



Planning Board – Town of Spencer

Minutes

Special Planning Board Meeting

Tuesday, December 19, 2017 at 7:00 PM

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

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

Planning Board Members Absent: Monica Santerre-Gervais, ODIS Clerk

Staff Present: Paul Dell'Aquila, Town Planner

1) Mr. Ceppi opens the meeting at 7:00 pm.

2) Public Hearing Continuation – Major Site Plan Review/ Stormwater Permit:

Applicant/Owner: Dustin Doray (Dustin Doray Trucking), Location: 17 West Main Street; Spencer Assessor's Map U9/18. The applicant is requesting a Major Site Plan Review under Section 7.4 of the Spencer Zoning Bylaw to install a truck parking garage with an office and to include three parking spaces. The property is located within the Industrial district.

Mr. Dell'Aquila mentioned the Planning Board had received updated plans and peer review from Lenard Engineering.

Jason Dubois, Dc Engineering, and Dustin Doray were present for the meeting. Mr. Dubois went over the changes to the plan. Mr. Dubois said Mass DOT will not accept the driveway location and Mr. Dubois said they will remove the entrance and Mr. Doray will use the right of way. Mr. Ceppi asked if the hill could be dug out to help with line of sight and Mr. Dubois said no. Mr. Dubois said they will need to revise the plans again but now it would be less of an impact to the site.

Mr. Dell'Aquila mentioned that William Klansek, Building Inspector, had some questions about the salt storage area being covered and additional structure around it. Mr. Dubois said the change were made and sent to Lenard Engineering. Also, Mr. Dell'Aquila mentioned that one of the store owners, that paid to maintain the road, was at the original meeting and wanted to know if there had been any communication with him and Mr. Doray said he has his business card and will reach out to him before next winter. Mr. Dell'Aquila encourages reaching out and letting the abutters know that Mr. Doray will be using the right of way instead. Mr. Dell'Aquila asked if the applicant will be ready with new plans by next meeting and Mr. Dubois said yes. Ms. Shiver mentioned the waiver would no longer be needed for the driveway and Mr. Dubois said no. Ms. Shiver asked who owned the right of way and Mr. Dubois said it is a private right of way because the town hasn't accepted it as a road. Mr. Doray said once you buy a lot there you own a part of the right of way to use it. Ms. Shiver asked if it was mentioned in the deed and Mr. Dubois said the deed does mention access with shared maintenance. Mr. Ceppi brought up the oil/water separator and Mr. Dell'Aquila said it was on the plan with a detail. Mr. Dubois said it's for the storm sceptor for storm drains.

Mr. Ceppi opens the public and no one was present to discuss.

MOTION: Ms. Shiver motioned to continue the public hearing until January 16, 2018

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 5-0

3) Public Hearing: Major Site Plan Review/ Stormwater Permit Continuation:

Applicant: Joseph Bartzis, Sunpin Massachusetts Opus Centrum, LLC; Owner: Joseph and Susan Foley, Location: North Brookfield Road; Spencer Assessor's Map R39/14. The applicant is requesting a Major Site Plan Review under Section 7.4 of the Spencer Zoning Bylaw to install a solar farm. The property is located within the Rural Residential district.

Mr. Butensky listened to the previous recorded meeting for 12/5/2017 on 12/18/2017 and signed the adjudicatory hearing form.

Mr. Dell'Aquila said the revised plans were just submitted to third party review and the applicant is requesting a continuation until January 16, 2018.

Matt Defosse, 7 Paul's Drive, discussed the binder he submitted and asked if the members looked through it. Ms. Shiver told Mr. Defosse that this application is for site plan review and that the Special Permit has already been approved. Mr. Defosse asked if there would be a separate meeting for stormwater and Mr. Dell'Aquila said it all gets heard and approved together.

MOTION: Ms. Shiver motioned to continue the public hearing until January 16, 2018

SECOND: Mr. Viner

DISCUSSION: None

VOTE: 5-0

4) Bixby Road Closeout Review

Mr. Dell'Aquila discussed the plans and letters for the Bixby project and intent of the applicant looking to finalize the project, however, according to the conditions for the permit they need to form a homeowner's association and easements produced by the Planning Board. In regards to the homeowners association but SMOC is the owner and will be responsible for everything. Mr. Dell'Aquila read aloud the letter from Attorneys Bowditch & Dewey as they explain they aren't looking to subdivide the property and no homeowner association would be formed. Mr. Ceppi is concerned if SMOC sells the property into condos then a homeowner association would need to be formed. Mr. Butensky asked if this project was already completed and Mr. Dell'Aquila said almost but as part of their conditions before final occupancy for the final unit can be given they need to complete all the conditions. Mr. Butensky asked if people are living there and Mr. Dell'Aquila said over 30 units are occupied to his knowledge. Ms. Shiver asked if the Town Attorney should review because a homeowners association can't be waived and questioned what needs to be written. Mr. Viner mentioned the verbiage and talked about stormwater easements

and Mr. Dell'Aquila said there are. Ms. Shiver asked if a homeowners association can still be formed. Mr. Dell'Aquila said he will speak to town council. There was much discussion in regards to wording to ensure that if the property is sold then a homeowners association will need to be formed.

Additionally, item to discuss is the trail connector at end of cul-de-sac to the Depot Rail Trail. Mr. Dell'Aquila referenced the December 07, 2017 letter and it was reviewed by the Town Administrator, William Ross, and he felt the applicant needed to provide some surety. Ms. Shiver asked what means and measures had to be met to construct the trail and Mr. Dell'Aquila answered the Steven Tyler, Highway Department, will review and have certain criteria. Mr. Ceppi said surety needs to be in place and discussion in regards to making a motion to hold the applicant accountable. Mr. Dell'Aquila said he visited the site with the Conservation Commission and Mr. Tyler and walked the path and marked some trees. Mr. Ceppi asked who is setting the standard for it to be built and Mr. Dell'Aquila believes it would need to be consistent with the Depot Trail. Mr. Ceppi if they are just scrapping off the top soil they could do it tomorrow or come up with some type of surety for the town.

MOTION: Ms. Shiver motioned to have the applicant complete the trail now or come up with surety in order for it to be completed

SECOND: Mr. Butensky

DISCUSSION: None

VOTE: 5-0

5) Adoption of Minutes

- **11/21/2017**

MOTION: Ms. Shiver motioned to accept the minutes for 11/21/2017 as submitted

SECOND: Mr. Ceppi

DISCUSSION: None

VOTE: 5-0

- **12/5/2017**

MOTION: Ms. Shiver motioned to accept the minutes for 12/5/2017 as submitted

SECOND: Mr. Viner

DISCUSSION: Jeff Butensky absent for 12/5/17 meeting

VOTE: 4-0

6) Town Planner Report/ General Board Discussion:

- Cranberry Meadow Solar Project is still working through the stormwater process with the Conservation Commission and their next meeting is on January 24, 2018, which, is after the Planning Board meeting and we will ask a continuance until Conservation makes their decision.
- Landfill Solar project
- 103 North Spencer Road- previously approved solar farm
- Sugden Building
- Lake Street School
- Board of Selectmen Workshop

Mr. Ceppi motioned to adjourn the meeting.

Ms. Shiver Seconded

Vote: 5-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 1/16/2018

List of Documents used on December 19, 2017

Items sent to Planning Board prior to Meeting by email/ in person:

- Agenda
- Updated plans Doray Trucking
- Continuation request for Sunpin Solar
- Bixby Road letters from attorney Bowditch & Dewey and updated plans
- Minutes for 11/21/2017 & 12/5/2017

Items submitted at the Meeting:

1. None