

Zoning Board of Appeals – Town of Spencer

Minutes



Regular Zoning Board Meeting
Tuesday, April 14, 2011 7:15 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:15 p.m.

Zoning Board Members Present: Clerk Joanne Backus, Allan Collette, and Delores Kresco, alternate.

Zoning Board Member Absent: Chairwoman Pamela Crawford.

Staff present: Michelle Buck, Town Planner, Bea Meechan, Senior Clerk, ODIS.

New Business:

A. Public Hearing - Special Permit, William McGuirk, owner, Vincent and Kammi Strzelecki, applicants for the property located at 30 Meadow Road, Spencer (Assessor's Map U24/15).

In the absent of Chair Crawford, Ms. Backus is acting as the Chair, and Mr. Collette was appointed as acting Clerk. Ms. Backus opened the hearing at 7:15 p.m. The Clerk read the brief. The applicants are requesting a special permit in accordance with Section 4.9.3.C of the Spencer Zoning Bylaw to extend/change the pre-existing, non-conforming use to allow for repairing fire pumps, electronics, wiring, computer diagnostics, and pump plumbing for all fire apparatus of all sizes. The property is located within the Village Residential (VR) Zoning District.

The Clerk also read the letter from the applicants dated 2/22/11 which stated as follow: We wish to buy this property to house our business, VFS Technologies. We are currently located at 21 Valley Street in Spencer. Our primary function is a specialized repair company for fire apparatus of all sizes. We have mobile units that repair and maintain equipment on-site as well and we need to house this equipment. We are the company that maintains the Spencer Fire Department and St. Joseph's Abbey as well as outlying towns and airports. This space is good for us because of its height, door size and insulation. We enjoy doing work in Spencer and we consider ourselves a good business for the Town.

Ms. Backus asked the applicants for a presentation on the application.

Mr. Strzelecki said the business services the Aircraft Rescue and Firefighting apparatus (ARFF). He presented a collage of pictures displaying ARFF, types of services performed by his company at various airports including Worcester, Bradley, Oxford, and Martha's Vineyard, and municipal Fire Departments. [The business also services airports from out of state.]

Mr. Collette asked if the business is primary a mobile operation, and the number of trucks in the business.

Mr. Strzelecki replied yes, primarily the business is mobile. There will be one (1) working truck approximately 40 feet long, and three (3) specialized fire trucks, the size is 60 feet long, 12 feet wide, and 14 feet high. The cost of each specialized fire truck is in the range of \$1,000,000 to \$2,000,000, contains 2,000 gallons of water, and the FAA mandates that the particular truck cannot be left outside.

The proposed site serves as a home-base, and Mr. Collette asked what else the applicants consider doing at the site? In addition, what are the hours of the operation and the number of employees?

Fire trucks are required to be checked regularly to ensure that the apparatus meets the standard requirements. Mr. Strzelecki said the client sometime drops the truck off at the site for diagnostic testing which will be performed in the garage. If the diagnostics show any problem with the equipment, it is the client's preference to have that be repaired there or take it elsewhere. The proposed business will have hours of 7:00 a.m. to 6:00 p.m. from Monday to Friday, no business on the weekend. Mr. Strzelecki has a current business at 21 Valley Street in Spencer, and the building was occupied only 3-5 months during the 2 year period. There will be 5 employees working in the business.

Does the repair work involve in any chemical hazardous materials, and is all the work to be conducted inside the building?

Mr. Strzelecki explained that the business is specialized in the repairing of electronics, wiring, and computer diagnostic of fire apparatus. There is no involvement with any motor diesel oil, hazardous materials or chemicals.

Due to the portion of the proposed site being located in the Aquifer Protection Overlay District, Ms. Ginny Scarlet, Wetland/Soil Specialist, submitted a memo to Water Department. The Board requested Ms. Buck to elaborate on the result.

Ms. Buck said Ms. Scarlet had suggested that the floor drain should be inspected, and any further expansion of the impervious surface the applicant should then seek an approval from the Board. Ms. Buck has an opportunity to speak with Ms. Scarlet again today, and she also prepared draft conditions reflecting the suggestions from Ms. Scarlet.

Mr. Collette asked if there is any floor drain in the building.

Mr. Strzelecki replied the only floor drain in the building is in the shower room.

The property's owner has an autobody supply warehouse business at the site. In the past there was an issue with the noise generated by the trucks from being in and out of the site during night

hours. Mr. Collette asked if there will be trucks idling/running during the night at the site which will create nuisance to the abutting neighbors.

Mr. Strzelecki explained that through-out the country, due to the size of the specialized fire truck (ARFF), there is a regulation that allows for specific night hours the trucks can be transported on the road. If there is a need of using this particular truck, it generally takes 30 – 40 minutes for the loading process (while loading, the truck would be idling), and the truck must leave the site by 5:30 p.m. or 6:00 p.m. There has been no incident or any complaint at Mr. Strzelecki's current business in Spencer in regards to noise nuisance.

Ms. Backus opened the hearing to the public for any questions or comments at this time.

Mr. William McGuirk, owner of 30 Meadow Road, who also owns and operates CRC Line, Inc., Autobody Warehouse Supply business at the site. In response to Mr. Collette's comment, Mr. McGuirk said in his opinion the noises generated from the trucks during the night was far less detrimental to the neighborhood than the previous use.

Ms. Kathleen Fleming of 8 Walnut Street asked how many trucks can be parked in the garage located in the back of the property. Her property abuts the back of 30 Meadow Road.

Mr. Strzelecki said that parking garage has a full capacity for housing six (6) trucks. As mentioned above, the number of trucks in the business is less than the space available.

Ms. Buck asked for the total size of the building area, and if the applicant plans to utilize all of space in the building.

Mr. McGuirk said the building contains approximately 15,000 square feet. Mr. Strzelecki said two-thirds of that area will be used for repairing work area, warehouse storage (parts and electronic devices), garage, and a small office space.

The special permit and variance were issued to CRL Line, Inc., in December of 2005 with certain conditions. Mr. Collette asked if the applicants are aware of the content in the conditions. It only benefits the applicants to know and understand all of the requirements in the conditions in order to prevent any problems beforehand. [This doesn't mean the Board will adopt the existing conditions if the Board were to grant the special permit to the applicant.]

Mr. Strzelecki replied he had read both conditions (special permit and variance). He understood they are the existing conditions and he has no problem with them.

Ms. Fleming asked for a clarification on the meaning of the special permit pertinent to this application - why the application was classified as a request for a "special permit."

Mr. Collette explained the special permit granted in 2005 was for a legal non-conforming use – Industrial use in the Residential District. When the zoning changed (2006) this special permit (for legal non-conforming use) is considered as "grandfathered", and the non-conforming use

could be extended or changed by obtaining a special permit from the Zoning Board of Appeals. That is why the applicant is here tonight, requesting the special permit from the Board.

Ms. Fleming thanked the Board for the explanation.

With no further discussion, Mr. Collette made a motion to close the hearing at 7:40 p.m. Ms. Kresco seconded the motion and the vote was 3-0 in favor. Ms. Backus announced the members sitting in the voting were Ms. Collette, Ms. Kresco, and herself.

Mr. Collette made a motion to grant a special permit to Vincent and Kammi Strzelecki (applicants) for property owned by William McGuirk located at 30 Meadow Road to change the pre-existing non-conforming use to the repairing and servicing of fire pumps (electronics, wiring, computer diagnostics, and pump plumbing for all fire apparatus of all sizes) as well as related office and storage use. Section 4.9.3.C allows the change or extension of pre-existing nonconforming uses by special permit, when it is not substantially more detrimental to the neighborhood than the existing nonconforming use. Ms. Kresco seconded the motion and the vote was 3-0 in favor. The following was included in the motion:

Findings: The Board determined that the proposed use met the requirements for a Special permit in M.G.L. Chapter 40A, Sec.9 and Section 7.2 of the Spencer Zoning Bylaws:

1. That the proposed use is in harmony with the general purpose and intent of the zoning bylaw.
2. That the proposed use will not create undue traffic congestion nor unduly impair pedestrian safety.
3. That the proposed use will not impair the integrity or character of the district or adjoining zones, nor will it be detrimental to the health, safety, or welfare of the neighborhood or the Town.

The Zoning Board also made the following finding in accordance with Section 4.9.3.C of the Spencer Zoning Bylaw:

1. That the proposed extension or change is not substantially more detrimental to the neighborhood than the existing non-conforming use.

This approval was granted with the following conditions:

1. There are to be no tractor trailer trucks parked at the property running their motors overnight.
2. Approval is subject to all other town board conditions and/or approvals, if any.
3. Any floor drains must be connected to the sewer system. An inspection to confirm connection is required prior to commencement of approved activity at the site.
4. A portion of the property is located in the Aquifer Protection Overlay District (Section 3.4.1 of the Zoning Bylaw). Therefore, any increase in impervious area would require a Special Permit. Also, storage of

hazardous waste at the site is limited to that allowed by Section 3.4.1.F. (Permitted Uses), specifically subsections 9 and 10 (see below). Any storage of hazardous waste beyond allowed in these sections shall be in conformance with Section 3.4.1.G. and 3.4.1.H. as applicable.

9. the following facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c.21C and 310 CMR 30.00:
 - a) very small quantity generators as defined under 310 CMR 30.000;
 - b) household hazardous waste centers and events under 310 CMR 30.390;
 - c) waste oil retention facilities required by MGL c. 21, s.52A;
 - d) water remediation treatment works approved by DEP for the treatment of contaminated waters;
10. storage of liquid hazardous materials, as defined in MGL c. 21E, and/or liquid petroleum products when such storage is:
 - a) above ground level and on an impervious surface; and
 - b) either within a building in containers OR above ground tanks OR outdoors in covered containers OR above ground tanks. The storage area, whether indoors or outdoors, must have a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers OR 110% of the largest container's storage capacity, whichever is greater.

Ms. Backus explained that once the decision has been filed with the Town Clerk, staff from ODIS will mail the copy of the decision along with the instructions to the applicant and to all abutters.

Approval of Minutes: For December 14, 2010.

Ms. Kresco made a motion to accept the minutes for December 14, 2010. Mr. Collette seconded the motion and the vote was 3-0 in favor.

With no further discussion, Ms. Kresco made a motion to adjourn the meeting at 8:00 p.m. Mr. Collette seconded the motion and the vote was 3-0 in favor.

Submitted By:

Bea Meechan
Senior Clerk, Office of Development and Inspectional Services

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List of Documents used on April 14, 2011

- Special permit application Vincent & Kammi Strzelecki for property located at 30 Meadow Road.
- Letter from Mr. Strzelecki dated 2.22.2011.
- Previous Decision on the Special Permit dated 12.5.2005.
- Previous Decision on the Variance Dated 12.5.2005.
- E-mail from Ginny Scarlet to Ms. Buck and Water Department.
- Memo from Ginny Scarlet to the Board dated 3.14.2011
- Draft condition prepared by Ms. Buck dated 4.14.2011
- Photograph pictures submitted by Mr. Strzelecki on 4.14.2011.