



Planning Board – Town of Spencer

Minutes

Planning Board Meeting
Wednesday, May 05, 2021 at 7:00 PM
McCourt Social Hall, 157 Main Street Spencer, MA 01562
Memorial Town Hall- **Remote Meeting**

Planning Board Members Present: Chair Jonathan Viner (in-person), Vice Chair Jeff Butensky (remote), Maria Reed (remote), Paul Gleason (in-person)

Planning Board Members Absent: Robert Ceppi

Staff Present in-person: Todd Miller, Town Planner (in-person) and Monica Santerre-Gervais, ODIS Senior Clerk (remote)

Staff Absent: None

1. Mr. Viner opened the meeting at 7:03 pm and read aloud Covid-19 statement. *“This Meeting of the Planning Board is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, pursuant to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. To mitigate the transmission of the COVID-19 Virus, we have suspended public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. We are meeting remotely and broadcasting live on Spencer Cable Access to ensure public viewing access.”*

2. Minutes:

- **4/6/2021 & 4/20/2021**

Ms. Santerre-Gervais made note that the opening Covid statement needs to be revised to say Planning Board. The Planning Board members mentioned voting on the minutes at the next meeting because Mr. Ceppi was absent.

MOTION: Mr. Butensky made a motion to table the minutes until the next meeting

SECOND: Mr. Gleason

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 4-0 motion carried)

3. Stormwater Permit – Applicant: Arista Development LLC; Owners: The Estate of William D. Ekleberry, Richard Cormier, and S-BNK Spencer LLC, Location: 4 lots bounded by High Street, Main Street, and Pleasant Street; Spencer Assessor’s Map U13-98, 99, 100, & 101. The applicant is requesting a Stormwater Permit, section 4.11 of The Spencer Zoning Bylaw for a proposed CVS project. The property is located within the Town Center and Village Residential zoning districts.

Remote applicant attendees: Attorney Philip Stoddard for Arista Development, Doug Benoit Arista Development, and Phil Henry CDG Engineering.

Mr. Miller mentioned that the appropriate section from the Spencer Zoning Bylaws is section 4 for Stormwater Regulations not 4.11. Mr. Miller stated at the last meeting the applicant continues and currently he had no comments and there were no outstanding issues.

Mr. Stoddard stated Lenard Engineering was the third-party peer reviewer and there were no outstanding issues. Mr. Benoit went through the site plan and said the special permit was approved by the Zoning Board of Appeals (ZBA) but is currently in appeals. Mr. Viner asked the most recent revision date on the plans and Mr. Benoit stated it should be 12/15/2020 and the current edits are related to the ZBA's conditions, but the drainage did not change. Mr. Viner asked if the onsite stormwater drainage system that runs into an underground chamber system for infiltration. Mr. Henry explained the lot is 1.5 acres and the CVS store is 13,000 sqft, 49 Parking Spaces, subsurface detention system for clean runoff, drainage down street piped through a separator and into treatment facility, and the drainage was reviewed and approved by DPW. Mr. Viner discussed the roof top system and the overflow going into stormwater detention system with Mr. Henry. Mr. Viner asked on the Western/Northern end of the property if the retaining wall will have a footing drain and Mr. Henry said yes. Mr. Viner asked how it would be piped and the amount of water being insignificant for calculations and Mr. Henry said they have accounted for run-on water. Mr. Viner asked about the outlet for the foundation drain and Mr. Henry said he was unsure. Mr. Viner asked if there is formal documentation from Utilities and Facilities accepting the tie in with the town and Mr. Henry said they commented on the plan during the ZBA process and did not object with the design. Mr. Viner asked if there is an O&M plan for stormwater plan and Mr. Henry said yes in the appendix. Mr. Viner asked if there is a lifespan for infiltration system and Mr. Henry said it varies, they are plastic, in a benign spot, with clean run off, should last the lifetime of the use. Mr. Viner asked about the material roof and Mr. Henry said it is a flat roof with possible rubber membrane no asphalt will be used.

Mr. Viner opened the hearing up to the public and there were no comments or questions.

Mr. Viner and Mr. Miller discussed approval process and potential conditions.

MOTION: Mr. Butensky motioned to close the stormwater permit hearing

SECOND: Mr. Gleason

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 4-0 motion carried)

MOTION: Mr. Butensky motioned to approve the stormwater permit to Arista Development

SECOND: Ms. Reed

AMENDED MOTION: Mr. Butensky amended his motion to approve the stormwater permit contingent upon formal written Highway approval accepting the tie in

SECONDED AMENDMENT: Ms. Reed

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 4-0 motion carried)

4. Discussion Board Policies-

Mr. Butensky discussed the memo he drafted and summarized past meetings and what had been discussed. Mr. Butensky said there is a typo in the memo regarding site visits that he will change. Mr. Miller asked about the Phase 2 and the definition of substantial use and to be careful because the wording can be tricky and peer accepted standards with bonds can be technical. Mr. Viner discussed the boards' structure, alternate member, and more discussion at next meeting when all members are present. Matt Defosse, 7 Paul's Drive, asked the Planning Board to consider citizens input under all meetings. Mr. Butensky mentioned that the Planning Board is just discussing policies and procedures. Mr. Viner would like to add the Master Plan for phase 2 and Mr. Miller advised to study the short comings instead of going chapter by chapter to address changes. Mr. Viner stated the original Master Plan was done in 2004 and thinks it might be a full re-write.

5. Discussion: Solar Facility Bylaws

Mr. Miller discussed the drafted Zoning Bylaw changes for solar that was drafted for the Planning Board with edits to section D.2 regarding dimensional requirements, setbacks being increased and F.14 for ownership changes, and G.3 regarding visual impact mitigation.

Mr. Viner asked about the language in ownership changes asked if Lessee should be added and Mr. Miller said they could. There was much discussion about operators, owners, and operators for Solar facilities. Mr. Viner asked about having pollinator provisions and Mr. Miller said they can add and discussed vegetative species. A future solar meeting was discussed with a possible date in August. Mr. Viner stated there was a typo in section G.3 on the 4th line the typo says, "to avoid."

6. Open Space

Mr. Miller said the state has accepted and now the Planning Board and Conservation Commission must accept approval. Mr. Viner would like to see the Open Space Document on the main page on the Town of Spencer's website.

7. Town Planner Report

Mr. Miller discussed working on the 502 inventory programs for economic development and to help with improvements with exterior façade, working with the Rapid Recovery Program, and busy writing for several grants.

8. General Board Discussion/ Board Liaison Reports

Nothing discussed.

9. New Business/Adjournment

Mr. Defosse said thank you to the Planning Board members and Mr. Miller.

MOTION: Mr. Gleason motioned to adjourn the meeting at 8:25 pm

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 4-0 motion carried)

Submitted by Monica Santerre-Gervais, ODIS Clerk

Approved by the Planning Board on: 5/18/2021

List of Documents used on May 05, 2021.

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Edited Solar Farms bylaw amendments.
- CVS Stormwater application, plans, and peer review
- Minutes for 4/6/2021 & 4/20/2021

Items submitted/ brought to the Meeting:

None.