



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
Tuesday, July 21, 2015 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

Planning Board Members Present: Chair James Whalen, Shirley Shiver, Robert Ceppi (in late), Maria Reed and Jonathan Viner

Planning Board Members Absent: None

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

Staff Absent: None

Mr. Whalen opens the meeting at 7:00 pm.

Mr. Whalen discussed that item one on the agenda, Board Reorganization, should be moved to the last item of business due to Robert Ceppi running late to the meeting.

MOTION: Ms. Shiver motioned to move the Planning Board organization to the end of the agenda.

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

1. ANR Plans –

- **William Casey Estates/ Phil Stoddard-**

Attorney Phillip Stoddard, 33 William Casey Road, was present for the meeting to explain that his client wanted to add a 30 x 100 jog to the already approved ANR. Ms. Shiver asked about the other two lots that were approved. Mr. Stoddard said the other two plans were not recorded. Mr. Viner stated the first plan recorded supersedes the other two plans.

MOTION: Ms. Shiver motioned to endorse the ANR plan as submitted.

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

- **25 North Spencer Road/ LaPrad Land Surveying**

Matt LaPrad, LaPrad Land Surveying, was present for the meeting to Pine Grove Cemetery. The cemetery, located in the northwest corner of the plan, abuts Ron Brown Auto Sales. Mr. Brown is looking to acquire a 100 ft section of the cemetery land for landscaping

purposes and will not be used for a buildable lot. The section being discussed is listed as parcel A on the plan and it would become an undivided portion of Mr. Brown's property. The property is to the right of Terkanian near the "great wall" landmark.

MOTION: Ms. Shiver made a motion to endorse the plan as submitted and presented.

SECOND: Mr. Ceppi

DISCUSSION: Contact information needs to be updated for contractor's onsite.

VOTE: 5-0

2. Extension, New England Automotive Gateway's Parking Area

Dan Feeny, Beals and Thomas, Inc, was present for the meeting to discuss reasoning for the requested extension. Mr. Feeny explained that the project has been substantially constructed. The track work is 100% complete the parking lot construction is almost complete. All the earthwork, curbing, drainage, and binder coarse have been completed. The items that need to be completed are the final coarse paving, landscaping, and the wet basin for water treatment purposes. There are a couple punch list items they need to complete in order to get final sign off from the Conservation Commission.

Ms. Shiver asked why they need the one year extension. Mr. Feeny said they don't need the full one year because the project should be done in September or October of this year. They are waiting to do planting after the summer heat and the Conservation Commission, for safety precautions they were hoping for the one year extension. Mr. Ceppi felt it was a good idea to give them a one year extension just in case they face winter damage or if they happen to run into any issues.

MOTION: Ms. Shiver motioned to approve the extension to New England Automotive Gateway until July 16, 2016.

SECOND: Mr. Ceppi

DISCUSSION: None

VOTE: 5-0

3. Continued Public Hearing, Major Site Plan Review, Meadow Solar

The Planning Board members were handed the email addressed to Larry Smith in regards to withdrawing from the project without prejudice dated 7/20/2015 from ECOS Energy. Mr. Smith explained to the board that Steve Broyer from ECOS Energy originally wanted the Planning Board to approve the Special Permit with many conditions but Mr. Smith was not comfortable with that. Mr. Whalen felt that this would have been a great project. Mr. Viner asked about the review process for the new submittals. Mr. Smith said that ECOS Energy still would like their most recent submittals to be reviewed by Lenard Engineering Inc. but need to make sure the applicant is willing to pay for the review. The Board concurred.

MOTION: Ms. Shiver motioned to close the continued public hearing.

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 4-0

MOTION: Mr. Viner made a motion to approve the withdrawal by ECOS Energy without prejudice.

SECOND: Ms. Shiver

DISCUSSION: None

VOTE: 4-0

4. Project Update, Sunset-Holmes Subdivision

James Laney, 123 Kids, LLC, and Kevin Quinn, Quinn Engineering, were present for the meeting. The Planning Department received a letter of request from Mr. Laney for modifications to the development. In addition, Mr. Quinn explained that Mr. Laney would like to release lot 1 and revise the surety.

The estimate review from Lenard Engineering dated 6/26/2015 was handed out to be reviewed along with a revised estimate of surety from Quinn Engineering dated 7/21/2015. Mr. Quinn stated that the highlighted portion on his updated estimate is the revised recommendations that Lenard Engineering gave. Mr. Laney mentioned that the estimate needs to be updated again because he completed the Mortar Opening in structures under the Storm Drains section. Mr. Whalen asked about the guardrail. Mr. Quinn said with the recommendation from Corey Brodeur, Lenard Engineering, they changed the heavy beam to a W-Beam guardrail which lowered the estimate. There was a discussion about if the new guardrail meets the standard requirements and Mr. Quinn replied that it did. Mr. Viner mentioned that the larger beams are used for the high speed of the interstate.

Mr. Laney and the Planning Board went over the letter submitted by Mr. Laney on July 6, 2015 and the email from Steve Tyler dated 7/21/2015.

1. First, item 1 on the punch list: Elimination of the chain link fence around the retention ponds. According, to Mr. Tyler's email he has no problem with the removal of the fence but would like Mr. Laney to due diligence to see if it is required with the Zoning Enforcement Officer, William Klasek, or the Zoning Board of Appeals. Ms. Shiver suggested putting thorny vegetation around the basin and the Homeowners Association could keep up with it. Mr. Whalen asked if the detention basins were far from the road. Mr. Laney stated that he has no trespassing signs around the property but there are still kids that cut through walking to Knox Trails (Jr. High School). Mr. Ceppi asked how deep the basins were. Mr. Laney said the large basin can get up to 8" and it doesn't last more than three days. Mr. Laney said that the Conservation Commission wanted the basin plugged. Mr. Smith asked how it was plugged. Mr. Laney stated with a plastic container and he would talk to Margaret about it. Ms. Shiver suggested wattles. There was much discussion about the fencing around the detention basins. Ms. Shiver stated that since the fence is on the plan then a new plan would need to be submitted. In addition, since the fence is part of the condition on the original decision it most likely will need a public hearing to be amended.

2. The second item: Elimination of street lights, the planning Board felt the elimination of the street lights would be more of an issue with the Board of Selectman. Ms. Shiver said the street lights are a safety issue. Mr. Ceppi felt that there should be lights at the entrance of the subdivision to see the intersection safely. Mr. Laney asked if he could move the street lights to Phase 2. Ms. Shiver asked how many lots were on phase 2 and Mr. Laney answered there were 14 lots on Phase 2 and they are 1 and 2 family homes. The Planning Board members all agreed that the street lights could be moved to Phase 2.
3. Item number 3: Sidewalks moved to Phase 2, it was agreed that all sidewalks be moved to Phase 2.
4. Item number 4: Eliminate account held by town for necessary project expenses, recently Mr. Laney went to the Town Hall to request and itemized account summary for his account balance. Mr. Laney was unhappy with the outcome because some items were not charged to his account and he feels that he should be invoiced for what needs to be paid instead of the town holding onto a substantial amount of money that he feels is being mishandled. Mr. Whalen agreed that the transaction history was unacceptable. Ms. Shiver the last Lenard Engineering bill wasn't taken out. Mr. Laney said they deposited money in the wrong account. Mr. Whalen said Adam Gaudette, Town Administrator, needs to get involved with finding why the account is messed up. Mr. Laney said he will request an audit of his account, there are two account numbers, and the account should not be \$5,674.50. All Planning Board members agreed that an audit of Mr. Laney's account be sent to Mr. Gaudette. Mr. Laney requested to control his own money. Ms. Shiver mentioned it may be that the Subdivisions require a retainer. Mr. Smith found that it is a condition on the original decision and a public hearing would need to be held to remove that condition.
5. Item number 5: Release lots from the covenants, the original difference form Lenard Engineering surety estimate and that of Quinn Engineering is very minimal and Mr. Laney would like to see the lot released. Mr. Ceppi suggested that they could release all the lots for Phase 1. Mr. Laney said he would be fine with that. Mr. Laney said the bank bond is for \$118,000.00 and he would just need the surety estimate down to that amount so they can release all the lots. Mr. Whalen asked if he had a buyer yet for lot 1 and Mr. Laney said no. Ms. Shiver asked if Mr. Laney had mortgages on the lots and he said yes. Mr. Whalen suggested a compromise of releasing 1 lot instead of releasing all the lots, once the lot sells Mr. Laney can put the money from the sale towards what is owed to the surety. Mr. Laney said the money will go towards the roads. Mr. Ceppi said they could release lot 1. Mr. Viner mentioned that the remaining work is within \$5-\$10,000 to close the surety cost. Ms. Shiver mentioned that Mr. Laney would need to make the number work in order to release the lots. Mr. Laney said the numbers are down. During the meeting Mr. Quinn recalculated the numbers and found that the surety was lower than the \$118,000.00 and Mr. Quinn suggested that the Planning Board review the numbers, hold the surety, and then release the lots. Mr. Smith suggested releasing lots 1 and 3; in addition, Mr. Laney is to find an alternative to the fence needs and to discuss with the listing people under condition 2 of the original decision.

There was much discussion regarding the fence around the catch basins and the need for a public hearing to amend any conditions that were on the recorded decision.

MOTION: Mr. Ceppi motioned to release lots 1 and 3 and to keep the surety.

SECOND: Ms. Shiver

DISCUSSION: Meet with Mr. Laney at the October 20th, 2015 meeting and submit updated surety estimate.

VOTE: 5-0

5. Adoption of Minutes

- June 23, 2015

Mr. Viner mentioned his name was spelled wrong on page 3 of the minutes. Instead of “John Viner abstained,” it will read “Jonathon Viner abstained.”

MOTION: Ms. Shiver made a motion to adopt the minutes with the discussed change to Mr. Viner’s name on page 3.

SECOND: Mr. Ceppi

DISCUSSION: None

VOTE: 5-0

6. Town Planner Report/ General Board Discussion

-Mr. Smith met with Jim LaLiberte on 190 Charlton Road. His acreage exceeds for storm water but would like a waiver of the storm water permit and would like to know how to proceed. Mr. Smith read the Spencer Stormwater Bylaw, section 8 under Waivers, page 9:

8. WAIVERS

The Stormwater Authority may waive strict compliance with these regulations if: such action is allowed by federal, state and local statutes; is in the public interest; and is consistent with the purpose of the Stormwater Bylaw. Any applicant may submit a written request for a waiver, accompanied by supporting information explaining how the waiver will comply with the purpose of the Stormwater Bylaw.

In addition, Mr. Smith mentioned the Stormwater Permit the Planning Board granted back in January for Moschini on Howe Road that waived any and all conditions. Mr. Smith said that the way the Bylaw is written the applicant only needs to submit something in writing to the Planning Board to ask for the waiver. There was much discussion about the Stormwater Permit given to Moschini and whether or not the planning Board handled it correctly. The Planning board agrees that they would like to review the site plan, application, storm water permit, and minutes from the meeting to review.

Mr. Smith mentioned that there has been interest in the Laureldale Subdivision but there is an outstanding punch list that an Engineer would need to go through.

Lastly, Mr. Smith discussed the Driveway Amendments and how Steve Tyler feels there are some inconsistencies with how the bylaws are written. The Planning Board discussed how they would like the Highway Department to be the go to for driveways. Mr. Smith said for safety reasons he would like to get the Fire Chief involved as well.

7. Planning Board Reorganization & Committee Appointments

NOMINATION: Ms. Shiver nominated Robert Ceppi for Chair and Jonathon Viner for Vice Chair.

VOTE: 5-0, both accepted the positions

NOMINATION: Ms. Shiver nominated herself for the delegate position for the CMRPC Committee.

VOTE: 5-0

NOMINATION: Ms. Shiver nominated Jonathon Viner to be the delegate for the Capital Committee.

VOTE: 5-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: **9/15/15**

List of Documents used on July 21, 2015

Items sent to Planning Board prior to Meeting

Mailed paper copies:

- Agenda
- Memo from Larry Smith to Planning Board Dated 7/14/2014
- ANR's- William Casey Rd/ William Casey Estates and LaPrad Land Surveying/ 25 North Spencer Road
- Letter for request for extension, New England Automotive Gateway's Parking Area Extension 6/15/2015.
- Letter from James Laney for Sunset Holmes Subdivision dated 7/06/2015
- Minutes for June 23, 2015

Items submitted at the Meeting:

- Withdrawal letter dated 7/20/2015 from ECOS Energy for Meadow Solar
- Email from Steven Tyler dated 7/21/2015 in regards to Sunset-Holmes
- Lenard Engineering letter for estimation of probable construction cost to complete for Sunset-Holmes dated 6/29/2015.
- Letter from Quinn Engineering, Inc in regards to an updated estimate of surety for Sunset-Holmes dated 6/16-7/21/2015.