



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Wednesday, June 02, 2021, at 7:00 PM

McCourt Social Hall, 157 Main Street Spencer, MA 01562

Memorial Town Hall- **Remote and in person meeting**

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

Planning Board Members Absent: None

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

2. ANR: 32 Cooney Road/ The Baker Family Trust/ New Lots

Mr. Miller said that the ANR is to create 1 lot and make a buildable lot, A & B are non-buildable with pre-existing non-conforming setback, but this plan will make it conform.

Peter Baker was on the call, and stated they are selling the family land and dividing for the house lot, they will be selling one parcel to the neighbor, and the large portion in the back of the lot will be donated to the land trust. Mr. Viner asked if the 5.48 acres is what is to be sold to the neighbor and Mr. Baker said yes. Mary Baker-Wood was on the call and said they understood the land was in chapter, but she spoke to the Assessor and the neighbor, and the neighbor will be keeping the land in chapter and keeping it agricultural. Mr. Viner thought that the Planning Board has the right of first refusal even if the land is remaining in chapter. Ms. Baker-Wood said she spoke to the Assessor, and she said no because of how it will be conveyed, Mr. Viner wanted additional input regarding the matter, and Mr. Miller said he could ask Town Counsel. Mr. Viner asked about the 30-foot-wide easement and Mr. Baker said it is for the house lot to have access to the conserved land, without going over the neighbor's land, and so the land trust can reach the land. Mr. Viner recommended that all legal aspects of the easement be vetted, and Mr. Baker agreed.

MOTION: Mr. Ceppi motioned to approve the ANR

SECOND: Mr. Gleason

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

3. Continued Special Permit – Applicant/ Owner: Jesse Kady & George Victor; Location: 4 Eagleton Street; Spencer Assessor's Map R38-19. The applicant is requesting a Special

Permit under 5.3.10 (Rear lot subdivision) of the Spencer Zoning Bylaw to create a rear lot subdivision. The property is located within the Suburban Residential zoning district.

Jason Dubois, DC Engineering, and Jesse Kady were on the call to discuss the application. Mr. Miller said the Planning Board received updated plans and driveway easement that was requested at the last meeting. Mr. Dubois explained the new plan shows the access road and width of the driveway. Mr. Miller stated the Engineer's stamp is still missing and Mr. Ceppi said they were looking for the surveyor's stamp. Mr. Dubois thought the stamp was there but can provide a copy with the stamp. Mr. Viner asked if the abutters concerns were addressed, and Mr. Dubois said yes. Mr. Ceppi asked how the Planning Board can ensure the water does not increase after construction and Mr. Viner said it will be under the jurisdictions of the building inspector when the building permit is pulled. Mr. Ceppi asked how they can address any new builds with excess water runoff and knowing the runoff before and after construction. Mr. Viner said there are existing conditions. There was much discussion regarding water runoff, building permit process, and stormwater regulations.

The chair opened the hearing up to the public:

Shirley Vaudreuil, 6 Wire Village Road, explained at the last meeting she raised concerns about the water run off and over the weekend with the rain they took pictures of the runoff and measured the water. Additionally, Ms. Vaudreuil, stated they are close to two brooks and one river, and they are still concerned that the ground disturbance will make her yard overflow.

Alan Vaudreuil, 6 Wire Village Road, stated they resolved the boundary line issue but mentioned at the corner of their property it is part of the town's aquifer to a small farm on Wire Village Road and the construction could cause an issue in the quality of the stormwater.

Mr. Viner asked if the applicant would be doing a suspended solid removal system for stormwater and Mr. Dubois said they will have swales and berms but does not foresee an issue. Additionally, Mr. Dubois stated they will have roof recharge, swale up the driveway, and only ½ acres of the 4.5 acres will be disturbed. Mr. Viner addressed the abutters concerns but stated it would be handled during the building permit process and if becomes a bigger issue than it would be a civil matter.

Mr. Viner asked Mr. Miller about the bylaws for rear lot subdivision, particularly section 5.3.10, having deed language preventing further subdivision of the lots, house location to be established with driveway with cross section, and with common driveway.

MOTION: Mr. Ceppi motion to close the hearing

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

MOTION: Mr. Butensky motioned to approve the special permit for the rear lot subdivision for 4 Eagleton Street contingent upon a stamped mylar with surveyor's

stamp, deed to have restriction language, common driveway to be reviewed, and contingent upon a driveway permit approval.

SECOND: Mr. Ceppi

DISCUSSION: Mr. Dubois question why he would need to come back to the Planning Board for the common driveway and go through Utilities and Facilities. There was much discussion regarding previous common driveway approvals and how they were not done correctly. The applicant is to come back before the Planning Board to receive the common driveway approval, it will not be a public hearing and there will not be a peer review done. Mr. Viner gave examples of previous common driveways that came before the Planning Board and mentioned it is part of the common driveway bylaws.

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

4. Discussion Board Policies-

Mr. Butensky explained that he felt they were ready to move into phase 2. The first item Mr. Butensky wanted to discuss was the revolving fund; the background of the revolving fund, what has been collected and paid from the account, and what is eligible to be paid from the revolving account. Mr. Miller stated in the General Bylaws, Article 2-Section 15, discusses the revolving fund, how it is funded, how the money is collected, and the cap. Mr. Viner stated that fees collected is put into the revolving fund with no tax appropriation. Mr. Butensky asked if the money is used for administrative costs and Mr. Viner said in the past it has paid for some advertising fees. Mr. Butensky asked about the balance and Ms. Santerre-Gervais estimated \$35-\$36,000 but can update the Planning Board with exact total. Mr. Butensky inquired about the audit and Mr. Viner aid it is in the process and was initiated because deposits and expenditures were in question. Mr. Viner felt money did not end up in the revolving fund or the correct fee was not collected. Mr. Ceppi asked if money went into the wrong accounts and Mr. Viner felt the operating process was incorrect. Mr. Butensky asked if the funds can be put back into the revolving fund and Mr. Viner said most likely not but they can establish future deposits and expenditures. Mr. Miller stated that there will be a better idea after the audit. Mr. Viner suggested looking into updating the fee schedule for the Planning Board and adding a separate account for ads, but Mr. Miller stated the advertisement is under the ODIS account and should remain. Ms. Santerre-Gervais stated that the ads for multiple departments come in under one invoice and go under the ODIS general fund. Mr. Viner would like to discuss abutter notification process at a later meeting.

Mr. Butensky asked about the Master Plan and Mr. Miller said typically a Master Plan is done every 10 years, it is expensive but important, can go chapter by chapter for edits but could be more money. Mr. Miller said that step 1 would be to access the scope of work and may be able to get a grant for partial but worry about the money later. Mr. Ceppi explained the Planning Board used to get a stipend to be a volunteer and asked if that could come out of the revolving fund and Mr. Viner said that would not come out of the revolving fund and would need to go through Town Meeting. Mr. Viner added he would like to see a warrant article at the next meeting to increase the cap on the revolving account.

5. Discussion: Solar Facility Bylaws

Mr. Miller went over the past edits. Mr. Butensky asked if they could extend the moratorium and Mr. Miller said it most likely would not be passed by the Attorney General's office. The first round of solar edits will be effective and on the November warrant and further discussions can be made for additional edits. Mr. Viner and Mr. Miller discussed the pollination wording and concluded by recommending not demanding. There was much discussion regarding the solar amendment process and a special meeting in late August for public comments.

6. Open Space

Mr. Miller stated he was contacted by Mimi Kaplan, CMRPC, and there were a few word changes and possible acceptance at the next Planning Board meeting.

7. Town Planner Report

Mr. Miller discussed what he has been working on:

- Agency Land Planning-assessing recovery from Covid and reviewing LLRP Plan.
- Housing Production Plan- Need for committee in the future regarding design implementation.
- BSC Group- Discussions with Gillian Davies.
- Solar Bylaw Amendments- meeting with residents.
- Meadow Road- land near carwash, owner wants to know what the land can be used for.
- Disabled Veterans Housing/ 40 B
- Street Party 2022 updates
- Infrared Heater grant with the Fire Department
- Phase 1 infrastructure map program with CMRPC

8. General Board Discussion/ Board Liaison Reports

Mr. Viner said a contractor has been hired to address the necessary repairs at Deer Run, in the process of moving quickly to address safety concerns and will need a future meeting to discuss the project.

9. New Business/Adjournment

Mr. Defosse, 7 Paul's Drive, said the Master Plan is useless unless everyone reviews and follows it. Mr. Viner said the new Master Plan will allow the town to take ownership and the public and departments will be involved in the process because the Master Plan is important.

MOTION: Mr. Ceppi motioned to adjourn the meeting at 9:16 pm

SECOND: Mr. Butensky

DISCUSSION: None

ROLL CALL VOTE: Mr. Butensky, Mr. Ceppi, Ms. Reed, Mr. Gleason, and Mr. Viner all voted aye, and the motion was carried (vote 5-0 motion carried)

Submitted by Monica Santerre-Gervais, ODIS Clerk

Approved by the Planning Board on: June 15, 2021

List of Documents used on June 02, 2021.

Items sent to Planning Board prior to Meeting by email:

- Agenda
- ANR-32 Cooney Road/ Baker Family Trust
- Revised Plan and Driveway Easement for 4 Eagleton Street
- Edited Solar Farms bylaw amendments.
- Open Space Recreational Plan

Items submitted/ brought to the Meeting:

None.