



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, August 16, 2022, 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 Robert Ceppi (in-person), Shirley Shiver (in-person), Vaughn Slack, (in-person), and Charlie Bellemer (in-person)

Planning Board Members Absent: None

Staff Present: Lauren Trifone, Town Planner/Conservation Agent (in-person), Dawn Foster, ODIS Minutes Clerk (in-person), and Monica Santerre-Gervais, ODIS Senior Clerk (remote)

Staff Absent: None

1. Chair, Mr. Ceppi, opened the meeting at 7:05pm.

2. Approval of Minutes: 7/19/2022

Mr. Bellemer went through a list of minor edits for the drafted minutes to be revised.

MOTION: Ms. Shiver motioned to approve the minutes as corrected for 7/19/2022

SECOND: Mr. Slack

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

3. ANR's-

- 57 Chickering Road/David Harris/Boundary Line Adjustment**

Tom Fancy, Land Surveyor, and owner David Harris were present for the meeting. Mr. Fancy explained the ANR plan pertained to 57 & 61 Chickering Road, and it is taking access from the back lot of 57 Chickering Road and adding to 61 Chickering Road. Ms. Trifone stated the waterfront portion would remain at 57 Chickering. Mr. Harris brought the deed and title to the meeting for review.

MOTION: Mr. Bellemer motioned to approve the ANR for 57 Chickering Road

SECOND: Ms. Shiver

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

- **Gold Nugget Road/ Roger Foss/ Create Lots**

Ms. Trifone noted that this ANR plan is to create one lot at 1.38 acres from an existing 62.99-acre lot. Jason Dubois, DC Engineering & Survey, Inc., was present for the meeting to answer any questions.

MOTION: Ms. Shiver motioned to approve the ANR for Gold Nugget Road

SECOND: Mr. Slack

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

- **Sunberg Road/ Diane LaCroix/Create Lots**

The application indicates the owner is Denise LaCroix however, the owner (present at meeting) requested correction as her name is Diane LaCroix. Ms. Trifone stated she would ensure all related documents are correct. Jason Dubois, DC Engineering & Survey, Inc., was present for the meeting to answer any questions. Ms. Trifone mentioned the land is in Chapter 61 A and depending on the intention of the lot the landowner would need to speak with the Assessor.

MOTION: Ms. Shiver motioned to approve the ANR for Sunberg Road

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

4. Continued Special Permit– Applicant: Freedom Forever, Aaron Wendt; Owner: Craig Lusignan. Location: 83 Northwest Road, Spencer Assessor’s Map R50-3-1. The applicant is looking for a Special Permit under section 4.8.9 (Solar Photovoltaic Generating Installations) to install small scale residential ground mount solar panels. The property is located within the rural residential zoning district.

Ms. Trifone noted that no current information had been received from the applicant and that a blank continuation form had been sent as well as a call placed to the applicant.

Mr. Ceppi stated if no information is received by September 6, 2022, then the application would be denied at the September 6, 2022, meeting.

MOTION: Ms. Shiver motioned to continue the Special Permit for Meadow Road until 9/6/2022

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

5. Continued Site Plan Review & Special Permit– Applicant/Owner: Spooky Realty Trust, Steven Turner, Location: Meadow Road, Spencer Assessor’s Map U11-12, 12-1, 12-2, 12-3, 12-4. The applicant is looking for a Major Site Plan Review under section 7.4.2 (Site Plan Review required for this use even when there is no new construction or expansion of structures or parking areas) & Special Permit under Section 3.4.1.G (Aquifer Protection Overlay District) and Section 3.4.2.H (Floodplain Overlay District) to. The property is located within the Commercial zoning district.

Ms. Trifone stated that the applicant requested a continuance until the September 6, 2022, Planning Board meeting as they are waiting results from a traffic study.

Ms. Trifone noted that Conservation approved the Notice of Intent and the Stormwater permit, and the Stormwater bond was approved at \$18,000. The original bond was for \$36,000 and was reduced to \$18,000 and once the drive thru is completed, the Conservation Commission will vote to release \$12,000 of the bond. Also, Ms. Trifone noted that one condition was carried over for the turtle wall in that area and therefore no construction is allowed between mid-November to early April as to not disturb the natural habitat.

James LaPlante, Sewer Superintendent, would like to invite Steven Turner to the next Sewer Commissioners meeting to discuss the project.

MOTION: Ms. Shiver motioned to continue the Site Plan Review & Special Permit for Meadow Road until 9/6/2022

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

6. Request for Extension to an approved Definitive Subdivision Plan – Applicant/Owner: JC Kady Realty LLC. Candlewood Estates Phase II, located off Greenville Street/ Candlewood Drive, Spencer (Assessors Map R28-9-25,9-20, 9-23, 9-28, 9-31). The applicant is requesting an extension of time to complete the subdivision in accordance with the previously approved plan. The Candlewood Phase II subdivision plan was approved by the Planning Board on November 20, 2007.

Ms. Trifone noted that she had suggested to the applicant to submit a new application because the subdivision approval had expired December 19, 2018. However, because the Special Permit is still vested the applicants wanted to request an extension. Mr. Ceppi noted that the applicants should have requested an extension prior to the subdivision approval expiration. Ms. Shiver agreed that there had not been any obvious reason as to a delay such as covid. Mr. Ceppi suggested that the applicants be given the opportunity to present the reason(s) for the delay.

Ms. Shiver noted that triplexes and duplexes are not allowed in rural residential areas, however, Ms. Trifone did note that triplexes are allowed by Special Permit and the Special Permit for this subdivision is still valid regardless of whether it is a new application or continuation of the existing.

William Cundiff, Highway Superintendent, noted that there have been meetings with the applicant and that the project has been moving along properly. He stated that he suggested to the applicant to request this extension as there had not been any regulatory changes since the 2018 date expiration. Additionally, Mr. Cundiff mentioned that the phase 1 road is a public way, it was recorded at the Registry of Deeds, and discussed phase 2 needed to finish the roadway.

Damian Berthiaume, representing Jesse Kady (applicant) stated that the road for phase 1 is complete and accepted by the Town of Spencer. Mr. Berthiaume stated the original owner was Brian Murkland and a triplex was built on lot five and a portion of the road is part of phase 2, which, would have the triplex on it. Currently, the applicant is seeking an extension to continue phase 2 of the road from the end of one cul-de-sac to the end of another.

Mr. Berthiaume pointed out that the previous extension of decisions did not provide for an automatic recission of approval if the subsequent requests for extension(s) expired.

Mr. Ceppi pointed out that the applicant needs to submit revised plans to make sure the lots and everything else is correct to today's standards as current plans do not reflect correct information as it has a less than 60k sq ft lot on it. Mr. Berthiaume stated that it is not necessary at this for this request as it does not render the whole plan inaccurate. Jason Dubois, DC Engineering & Survey, Inc., stated that the Massachusetts Department of Environmental Protection had changed the recharge standards and he could add roof recharge to meet the requirements. Mr. Dubois mentioned that one lot was undersized and would need to request an ANR plan to comply.

Discussion ensued about changing the road to have more appropriate lot sizes and frontage and it was determined that changing the road would have a negative impact on the other lots. Mr. Kady explained that the delay was due to economic issues within the construction industry and housing market from 2016 through covid. Currently, Mr. Kady said there had been interest in housing construction, and he is ready to begin working on this project.

Discussion then ensued as to whether there was precedence in approving another extension for an expired approval. Mr. Ceppi asked Town Counsel had reviewed this application and Ms. Trifone stated they had not, however, she would be willing to reach out to Town Counsel to see if there were instances or precedence that apply to this issue.

The Chair opened the hearing to the public for questions and comments.

Mr. Cundiff discussed his twenty years of experience working with the Town of Douglas Planning Board, feels an extension can be granted by the Planning Board, and that approval should be conditional. Mr. Ceppi stated that any future conditions shall include a third-party peer review of phase 2 going forward, as-builts as currently required, and add future retention ponds maintenance to the homeowner association responsibilities. Ms. Shiver suggested having a developer agreement for phase 2 outside of the extension to ensure that everything is completed within a specific timeframe and suggested adding a condition to rescind the project if the next extension expires.

Ms. Trifone stated she would reach out to Town Counsel to determine the best way to move forward either by placing conditions on the extension approval or by creating a separate development agreement.

MOTION: Ms. Shiver motioned to continue the Candlewood Subdivision application until September 6, 2022.

SECOND: Mr. Bellemer

DISCUSSION: Ms. Shiver noted they need a signed continuance request.

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

7. Review & Act: Revolving Account

Mr. Ceppi discussed the Stonebridge Press invoice for \$132.20 and needing to take the money out of the Planning Board Revolving Account.

8. Town Planner Report

- Ms. Trifone introduced the new Minutes Clerk, Dawn Foster.
- Ash Street was continued until the end of September – Ms. Trifone has signed proposals for peer review, but no money has been received. She has been pushing but they just opened with Conservation Commission last week.
- 103 North Spencer Road is going to be on agenda for request for completion on 9/20/22. As Builts and plot plans received. Between now and the 20th, department heads have been notified to go out and perform inspections as there has been turnover. Mr. Ceppi raised concern that As Builts are simply ‘stamped’ - how do we know they are correct? Ms. Trifone reassured that she has documents/plans that provide her with information to follow changes to ensure plans are not simply ‘rubber stamped.’
- The Planning Board received summons for the appeal of 51 Borkum Road. The denial was issued November 17, 2020, and the appeal was received March 1, 2021.
- CVS is halfway through the demolition process.
- The Housing production-scheduled Community Forum scheduled September 21, 2022, from 6-8pm upstairs.

9. General Board Discussion & Board Liaison Reports

Ms. Shiver noted that the Community Forum will be in the Great Hall.

Mr. Ceppi noted that the Building Reuse Committee discussed the Lake Street School property and the old Fire Station on Cherry Street

10. Citizen Input

Matt Defosse, 7 Paul's Drive, stated that it might be best for the Planning Board to review and amend the Subdivision Regulations and he appreciated the concerns in setting precedence and protecting the town shown by the board.

11. New Business/Adjournment

MOTION: Ms. Shiver motioned to adjourn at 8:45pm.

SECOND: Mr. Bellemer

DISCUSSION: None

ROLL CALL VOTE: Mr. Ceppi, Ms. Shiver, Mr. Slack, and Mr. Bellemer all voted aye, (vote 4-0) motion carried.

Submitted by Monica Santerre-Gervais, ODIS Senior Clerk and Dawn Foster, ODIS Minutes Clerk

Approved by the Planning Board on: 9/15/2022

List of Documents used on August 16, 2022.

Items sent by email to the Planning Board and printed out for use at the meeting:

- Agenda
- Memo from Town Planner for meeting
- Drafted minutes from 7/19/2022
- Meadow Road/ Charlies Diner-Continuance Request
- ANR Application and Plans- 57 Chickering Road/ David Harris
- ANR Application and Plans- Gold Nugget Road/ Roger Foss
- ANR Application and Plans- Sunberg Road/ Denise Lacroix
- Application and Plans for Candlewood Extension Request
- Stonebridge Press Invoice- Revolving Fund approval for \$132.60

Items submitted/ brought to the Meeting:

- 57 Chickering Road/ David Harris-submitted Deed and Title.