



Zoning Board of Appeals – Town of Spencer

Minutes

Zoning Board of Appeals Special Meeting

September 25, 2023, at 7:00 pm

In-Person & Remote

Conference Room A, 157 Main Street Spencer, MA 01562

Memorial Town Hall

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), Monica Santerre-Gervais, ODIS Senior Clerk (Remote)

1. The Chair opened the meeting 7:00 pm

2. Public Hearing: Appeal– Applicant/Owner: John Jolin; Location: 19 Sherman Grove, Spencer Assessor's Map U32-36. The applicant is seeking an Appeal under Sections 4.9.3A, of the Spencer Zoning Bylaw to appeal the determination of abandonment by the Building Inspector. The property is in the Lake Residential (LR) zoning district.

Attorney Philip Stoddard and applicant John Jolin were present for the meeting. Mr. Stoddard explained that the applicant is appealing the Building Inspectors' decision that the property at 19 Sherman Grove was abandoned for discontinued work. Mr. Jolin would like to build a new single-family home and has always had the intention to rebuild the home that he demolished. Mr. Stoddard explained to the board members that the applicant has received an Order of Conditions from the Conservation Commission and received approval to extend the Order of Conditions, he has completed ongoing site work, received a driveway permit, and has spent money for the ongoing work to rebuild the single-family home.

Ms. Beford asked for an explanation of the timeline of the ongoing work. Mr. Stoddard stated the applicant bought the property in 2016, in 2018 he had to demolish the home for safety reasons, and then in 2018 Mr. Jolin got deathly sick and then Covid happened. Ms. Beford asked if there was a timeline extension due to Covid and Ms. Vivier said not for this project. Ms. Beford asked how the Building Inspector came to his decision and Ms. Vivier explained that a non-conforming structure that is taken down must be rebuilt within two years.

Mr. Collette asked for a timeline review again and Mr. Stoddard explained on 2/11/2016 Mr. Jolin bought the property, on 9/10/2018 the home was demolished, the Order of Conditions was issued in 2017 and received an extension since then, wall work has been done in 2017 and 2018, haybales and waddles were installed, and received a driveway permit. Mr. Jolin explained that in 2018 he was bed ridden for two years.

Duane Amos, Building Inspector, was present for the meeting and said he supported the appeal for the applicant to rebuild.

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

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

SECOND: Ms. Parker

DISCUSSION: None

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

MOTION: Ms. Parker motioned to extend the time for the applicant to build a new single-family home, the applicant proved good intentions with ongoing work to the site as well as extending his Order of Conditions

SECOND: Mr. Collette

DISCUSSION: None

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

3. Special Permit– Applicant: Franciso Turcios, Owner: Santos & Idelisa Turcios; Location: 87 Hastings Road, Spencer Assessor’s Map R48-17-4. The applicant is seeking a Special Permit under Sections 4.8.1 (accessory apartment), of the Spencer Zoning Bylaw to build a new single-family home with an accessory apartment. The property is in the Rural Residential (RR) zoning district.

Franciso Turcios, 202 North Brookfield Road, was present for the meeting and discussed his intention to build a single-family home with an accessory apartment. Duane Amos, Building Inspector stated the accessory apartment is like an in-law apartment, it will be 697 square feet, has parking, meets the bylaw requirements, and has the required two egresses. Mr. Collette asked if the accessory apartment would be open to the other side of the home and Mr. Turcios said yes there will be a pathway because the owner has a condition, and his mom will live with him to help him. Ms. Parker asked the Building Inspector if he had any concerns and Mr. Amos said he did not.

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

Robert Thibault, 86 Hastings Road, said he lives across the street from the property and asked why the applicant was building the home so far to the left close to the neighbor. Mr. Turcios said they cannot go to the right of the property because of the wetlands, and they would be in the Conservation buffer zone.

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

SECOND: Ms. Parker

DISCUSSION: None

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

MOTION: Ms. Parker motioned to approve the special permit for 87 Hastings Road to have an accessory apartment in a new single-family home under section 4.8.1 of the Spencer Zoning Bylaw.

SECOND: Mr. Collette

DISCUSSION: None

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

4. Approval of Minutes:

8/30/2023

Mr. Collette brought up concerns regarding the motion and condition for the dog grooming business and stated the language was ambiguous and did not feel the conditions were what he said because he would not use the word “cautious.” There was discussion regarding the motion and conditions and the Certificate of Decision matched the wording in the minutes.

MOTION: Mr. Collette motioned to approve minutes from 8/30/2023 as read

SECOND: Ms. Parker

DISCUSSION: None

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

5. Town Planner Report

Ms. Vivier mentioned she did not have anything new to discuss.

6. Citizens Input

Scott Connor, Brewer Lane, came to the meeting to share with the Zoning Board Members a discrepancy that occurred after building his approved Storage Shed. Mr. Connor received a Special Permit in 2021 to build a storage shed. After the storage shed was built and the as built plan was submitted it was determined that there was an issue with the setback. Mr. Connor said the property has been for sale for a while and he finally has a buyer but after the buyer did his due diligence with the town the Building Inspector found the error.

Ms. Beford asked if the building is half a foot off and Mr. Connor said yes. Mr. Collette asked what type of foundation was used and Mr. Connor said concrete. Mr. Collette said that this

matter will need to be readvertised for a variance on the new dimensions, the abutters need to be notified of the meeting, and the hearing will be in November.

7. New Business/Adjournment

Ms. Vivier and the members reviewed the schedule for meetings in 2024.

Ms. Parker questioned the gravel pit applications for the next meeting and Ms. Vivier explained they need to inspect the gravel pits to see if there have been any changes.

MOTION: Mr. Collette motion to close the meeting at 7:59pm

SECOND: Ms. Parker

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: 10/11/2023

List of Documents used on 9/25/2023:

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

- Agenda
- Memo from Town Administrator dated 9/7/2023.
- Appeal of Decision application- John Jolin; Location: 19 Sherman Grove
- Special Permit Application- Applicant: Franciso Turcios, Owner: Santos & Idelisa Turcios; Location: 87 Hastings Road for an accessory apartment
- Drafted minutes for 8/30/2023

Items submitted/ brought to the Meeting:

- **2024 ZBA Meeting Dates**