



## Zoning Board of Appeals – Town of Spencer

### *Minutes*

Zoning Board of Appeals Meeting  
**Tuesday, June 23, 2015 at 7:15 PM**  
McCourt Social Hall  
Memorial Town Hall

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Zoning Board Members Present: Dee Kresco, Allan Collette, Robert Emerson and Bert Drexler  
Staff Member Absent: Michelle Buck, Town Planner  
Staff present: Monica Santerre-Gervais, Clerk

Mr. Drexler opens the meeting at 7:15pm

### **1. Open Meeting**

### **2. Special Permit- Kennel/Pet Grooming, 1 Terkanian Drive/ Pond:**

Allan Collette, Delores Kresco, and Robert Emerson were appointed to vote on this case.

The clerk, Allan Collette, read aloud the application. The applicant, Rebecca J. Pond, residing at 24 ½ Ash Street in Spencer, MA is requesting a special permit under the zoning bylaws 4.2E.14 and 4.2E.15 at the location of 1 Terkanian Drive, Spencer, MA. The current owners are Norma & George Conner

The location is in the Rural Residential Zoning District, the Assessor's Tax Map Number R32 Parcel Number 24, deed reference-Worcester Registry of Deeds Book: 7807/ page 68. The brief description of the application is a dog kennel for boarding, training, and grooming.

Rebecca Pond, 24 ½ Ash Street, was present for the meeting and she presented to the Board her background history. She has been training dogs for 27 years, she currently works at a dog training facility and works with 12-20 dogs per day. Ms. Pond explained her facility would not be a camp but more of an in-house individualized training facility. Ms. Pond will concentrate on training dogs to sit, stay, obedience, etc. She will provide grooming for dogs that stay more than three nights at the kennel. Ms. Pond is planning on a 6 ft high 75x75x75 perimeter security fence and the perimeter will be split into two sections; one section would strictly be used for puppies, older dogs, and injured dogs.

Dee Kresco asked about the fencing outdoors. The fence will be 6ft high with a bend at the top to deter dogs from trying to escape and the fence is to be installed by Morrison Fencing Company. Ms. Pond added that each dog will be screened before they are allowed to be trained and boarded and she would decide if the dog can attend. The layout consists of 17 crates, it is very common to stack crates, and therefore, smaller dogs could go on top. Mr. Drexler asked if the whole perimeter was going to be fenced. Ms. Pond said some areas won't be fenced and asked the

Zoning Board to review the plan submitted. Robert Emerson asked if all dogs would be outside during the day in the exercise area. Ms. Pond said the dogs would be outside a total of 90 minutes each day and the rest of the time they would be inside crated. Applicant is hoping that once she grows there will be two part-time employees that can help with training. Mr. Emerson asked if the crates were fixed together and Ms. Pond answered no. Mr. Emerson commented that even though there are spaces for 17 crates in theory there could be 34 crates. Mr. Collette asked how long the dogs would be going outside and how many dogs would be outside at one time. Ms. Pond said 90 min in the morning and there would be 6 dogs in each pen, it will be a 6 dog to 1 person ratio. Ms. Kresco asked if all the dogs would be outside at one time or if they will be staggered and Ms. Pond said the one and a half hour will be staggered. Mr. Drexler asked what time in the morning would the dogs be going outside. Ms. Pond said the dogs would start going out around 9-9:30 am.

Mr. Collette asked about how she planned to control the barking. Ms. Pond answered that dogs do bark and she would take measures to deter the dogs from barking by spraying them with a water and vinegar mixture. Mr. Collette added that if dogs are with or sees other dogs they will bark and if the Zoning Board issues this Special Permit they don't want to have issues from abutters. Ms. Pond said she understood and she would not tolerate an excessive barking dog and would no longer accept them at the kennel. Mr. Drexler asked where the nearest house was to her property. Ms. Pond answered that it was down the street. There was discussion about the automotive and multifamily abutters. There is a home across the street.

Mr. Collette asked about the inside layout of the home and if she would reside in the home. Ms. Pond said her living quarters are not on the drawing and that her living quarters are to the right of the office and the dogs will be at the other end of the home. There was much discussion about the plans submitted and where the living/kennel quarters would be and the pictures submitted by the applicant.

Mr. Collette asked about the hours the dogs will be in by at night and let out in the mornings. Ms. Pond mentioned that the dogs will be in by 6:00 pm and let out at 9:00 am. Ms. Kresco asked about the dogs staying only during the day and what hours they will be dropped off and picked up. Ms. Pond said that they will be dropped off at 6:30 am and the pickup time would be by 6:00 pm. Mr. Drexler asked if she would be open 7 days a week. Ms. Pond said the dog training would be Monday- Friday and the business will not be open to the public between the hours of 12:00 pm and 3:00 pm so there are no interruptions for training and she will not be open on Sunday, however, dogs that will be there for overnight kennel may not be picked up on Sundays. Mr. Emerson stated no input from abutters. Mr. Drexler commented on the parking and where it is located. Ms. Pond said it is to the right of the house in the front. Ms. Pond does not feel that parking will be an issue, even though, she plans on having workshops. Mr. Collette asked about the applicant's background and where she trains. Ms. Pond said that she has been training dogs her whole life; she currently works at a facility training dogs. Ms. Kresco asked if the applicant can clarify the hours of operations. Ms. Pond said drop off will be at 6:30 am and the pickup will be at 6:00pm, Monday-Friday, Saturday can be drop off of Kennel dogs until 12:00pm, and the business will be closed on Sundays.

**MOTION:** Ms. Kresco made a motion to end the discussion.

**SECOND:** Mr. Collette

**VOTE:** 3-0

**MOTION:** Mr. Emerson made a motion to grant the Special Permit to Rebecca Pond to have a Dog Kennel/ Grooming/ Training facility at 1 Terkanian Drive. Ms. Pond must be in compliance with the Town of Spencer's Zoning Standards with no other restraints; Mr. Emerson read them aloud:

**General Special Permit Standards (Section 7.2.3):**

- A. The use is in harmony with the general purpose and intent of this Bylaw and any applicable subsections herein.
- B. The proposed use will not create undue traffic congestion nor unduly impair pedestrian safety.
- C. 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.

**SECOND:** Mr. Collette seconded the motion, but added amendment that the no dogs are allowed out after 6:00 pm and no dogs let out before 9:00 am left outside.

**SECOND:** Ms. Kresco seconded amendment but added an amendment that the hours of drop off be 6:30 am and pick up at 6:00 pm Monday-Friday, dogs may be dropped off or picked up by 12:00 pm on Saturday, and the business closed on Sundays.

**SECOND:** Mr. Emerson seconded Ms. Kresco's amendment

**DISCUSSION:** None

**VOTE:** 3-0

**3. Elections:**

**NOMINATION:** Ms. Drexler nominated Bob Emerson to be chair of the Zoning Board [starting July 1, 2015].

**SECOND:** Mr. Collette

**VOTE:** 3-0

**NOMINATION:** Mr. Collette nominated Dee Kresco to be the clerk of the Zoning Board [starting July 1, 2015].

**SECOND:** Mr. Emerson

**VOTE:** 3-0

**4. Special Permit for Expansion of Nonconformity, 9 West Avenue/ Nelson:**

Allan Collette, Delores Kresco, and Robert Emerson were appointed to vote on this case.

Mr. Collette read the application, the applicants are Carl and Ashley Nelson, and the owner is Raymonde Bergeron 9 West Avenue. The proposed project is located on a 52,400±s.f. parcel that contains 3 existing homes in the Lake Residential (LR) zoning district. The applicant is seeking a special permit under Section 4.9.3.C, extension of a non-conforming use (multiple dwellings

on a single lot), to demolish an existing single-family house and garage (1,800±s.f. combined) and replace with a larger single-family house and garage (2,100±s.f. combined). Spencer's Assessor's map and parcel number U38-19; Deed Reference- Worcester Registry of Deeds Book 52035/ Page 107.

Carl and Ashley Nelson, 27 Meadow Lane Charlton, MA, and their aunt, Raymonde Bergeron, 9 West Ave, were present for the meeting and they submitted to the board letters from two abutters that explained they were in favor of this application and Mr. Drexler read the letters aloud. Mr. Nelson explained that the land was purchased in 1958, it was originally 4 separate lots. One home was on the largest lot, lot 22 had 2 homes, parcel 2 had one home. Then the Zoning Bylaw was updated in 2006 and the property became one large lot 1.28 acre lot with three single family homes (SFH) on the property. The home in the Northeast corner belongs to Ms. Bergeron, the vacant house is the one they are proposing to demolish, and there is a new home being put up by Ms. Bergeron's son, Jason Bergeron, which will be farther away. Mr. Nelson met with William Klasek to get a better idea of what would need to be done to do the work.

Mr. Collette asked if they were doing 3 houses to 2 houses and Mr. Nelson explained it would be 3 to 3 as they are planning on tearing down the middle house and rebuilding it farther from the water's edge. Mr. Collette asked about the difference in sqft. Mr. Nelson said the home that is there now is 1,800 sqft including garage and they were planning on building the new home to be 2,100 sqft and it would still be under the building coverage would be 11 percent of the lot size and would be under the maximum 21 percent [maximum in LR district is 25%]. Mr. Collette asked about the septic location. Mr. Nelson showed the Zoning Board where the current non-compliant cesspool was located and mentioned they plan on doing a new septic system at a different location. Currently, the plan has been submitted to the Conservation Commission and the Board of Health, currently has a DEP number, and both boards approved and were happy about the new location of the septic. Mr. Collette asked about joining all the houses into one new septic or two houses on one septic. Mr. Nelson said there were no recommendations for that. There was much discussion about joining septic systems into a leach field, cesspool location, and the increase in the sqft for the home.

**MOTION:** Mr. Collette made a motion to close the discussion

**SECOND:** Ms. Kresco

**VOTE:** 3-0

**MOTION:** Mr. Collette made a motion to grant the Special Permit to Carl and Ashley Nelson under sections 4.9.3C & 7.2.3 to demolish a pre-existing home and construct a new single-family home on 9 West Avenue, existing legal nonconforming use, creating more area [enlarging the size of the house] is allowing to move septic to more desirable location on lot.

**SECOND:** Ms. Kresco

**DISCUSSION:** Applicant asked about continuing the work for the Conservation Commission and the Board felt that he could but not the demolishing and building without the proper permits.

**VOTE:** 3-0

#### **4. Elections:**

**NOMINATION:** Ms. Drexler nominated Bob Emerson to be chair of the Zoning Board [starting July 1, 2015].

**SECOND:** Mr. Collette

**VOTE:** 3-0

**NOMINATION:** Mr. Collette nominated Dee Kresco to be the clerk of the Zoning Board [starting July 1, 2015].

**SECOND:** Mr. Emerson

**VOTE:** 3-0

**5. Approval of Minutes:**

- **May 12<sup>th</sup>, 2015**

**MOTION:** Mr. Emerson made a motion to accept the minutes as submitted.

**SECOND:** Mr. Collette

**VOTE:** 3-0

**6. Adjournment:** with no further discussion the meeting is adjourned

**MOTION:** Ms. Kresco

**SECOND:** Mr. Emerson

**VOTE:** 3-0

Submitted By: Monica Santerre-Gervais, ODIS Clerk *M. Santerre-Gervais*

Approved by the Zoning Board of Appeals on 7/14/2015

**List of Documents used on June 23, 2015:**

6-10-2015 ZBA mailing

Items mailed to ZBA members prior to meeting:

- Agenda
- Memo from Michelle Buck, Town Planner dated 6/17/15
- Special Permit Application, plans, pictures, comments and documents for 1 Terkanian Drive
- Special Permit Application, plans, and documents for 9 West Ave
- Minutes from 5/12/15

Items submitted to ZBA members at the meeting:

- Mr. Nelson submitted (2) letters from the abutters approving the demolition and new home position.