



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, January 14, 2020 at 7:00pm

Zoning Board of Appeals Meeting
McCourt Social Hall/Memorial Town Hall
157 Main Street, Spencer, MA 01562

Zoning Board Members Present: Allan Collette, Alyce Johns, Robert Emerson, and Steven Tyler
Zoning Board Member Absent: None
Staff Present: Paul Dell'Aquila, Town Planner and Monica Santerre-Gervais, Clerk
Staff Absent: None

1. Open Meeting – Mr. Collette was acting chair and opened the meeting at 7:03pm

2. Special Permit - Applicant: Daniel Estevez (Families Together, LLC) Owner: Jennifer Fagerquist; Location: 407 East Main Street, Spencer Assessor's Map R35-33. The applicant is requesting a Special Permit under section 7.2 of the Zoning Bylaw to transfer their current operations of an adult daycare facility to Spencer. The property is located within the Commercial zoning district.

Ms. Johns was active clerk and read aloud the petition.

Daniel Estevez, Families Together, LLC, was present for the meeting. Mr. Estevez explained the Zoning Board of Appeals that the name of the operation should be adult day healthcare and not adult daycare. Mr. Collette asked how Families Together ties into the adult day healthcare. Mr. Estevez explained that Families Together is an agency and they provide day health programs is the service they provide. Mr. Dell'Aquila asked to clarify the adult day healthcare. Mr. Estevez said that adult daycare is for social interactions only, whereas, the adult day health program provides healthcare services, skilled nursing, medicine management, therapeutic activities, physical therapy, and occupational therapy. Mr. Collette asked if Mr. Estevez could explain day to day operations. Mr. Estevez said the hours of operation are 8:30-3:00 pm Monday through Friday and they are not open on Saturday or Sunday, at this location they could have a capacity of 136 people, in the morning they are provided breakfast, separated into cognitive groups and they are assigned therapeutic activities for them to complete, provided lunch, fitness, arts and crafts, and memory activities. Mr. Estevez stated that they serve two populations such as people that have Alzheimer's and Dementia and they will have an independent wing and by law they have to separate the groups. Mr. Estevez said by 3:00pm everyone is loaded in the transportation vans and ready to go.

Mr. Collette asked when they come in the morning are they there for the whole day. Mr. Estevez said they provide a daily service and they will not sleep there. Mr. Collette asked about the 136 people and if they all come in the morning at the same time and Mr. Estevez said not right away they currently have 50-55 people now. Mr. Estevez mentioned they have a space in Leicester,

MA that is a lot smaller and there is a formula the state uses for the capacity, which, is based on square footage. Mr. Collette asked if everyone gets bussed in and Mr. Estevez said yes Insurance pays for the transportation but some clients get dropped off. Mr. Collette asked if it's a shared bussing and Mr. Estevez answered they have their own fleet of transportation vans and each hold 14-15 passengers, each van is assigned a different region, and the vans line up between 8:30-8:40 am. Mr. Collette asked how many employees they have and Mr. Estevez said 17 employees but if they get more clients they will hire more staff. Mr. Collette asked if all the clients were handicap and Mr. Estevez said no not all.

Mr. Collette asked if they felt there would be an issue with the veterinary business and Mr. Estevez said no because they will have separate entrances. Mr. Estevez said in the future they might work with the veterinary office to have therapy dog's visit. Ms. Johns asked the ages and Mr. Estevez said 18 years old and older. Mr. Emerson how many automobiles in the parking lot and Mr. Estevez answered they have 1 van that is parked in the parking lot plus the employees. Mr. Estevez said they the location has a huge parking lot and they are splitting it between them and the veterinary clinic, there is handicap parking in front of the building at the entrance, and they have not run into any issues at their current location with parking. Mr. Collette asked about signage and Mr. Estevez said they will share the sign that is currently there. Mr. Tyler mentioned that there are 55 parking space and 10-20 employees depending on clientele. Mr. Collette mentioned that the board can cap the use and after they have reached that number they would come back to the board to request additional people. Mr. Dell'Aquila mentioned that the Zoning Board of Appeals recently gave the veterinary clinic a special permit and one of the conditions stated "*Parking is limited to the existing paved areas. No additional parking may be created for the Veterinary Clinic or potential future additional tenants in this building without permission from the ZBA.*" There was discussion about conditioning a cap, capacity numbers, and the drop-off/pickup operations. Mr. Estevez clarified that they will not fill up the parking lot.

Mr. Collette opened the meeting up to the public and there were no comments/questions.

MOTION: Mr. Tyler motioned to approve the special permit for Families Together with the following conditions:

- 1.) That the free standing sign on the property will be limited to the existing monument sign situated at the corner of Main Street and Bond Street**
 - 2.) Parking is limited to the existing paved areas on the parcel no additional parking may be created for the adult day healthcare center without permission from the ZBA**
 - 3.) No cueing of vehicles on Bond Street or East Main Street "Route 9" at any time**
- Mr. Collette added: 4.) Hours of operation limited to 830-3:00pm Monday - Friday**

SECOND: Mr. Emerson

DISCUSSION: None

VOTE: 3-0

3. Approval of Minutes

- December 10, 2019

MOTION: Mr. Emerson motioned to approve the minutes for as submitted

SECOND: Mr. Tyler

DISCUSSION: None

VOTE: 3-0 (Ms. Johns was absent from that meeting and was not able to vote)

4. Town Planner Report-

- **ZBA Rules and Regulations-** All members were okay with the edits to the Rules and Regulations for the Zoning Board of Appeal. Ms. Johns motioned to approve the Rules and Regulations for the Zoning Board of Appeal as written and Mr. Emerson seconded it and the motion was carried.
- **Appeal of Variance-** Mr. Dell'Aquila mentioned that although they cannot discuss the matter he mentioned that any questions be referred to Town Council. Mr. Collette asked what the course of action will be and wanted verification that the Town of Spencer will be represented. Mr. Tyler wanted to make sure that because each member was personally named that the Town's Council will represent them personally as well. Mr. Dell'Aquila will keep the ZBA updated and will ask Town Council the questions asked.
- **40 B Technical Assistance-** Mr. Dell'Aquila stated that in the pipeline there is the redevelopment of Lake Street School and Mr. Dell'Aquila mentioned having a possible workshop. Mr. Collette would like updated 40B documentation and it be distributed.
- **No February meeting**
- **May 12, 2019-** The May 12th meeting falls on the elections and a new date will need to be discussed and that matter was tabled until the March 2020 meeting.

Mr. Tyler motioned to adjourn the meeting at 8:00 pm

Mr. Collette seconded

VOTE 4-0

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals: 3/10/2020

List of Documents used on January 14, 2020:

Items emailed/handed out to ZBA members prior to meeting:

- Agenda
- Memo from Town Planner
- Minutes from December 10, 2019
- Special Permit application, Daniel Estevez (Families Together, LLC) 407 East Main Street

Items submitted to ZBA members at the meeting:

- 40 B documentation
- Draft Special Permit with conditions for Daniel Estevez (Families Together, LLC) 407 East Main Street