



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, February 09, 2021 at 7:00pm

REMOTE MEETING

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

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 7:02pm and read aloud Covid-19 statement. *“This Meeting of the Zoning Board of Appeals is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, pursuant to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. In order to mitigate the transmission of the COVID-19 Virus, we have suspended public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. We are meeting remotely and broadcasting live on Spencer Cable Access to ensure public viewing access.”*

2. Continued Comprehensive Permit/40 B – Applicant/Owner: Women’s Institute Realty; Location: 17Lake 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 33 rental units for seniors aged 62 years or older, including a total of thirty-two (32) 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.

Mr. Tyler read aloud the letter from the Sewer Commission dated 10/27/2020 that was addressed to Damien Berthiaume that stated the Sewer Commission restricting the Lake Street project to connect to the Town Sewer and there was a moratorium to continue with an evaluation study. Mr. Collette stated at the last meeting there was questions regarding the sewer connection and asked if that answered the questions for sewer hookup and Mr. Tyler said what was stated in the letter and what he was told by the Spencer Superintendent does not match. Mr. Tyler asked Mr. Berthiaume if I&I could be found would it be in interest to the applicant and Mr. Berthiaume said yes but would depend on the cost. There was much discussion regarding I&I and sewer connection. Mr. Berthiaume did not think a condition requiring the sewer connection would work but they are willing to try again with the Sewer Department. Mr. Collette asked if the new drawings provided

by Jason Dubois, DC Engineering, met Mr. Tyler's concerns of elevation. Mr. Dubois stated he tried to address the cross section to the new building and the proposed building. Mr. Tyler stated the new plan is an improvement. Mr. Berthiaume stated that the septic system was the reason for the slope.

Mr. Collette asked to review plan page RO-R-01 and had questions regarding the streetlamps. Mr. Dubois added street poles in back parking lot with illumination level on the plan, but it would need to be up to the architect on what light fixtures they would want to use. Greg Zorzi, Architect Studio One, explained the rendering and it will be dark sky lighting, with zero cut off, lighting will be in the parking lot and up the driveway.

Mr. Collette asked if the Town of Spencer was splitting the parcel into 2 parcels, there is a driveway on the backside off Hyland Street and does not see it shown on the plan. Mr. Collette wants the grandfathered curb-cut to be shown that was used for the little league field off Hyland Street. Mr. Tyler asked about the circulation of traffic entering on Lake Street and then exiting on Hyland Street; Mr. Tyler said the Town of Spencer will still own the grandfathered curb-cut but mentioned at the last meeting it was agreed that the applicant would make a right-of-way so the public go through the lower parking lot and continue to Hyland Street and access the parallel parking. Mr. Collette is concerned about development on the backside of the property and the curb-cut should be on the recorded plan. Mr. Tyler said the lease is creating 2 parcels and the Town of Spencer will still own it. Mr. Berthiaume confirmed that it was his understanding the lease area is in second parcel and will remain owned by the Town of Spencer. Additionally, Mr. Berthiaume explained that in the auction to lease, section 4, requires the developer to grant the easement/license to pass through the area. Ms. Johns read aloud the option to lease agreement and covering all the concerns. Mr. Tyler said the leased area does not touch Hyland Street.

The Chair opened the hearing to the public:

Gary Woodbury, 219 Charlton Road, discussed the plan and the access through the back parking lot, with a 20-foot right-of-way access of the site, the opening is still there, and the Town of Spencer still owns the land. Mr. Collette asked about the 18-foot-wide fire access and Mr. Woodbury said the land is leased and the town is not selling.

MOTION: Mr. Tyler motioned to close the public hearing

SECOND: Ms. Johns

DISCUSSION: None

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

MOTION: Mr. Tyler motioned to approve the Comprehensive Permit/40 B with the following conditions: 1) the applicant to make reasonable attempts with the Sewer Commission to identify sufficient inflow and infiltration (I & I) sufficiently to connect to public sewer; 2) the applicant shall grant the Town of Spencer and public access the legal right to use public access through Lake Street ; and 3) update lease plan for fire access in the back;* Amendment-add 4) Mr. Collette added that the petitioner

allow for 42 vehicles spaces behind the building and the drive coming up Lake Street to be used for overflow parking in the future.

SECOND: Ms. Johns seconded original motion and amendment

DISCUSSION: Mr. Berthiaume mentioned he could assist with the 40 B decision if needed. Mr. Collette stated that he would like the applicant to locate the extra spaces and forward them to the Town Planner.

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

3. Approval of Minutes:

- **1/12/21-** Mr. Tyler does not see Lake Street mentioned on the minutes so the minutes were tabled to the next meeting.
- **1/21/21**

MOTION: Ms. Johns motioned to approve the minutes of 1/21/21

SECOND: Mr. Tyler

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

4. Town Planner Report

Mr. Miller discussed the housing production plan with CMRPC, 7 % marker is closer to 10% for the 40 B requirement. Also, Mr. Miller discussed the Town of Spencer moving into electronic permitting systems and the next meeting there is a Special Permit application for Rapsallion Brewery.

5. New Business/ Adjournment

MOTION: Mr. Tyler motioned to adjourn at 7:52pm

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: 3/15/2021

List of Documents used on February 09, 2021:

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

- Agenda
- Minutes from 1/12/2021 and 1/21/2021
- Updated 40 B Lake Street application and plans and updated presentation.

Items submitted to ZBA members at the meeting:

- None