

Zoning Board of Appeals– Town of Spencer



Minutes

Zoning Board of Appeals

Tuesday, June 23, 2009

McCourt Social Hall

Memorial Town Hall

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

Zoning Board of Appeals Members Present: Chair Joanne Backus, Clerk Allan Collette, and Albert Drexler (Alternate).

Zoning Board Members Absent: Pamela Crawford and Dee Kresco.

Staff present: Adam Gaudette, ODIS Director, and Bea Meechan, Senior Clerk, ODIS

Old Business:

A. Continued Public Hearing – Town of Spencer, Fire Station, 11 West Main Street, Spencer. Chair Joanne Backus opened the public hearing at 7:25 p.m. The Clerk then read the brief which stated that Town of Spencer, the Applicant, is proposing to construct a new fire station to be sited at 11 West Main Street. A special permit is requested under Section 6.1.4 and Section 7.2.3.F of the Spencer Zoning Bylaw for a relief of the front parking area buffer requirement. Two variances are requested under Section 4.9.2.B.2 and Section 7.2 of the Spencer Zoning Bylaw to increase the side setback and the impervious surface nonconformities. A narrative description of these applications was provided in the letter from Pacheco Ross Architects, P.C. dated May 14, 2009.

There were no abutters present tonight for this hearing.

Fire Chief Robert Parsons, Mr. Kevin Quinn from Quinn Engineering, Mr. Dennis Ross, and Ms. Katrina Pacheco from Pacheco Ross Architects, were present tonight to give a presentation of the proposed plan.

At this time Ms. Backus asked for the presentation of the proposed plan.

Chief Parsons explained that when the Master plan was established in 2003, the renovation of the Fire Station was one of the objectives in the plan. A feasibility study was done in 2004 - 2005 and recommendations were given in terms of what could be done and what could not regarding the existing building. Mr. Ross and Ms. Pacheco used that study to analyze the site and the building, and provided several alternatives plan. The cost factors to meet current codes and the

regulations are the main concern. Since the existing Fire Station was built in 1970s, it is best to construct a new fire station versus renovate the existing station.

The Board asked about the source of funding, and if the Town has committed any funds to the project.

Chief Parsons said that the proposed project would be 100 percent funded from the Fire Act, Federal Emergency Management Agency (FEMA) Stimulus grants. The Town is not providing any funds for the project.

Mr. Drexler asked if the funding from FEMA is restricted to expenses on the construction of the fire station, or it could be applied to other costs. Also what is the possibility of receiving these funds?

Chief Parsons stated that the funds from FEMA are restricted to be spent on the construction of the fire station. Equipment is from other funding. For the past 6 years, he has applied for grant money for equipment through the Fire Act, and has been awarded 3 times. Federal Stimulus Funds (FSF) are available through FEMA which will manage and operate the grant process. The deadline to submit the grant application is July 10, 2009. From what he knew there are about eight towns proposing to build new fire stations. Being a town-owned site, and being that several required documents are in place already, Chief Parsons thinks that there is a good chance of receiving the grant from FEMA.

Mr. Collette asked what if the grant is available only as a certain percentage of the total cost, would it be better to renovate (cost will not be that high, versus building a new fire station)?

Chief Parsons responded that the grant, if awarded, will be 100 percent of what has been requested. As mentioned earlier the existing fire station was built since in 1970s, and there is no insulation in the building and no major improvements have been done since it was built. If doing a renovation, every element in the building (plumbing, electrical, etc) must meet the current codes and regulations. Both options have been evaluated and to build a new fire station is more favorable and cost-effective. A new fire station will have a life expectancy of 75 years.

Ms. Backus asked whether there is a provision in the funding to prohibit hiring a construction company from out-of-state.

Chief Parsons indicated that the bidding process will follow the State guidelines, there is no provision restricting choosing a construction company within the state. Generally the Town will consider a company that proposes the lowest qualified bid. Chief Parsons turned the presentation over to Mr. Ross and Ms. Pacheco at this point.

Mr. Ross presented the plan and gave a brief overview of floor plans, location of offices, access in and out of the building, and parking areas. Renovations would involve making several different variations to the site and to the existing building in order to make the building accessible. Building a new station requires less intricate changes to be made. He then turned to Ms. Pacheco for a presentation on the special permit and variances.

Ms. Pacheco explained that two variances and one special permit are requested for the following reasons:

First variance is to increase east side setback from 13.1 feet to 1 foot. (She pointed out the location on the plan). It is already nonconforming. The variance is needed due to the required size of the fire station in order to house the current and anticipated future stock of emergency vehicles, as well as providing proper vehicle lane access around the building.

Second variance is to increase the impervious surface from the 60% maximum coverage to 70% coverage. The large amount of paved surface is the result of the required front and rear return aprons required by the fire station to operate and respond quickly and safely, also to provide for room to back into the station. Currently traffic must be stopped on Route 9 when trucks return.

Special permit is to seek relief from the front parking area buffer to less than 10 feet. The site is in the Industrial Zoning District which requires 20 feet of front parking setback.

The following were questions and comments from the Board:

The Board asked for the location of the impervious area which is proposed to increase. Will the impervious area in the back will be moved or stay as it is?

Ms. Pacheco pointed out that the total impervious area will be increased from 49% to 70%, and the maximum allowed is 60%. There is a small grass area in the front which will be removed and the impervious area in the rear will extend further back.

Mr. Collette asked about the number of parking spaces and locations. There are three safety buildings situated in this area. Mr. Collette asked whether these three buildings are located on separate lots and each property has its own deed.

Mr. Ross indicated there will be 33 parking spaces with 2 handicapped spaces. The front parking contains 6 spaces (with 2 handicapped spaces). Twenty-one parking spaces are in the back, and at the rear of the building. The plan is also proposing to have 5 parking spaces to the easterly side which will connect to the parking of the police station, and these spaces are provided for people who attend training (rescue/respond) classes as well as for people who come in to obtain licenses from the fire station. *Mr. Ross pointed out all the parking locations on the plan.*

Mr. Gaudette indicated that the Police Station, Fire Station and EMS are situated on separate lots, and each property has its own deed.

At this time there was a discussion regarding the police station, its property, and the shared parking spaces. At some point in the future, if the police station considered expanding its facility, and due to the parking spaces being shared with fire station, it might not be enough land

for expansion. Mr. Collette commented that this may create more of a nonconforming situation to the police property if the expansion actually happens.

Ms. Pacheco replied that the police station can expand its facility into the back area, and there is enough land there. She explained that the proposed parking spaces are an improvement to this specific parking area (to repair and probably move it one foot closer to the driveway of the police station). They are already existing parking spaces. *She pointed out the striped parking spaces on the plan.*

Ms. Backus asked whether the proposed parking spaces are included with the 33-parking-spaces of the fire station. Ms. Pacheco said that they are not included with these parking spaces.

Mr. Collette asked how many parking spaces the fire station is qualified to have. Chief Parsons stated that it qualifies for 38 parking spaces, but presently has 39 spaces.

Referring to the special permit for the front parking area buffer setback, Ms. Pacheco explained that the Zoning Bylaw requires 20 feet between the property line and the parking area. The plan proposes to have a front buffer setback of less than 10 feet.

Mr. Drexler has a concern that the entry way to the police station might be narrowed down due to the impact of the deduction by the proposed project. The entrance way of the police station serves as an access point. He commented that in the case of an emergency, where police vehicles are pulling out in a hurry and people are pulling in to park at the fire station parking area, this could cause a safety issue.

Chief Parsons and Mr. Ross indicated that the entry way area will remain the same without any impact. There is also a plan to construct and to expand the entrance which will have access in/out separately based on comments from the Planning Board.

Mr. Collette asked about the size of the footprint and the length dimension of the building (go across from one end to the other end). Ms. Pacheco responded that the footprint is 13,661 square feet and it is approximately 162 feet long.

Mr. Drexler asked how many vehicles are currently being stored in the building. Chief Parsons said that there are 10 vehicles stored in the building, and they also use the St. Joseph's Abbey fire truck when a vehicle breaks down. The problem is that if they want to park the St. Joseph's Abbey truck, then they have to move other stored vehicles outside due to lack of garage spaces.

Regarding the building it seems that it uses brick as building materials, Mr. Collette asked why choose this type of material, whether it has shake-resistance and if it is low maintenance?

Mr. Ross responded that this type (brick) of material is more conducive to this part of the State. The building is modified for shake-resistance and inside the building has all modern materials. The proposal is to build a new fire station that can last for 75-years. Everything about the building is designed to be a low level of maintenance. Volunteers will not spend that much time on maintaining the building, and will have more time for training and responding.

Mr. Collette asked if there is enough space allocated for full time staff, and what is the amount in terms of square-footage?

Mr. Ross said that there are future living quarters for the firefighter and they will be located on the second floor of the building, and it is approximately 1,300 square-feet of area. He said that it is not on the plan, but it is included in the lay-out plan. *He pointed out the area on the plan.*

Mr. Collette asked about the timeline to complete and whether more than one company will be hired to construct the project.

Mr. Ross said that bidding and hiring processes must follow Mass State Law and guidelines. Only one bid and one general contractor will be accepted, and essentially a single general contractor has several sub-contractors doing varieties type of work.

With no further questions and comments from the Board, Mr. Collette then made a motion to close the public hearing. Mr. Drexler seconded the motion and the vote was 3-0 in favor. *Members conducting the voting are; Mr. Drexler, Mr. Collette, and Ms. Backus.*

Mr. Drexler made a motion to approve the variances and the special permit to the Town of Spencer, Fire Station located at 11 West Main Street, Spencer. The variances will increase the side setback nonconformity from 13.1' to 1.0', and increase the impervious area (additional building footprint and paved areas) from the maximum coverage of 60% to 70%. Also approved were the 33 parking spaces and the shared parking spaces with the police station. The special permit is to allow the front parking area buffer of less than 10'. Mr. Collette seconded the motion and the **vote was 3-0 in favor**. The following was included in the motion:

Findings: The Board determined that the findings had met the requirement in M.G.L, Chapter 40A, Section 9 and Section 7.2.3.F of the Spencer Zoning Bylaw:

1. The proposed relief is in the best interest of the municipality and will not be detrimental to surrounding uses or the neighborhood, particularly by shifting parking demand to adjacent properties or using a disproportionate number of on-street or public parking spaces; and
2. That the proposed relief will not create a nuisance, hazard; or congestion to vehicular or pedestrian traffic.

In addition, the Zoning Board made the following finding in accordance with M.G.L, Chapter 40A, Section 11 and Section 7.3 of the Spencer Zoning Bylaw:

1. Owing to circumstances relating to the soil conditions, shape or topography of land or structures, 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.

2. That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this by-law.

This approval is granted with the following *conditions*:

1. The plan that was submitted for the design is herein incorporated as part of this decision. Any plan revisions shall be filed with the Board.
2. Construction activities shall not commence until all required approvals and permits are obtained.

Mr. Gaudette 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 also to all abutters.

New Business: None

Other Business: None

Approval of Minutes: None

Mr. Collette made a motion to adjourn the meeting at 8:30 p.m. Mr. Drexler seconded the motion and the vote was 3-0 in favor.

Submitted By:

Bea Meechan, Senior Clerk, ODIS