action now to protect the water. He feels it is this Boards responsibility under the Clean Water Act.

Mr. Whalen tells Mr. Toomey's he understands his concerns however controlling and enforcing in stream monitoring past the point of the property line would be difficult for the Planning

Board. This would be an issue for the Board of Selectmen or Conservation Commission to look into. He would be happy to continue the conversation with the other Boards to come up with a plan or bylaw that everyone is comfortable with.

Mr. Viner doesn't think the Planning Board has the right to demand the applicant have stream monitoring when they have all agreed the source could be coming from anywhere. Mr. Toomey says they do have the right under the Clean Water Act.

Mr. Shiver asks Mr. Toomey other than stream monitoring what else could the applicant do to help ease his concerns. Mr. Toomey would like ground and water testing done now to use as baseline. Mr. Bell says the State visits the site quarterly and based on what they see they take it to the next level.

Mr. Ceppi asks for the pipes in the basins to be changed, to catch more oil by adding two feet of pipe. Mr. Feeney will look into the engineering of it to see if this is possible. Mr. Bartlett says as it is designed it meets or exceeds all State, federal and local regs. It has also been reviewed by two Boards and Graves Engineering.

There is much discussion between Mr. Ceppi and Mr. Feeney on the engineering of the catch and retention basins. Mr. Feeney says he will look into changing the pipe but they are all pre-manufactured so he's not sure if they have the size Mr. Ceppi is asking for.

Ms. Buck says she relies on the peer review engineer to review these things and they signed off on the design as it is now. She is concerned that this idea has come up late in the process. She does not want to hold them up for something extra beyond the regulations and peer review. She asks Mr. Feeney how the adjustment Mr. Ceppi asked for will affect the rest of the plan.

Mr. Feeney says these systems are all engineered and manufactured. There is no off-the-shelf item with a two foot extension on it like Mr. Ceppi describes. So there are issues with how it can be built. It would not affect the plan in any way other than the traps in the basins would be larger so there is more space to collect oil. He understands what Mr. Ceppi is asking for but he can't agree to it until he sees what's available in a larger size.

Mr. Whalen asks if there are any further comments. There are none the public hearing is closed at 10:00.

Mr. Whalen notes there are environmental concerns that are beyond this Boards control. He feels these concerns should be taken up at another time. This is a conversation with the whole Town needs to have maybe at a Town Meeting with a bylaw proposal.

Ms. Shiver recommends Graves take another look at the change Mr. Ceppi has asked for. Mr. Bartlett says no they do not agree to another review. Mr. Ceppi says he can review this one change for the Board. Mr. Bartlett does not want to agree to something that could cause an amendment.

Ms. Shiver asks if Con Com had any concerns with water quality. No they didn't all their conditions were minor.

The Board reviews and discusses the draft decision and conditions.

Mr. Ceppi words the condition regarding basins to be added to the decision. *The discharge pipe for the catch basins should extend approximately 24 inches down from the invert to create an MDC trap type of design.* Mr. Bartlett agrees to this wording but would like it to say *approximately or close to 24 inches.*

MOTION: Ms Ceppi makes a motion to approve this project based on the conditions they have talked about tonight and the changes they have made. Ms. Shiver seconds the motion.

VOTE: 4 in favor (Whalen, Ceppi, Shiver, Stolarczyk)  
1 abstain (Ralph DiChiara)

## 6. Town Planner Report

- A. Medical Marijuana- Ms. Buck explains if the Board is intending to have something for the Fall Town Meeting they need to think about having a hearing. Right now we have a moratorium until next spring but Board members had indicated they would like to do something this Fall. Does the Board have any comments before she goes forward with the Zoning? Ms. Shiver says it shouldn't be only in the commercial areas there should be somewhat of an expanded area.
- B. Driveway Bylaw- Ms. Buck explains that due to an error what has been on the books in the zoning bylaw related to driveways has been stricken from the bylaws. There were some amendments proposed in 2009 that in fact never passed (they were passed over at Town meeting) for both common driveways and standard driveways, but they have been enforcing them since 2009. The Board should discuss the possibility of bringing the bylaws back at the next meeting.
- C. Bixby Trail Estates (proposed changes) - Ms. Buck explains SMOC wants to take over Bixby Trail, which is a 42 unit residential project approved in 2007. They would like to make changes to the plan and have the Board classify them as minor changes. They came in a few months ago to explain the changes. Ms. Shiver doesn't feel the changes were minor. Some of the changes include the number of bed rooms and change sidewalk from one side of the street to the other. Ms. Buck says all the changes are minor. Ms. Shiver says yes but all the changes added together may not be minor. She recommends they take a look at it and take a vote. Board members discuss the proposed changes.

**Motion:** Mr. Ceppi makes a motion to approve the minor changes to Bixby Trail Estates. Ms. Stolarczyk seconds the motion.

**Vote:** 5-0 in favor

D. Miscellaneous Project Updates- 115 Wilson Street Solar. Ms. Shiver and Stolarczyk visited the site and found it to be a mess. They have not applied for occupancy yet so Ms. Buck asks if the Board has any requests before the occupancy is granted. Ms Shiver is unhappy with the screening trees the trees do not screen the view; also there is a lot of mud the grass hasn't grown in yet. Mr. Whalen recommends if Ms. Buck feels its ok she can sign off on it, if it doesn't look right they should have to come back to the Board before occupancy.

**7. Reorganization of Board-** Ms. Shiver makes a motion to keep the Board as it is. Ms. Stolarczyk seconds the motion. 6-0 in favor.

CMRPC delegate will is Bob Ceppi with James Whalen as an alternate.

**8. 8:00pm Adjournment-** Mr. Ceppi makes a motion to adjourn. Mr. DiChiara seconds the motion. Meeting is adorned at 10:45 pm.

**Submitted by:** Brynn Johnson, Jr. Clerk

**Approved by the Planning Board on:** 10/15/2013

### **List of Documents used on June 18, 2013**

#### Items sent to Planning Board prior to Meeting:

- Agenda
- Memo from Michelle Buck to Board dated 7/12/2013
- 66 G H Wilson ANR plan and App
- Graves Comments NEAG
- Treadwell Solar revised plans 7/11/2012
- Graves Comments Treadwell 7/11/2013
- Clean Energy solar handout
- Traffic, Fiscal, Community and Environmental Impact Assessment Treadwell
- Decommissioning Plan Treadwell

#### Items submitted at meeting

- Fence plan Treadwell