



Zoning Board of Appeals – Town of Spencer

*Minutes of Tuesday, October 10, 2017 at 7:15pm*

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

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Zoning Board Members Present: Allan Collette, Mary Stolarczyk and Alan Stolarczyk

Zoning Board Member Absent: None

Staff present: Monica Santerre-Gervais, Clerk & Paul Dell'Aquila, Town Planner

**1. Open Meeting** – Mr. Collette was acting chair and opened the meeting at 7:16 pm.

**2. Special Permit (Renewal) – Applicant/ Owner: Bond Construction Corp. Location: Cranberry Meadow Road, Spencer Assessor's Map R09-1 & R09-2. The applicant is looking to renew their Special Permit under Sections 4.2 (H.1) and 4.8.6 of the Spencer Zoning Bylaw to continue a gravel removal operation. The property is located in the Rural Residential zoning district.**

Ms. Stolarczyk read aloud the narrative.

Karen Hubacz, Chief Operator of Bond Construction, was present for the meeting and explained that nothing new was happening with the site, they will move material when they have a need they try to move stuff at least once a year, and that they have active gravel pits in other towns. Ms. Hubacz explained that seven years ago they started using manufacturing top soil which uses biodegradable waste to recreate topsoil on the flat areas to strip and recycle.

Mr. Collette asked how long the gravel pit had been open and Ms. Hubacz replied since the 90's. Mr. Collette asked about the life of the pit and Ms. Hubacz said it all depends on the supply and demand. Mr. Collette asked about the use for next year and Ms. Hubacz explained that the gravel pit is not vacant and that she goes there and does mine reports on a weekly basis and that they would like to be more active. Mr. Collette asked about the ATV issues and Ms. Hubacz said there is substantial issues with ATV's and has to repost signs constantly. Mr. Stolarczyk how many pits are on Cranberry Meadow and Mr. Dell'Aquila answered there are two. Mr. Stolarczyk asked if there was more than one Bond gravel pit and Mr. Dell'Aquila responded there are Bond North, Bond East, and Bond South, but the other pits are grandfathered. Mr. Dell'Aquila reviewed the inspection report from Margaret Washburn with the Conservation Commission.

There were no abutters or public for open discussion.

**MOTION: Mr. Stolarczyk motioned to close the hearing**

**SECOND: Ms. Stolarczyk**

**DISCUSSION: None**

**VOTE: 3-0**

**MOTION: Mr. Stolarczyk motioned to approve the gravel permit renewal for one year**

**SECOND: Ms. Stolarczyk**

**DISCUSSION: None**

**VOTE: 3-0**

**3. Special Permit (Renewal) – Applicant/Owner: Leo Aucoin. Location: 89 Cranberry Meadow Road, Spencer Assessor’s Map R02-2-1. The applicant is looking to renew his Special Permit under Sections 4.2(H.1) and 4.8.6 of the Spencer Zoning Bylaw to continue a gravel removal operation. The property is located in the Rural Residential zoning district.**

Ms. Stolarczyk read aloud the narrative.

Leo Aucoin, 89 Cranberry Meadow Road was present for the meeting. Mr. Aucoin has been the owner of the gravel pit since 1984 and it has been inactive for the past four years. Mr. Collette asked if they were working in the gravel pit. Mr. Aucoin mentioned they received an offer on some of the land but would like to clean it out. Margaret Washburn’s Inspection was discussed.

There were no abutters or public for open discussion.

**MOTION: Mr. Stolarczyk motioned to close the hearing**

**SECOND: Ms. Stolarczyk**

**DISCUSSION: None**

**VOTE: 3-0**

**MOTION: Mr. Stolarczyk motioned to approve the gravel permit renewal for one year**

**SECOND: Ms. Stolarczyk**

**DISCUSSION: None**

**VOTE: 3-0**

**4. Special Permit – Applicant/Owner: Anne & Timothy Boucher. Location: 218 Greenville Street, Spencer Assessor’s Map R16-21. The applicant is requesting Special Permit under Sections 4.2(E.14), 4.2(E.15), and 4.3.13 of the Spencer Zoning Bylaw to run a Boarding Kennel/Daycare/Pet Massage & Pet Reiki facility for dogs. The property is located within the Rural Residential zoning district.**

Ms. Stolarczyk read aloud the narrative and the letter that was submitted by the applicant for her intent for the dog kennel.

Anne and Tim Boucher, 218 Greenville Street, were present for the meeting. Mr. Collette explained to the applicants that the main concern for dog kennels has been barking and asked how he will keep the noise to a minimum. Ms. Boucher said that she has read books about training dogs and what to do. Mr. Dell’Aquila asked if the dogs would be inside or outside and Ms. Boucher answered that she is hoping they would be outside most of the time and would like to put up an obstacle course for the dogs, they would have a small amount of dogs no more than

7 dogs for daycare and no more than 3 dogs for the boarding, and would remodel the basement for rainy days for the dogs. Ms. Stolarczyk asked about the hours of operation and Ms. Boucher said she would like the hours to be 6:30 am – 7:00 pm for the daycare but she will board dogs too. Mr. Stolarczyk asked if the dogs would be in a kennel in the basement when they are being boarded and Ms. Boucher answered they would roam the house freely. Mr. Stolarczyk asked if they needed a license and Ms. Boucher said no they just need the business permit to run the business but right now they need to be approved for the special permit. Mr. Dell'Aquila said the other kennels that were approved the hours were 6:00 am- 6:00 pm. Mr. Stolarczyk said they need the hours so it's just not a kennel. Mr. Collette asked how far the neighbors were and Ms. Boucher said far but an aerial was showed by Mr. Dell'Aquila and there were abutters present who said they were close.

Mr. Collette opened the meeting to the public.

Ken and Marilyn Olsen, 223 Greenville Street, expressed their concerns with the barking during the day and night. Also, Mr. Olsen said that it should be an environmental hazard with the dog waste going into the stream that runs into Stiles Reservoir. Ms. Boucher said there is a vernal pool not near them and she has a compost plan. Mr. Collette asked where the dogs would be kept and Ms. Boucher said in the back. Mr. Collette would like to know how far off the lot line the fence will be and put the dimensions on a plan. There was much discussion in regards to fence height, boundaries, and dimensions and the applicant is to come back with a more detailed plan.

Amy Dolan, 215 Greenville Street, said the applicant already has three dogs and she is concerned with the applicant having ten dogs, Ms. Dolan lives across the street and can hear excessive barking now with only three dogs.

Mr. Olsen asked if this would depreciate the values of the surrounding homes and Mr. Collette said they have nothing to refer to that would suggest it would. Mr. Dell'Aquila asked the applicant about dogs barking at night and Ms. Boucher said the dogs won't be outside at night time barking. Mr. Olsen said the dogs are going to be outside all day barking. Ms. Boucher said the daycare will end by 7:00 pm. Mr. Collette asked what time all the dogs will be in at night if the dogs are being boarded so not after 7:00 pm and not before 6:30 am. Ms. Boucher explained the dogs may be let out around 8:00 pm and 10:00 pm to relieve themselves.

Mr. Stolarczyk was concerned about the dog heights and the applicant only putting up a 4 ft fence. Ms. Boucher said they will conduct interviews and won't take dogs that jump fences. Also, Mr. Stolarczyk asked if the applicant would be walking dogs. The applicant said she may walk dogs but it would depend on the amount of dogs she would have and she would use the trails in the back of her home and not walk the dogs on the street. Mr. Olsen said he does not want the kennel and he doesn't want to hear the barking all day and it's a residential area. Mr. Collette said the dog kennel is allowed more in rural residential zoning areas.

**MOTION: Mr. Stolarczyk motioned to close the hearing**

**SECOND: Ms. Stolarczyk**

**DISCUSSION: None**

**VOTE: 3-0**

**MOTION: Mr. Stolarczyk motioned to approve the special permit.**

**SECOND: none**

**DISCUSSION: Need to show reasonable setbacks (10 feet), dimensions on fenced in area on a plan, and the hours in writing.**

**VOTE: Motion rescinded**

**MOTION: Mr. Stolarczyk motioned to continue the special permit hearing until 11/14/2017.**

**SECOND: Ms. Stolarczyk**

**DISCUSSION: Applicant to come back with all the requirements requested by the Planning Board**

**VOTE: 3-0**

**5. Special Permit – Applicant/Owner: Jonathan Viner. Location: 34 Donnelly Cross Road, Spencer Assessor’s Map R36-19. The applicant is requesting Special Permit under Sections 4.2(A.6) & 4.8.1 of the Spencer Zoning Bylaw to construct an accessory apartment. The property is located within the Rural Residential zoning district.**

Ms. Stolarczyk read aloud the narrative.

Jonathan Viner, 34 Donnelly Cross Road, discussed the new plan in front of the Planning Board that is dated 10/10/2017 and discussed changing the location of the egress and an additional doorway to the bathroom, with a different deck configuration. Mr. Stolarczyk asked about the second door and Mr. Viner said he spread it out. Mr. Dell’Aquila said that for safety purposes William Klanssek, Building Inspector, wanted the egress. Mr. Collette asked about the square footage and Mr. Dell’Aquila said everything is within the threshold of the bylaw. Mr. Collette asked who would be living there and Mr. Viner said he is buying the home from his father and his father would be living in the accessory apartment.

**MOTION: Mr. Stolarczyk motioned to close the hearing**

**SECOND: Ms. Stolarczyk**

**DISCUSSION: None**

**VOTE: 3-0**

**MOTION: Mr. Stolarczyk motioned to approve the special permit for an accessory apartment located at 34 Donnelly Cross Road with the revised submitted plans dated 10/4/2017.**

**SECOND: Ms. Stolarczyk**

**DISCUSSION: Mr. Viner is not the owner of the property yet and the Special Permit should be put in his father’s name who is the current owner**

**VOTE: 3-0**

**6. Approval of Minutes-**

- **June 13, 2017**

**MOTION: Ms. Stolarczyk motioned to approve the minutes for 6/13/2017**

**SECOND: Mr. Stolarczyk**

**DISCUSSION: None**

**VOTE: 3-0**

## **7. Town Planner/ Adjournment -**

- Mr. Dell'Aquila reviewed what would be coming up at the next meeting.

**Mr. Stolarczyk motioned to close the hearing at 8:32 pm**

**Ms. Stolarczyk seconded**

**VOTE 3-0**

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

**Approved by the Zoning Board of Appeals on 11/14/2017**

### **List of Documents used on October 10, 2017:**

ZBA mailing

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

- Agenda
- Memo from Town Planner dated 9/28/2017
- Minutes from 6/13/2017
- Special Permit Gravel Pit Renewal application for Bond Construction
- Conservation Commission inspection and photos for Bond Gravel Pit
- Special Permit Gravel Pit Renewal application for Aucoin Gravel Pit
- Conservation Commission inspection and photos for Aucoin Gravel Pit
- Special Permit application, narrative, compost plan for dog kennel, 218 Greenville Street, Anne and Timothy Boucher
- Special Permit application and plan - approval for accessory apartment at 34 Donnelly Cross Road, Jonathan Viner

#### Items submitted to ZBA members at the meeting:

- Updated plans for 34 Donnelly Cross Road, dated 10/10/2017