

Zoning Board of Appeals– Town of Spencer



Minutes

Zoning Board of Appeals
Tuesday, November 10, 2009
McCourt Social Hall
Memorial Town Hall

The Meeting was called to order at 7:35 p.m.

Zoning Board of Appeals Members Present: Chairman Allan Collette, Clerk Pamela Crawford, and Albert Drexler.

Zoning Board Members Absent: Joanne Backus, and Dee Kresco, alternate.

Staff present: Adam Gaudette, ODIS Director.

Old Business:

A. Continued Public Hearing – Owner: Elaine Green, Applicants: Charles and Joanne Bromage, for property on 9 Park Street, Spencer. The applicants propose an alteration of a pre-existing nonconforming structure on a nonconforming lot by converting it to a single-family home and constructing an addition (two bedrooms, a patio, and a hallway) to the rear of the building. The property is located in the Village Residential Zoning District.

Mr. Collette opened the meeting by stating that this was a continuation of the public hearing that opened on September 22, 2009. At that meeting the Board asked the applicants to provide a certified plot plan demonstrating that the new addition would not encroach further upon any nonconforming setbacks. Prior to tonight's meeting the applicants provided the requested plan to ODIS and the Board for review.

The addition will be 57.62 feet from the rear property line which is well beyond the 10 feet minimum and thus does not create a new nonconformity. The current structure is only 4.23 feet setback from northerly side property line while 10 feet is required. The proposed addition will be 15.87 feet away thus not increasing or intensifying the nonconformity.

Mr. Drexler commented that the plan provided satisfies the previous concerns of the Board.

Mr. Collette opened the meeting to the audience. No one wished to speak on this application.

With no further comments and questions from the Board and the public, Ms. Crawford then made a motion to close the public hearing at 7:45 p.m. Mr. Drexler seconded the motion and the vote was 3-0 in favor.

Ms. Crawford made a motion to grant a special permit to Charles and Joanne Bromage to alter a pre-existing nonconforming structure on a nonconforming lot by converting it to a single-family home and constructing an addition (two bedrooms, a patio, and a hallway) to the rear of the building. The proposed alteration is not more detrimental the neighborhood than the existing structure in accordance with Section 4.9.2.B.1 of the Spencer Zoning Bylaw. Mr. Drexler asked that the motion include that the use is in harmony with the bylaw. Ms. Crawford amended her motion as such. Mr. Drexler then seconded the motion and **the vote was 3-0 in favor.**

Findings: The Board determined that the findings had met the requirement in M.G.L., Chapter 40A., Sec. 9 and Section 7.2 of the Spencer Zoning Bylaws:

1. That the proposed use is in harmony with the general purpose and intent of the zoning bylaw, given that signs are an allowed use and the proposed size and height dimensions conform to the regulations of signs in the Commercial District.
2. That the proposed use will not create undue traffic congestion nor unduly impair pedestrian safety.
3. That the proposed use will not impair the integrity or character of the district or adjoining zones, nor will it be detrimental to the health, safety, or welfare of the neighborhood or the Town.

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 change requires re-submittal to the Board.
2. That 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 to all abutters.

New Business: **None.**

Approval of Minutes: **None**

Other Business:

Mr. Gaudette handed out to the Board the proposed ZBA meeting schedule for 2010 and asked the Board to let him know if any dates should be changed due to members being unable to attend to best try and ensure a quorum.

Ms. Crawford made a motion to adjourn the meeting at 8:00 p.m. Mr. Drexler seconded the motion and the vote was 3-0 in favor.

Submitted By:

Adam D. Gaudette, AICP
ODIS Director / Town Planner