

Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Wednesday October 03, 2012 at 7:00 PM

Conference Room A

Memorial Town Hall



The meeting was called to order at 7:00pm.

Planning Board Members Present: Chair James Whalen, Shirley Shiver, Mary Stolarczyk, Ralph DiChiara, Associate Member Jonathan Viner and Robert Ceppi (Note: Robert Ceppi was 15 minutes late)

Planning Board Members Absent: None (Robert Ceppi was 15 minutes late, missing the 1st item on the agenda the Bemis ANR Plan)

Staff present: Michelle Buck, Town Planner and Brynn Johnson, ODIS Clerk

Mr. Whalen opens the meeting at 7:00pm.

1. ANR Plan, North Brookfield Road (Bemis) Applicant and Owner Dorothy Bemis and Kathleen Hayes as well as the Land Surveyor James Smith are present.

Mr. Smith the land surveyor explains the purpose of this ANR plan is to create a small parcel. This new parcel called parcel B on the plan is to be combined with the existing parcel A to create one larger lot having a total area of 4.66 acres. There is a house on parcel A which is being sold. The potential buyers have requested that parcel B be added to parcel A before they buy the property. Mr. Smith says he is here to explain any questions the Board has with this plan in hopes they can make a decision tonight because the buyers have a closing date of October 5, 2012. Mr. Smith knows this plan is missing some items required by the Board. However, due to time and budget constraints he was unable to make the changes Ms. Buck asked for but he feels that this information isn't necessary for the transfer of such a small parcel.

Ms. Buck goes over the missing items. The plan does not show the total frontage of Parcel A. Wetlands are not shown. Existing structures and related setbacks are not shown. Square foot coverage of existing structures is not shown. Width and status of North Brookfield Road is not shown.

Mr. Smith explains that these items are on the old ANR plan from when this lot was created in the 90's. Mr. Viner asks to review the old plan.

The Board asks if Mr. Smith can add in some of the missing info now. Mr. Smith agrees and adds the area of the larger parcel (parcel A) and labels the road as public with variable width.

Ms. Shiver says even though this ANR is missing some of the items required, she is fine with the changes Mr. Smith has made.

Mr. Whalen asks the Board if they have any further questions, there are none. He asks for a motion.

MOTION: Ms Stolarczyk makes a motion to approve this ANR plan as submitted with changes. Mr. DiChiara seconds the motion.

VOTE: 4-0 in favor (Mr. Ceppi was absent for this vote)

2. Public Hearing – Major Site Plan Review: Applicant: Diversified Automotive, Inc. Owner: Seven Mile River Nominee Trust. Location: Podunk Highway (Rt. 49). Applicant Dennis Kraez Owner George Bell, Lawyer Peter Adams and Dan Feeney of Beals & Thomas are here to represent this project.

Mr. Feeney gives a general overview of the project proposed for the New England Automotive Gateway facility (Diversified Automotive). The plan is to construct a new 12,600 square foot building, 2 re-fueling bays and the reconfiguration of an existing parking lot. The proposed building will be providing onsite maintenance and re-fueling for trucks used to transport vehicles to and from this site. The new building is proposed for an 11.25 acre lot on a portion of an existing parking lot off the main entrance. When complete this new facility will create jobs for 6-10 new employees.

They are working with the Conservation Commission to limit any impact on nearby wetlands. They will get an Order of Conditions from the Conservation Commission prior to construction. Also a subsurface drainage system will be installed and a small detention basin will be enlarged to control stormwater.

Mr. Feeney says they are still working on a response letter to peer review comments from Graves Engineering, but there were no major concerns. He should have the response done within a week.

Mr. Feeney says there were questions regarding the zoning use requirements and whether this new building is a small engine repair or an automotive processing facility. It was determined by Bill Klanssek the Zoning Enforcement Officer that this is a large engine repair facility not a small [so was classified by Mr. Klanssek as an automotive processing facility]. They will need a Special Permit from the ZBA to have this in the industrial (I) zone. Only small engine repair would be allowed without a special permit in this zone. Mr. Feeney says they will file a Special Permit Application with the ZBA soon.

Mr. Feeney says he knows Steven Tyler from Spencer U & F wants plans with the water lines marked on them before he will review or comment on them. However as to the location of water line; they haven't been able to find the as-built but are working to finalize this.

Mr. Whalen asks the Board if they have any questions.

Ms. Shiver asks if the abutters on Condon Drive will hear any additional noise. Mr. Bell says after construction abutters should not hear any increase in noise. They have already made some changes at the site to be better neighbors. They now have flag men to direct trains, and no train whistles are allowed from 9pm-7am.

Mr. DiChiara asks what the impact will be on the abutting residential neighborhood. Mr. Bell says the closest residential properties are to the northeast across Podunk Highway. There will be no negative impact on that neighborhood. There will be no change in the amount of trucks or hours. The new building will just be for repairs and refueling of the trucks currently coming to the site. The maintenance building hours will be 7am to 4pm. He says on-site maintenance will not increase traffic.

Mr. Kraez explains their current repair facility is in Boston. They would like a local facility. This site is larger than the site in Boston; it moves 200,000 cars per year. Ms. Shiver asks if they anticipate an increase of number of cars at this facility. Mr. Kraez explains the amount of cars they move is based on consumer demand. The whole facility has parking for 4,800 cars with a 2-3 day turnover rate.

Mr. Whalen asks how they plan to protect the nearby Brookfield and Spencer public water supply from any runoff of oil or diesel fuel. Mr. Bell explains this site will not impact the wetlands or bodies of water nearby. Stormwater will be collected and treated prior to discharge and their industrial holding tank technique and the retention basins are state of the art. The underground industrial holding tank is similar to a septic tank. It will collect any runoff from the fueling area then when the tank is about 75% full it gives warning that it needs to be pumped soon.

Mr. Whalen asks what the traffic impact will be from delivery trucks delivering things such as fuel, supplies, engine parts, and tires. Mr. Kraez says there will be very little additional traffic. The fuel tank will hold approximately 10 to 11 thousand gallons of fuel to minimize deliveries. Also they have a uniform fleet of trucks and will stock parts and tires for these trucks so this will minimize shipments.

Mr. Ceppi asks what type of fire prevention system this facility will have. They are unsure if the building will have overhead fire sprinklers or another type of system. The final fire prevention plans have not been finalized. Mr. Kraez adds they will only have diesel fuel not gas.

Mr. Ceppi asks about the possibility of a diesel spill from a truck or leak from the underground tank. Mr. Bell says they have many safeguards in place. The underground fuel storage tanks will be in accordance with all federal, state and local regulations. If there is a spill above ground the catch basins in the fueling area will drain the fuel into the industrial holding tank; this tank is large enough to contain the fuel if they were ever to have a spill from a tanker truck. He adds they have never had a spill or leak at their Boston facility.

Mr. Whalen asks what the zoning concerns are for this project. Ms. Buck goes over the zoning requirements. Section 6.1.2.A.4 of the Zoning By-Law requires a 20' foot buffer where abutting residential use, except where the parking facility existed as of 11/01/2007 and proposed use of the parcel and/or structure does not have a significant change in impact as determined by the planning board. She explains this parking lots was there prior to 11/01/2007, but they did not receive the required approvals from the Conservation Commission when it was constructed. The applicant is working with the Conservation Commission now to get this existing parking lot approved; the public hearing is on 10/10/2012. Also the number of parking spaces for this use should be determined by the permitting authority, which in this case is the Zoning Board of Appeals. Additional issues to be determined by the ZBA include a special permit for the 20' buffer front buffer if applicable and a variance for the 60' buffer requirement where abutting residential zoning districts.

Ms. Shiver asks if the 20' parking lot buffer is screened. Mr. Feeney says there is a substantial existing vegetation buffer that screens the lot from the street and abutters.

There was discussion back and forth regarding the buffer from abutting districts. Ms. Buck explained that the right-of-way for Route 49 is essentially not in a zoning district the way the boundaries of districts are defined in Spencer. However, as noted earlier, the 60' buffer requirement from the abutting residential district was found to be applicable by the Zoning Enforcement Officer. Attorney Adams disagrees with this interpretation. Ms. Buck explained that he is free to discuss the matter with the Zoning Enforcement Officer, but if the opinion stands a variance is required (from the ZBA).

Mr. Whalen asks the Board if they have a motion regarding the buffer for the existing parking lot that was not approved yet by the Conservation Commission. The Board decided they will wait to make a determination on the buffer until next meeting on November 13th.

The Board discusses continuing the hearing to the next Planning Board meeting. The next regular meeting is in 2 weeks 10/16/2012. Mr. Feeney says that will not give them enough time to make changes, so a special meeting is scheduled for November 13th. The Applicant signs an Extension Form granting the Planning Board an extension of the mandated deadline for action to 11/13/2012.

MOTION: Ms. Shiver to continue this hearing to the next Planning Board Meeting on November 13, 2012. Ms. Stolarczyk seconds the motion.

VOTE: 5-0 in favor

3. Town Planner Report:

A. CPTC Training: Ms. Buck distributed copies of CPTC class schedule for the fall.

B. November Meeting: The regular November meeting date is scheduled for the Tuesday before Thanksgiving 11/20/2012; some Board members will be away that week. The Board decides to cancel this meeting and meet on 11/13/2012 instead.

4. Adjournment: With no further discussion the meeting was adjourned at 8:20pm.

Submitted by: Brynn Johnson, Jr. Clerk

Approved by the Planning Board on: _____ 11/13/2012 _____

List of Documents used on October 3, 2012

Sent to Planning Board prior to Meeting:

- Agenda
- Memo to Planning Board from Michelle Buck, Town Planner dated 9/27/2012
- ANR Application and Plan for Dorothy Bemis 66 North Brookfield Road
- Email from Michelle Buck, Spencer Town Planner to James Smith, Land Surveyor dated 9/25/2012

- Site Plan Application and Plans for Diversified Automotive dated 8/15/2012
- Diversified Auto comments from Graves Engineering dated 9/25/2012
- Memo from Steven Tyler Spencer U & F to Michelle Buck, Town Planner dated 9/24/2012
- Memo from Robert Parsons Spencer Fire Chief Michelle Buck, Town Planner dated 9/12/2012

Submitted to Planning Board at Meeting:

- CPTC Brochure