



Zoning Board of Appeals – Town of Spencer

***Minutes of Thursday, January 21, 2021 at 7:00pm***

***REMOTE MEETING***

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

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Zoning Board Members (Remote): Allan Collette, Alyce Johns, and Steven Tyler

Zoning Board Member Absent: None

Staff Present: Todd Miller, Town Planner (in person) and Monica Santerre-Gervais, Clerk (remote)

Staff Absent: None

**1. Open Meeting – Mr. Collette was acting chair and opened the meeting at 7:15pm**

**2. Comprehensive Permit/40 B – Applicant/Owner: Women’s Institute Realty; Location: 17 Lake Street, Spencer Assessor’s Map U15-01. The applicant is requesting a Comprehensive Permit Pursuant to M.G.L. c.40B, §§ 20-23, and 760 CMR 56.00 et seq/ the applicant is looking to construct a new, 3-story building and will consist of a total of 31 rental units for seniors aged 62 years or older, including a total of twenty-nine (30) one-bedroom units and one (1) two-bedroom units. The property is located within the Village Residential zoning district.**

Damien Berthiaume, Attorney representing the applicant, Loni Willey, Women’s Health Institute, Larry Oakes, Main Stay Living, Maura Camosse, Stone Soup Collaborative, Chris Novelli and Greg Zorzi from Studio One Architects, and Jason Dubois were all on the call to discuss the application.

Ms. Willey gave an overview of the non-profit organization, Women’s Health Institute, for women and their children for affordable housing. Have worked all through Massachusetts as developer and owner and have completed over 100 projects that has 2200 units of affordable housing and a third of the properties is affordable housing is for seniors. Ms. Willey stated that the partner is Main Stay Supportive and Healthcare, affordable community housing for mental/ developmental disabilities and recently homeless.

Mr. Berthiaume stated the new plans is for 33-unit structure, 32 units will be 1-bedroom units, and 1 unit will be 2-bedroom unit for a live-in manager, and 3 of the units will be set to affordable rent. To complete this project, Mr. Berthiaume explained that they will need to demolish the lake street school building and construct a new 3 story building. Mr. Berthiaume said that to get to this point they have had numerous meetings with different town officials to put together this plan, multi-year process to meet the needs. This site will keep the open space that the Town of Spencer wanted and provide affordable housing to the Town of Spencer, added accessway to the rear of the property that was requested by the Fire Department, and designed and onsite septic system due to inability to connect to the towns public sewer.

Mr. Dubois, DC Engineering, explained that the new building will be in the middle of the existing building but smaller, this will reduce the impervious surface by 60,000 square feet, they will have 33 parking spaces with 6 of those being handicap accessible, 50-60 feet farther back, added an area for runoff to filter through a crushed stone trench, and the large asphalt turnaround will be removed for green space. Additionally, Mr. Dubois explained the designed septic system.

Mr. Zorzi Studio One Architects, mentioned the numerous projects they have done in the Town of Spencer including the Bell Tower. Mr. Novelli explained more about the building design including the units being designed easier for seniors to live independently. The exterior has bump outs for visual aid and shadows and the building is energy efficient. Mr. Berthiaume discussed that this is in the village residential zone, mentioned additional design standards and needing some waivers for this project such as parking and the use, and due to this project being 40 B the Zoning Board of Appeals has the authority to waive and deviate from the zoning bylaw. Mr. Berthiaume stated the Zoning Board of Appeals should be reviewing if this is a need in the Town of Spencer for senior affordable housing. Also, regarding the residential use, there is no burden on the town's infrastructure, be able to increase green space, and decreasing impervious surfaces.

Mr. Miller explained that the slideshow that the applicant is referring to is not viewable from Spencer Cable Access or Facebook because it needed to be uploaded before the meeting to provide the visual feed.

Mr. Collette asked how many people will be allowed to be in a unit and Ms. Willey answered 1 to 2 people and Mr. Oakes said it will mostly be single seniors in a unit. Mr. Collette asked why they were not allowing more parking spaces and Ms. Camosse answered there is some existing parking that has not been counted. Mr. Oakes mentioned that Senior Living at Prouty in town only has 30 parking spaces and the parking lot is usually only half full because most seniors are living without cars, however, if needed in the future they could expand. Mr. Collette said he would like the applicant to show where the potential space would be on the plan just in case more parking is needed. On A100.01 plan sheet, Mr. Collette asked about if the road was becoming a right-of-way and Ms. Willey said it is the current park and will stay there and be town maintained and the road is existing and has additional parking for visitors.

Mr. Tyler explained the importance to review the Request for Proposal (RFP) regarding the Lake Street School, Mr. Tyler was on the Building and Reuse Committee, and he read aloud from the RFP from 2018 regarding the goals and purpose and submission requirements. The purpose of the RFP was to renovate the old school and not demolish it, significant design changes should have been discussed with the Building and Reuse Committee, and the applicant's response to the RFP dated June 13, 2018, was to renovate the building not to demolish it. Mr. Tyler asked how the Zoning Board of Appeals can approve this application when the RFP is clear on the reuse of the building. Additionally, Mr. Tyler discussed the septic system and if the Town of Spencer had credits from the school or investigated the I & I. Additionally, Mr. Tyler asked why the structure is pushed up to 12 feet over the neighborhood. Mr. Berthiaume explained the RFP indicated the property could be connected to town water and sewer, however, in Spring 2020 they learned there was restraints on the sewer supply and could not connect and received a letter from the Serer Commission. Mr. Collette asked if there was a reserved leach field and Mr. Dubois said if for any reason the septic failed it could be replaced by the leach field. Ms. Camosse stated that the reason

the project changed from the RFP response was because of the multiple stake holders needs, the environmental and building study showed mold, standing water, and asbestos in the building. Ms. Camosse met with the past Town Planner, Town Manager, and the Board of Selectmen and no one raised any red flags about demolishing the building. Additionally, the new building will be more energy efficient and meet more of the needs of the residents and owners. Mr. Dubois discussed the location and having a flat surface for the seniors, change of elevation, existing slope will stay the same, and the building. Mr. Tyler said it's a steep slope and will be hard to maintain and Mr. Tyler asked about soil sampling and Mr. Dubois said they did test 6-8 weeks ago.

Mr. Collette said he was still not clear on the right-of-way and there was much discussion regarding the driveway entrance, Lake Street, and Hyland Street. Mr. Collette asked about the color of the building and Mr. Novelli said the colors have not been chosen yet and Mr. Berthiaume said the colors are irrelevant. Mr. Collette asked about a lighting plan and Mr. Novelli discussed the types of light fixtures and lighting that was planned. Mr. Collette asked about the type of roofing and Mr. Novelli said it was a flat roof with canopy bump outs, and the mechanical system has not been designed yet. Mr. Tyler asked about public traffic being allowed and Mr. Berthiaume said the public would have access to the park. Mr. Tyler asked about some spots on the plan and Mr. Novelli said potential mechanical use.

The chair opened the hearing to the public:

Gary Woodbury, 219 Charlton Road, explained he was Chairman of the Building and Reuse Committee and he discussed the RFP again and stated the asbestos in the building was not a surprise, the change of the RFP response should have come back to the committee and the town may face possible litigation for this project not meeting the RFP because there were other responses that were to renovate the building. Also, Mr. Woodbury expressed that Howe Village and Astorwood does not have enough parking spaces. Lastly, Mr. Woodbury said they may need an easement because the Senior Center had the same issue. Mr. Collette agrees about the road on Lake Street not being a right-of-way and could be a liability and the parking for the park would need to be on Hyland Street. Mr. Berthiaume said the land is a lease from the town and there could be methods for the residents to use Lake Street for the park.

Tony Pepe, Board of Selectmen, explained this is a critical project to the economic development for the town, eliminates blight, meets affordable housing requirements, and expands good relationship with Main Stay Living.

Mr. Tyler asked about the roof drainage and Mr. Novelli answered its collected and maintained. My. Tyler asked about an infiltration plan and Mr. Dubois answered they reduced the impervious surface, will not recharge, but will have pea stone diaphragm. Mr. Tyler thinks it is important to investigate groundwater infiltration. Mr. Tyler would like more reasoning on the septic system credits and Mr. Berthiaume read aloud the letter from the Sewer Commission and will send the letter so the Zoning Board of Appeals can review.

Mr. Tyler said he wants to see more information on the steep slope, more explanation on the right-of-way/ possible easement, and Ms. Johns agreed she would like to see more information before they vote. Mr. Dubois to provide a cross section for the board to review.

**MOTION: Mr. Tyler motioned to continue to 2/09/2021**

**SECOND: Ms. Johns**

**DISCUSSION: Mr. Berthiaume requested a point of order, discussed 40 B process, and the role of Zoning Board of Appeals responsibility to local needs. Mr. Berthiaume is concerned with additional continuations and felt the applicant can argue that the project was constructively approved considering the project was not opened 30 days from the Town of Spencer receiving the application, and the applicant has been cooperative with the Town of Spencer. Mr. Tyler asked if other boards should have been notified with the 40B project and if the Building and Reuse Committee should review and Mr. Collette said the Zoning Board of Appeals acts upon. Mr. Berthiaume said when the plan was received it should have been circulated prior to the meeting.**

**ROLL CALL VOTE: Mr. Tyler- Aye, Ms. Johns-Aye, and Mr. Collette-Aye (Vote 3-0 motion carried)**

### **3. Approval of Minutes:**

- **11/10/2020**

**MOTION: Mr. Tyler motioned to approve as the 11/10/2020 submitted**

**SECOND: Ms. Johns**

**ROLL CALL VOTE: Mr. Tyler- Aye, Ms. Johns-Aye, and Mr. Collette-Aye (Vote 3-0 motion carried)**

- **12/8/2020**

**MOTION: Mr. Tyler motioned to approve the second draft of 12/8/2020 minutes**

**SECOND: Ms. Johns**

**ROLL CALL VOTE: Mr. Tyler- Aye, Ms. Johns-Aye, and Mr. Collette-Aye (Vote 3-0 motion carried)**

- **1/12/2021**

Chair did not read revised minutes for 1/12/2021 and tabled them to the next meeting.

### **4. Town Planner Report**

Mr. Miller discussed the Solar Bylaw updates and working with CMRPC.

### **5. New Business/ Adjournment**

**MOTION: Mr. Tyler motioned to adjourn at 9:13pm**

**SECOND: Ms. Johns**

**ROLL CALL VOTE: Mr. Tyler- Aye, Ms. Johns-Aye, and Mr. Collette-Aye (Vote 3-0 motion carried)**

**Submitted By: Monica Santerre-Gervais, ODIS Senior Clerk**  
**Approved by the Zoning Board of Appeals: 2/09/2021**

**List of Documents used on January 21, 2021:**

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

- Agenda
- Minutes from 11/10/2020 and 12/8/2020, 1/12/2021
- 40 B Lake Street application and plans and updated presentation.

Items submitted to ZBA members at the meeting:

- None