



Zoning Board of Appeals – Town of Spencer

Minutes

Zoning Board of Appeals Meeting
Tuesday, December 11, 2012 at 7:15 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:20 p.m.

Zoning Board Members Present: Allan Collette Chair, Dee Kresco, Albert Drexler and Alternate member Steven Rafter.

Zoning Board Member Absent: None

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

1. New Business:

A. Variance – Applicant/Owner: Robert and Marjorie Recko. Project Location: 31 Bay Path Road. Mr. and Mrs. Recko are present at tonight's meeting.

Allan Collette, Dee Kresco, Albert Drexler were appointed to vote on this case.

Ms Kresco reads the application.

Mr. Recko explains he would like a variance to construct a garage within the side setback on his property. The garage, as proposed would be 8.6 feet from the side setback (15' required). The garage needs to go on the right side of the house because of the power lines, large trees, slope of the land, drainage problems and the driveway would be at an odd angle if the garage were on the other side on the house. A typical two garage is about 24 feet. This garage would be smaller at about 22 feet to minimize encroachment on their neighbor's yard.

Ms. Kresco asks if this is a one or two car garage. Mr. Recko says it is a large one car garage, with room for one car and some storage.

Ms. Kresco asks if he has a picture/drawing of the proposed garage. Mr. Recko shows a drawing of the garage.

Mr. Collette asks how far the neighbor's house is from the property line. Mr. Recko says it's about 30 feet. Mr. Recko's lot is narrow at the front and wider in the back.

Mr. Drexler asks if Mr. Recko's house (31 Bay Path Road) is on Town sewer and water. Mr. Recko says yes and shows the Board where the water lines run from the Road to the house. It is on the same side as the garage. So this will have to be worked out with the excavator.

Ms. Buck asks where the existing driveway is. Mr. Recko shows the driveway on the plan. The new garage would be using the existing driveway.

Mr. Collect asks if there are any other questions. There are none.

Ms. Kresco makes a motion to close this discussion. Mr. Drexler seconds the motion. Vote is 3-0 in favor. The Discussion is closed.

MOTION: Mr. Drexler makes a motion to approve the Variance for Mr. and Mrs. Recko, 31 Bay Path Road for the addition of a garage within the setbacks.

Variance is needed do to circumstances relating to soil conditions, shape, and topography of land, and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise to the petitioner or appellant.

The lot is an odd-shaped lot that is narrow at the front and wider in the back. In addition, the grade of the property on the left side of the house is not conducive to construction of the garage and would cause drainage problems.

The proposed use is in harmony with the general purpose and intent of the zoning bylaw.

The proposed use will not create undue traffic congestion nor unduly impair pedestrian safety.

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.

Ms. Kresco seconds the motion.

VOTE: 3-0 to approve the Variance

B. Special Permit – Applicant: Diversified Automotive, Inc. Owner: Seven Mile River Nominee Trust. Project Location: off Podunk Pike (Route 49). John O'Donnell VP Diversified Auto, Dan Feeney Engineer (Beal & Thomas) and Attorney Geoffrey Norman are present representing the project.

Allan Collette, Dee Kresco, Albert Drexler were appointed to vote on this case.

Ms. Kresco read the application.

Attorney Geoffrey Norman explains the applicant is seeking a special permit to operate a truck maintenance facility. They are the largest shipper of vehicles in New England and this new facility will allow them to do more on site maintenance and repairs on car carrier trucks used to transport vehicles. The proposed building is 12,600 s.f. with two refueling bays. The proposed

building is for general maintenance of the trucks, such as oil changes, tire replacement, repair of hydraulic lines and pistons and similar work. Repair work will take place inside the proposed building. He feels this is a good use of the intended industrial zoning area. The only residential area is across Rt. 49.

Mr. Feeney explains they have already been in front the Planning Board and the Conservation Commission. The Planning Board is waiting to approve the Site Plan Review until they get the Special Permit from the ZBA. The other issue with zoning was a determination from the Zoning Enforcement officer on whether or not this site abuts a residential zone. It was determined that it does not border a residential zone because the zones are separated by Rt. 49 which is a 400 ft wide right-of-way.

John O'Donnell Executive VP of Diversified Automotive goes over the type of repairs that would be done at this facility. This facility is for the maintenance of their fleet of car carrier trucks. These trucks transfer cars from trains to area dealerships. The repairs would be general maintenance such as oil changes, tire replacement, repair of hydraulic lines and pistons. Repairs are currently being done at their Charlestown, MA facility. The new facility will employ approximately seven people.

Mr. Collette asks if this land is being sold or leased. Mr. Feeney says it will not be a lease. Seven Mile River Associates is selling this 11.5 acre lot to Diversified Automotive.

Mr. Drexler asks if this facility will create any new noise issues. Mr. O'Donnell says there will be no added noise. They will be able to move vehicles from the trains faster, so the trains won't sit idling for extended periods of time.

Mr. Collette asks where the entrance will be. The entrance on Rt. 49 will stay the same. There will be no added truck traffic to the site.

Mr. Drexler asks which side of the building will the garage doors be located. Mr. Feeney shows the doors on the plan; they open on both sides of the building so trucks can drive straight through. Mr. Drexler asks if these doors will be open in warm weather. Mr. O'Donnell says they will be closed.

Mr. Collette asks if this facility will service all trucks or just ones owned by them. Mr. O'Donnell says this site will only be for their fleet of trucks.

Mr. Collette asks about lighting. Mr. Feeney says they plan on having lights on and around the building. There is an existing 60 ft high light pole which they are keeping in place. They will not add any new tall light poles.

Mr. Drexler asks if the fuel storage tank is underground or above. Mr. Feeney says it's an above-ground tank.

Mr. Drexler asks what the hours of operation will be. Mr. O'Donnell says as of now the hours will be Monday through Friday 7am to 5pm. Mr. Drexler says if they want to add extended hours

of operation in the future they should have to come back in front of the Board to give the abutters the chance to voice their concerns, if any.

Mr. Collette expresses concern of noise from idling trucks. He wants to make sure idling trucks don't disturb abutters. Mr. O'Donnell says they will not have idling trucks.

Mr. Collette asks what all the extra offices are for in the building. Mr. O'Donnell says they are rooms to be used as a rest area for the drivers of the car carrier trucks.

Mr. Collette asks if there are any other questions. There are none.

Mr. Drexler makes a motion to close the discussion. Ms. Kresco seconds the motion.

Motion: Ms. Kresco makes a motion to grant a Special Permit to the applicant Diversified Automotive. Project Located off Podunk Pike (Route 49).

Finding that:

1. The proposed use is in harmony with the general purpose and intent of the zoning bylaw.
2. The proposed use will not create undue traffic congestion nor unduly impair pedestrian safety.
3. 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.

With the Conditions of:

1. Hours of operation shall be limited to Monday through Friday, 7AM – 5PM. Expansion on operating hours shall require an amendment to this special permit so that abutters may have notice of proposed changes.
2. Trucks shall not be permitted to idle on the premises.
3. Lights shall be limited to the existing sixty (60') foot light pole and proposed perimeter lighting on the building. No additional lighting is permitted.

VOTE: 3-0 to approve the Special Permit.

Approval of Minutes: for August 14, 2012

MOTION: Ms. Kresco makes a motion to approve the minutes for August 14, 2012. Mr. Collette seconds the motion. **VOTE:** is 3-0 in favor

MOTION: Mr. Kresco makes a motion to approve the minutes for June 26, 2012. Mr. Collette seconds the motion. **VOTE:** is 3-0 in favor.

Adjournment: Mr. Collette makes a motion to adjourn. Ms. Kresco seconds the motion. Vote is 4-0 in favor. With no further discussion the meeting is adjourned at 8:30pm

Submitted By: Brynn Johnson, ODIS Junior Clerk *Brynn Johnson*

Approved by the Zoning Board of Appeals on 2/12/2013

List of Documents used on December 11, 2012:

Items mailed to ZBA members prior to meeting:

- Agenda
- Memo from Michelle Buck, Town Planner dated 12/06/12
- Minutes for 8/14/2012
- Application and plot plan for 31 Bay Path Road Variance for new garage
- Application and plans for Diversified Automotive (Rt. 49)

Items submitted at meeting:

- Drawing of proposed new garage for 31 Bay Path Road