



## Planning Board – Town of Spencer

### *Minutes*

#### Planning Board Meeting

**Tuesday, April 18, 2017 at 7:00 PM**

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

Planning Board Members Present: Chair Robert Ceppi, Maria Reed, Jonathan Viner and Shirley Shiver

Planning Board Members Absent:

Staff Present: Paul Dell'Aquila, Town Planner

Staff Absent: Monica Santerre-Gervais, ODIS Clerk

#### **1) Mr. Ceppi opens the meeting at 7:05pm.**

#### **2) Preliminary Plan – Cedar Woods OSRD**

**Applicant/Owner: Capstone Realty Trust**

**Location: off Donna & Debbie Drive, Spencer Assessor's Map R46-22, R46-28 through 51, and R55-28 through 31**

Kevin Quinn, Quinn Engineering, was present for the meeting on behalf of Capstone Realty and Trust to discuss the subdivision preliminary plan. The subdivision plan will be under the open space development regulations. The plan has 17 lots, 34 dwellings, and the duplexes are approved by Special Permit. Debbie Drive will be extended into a loophole. The current submittal is a yield plan under conventional zoning requirements. The OSRD 15% additional, if you provide 60% of open space you get an additional 5% bonus so the applicant seek 20% bonus over the project. Cedar Woods will have a wastewater disposal at a community septic system. Each lot will have a well that serves each duplex building. There are wetlands in the vicinity of the site by EcoTech. Stormwater will be collected and drained at the basin of the site and will meet all stormwater management requirements. There is a trail in the back of the property that will be maintained.

Mr. Dell'Aquila handed out a memo dated 4/18/2017 in regards to comments received by Lee Jarvis where no percolation test has been done for the project and Margaret Washburn pointed out a homeowners association should be established. Mr. Quinn said this site is not linked to Laureldale Woods and a homeowners association will be needed to maintain the well. Mr. Dell'Aquila asked if the association would go towards the maintenance of the road and Mr. Quinn said yes. Another comment from MS. Washburn was easement access for the basins and Mr. Quinn said they will have access. Steven Tyler, Highway Department, asked for a snow storage easement and Mr. Quinn said that wouldn't be a problem. Mr. Tyler said it could be part of the association.

Mr. Dell'Aquila handed out comments from Lenard Engineering dated 3/17/17. One comment pointed out was the sidewalk widths and Mr. Quinn said that wouldn't be an issue. Road 24' wide, sidewalk on one side, and will need to get waiver for the other second sidewalk.

Ms. Shiver if open space is conveyed to the town or as a Conservation restriction. Mr. Quinn said it's what works best with the town. Ms. Shiver discussed a deed restriction with Mr. Quinn. Mr. Ceppi asked about the open space numbers and Mr. Dell'Aquila said the numbers presented in the beginning by Mr. Quinn are correct. Mr. Ceppi asked if they need to deduct wetlands and Mr. Dell'Aquila replied it's a large enough site where the wetlands wouldn't need to be deducted.

Noel Bushe, 25 Collier Circle, asked if the duplexes are owned and Mr. Quinn said yes.

Mr. Dell'Aquila asked when a definitive plan be submitted and Mr. Quinn said possibly 8-10 weeks. Mr. Viner asked if this is Laureldale phase 2 and Mr. Quinn said yes. Mr. Tyler explained that phase 1 is not completed and a punch list needs to be approved. Charbel Najem, Capstone Realty, said there are minor cracks and repairs for phase 1 but they are completing what needs to be done. Mr. Viner asked if there is a maintenance agreement for septic and Mr. Quinn answered yes there is a community tank and they will need to percolate to figure out where the soil will be good for that.

Ms. Shiver stated that when the applicant comes back the engineering would need to be shown, open space questions, legal documents for the homeowner association, and possibly a landscape plan. There was discussion in regards to open space and putting into a land trust. Mr. Quinn said there will be grass and a landscape plan is not required.

No motion required for a preliminary plan but all Planning Board Members agreed that the applicant submit a definitive plan when ready.

### **3) Special Permit – Common Driveway**

**Applicants/Owners: Hamadryad, LLC/ Jim Hansen**

**Location: 68 & 70 Donnelly Road, Spencer Assessor's Map R36-29 & R36-29-6.**

Jim Hansen, 67 & 70 Donnelly Road, was present for the meeting to discuss his plan for a common driveway. Mr. Hansen explained that an ANR had been submitted and previously approved and the new lot lines are legal. Most of the land is in Chapter 61, drainage coming from both sides of the house sites, seeking a waiver for wide areas and turn offs, and to minimize impervious surface. The driveway will be 175 feet in length and straight.

There was much discussion in regards to the new common driveway regulations.

Mr. Hansen said the driveway has 18ft of durable surface with a total of 21 ft. Mr. Dell'Aquila stated the Spencer Zoning Bylaws 6.2.5 section D.6. An easement with a minimum width of 24 feet shall be created and recorded along with the deeds for the lots to assure maintenance, drainage, snow removal, snow storage, rubbish collection, and the like, and liability for the common driveway shall remain the responsibility of the private parties, or their successors-in-interest, in perpetuity. A copy of the draft maintenance agreement shall be submitted with the application.

Mr. Viner discussed not being comfortable narrowing the connection between the driveway and road Spencer Zoning Bylaws 6.2.5 section D 10. Passing turnouts, providing a total width of at least

20 feet along a distance of at least 25 feet, spaced with no more than 300 feet between turnouts, and with the first such passing turnout at the driveway connection to the street, shall be provided. Mr. Hansen said it will be 18 feet. Mr. Dell'Aquila explained the applicant is requesting a waiver for section 6.2.5 section D.10. Mr. Dell'Aquila discussed the bylaws and that there is some discretion from the Planning Board although other departments find the plan suitable. Mr. Dell'Aquila asked if they would be maintaining durable and gravel and Mr. Hansen said yes. Mr. Ceppi brought up questions in regards to the grade. Steven Tyler, Highway Department, came up to discuss the grade and that is was acceptable to the fire chief to get equipment in and paving the interface where the driveway meets the road for a 2 foot apron. Mr. Tyler said that driveways 300 feet or greater don't need a turnaround and Mr. Hansen said it will only be 175 feet. There was much discussion in regards to the gravel, pavement, and grade.

Mr. Viner discussed that there is a missing easement deed. Mr. Dell'Aquila said easement plans were circulated. Mr. Hansen said it would be easier to do easement in areas. Ms. Shiver and Mr. Viner expressed they need to see written descriptions on the plan. Mr. Tyler said the applicant needs to submit easement deed and plan. Mr. Viner said they need to see an agreement for maintenance for the two properties. Mr. Dell'Aquila said there is a drafted contract that is acceptable but need an additional contract. Mr. Viner said that in the interest of the town, before the Planning Board can accept the application that the property owners need to have the best agreement in place. Much discussion to clarify additional information that the applicant needs to submit in order for the Planning Board members can approve (i.e. homeowners association, maintenance agreement, easement deeds, etc).

#### *Spencer Zoning Bylaw section 6.2.5.C*

*2. easements, covenant and agreements, suitable for recording at the Registry of Deeds, for the subject lots containing restrictions including but not limited to:*

*a) prohibiting any additional vehicular access to said lots from other than the common driveway approved by this special permit.*

*b) stating that said common driveway is a private driveway and not a town way.*

*c) stating that if application is ever made for such common driveway to become a town way, such common driveway shall first, at the applicant's expense, be made to conform to the Rules and Regulations for the Subdivision of Land in the Town of Spencer in effect at the time that such application is made.*

*d) requiring that the maintenance, operation, repair and reconstruction (including snow plowing and snow/ice removal) is the responsibility and liability of the property owners.*

*3. an easement plan suitable for recording at the Registry of Deeds.*

*4. all deed easements, easement plans, restrictions, covenants and agreements must be submitted to and approved by the Planning Board prior to their recording and prior to the issuance of a common driveway special permit.*

Mr. Ceppi opened the meeting to the public:

Noel Bushe, 25 Collier Circle, said that the property has wetlands, and the applicant put markers on her property, and recently mailed her a letter to remove items off the property. Ms. Shiver asked the applicant if he did a perimeter survey and he said yes. Mr. Hansen replied that there is a perimeter trail and they will maintain the trail, he has already met with the Conservation Commission and the plans have been approved, and he did mail a Cease and Desist letter to Ms. Bushe because she does have items on his property and has video of Ms. Bushe dumping items on the property. The Planning Board members said that is not a matter for the board and Mr. Dell'Aquila recommended she speak with William Klansek or Margaret Washburn. Ms. Shiver asked if the perimeter trail is pinned and Mr. Hansen said there are concrete posts from the past subdivision and they were found and painted/old monumentation.

**MOTION: Ms. Shiver motioned to continue the hearing to May 16<sup>th</sup>, 2017**

**SECOND: Mr. Viner**

**DISCUSSION: None**

**VOTE: 4-0**

#### **4) Approval of Minutes:**

**3/21/2017**- need to reach out to the two applicants in regards to the wrong meeting date that was mentioned in the continuance letter and minutes.

**MOTION: Mr. Viner motioned to approve the minutes as submitted**

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 3-0, Ms. Shiver abstained**

**4/4/2017**

**MOTION: Ms. Shiver motioned to approve the minutes as submitted**

**SECOND: Ms. Reed**

**DISCUSSION: None**

**VOTE: 3-0, Mr. Viner abstained**

#### **5) Town Planner Report/ General Board Discussion**

- Mr. Dell'Aquila handed out the draft memo for Marijuana Moratorium
- Mr. Dell'Aquila discussed the Zoning Determination bylaw request was denied
- Mr. Dell'Aquila discussed new zoning changes coming in fall for gravel pits and emergency temporary trailers
- Handed out Registry of Deeds paperwork for the Planning Board members to sign

**MOTION: Ms. Shiver motioned to adjourn the meeting at 8:47pm**

**SECOND: Mr. Viner**

**DISCUSSION: None**

**VOTE: 4-0**

**Submitted by: Monica Santerre-Gervais ODIS Clerk**

**Approved by the Planning Board on: 5/16/2017**

**List of Documents used on April 18, 2017**

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Memo from town Planner, Paul Dell'Aquila, dated 4/11/17
- Preliminary plan application and plans for Cedar Woods OSRD
- Quinn Engineering letter for Cedar Woods OSRD dated 3/3/2017
- Minutes for 3/21/2017 and 4/4/2017

Items submitted at the Meeting:

1. Lenard Engineering comments dated 3/17/17
2. Draft acknowledgement/ agreement for common driveway
3. Draft Marijuana Moratorium