



Zoning Board of Appeals – Town of Spencer

*Minutes*

Zoning Board of Appeals Special Meeting

***December 12, 2023, at 7:00 pm***

In-Person & Remote

McCourt Social Hall, 157 Main Street Spencer, MA 01562

Memorial Town Hall

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**Zoning Board Members Present: Chair Gina Beford (in-person), Alan Collette (in-person), and Donna Parker (in-person)**

**Zoning Board Members Absent: None**

**Staff Present: Lauren Vivier, Town Planner/ Conservation Agent (in-person), Sarah Campbell, Planning Assistant, and Monica Santerre-Gervais, ODIS Senior Clerk (remote)**

**1. The Chair opened the meeting 7:00pm**

**2. Public Hearing: Special Permit– Applicant: Minutemen Property Management, LLC, Logyn Shea, Owner: Ken Keyes; Location: 5 R Jones Road, Spencer Assessor’s Map R24-07. The applicant is seeking a Special Permit under Sections 4.9.2.2 (nonconformities), of the Spencer Zoning Bylaw to an eight x12 farmers porch addition. The property is in the Rural Residential (RR) zoning district.**

Logyn Shea, Minuteman Property Management, was present for the meeting and explained the owner, Ken Keyes, would like to build an 8 x 12 Farmers Porch on his home. Ms. Vivier mentioned the residence is an existing nonconforming structure. The setback requirement is 55’ and the existing setback is 47’ but will only be 48’ with the porch due to the alignment of the house and lot line.

Ms. Vivier recommended the following conditions:

1. All work authorized under this Special Permit shall be in accordance with the application, supportive materials and testimony submitted by the applicant and its representative to the Zoning Board of Appeals.

Ms. Beford opened the hearing up to the public and there were no additional questions or comments.

**MOTION: Mr. Collette motioned to close the public hearing.**

**SECOND: Ms. Parker**

**ROLL CALL VOTE: G. Beford-Aye, D. Parker-Aye and A. Collette-Aye (Vote 3-0 motion carried)**

**MOTION: Ms. Parker motioned to grant the Special Permit under section 4.9.22 of the Spencer Zoning Bylaw to Minutemen Property Management, LLC for 5 R Jones Road to**

**add a farmer's porch with the suggested conditions; All work authorized under this Special Permit shall be in accordance with the application, supportive materials and testimony submitted by the applicant and its representative to the Zoning Board of Appeals.**

**SECOND: Mr. Collette**

**DISCUSSION: None**

**ROLL CALL VOTE: G. Beford-Aye, D. Parker-Aye and A. Collette-Aye (Vote 3-0 motion carried)**

**3. Public Hearing: Special Permit– Applicant: New Cingular Wireless PCS, LLC (AT&T Mobility), Owner: Town of Spencer; Location: 17 Lake Street & 42 Highland Street, Spencer Assessor's Map U15-1. The applicant is seeking a Special Permit under Sections 4.8.5 (Wireless Data Transfer Facilities), of the Spencer Zoning Bylaw to maintain a temporary Wireless Data Transfer Facility. The property is in the Village Residential (VR) zoning district.**

Attorney Edward Pare, and Kevin Mason, SAI Group, were present for the meeting. Mr. Pare explained that since 2003 AT&T and Verizon have had equipment located at the First Congregational Church steeple, however, the church had a fire, and everything was a loss. Mr. Pare said they reached out to the Town of Spencer to set up an emergency temporary service location and Lake Street School had an available location to use. The Board of Selectmen granted AT&T and Verizon with a temporary license for six months and then extended it for three years. The tower is on a 125-foot pole, they did not need to dig at the site, they used trailers for the equipment, and they are two hundred feet away from structures, and three hundred feet away from property lines. Mr. Pare mentioned using the access road used for the old water tank near the old Lake Street School and reviewed the plans.

Ms. Parker asked if Verizon goes through AT&T and Mr. Pare said they are on the pole, but they have their own set of antennas. Mr. Collette discussed with Mr. Pare the elevations. Mr. Collette asked Jeffrey Bridges, Town Administrator, if the Board of Selectmen investigated other uses for Lake Street School and the intent to demolish the building. Mr. Bridges said demolition of Lake Street School is the plan. However, the temporary cell tower is on the old baseball field and the land is clear, and if this were a long-term lease then a different site would have been selected. Mr. Collette was onboard with a three-year lease. Mr. Pare mentioned the Town of Spencer can terminate the lease at any time. Mr. Collette asked how Law Enforcement and Emergency vehicles could access the site and Mr. Pare said the Lake Street School has access to the site. Mr. Collette asked about fencing and Mr. Pare said it is a chain-link fence, eight feet high, with one foot of barbed wire at the top.

Ms. Beford opened the hearing up to the public:

Sonya Harrison, 10 Power Street, asked about the frequency output around the cell tower. Mr. Pare said 3.91% below maximum. Ms. Harrison had concerns regarding cancer issues with radioactive exposure. Mr. Pare stated they submitted the emissions report to the Town of Spencer and the information is online to review. Ms. Harrison asked about the humming sounds at the site and Mr. Pare said the sound could be from the heaters or HVAC units in the equipment trailers.

Ms. Vivier explained the Town of Spencer officials have all been involved with this process, this location is only a temporary solution, the applicant is requesting three years, and a pre-construction checklist from National Grid is available to review.

**MOTION: Ms. Parker motioned to close the public hearing.**

**SECOND: Mr. Collette**

**DISCUSSION: None**

**ROLL CALL VOTE: G. Beford-Aye, D. Parker-Aye and A. Collette-Aye (Vote 3-0 motion carried)**

**MOTION: Mr. Collette motioned to grant a three-year Special Permit to New Cingular Wireless PCS, LLC (AT&T Mobility), under section 4.8.5 for a temporary cell tower at 17 Lake Street & 42 Highland Street**

**SECOND: Ms. Parker**

**DISCUSSION: None**

**ROLL CALL VOTE: G. Beford-Aye, D. Parker-Aye and A. Collette-Aye (Vote 3-0 motion carried)**

**4. Public Hearing: Special Permit– Applicant: Rebecca Fournier, Owner: 2019LLC; Location: 16 Wall Street, Spencer Assessor’s Map U07-28. The applicant is seeking a Special Permit under Sections 4.3.20 (Tattoo parlor studio), of the Spencer Zoning Bylaw to expand pre-existing business services to include permanent make-up and tattoos. The property is in the Town Center (TC) zoning district.**

Rebecca Fournier, 854 Podunk Road, East Brookfield, was present for the meeting and explained she has had a business at 16 Wall Street for the past five years and is looking to expand her services to include permanent make-up and tattoos. Ms. Beford asked who would be doing the new services and Ms. Fournier said she would be and then in the future hiring employees.

Ms. Vivier recommended conditions:

1. All work authorized under this Special Permit shall be in accordance with the application, supportive materials and testimony submitted by the applicant and its representative to the Zoning Board of Appeals.
2. Prior to the commencement of the use permitted by this Special Permit, all necessary and required permits must be obtained from all other municipal, state and or federal departments, boards, commission or agencies, and all work shall be done in accordance with said permits.
3. The hours of operation for the use may occur seven days a week but shall occur only between the hours of 9:00 am to 7:00 pm

Ms. Beford asked if there would be a designated area for the new services and Ms. Fournier said yes in a separate room. Ms. Parker asked what permanent makeup was and Ms. Fournier answered lip, eyelashes, eye liner, and eyebrows.

Ms. Beford opened the hearing up to the public and there were no additional questions or comments.

**MOTION: Mr. Collette motioned to close the public hearing.**

**SECOND: Ms. Parker**

**ROLL CALL VOTE: G. Beford-Aye, D. Parker-Aye and A. Collette-Aye (Vote 3-0 motion carried)**

**MOTION: Ms. Parker motioned to grant the Special Permit under section 4.3.20 of the Spencer Zoning Bylaw to Rebecca Fournier to expand her services at 16 Wall Street, Spencer, MA with the following conditions: All work authorized under this Special Permit shall be in accordance with the application, supportive materials and testimony submitted by the applicant and its representative to the Zoning Board of Appeals. Prior to the commencement of the use permitted by this Special Permit, all necessary and required permits must be obtained from any and all other municipal, state and or federal. departments, boards, commission or agencies, and all work shall be done in accordance with said permits. The hours of operation for the use may occur seven days a week but shall occur only between the hours of 9:00 am to 7:00 pm.**

**SECOND: Mr. Collette**

**DISCUSSION: None**

**ROLL CALL VOTE: G. Beford-Aye, D. Parker-Aye and A. Collette-Aye (Vote 3-0 motion carried).**

## **5. Discussion: CVS As-builts**

Ms. Vivier mentioned that the new CVS is open and operating and the next step is the approval for the as-built. The original peer review company was Lenard Engineering but is now Haley & Ward. Ms. Vivier will obtain an estimate from the peer reviewer and request the necessary funds to pay for the review. Ms. Vivier, during the final Building Inspection, additional signage was requested for the exit and entrance of the site and the plaque for the monument had not been erected. Mr. Collette asked what else had changed with the project and Ms. Vivier said a transformer and additional handicap parking spots. Mr. Collette stated the monument should be in place before peer review of the as-built.

## **6. Approval of Minutes: 11/08/2023**

**MOTION: Mr. Parker motioned to approve the minutes for 11/08/2023 as submitted.**

**SECOND: Mr. Collette**

**DISCUSSION: None**

**ROLL CALL VOTE: G. Beford-Aye, D. Parker-Aye and A. Collette-Aye (Vote 3-0 motion carried)**

## **7. Town Planner Report**

Ms. Vivier mentioned the following items:

- Introduction to new hire Sarah Campbell as Planning Assistant.
- Discussed Mater Plan updates and next steps.
- Mentioned doing bylaw review after the Master Plan. Mr. Collette mentioned the Sign Bylaw needed review.

## **8. Citizens Input**

## **9. New Business/Adjournment**

**MOTION: Ms. Parker motioned to close the meeting at 8:45pm**

**SECOND: Mr. Collette**

**DISCUSSION: None**

**ROLL CALL VOTE: G. Beford-Aye, D. Parker-Aye and A. Collette-Aye (Vote 3-0 motion carried)**

**Submitted by Monica Santerre-Gervais, ODIS Senior Clerk**

**Approved by the Zoning Board of Appeals on: March 12, 2024**

### **List of Documents used on 12/12/2023:**

#### **Items sent to Zoning Board Members prior to Meeting by email:**

- Agenda 12/12/2023 R1
- Memo from Town Planner
- Special Permit Application and plans for - Minutemen Property Management, LLC, Logyn Shea, Owner: Ken Keyes; Location: 5 R Jones Road, farmers porch.
- Special Permit Application and plans for applicant: New Cingular Wireless PCS, LLC (AT&T Mobility), Owner: Town of Spencer; Location: 17 Lake Street & 42 Highland Street, Spencer, temporary Cell Tower.
- Special Permit Application and plans for Applicant: Rebecca Fournier, Owner: 2019LLC; Location: 16 Wall Street, Spencer Assessor's Map U07-28, tattoo parlor.
- Drafted minutes for 11/08/2023

#### **Items submitted/ brought to the Meeting:**

- CVS As-builts for discussion.