



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, June 18, 2019 at 7:00 PM

McCourt Social Hall, 157 Main Street Spencer, MA 01562
Memorial Town Hall

Planning Board Members Present: Chair Jonathan Viner, Shirley Shiver and Maria Reed
Planning Board Members Absent: Vice Chair Jeff Butensky, Robert Ceppi
Staff Present: Paul Dell'Aquila, Town Planner, Monica Santerre-Gervais, ODIS Senior Clerk
Staff Absent: None

1. Mr. Viner opened the meeting at 7:00 pm

2.) Minutes: May 21, 2019

Ms. Reed noted that on page 6, under the second to the motion, take out the word “Ms.”

MOTION: Ms. Shiver motioned to table the minutes until the next meeting to give the other members a chance to review them

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 3-0

3.) ANR's

- **Easterly Side of Lake Ave & Wildwood Ave, Matt Schold New Lots**

Brian MacEwen, Graz Engineering, said the purpose of the ANR is to make four buildable lots with one out lot. An abutter, Ralph Williamson will take the out lot reserving for a future owner could put a garage on. Two of the lots have frontage and access on Lake Ave the other two lots will have access off of Wildwood Ave. Mr. Viner said on the plan there is a shed shown on Wildwood Ave and Mr. MacEwen said it is in the private way and the owner has been notified that it will need to be removed. Ms. Reed asked if the shed was semi-permanent and Mr. MacEwen said yes. Mr. MacEwen said it is a tent shed with pole and canvas and Mr. Viner asked if it limits access than it should be removed. Mr. MacEwen agreed it needs to be removed and the owner was notified. Ms. Shiver asked if lot 3 is deriving its square footage from across the cart path and Mr. MacEwen stated that all of the land is common land and none of the lots have been developed except the ones with lots number and some of the lots are owned by the Town of Spencer taken due to back taxes.

Mr. Viner asked if in the original plan Wildwood Ave continued pass the cart path and Mr. MacEwen said yes. Mr. Dell'Aquila said a normal vehicle would not likely be able to pass down the cart path. Ms. Shiver asked if lot 3 and 4 would have access from Wildwood Ave and if that was the cart path and Mr. MacEwen said no Wildwood Ave is gravel road. Ms. Shiver asked

where access to a main town road would be and Mr. MacEwen said to Hemlock, to Lake, to Clark Road. Furthermore, Mr. MacEwen added that roads leading in from Clark Road or Baldwin are public roads and was established as private roads around 1932. Ms. Shiver asked if lot 3 would have access without having easement over someone else's property and Mr. MacEwen said no. Ms. Shiver asked if there was sufficient frontage to have access on Lake Ave and Mr. MacEwen responded that there is sufficient frontage on Lake Ave as well as Wildwood Ave.

Mr. Viner stated that for a building permit the driveway has to come over frontage and Mr. MacEwen said that was correct and they mapped everything out so they can locate the septic systems and the wells. Mr. Viner asked if they lose minimum width on lot 3 to Lake Ave and Mr. MacEwen asked at the throat and it was determined there was enough for the width. Mr. Viner asked if they know the square footage of the northern portion of lot 3 and Mr. MacEwen said its conglomerate of the land.

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

SECOND: Ms. Reed

DISCUSSION: Mr. Viner asked if a letter can be submitted in regards to removal of the carport and Mr. Dell'Aquila said that it would be dealt with through the building permit stage because of the encroachment on lot 3.

VOTE: 3-0

4. Continued Major Site Plan Review/ Special Permit: Sunpin Solar Development, LLC; Owner: Peter and Carol Gaucher, Location: 22 Norcross Road; Spencer Assessor's Map R40-07. The applicant is requesting a Major Site Plan Review under Section 7.4 and Special Permit under Section 7.2 of the Spencer Zoning Bylaw Zoning to install a Solar Farm. The property is located within the Rural Residential zoning district.

Mr. Viner opened the continued hearing. Mr. Dell'Aquila stated the applicant has requested another continuance and stated that no additional updates have been provided. It was agreed that with this be continued with a contingency with updates for the next meeting. Mr. Dell'Aquila said he is unsure of the changes and site access and if resubmitted it would need new fees to be advertised again.

MOTION: Ms. Shiver motioned to continue the meeting until July 16, 2019 with the contingency that the applicant submits updates for the next meeting and Planning Board make a recommendation of resubmission or re-advertisement.

SECOND: Ms. Reed

DISCUSSION: Applicant may need to withdrawal if they do not provide updates

VOTE: 3-0

5. Public Hearing: Scenic Road — As required by MGL Ch. 40, Sec. 15C of the General Laws of Massachusetts, a public hearing will be held related to tree work associated with

equipment upgrades (poles & wires) on Buteau Road. The applicant is Brande Tarantino of National Grid and the work is located within the Rural Residential zoning district and on a designated Scenic Road.

Mr. Viner opened the public hearing.

Mr. Dell'Aquila reviewed the scenic road regulations and that any work regarding tree removal and stone walls would trigger a public hearing to receive approval from the Planning Board. Mr. Dell'Aquila stated that the tree removal tonight is being done by Utilities and Facilities in order to preserve the integrity of the road and keep safe operations.

Billy Krukowski, Highway Superintendent, was present for the meeting. Mr. Krukowski said that that Spencer started the complete streets comprehension Road project and it entails extensive paving, they are seeking to take down trees that obstruct the road width and safety concerns. Mr. Krukowski and the Tree Warden, Ray Holmes, have gone down the streets and have identified the trees that will be taken down and there are 52 trees on Borkum Road and 43 Trees on E. Charlton Road. Ms. Shiver asked if they would be increasing the road width and Mr. Krukowski said it will remain the standard width. Mr. Viner asked if there would be conflicts with utilities and Mr. Krukowski replied no and that it would lie on the responsibility of National Grid.

Ray Holmes, Tree Warden, said that he looked at all the trees, identified, and posted them. Mr. Holmes said on the original list there were some he did not agree with and they were removed from the list. Mr. Viner asked if the trees were diseased and Mr. Holmes said no just big cavities, rot, or decay. Mr. Viner asked when the trees were posted and Mr. Holmes said the first week of June and legally they need to be posted 7-10 days before the meeting. Mr. Krukowski stated they are hopeful to start the work 30 days from now contingent upon the Planning Board approval. Ms. Shiver asked what they would be doing with the wood from the trees and Mr. Krukowski said some residents want them and if not the contractor will haul them away.

Mr. Viner opened the hearing up to the public:

John Lang, 68 Borkum Road, explained that he purchased his home three years ago and the enormous trees and the character of the trees is what intrigued him to purchase the home. Additionally, Mr. Lang knows that tree work is expensive and disagreed with the money being used for cutting down so many trees. Also, Mr. Lang felt the tree removal and improvement of the road will encourage traffic and the rate of speed will be a safety issue. Mr. Lang said that ticks breed on woodland habitats and if you remove the tree line then all dogs will get more ticks. Some of the trees that are marked are not an issue and National Grid should be responsible for pruning of the trees. Mr. Lang asked if telephone poles would be moved because it was not listed and they are close to the road width. Currently, the buses are able to make it down the road and turnaround. Mr. Lang posted notices in the neighborhood and shared some feedback he received from neighbors that couldn't attend.

Hayley Sutherland, 68 Borkum Road, read aloud another neighbor's comments that messaged her and they felt the trees are healthy and add character to the neighborhood.

Harold Hilslinger, 102 E. Charlton Road, expressed that East Charlton Road is a country road and it will not improve the road by removing the trees. Mr. Hilslinger referenced calculations of speed and distance comparisons. Mr. Hilslinger voiced that some of the trees are 200 years old or older and felt the trees are cutting them down for no reason and the road needs no improvement in order to keep the speed rate down. In 1984, about 35 years ago, the road was gravel, then the road was paved, Mr. Hilslinger has never felt threatened by the trees. Mr. Hilslinger recommended that a cheaper alternative to fixing the road and taking the trees down would be by hanging signs that say "slow narrow road." Lastly, Mr. Hilslinger said it is a scenic road and there is no advantage to take the trees down.

Scott Ramsey, 63 Borkum, has lived in his home for 20 years and enjoys the woods. Mr. Ramsey said that he has dealt with the issue of snow removal on his road for over 18 years. Although, he agrees there are a few trees that are questionable for cutting down but most of the trees are touching the pavement or within a foot of the pavement. The trees being removed will not affect the privacy and would like to see his road properly paved. There is limited throughway traffic because Wheelock Road is a dirt road and the road is poorly plowed when it snows. Currently, he has a tree on his property that leans towards his house because of the road.

Robert Wisell, 18 Borkum Road, stated that the trees have been there since the settlers have arrived, it was a stage coach stop years ago, and the trees are worth a lot because of how old they are. Mr. Wisell said improving the road should only include paving not removing the trees and stated his taxed went up and there is not a lot being paved. The trees have been there for a couple 100 years and the trees are not dangerous.

Chris Mancini, 55 Borkum Road, been in her home since 1985 and the road was dirt. One main was that the trees weren't allowed to be taken down back then and created a lot of the choke points. During the wintertime it is only a single car road and there are areas where the trees need to go for safety reasons. Ms. Mancini said that the other end of the road goes into Charlton and it is dirt and not a through road and not well maintained so the increase in speed would come from the neighbors because there is not a lot of through traffic on Borkum Road. Lastly, if the road is done right the road won't be done again for a long time.

Mike Griffin, 33 Borkum Road, stated that he built his house 1981 and fought to get tree removal in order to get electrical poles on the road in order to get power to his house. Originally, the road was dirt and gravel and there were time when they had to leave there cars at the end of the road and walk because the road got washed out. School buses would not come down the road and their children had to be walked down to the end of the road to take the bus. Lloyd Dyer had told him that the taxes they paid for police, fire, and maintenance of the road. Mr. Griffin said the trees need to come down to fix the road and new neighbors built further down Borkum Road and the road narrows and deserve service. Mr. Griffin said the plowing contractors only do one pass on the road. One tree can take down of all the power on the road, has gone 3-4 days without power, and 12 days during the big ice storm. Lastly, by taking the trees out and fixing the road it will do more people well.

Matt Deciero, 37 Borkum Road, can agree with the sentiments but in the three years he has lived there the road is very narrow, especially, in the winter time. If a bus comes down the road then

he gets pushed off the road because the road is narrow. Additionally, there was logging in Charlton and the trucks came down the road and was pushed off the road. Mr. Deciero stated that during the culvert repair because the trucks took up much of the road or was detoured down Wheelock Road, which is a dirt road. The tress can be a burden and would like the road widened and some trees need to be removed for safety.

Bob Daniels, 41 Borkum Road, stated that there is a conflict of trees in proximity to the utility poles and he hates to see the trees go but if it's for safety issues than that is ok. Mr. Daniels was wondering if National Grid was going to remove those poles or just the trees. Mr. Krukowski said they are not concerned with branches but the trees that grow within 1 foot of the road impacts the pavement structure and the sub base of the road and the town doesn't want to spend millions of dollars on road repair and have to fix them again because of the trees. Mr. Krukowski stated that the roots lift the asphalt and the electrical poles don't and it cost three times the cost to move the utility poles. Mr. Daniels asked what the minimum width of a road is and Mr. Krukowski said the Planning Board will set the width requirement. Mr. Viner said there are standard widths for new roads but the Planning Board doesn't go back and set new standards for older roads but would like to see that the width doesn't go under 18 feet. Ms. Shiver stated that the road width under the subdivision regulations is 24 feet. Mr. Daniels said he just wants to make sure the road is in compliance so the road won't need to be done again. Mr. Krukowski said the road should last 15-20 years.

Mr. Viner asked about the National Grid about future infrastructure and Mr. Krukowski said he doesn't believe they would upgrade the electrical unless a large project goes in. Mr. Viner asked if there is only one electrical feed on Borkum Road and it is single phase with one feed. Ms. Sutherland asked why the project would be more expensive later on and Mr. Krukowski said the time value of money and construction inflation. Mr. Ramsey asked why now and Mr. Krukowski answered that it is part of the complete streets project and need to take the trees down and before the put the road in so it doesn't damage the road. Mr. Viner commented that it costs more to replace/repair a road. Mr. Deciero asked about the contractor being prevailing wage and Mr. Krukowski said yes the town must issue prevailing wage contracts.

Leslie Daniels, 41 Borkum Road, commented that 4-5 years ago the highway department took some material from the side of the road and it exposed the roots and those trees are an issue and are not marked. Mr. Holmes said they cut the roots and the tree is stable, additionally, the worker that did that is gone but the root is stable. Ms. Daniels asked if the drainage was compromised and Mr. Krukowski said that he will make a note and have Mr. Holmes go out and add fill to preserve the tree. Mr. Viner asked about additional grading to preserve that and Mr. Krukowski said it will be addressed.

Ms. Mancini asked about a plan to work on the drainage on the hill and Mr. Krukowski said all the drainage work has been completed. Ms. Mancini confirmed the trees being taken down and around the choke spots, the dead dying trees, and the trees that would grow and interfere with the road and Mr. Krukowski concurred and said they are hopeful the road life will be 20 years. Ms. Daniels asked if they pave will they grade and will they be detoured through Charlton and Mr. Krukowski answered in two weeks they will have their pre-construction meeting for a traffic management plan.

Mr. Lang wanted make a final statement that it pains him that his children won't be able to appreciate the trees that will be cut down and according to the documents they are cutting 29 trees down for safety reason but there are 23 more trees they plan on cutting down and that is unnecessary. Mr. Krukowski said he can respect the aesthetics of the scenic road and it will be safer to take down the dying trees instead of waiting for them to fall down. Ms. Daniels said there are young trees behind that will grow and they have to live on that road, the trees will grow and will keep the scenic road look, also the road right now is unsafe during winter and for school buses. Mr. Griffin said they need to have smaller busses pick up the children because a full size bus won't fit. Mr. Deciero asked about regulation for road size for fire trucks and if the road will meet the specification and Mr. Krukowski said the road is within regulations now. Mr. Lang would like to see accident logs to prove the trees are a safety issue. Mr. Wisell asked about the stumps and Mr. Krukowski said they will be grinded down. Mr. Wisell said the plowing concerns could be addressed with the plowing contractor widening the path and Mr. Griffin said they can't get enough speed. Mr. Viner stated the new road will avoid snow removal issues.

Mr. Viner asked what the timeframe would be and Mr. Krukowski said the contract opens up in two weeks and hopefully the construction will start a month from now. Mr. Hilslinger still feels that some trees are fine and asked if it's a done deal and the trees were chosen arbitrarily and Mr. Krukowski said no trees were chosen arbitrarily. Mr. Griffin discussed with Mr. Krukowski how to get the trees that are cut down. Mr. Deciero said there was a large tree cut and left down and wants to know if that dead tree can be removed and Mr. Krukowski will look into it.

Mr. Holmes stated any trees that abutters have issues with on the list put it in writing and a follow up meeting will be held with the Board of Selectmen. Mr. Holmes there are some trees he doesn't agree with but some he does and he understands the concerns of the abutters. Mr. Viner asked if they looked into harvesting the trees for us and Mr. Krukowski said that some people have already expressed interest of the trees and they will be given on a first come first serve basis but the highway department will hall away the rest. Mr. Viner asked about courting local sawmills and Mr. Krukowski said it's not enough trees. Ms. Shiver asked what the notice for tree cutting is and Mr. Krukowski said a new website is underway and there will be a new design and everyone will get noticed 48 hours in advanced by flyers. Mr. Griffin asked what the tentative completion date and Mr. Krukowski said final paving should be by the end of October. Mr. Dell'Aquila asked about other roads that are being repaired and Mr. Krukowski said the roads that will be repaired are Thompson Pond Road, Paxton Road, GH Wilson Road, William Casey Road, and Tom Casey Road.

Mr. Hilslinger again commented his opposition to paving the road because smoother road increases speeding and more accidents and Mr. Krukowski replied that at the Town Meeting in 2017 the town's people voted on smoother roads. Ms. Reed asked the proximity of the younger trees behind the trees being taken down and how much time for them to grow and Mr. Krukowski the trees that will grow will take time and undeveloped land may change things. Mr. Viner said it's a 20 year cycle for growth. Mr. Hilslinger said 9 maple trees and 6 oaks are scheduled to be taken out in a one mile stretch and will change the look of the road and he does not see the advantage of taking the trees downs because they cannot be replaced. Mr. Krukowski said they are not widening the road. Mr. Lang said the growth of the new trees will damage the new roads 15-20 years from now. Ms. Mancini said one benefit is the Midstate trail that is close

by and although the appearance of the road may change, the tree cutting is not going all the way to the stone walls, and the impact won't be that great.

Mr. Viner asked if the list can be tweaked and Mr. Holmes said he will walk with Mr. Hilslinger and look at the trees he is concerned about. Mr. Viner said he doesn't want this to impact the contract work. Mr. Wisell asked if the trees are numbered so if they write a letter they know what trees they are disputing and Mr. Krukowski said they can put house numbers and the road. Mr. Viner said the Planning Board doesn't want to delay their decision but recourse can be brought up with Highway Department and the Tree Warden to argue a couple trees. Ms. Shiver asked the tree warden if he agrees with the list and Mr. Holmes said yes and no and he doesn't object to saving some trees but he understands the process. Mr. Holmes said he already took a dozen off the list for Borkum Road and 4-5 on East Charlton Road. Mr. Viner ended the discussion by stating any abutter that has a dispute about a tree can reach out to the Highway Department and Tree Warden in writing and then further action would need to go to the Board of Selectmen.

MOTION: Ms. Shiver motioned to close the hearing

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 3-0

MOTION: Ms. Shiver motioned to approve the scenic road permit with the condition that for any residents with objections to the removal of specific trees, further review will be coordinated with the Tree Warden and the Utilities & Facilities Department by July 1, 2019 and for potential tree removal hearings by the Board of Selectmen at their July 10, 2019 meeting.

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 3-0

6. Public Hearing: Special Permit- Chickering Road; Spencer Assessor's Map R15 – 4 & 4-2. The applicant is requesting a Special Permit for a rear lot subdivision/ Common Driveway under Sections 7.2 and 5.3.10 of the Spencer Zoning Bylaw. The property is located within the Rural Residential zoning district

Mr. Dell'Aquila stated that because the special permit requires four votes and there is only three Planning Board members present he reached out to the applicant and they agreed to continue until the next meeting. Mr. Dell'Aquila said that this was a previously approved rear lot subdivision but is re-submitting the application because it expired.

MOTION: Ms. Shiver motioned to table the application until the next meeting

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 3-0

7. Town Planner Report

- **103 North Spencer Road-** Review and possible site plan amendment for battery storage

- **New Conservation Agent**
- **Sunset/Holmes document history**
- **Board Procedures /Term Cycles-** Mr. Dell'Aquila explained that Ms. Reed and Mr. Ceppi terms are due to expires so the Planning Board needs to resolve what they want to do for terms and Mr. Dell'Aquila handed out two examples of terms and stated that the Town Administrator supports either. Mr. Viner said he wants Town Council to weigh in on the legal terms.

8. Board Liaison-

- Solar Committee- Mr. Viner said the Solar Committee is nearing completion of recommendations they have for revising the solar bylaw. Mr. Dell'Aquila said they would need to go in front of the Board of Selectmen before they come to the Planning Board.

9. New Business- None

MOTION: Ms. Shiver motioned to adjourn the meeting at 9:17 pm

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 3-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 7/16/2019

List of Documents used on June 18, 2019

Items sent to Planning Board prior to Meeting by email/ print outs:

- Agenda
- Memo emailed from Paul Dell'Aquila to Planning Board
- ANR- application and plan for Easterly Side of Lake Ave & Wildwood Ave, Matt Schold New Lots
- 22 Norcross Road Solar Farm- Continuation form
- Scenic Road Public Hearing- Application, narrative, and plan for Borkum and E. Charlton Road
- Minutes: May 21, 2019

Items submitted at the Meeting:

- 103 N. Spencer Road Solar Decommissioning Plan
- 3 to 5 year term scenarios for the Planning Board
- Scenic Roads- Tree cutting schedule and location of tree cutting provided by the Highway Superintendent
- Continuance for Chickering Road SP rear lot subdivision