



Planning Board
Zoning Board of Appeals
Conservation Commission
Board of Health

Town Planner
Inspector of Buildings
Health Agent
Wetland/Soil Specialist

TOWN OF SPENCER

Office of Development & Inspectional Services

Application for Special Permit or Appeal

Memorial Town Hall
157 Main Street
Spencer, MA 01562

Tel: 508-885-7500 ext. 180
Fax: 508-885-7519

Name of Applicant: José R. Varquez
Address: 1020 Turnpike St #11 Canton, MA, 02021
Daytime Phone: 508 625 0269 Evening Phone: 781 502 8544 Other Phone: 800 752 9000
Email Address: jose@ambassadorpools.com
Name of Owner (s): Victor Apostolou Address: 203 Paxton Road
TAX COLLECTOR SIGNATURE (confirms taxes, liens, etc have been paid): _____ DATE _____

Application for: Special Permit Appeal of Decision by: Duane Amos, Building Inspector

Applicable Zoning Bylaw Section: _____
(See Zoning Bylaw for appropriate section numbers and section 7.2 Special Permits)

Are you filing under the 1985 Zoning Bylaw? Yes No If yes, attach an explanation of why and by what zoning freeze mechanism.

Location of Property: 203 Paxton Road, Spencer, MA Zoning District: RR
Spencer Assessor's Tax Map Number: R46 Parcel Number(s): 14
Deed Reference - Worcester Registry of Deeds Book: _____ Page: _____

Brief description of the application: Above Ground Pool (accessory structure) was installed in violation of setbacks to zone. Due to corner lot, pool was to go no closer to main road than primary structure itself. Customer to install private fencing around pool for added privacy.

Check here if additional pages attached to provide more detailed information.

Applicant's signature: José R. Varquez
Owner's signature (s): Victor Apostolou
Note: All affected owners must sign the application

Date: 06/21/21

Town Clerk's Date Stamp:
RECEIVED
JUL 8 - 2021
Spencer Town Clerk
Brynn L. Johnson

Official Use Only:
Fee: \$ 100.00 Date Paid: 7/6/2021 Check #: 2144725
440.00 = \$540.00
 Zoning Board of Appeals Planning Board
Date(s) of Public Hearing (s): 8/10/2021

Checked by: _____
Date: _____

REQUIREMENTS TO APPLY FOR A SPECIAL PERMIT

✓ 1. If denied by the Building inspector; reason and/or denial form with signature by the Building Inspector.

✓ 2. Complete form of petition to the Board of Appeals (must be signed by the Building Inspector).

✓ 3. Copy of legal description of property (narrative from Registry of Deeds). Description must include accurate and current owner's deed book and page reference – not Plan Book.

✓ 4. Brief (short narrative of what will be done). Must show accurate measurements of all lot lines of proposed project.

✓ 5. List of abutters from Town Assessors office.

✓ 6. Copy of registered plot plan which is stamped and certified by a civil engineer, if necessary.

~~7. Letters of support from applicable town departments, if necessary.~~

~~8. Parking plan, if necessary.~~

9. Zoning district must be entered on the petition.

10. For Special Permits, Tax Collector Sign off for taxes, liens, etc are paid

Submit six (7) copies, plus the originals, the applicable fee, and abutters list. The fee covers the cost of the public hearing, advertisement, and notification to abutters.

A copy of the Zoning By-laws is on our webpage www.spencerma.gov or may be obtained from the Town Clerk for a fee.

If all information is not available for the hearing, an additional \$25.00 fee may be required for a continuance.

Additional fees may be determined by the ZBA if a professional finding is deemed necessary (i.e. third party review, etc.)

*** PLEASE SUBMIT A COPY OF THE APPLICATION WITH SUPPORTING DOCUMENTS TO: mgervais@spencerma.gov**

Aug. 5th On this meeting, violation of cur.

Jose R. Vazquez

June 29st, 2021

RE: Appeal Denial of Decision

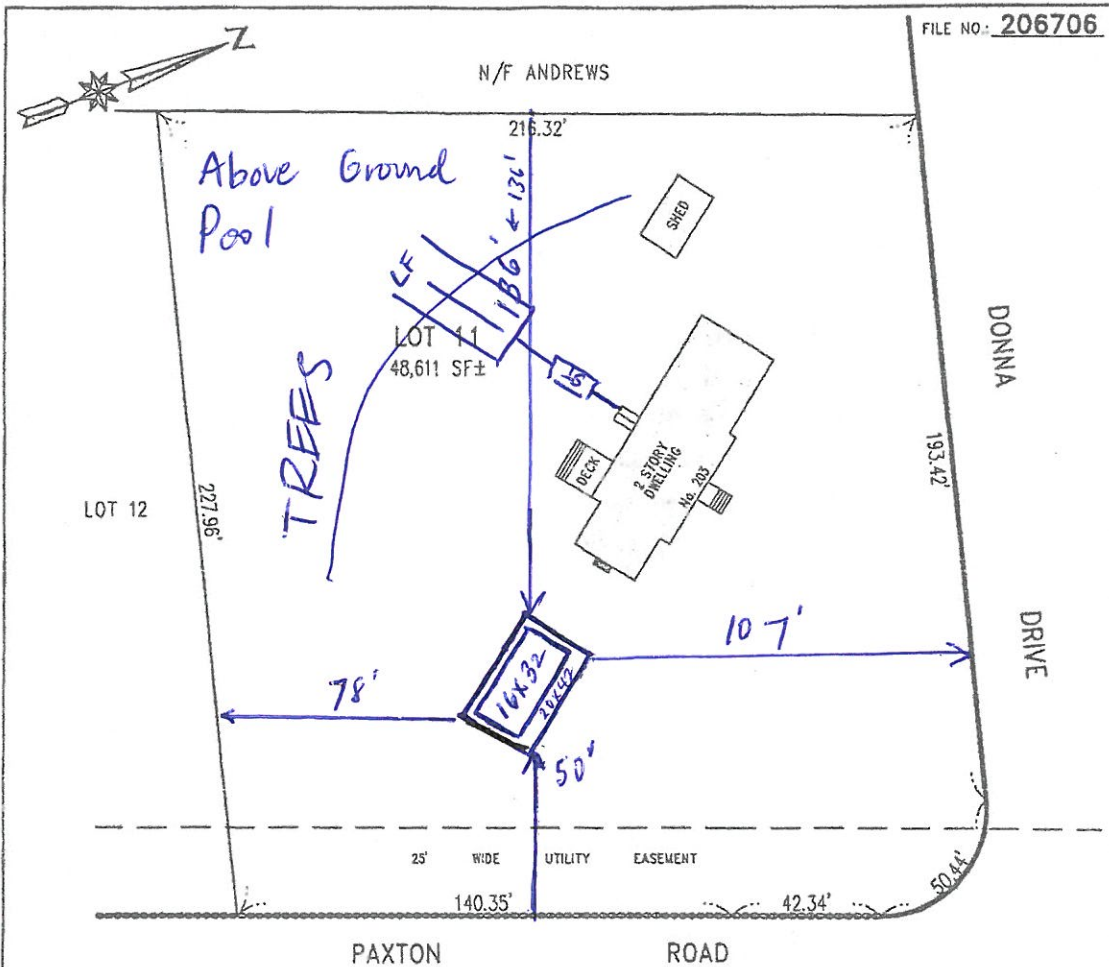
Dear Office of Spencer Inspectional Services and Spencer Community,

I am writing on behalf of Victor Apostolou, homeowner of 203 Paxton Road, Spencer, MA to appeal the decision denying the accessory structure that was built mid April 2021. As the permit coordinator of Ambassador Pools, I discussed with the homeowner that the pool was to be relocated based on primary accessory structure bylaws restricting accessory structures to be any closer to a front setback than the primary structure itself (i.e home). During our research of where to relocate the pool in the backyard, we realized that in the center of the backyard were the septic and leaching field, making it difficult to choose the location behind their house for the pool, so the homeowner decided to have installed in the side yard while also moving the pool farther away from the street to meet setback requirements from front streets. Had the pool gone closer to the septic and leach in the rear yard, it also would have gone under many more trees, increasing pool maintenance a significant amount. When we relocated the pool closer to the house, the pool was eventually installed while our company was still in the process of acquiring the building department approval on the new location, and eventually the new location (as built) was not approved. As notified, the accessory structure was to go no closer to the front property line "Paxton Rd" than the house itself. Both the homeowner and myself thought this was applying to Donna Drive, the street the house faces primarily, and we thought we were to place the pool no closer to that street than the house itself, however, the bylaw applies to both streets as a corner lot, which we found out after the pool was finished.

We are requesting that the homeowner can be approved to keep the pool where it was installed, far enough from the property lines that it isn't directly visible from the street, as shown in photos. The homeowner would like to take privacy measures to build additional privacy fencing and begin landscaping work to finalize the path to the pool as installed.

Sincerely,

Jose @ Ambassador Pools

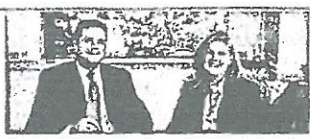


John S. Lauretani

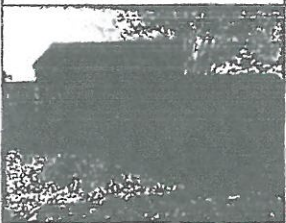
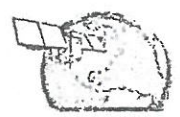
**MORTGAGE LENDER
USE ONLY**

plotplans.com

DES LAURIERS & ASSOCIATES, INC.
101 CONSTITUTION BLVD, SUITE D
FRANKLIN, MA 02038
(800)287-8800 FAX: (508)528-4011



Hornung & Scimone, P.C.
Specializing in Real Estate Law
508.651.1040 • Fax: 508.651.9337
e-mail: tammy@hornungscimone.com • david@hornungscimone.com



MORTGAGE INSPECTION PLAN

ADDRESS: 203 PAXTON ROAD, SPENCER, MA
LENDER: PMAC LENDING SERVICES, INC.
ATTORNEY: HORNUNG & SCIMONE, P.C. 14-14548
OWNER: DANIEL J. AND TAMMY L. LEMENAGER
APPLICANT: VICTOR H. APOSTOLOU AND TRIADA FRANGOU-APOSTOLOU
DATE: 1/9/2014 SCALE: 1"=40' COUNTY: WORCESTER

THERE ARE NO DEEDED EASEMENTS IN THE ABOVE REFERENCED DEED OR ENCROACHMENTS WITH RESPECT TO DWELLING SITUATED ON THIS LOT EXCEPT AS STATED ON THE DEED OF RECORD SHOWN.

THE LOCATION OF THE DWELLING AS SHOWN HEREON EITHER WAS IN COMPLIANCE WITH THE LOCAL ZONING BY-LAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY), OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAPTER 40A, SECTION 7.

FLOOD HAZARD INFO:
ZONE: X DATED: 7/4/2011
COMMUNITY PANEL: 250335 0590E

THE LOCATION OF THE DWELLING SHOWN DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE, EXCEPT AS MAY BE INDICATED.

UNREGISTERED LAND
DEED BOOK: 35287 PAGE: 223
PLAN BOOK: _____ PAGE: _____ LOT(S): _____
PLAN NUMBER: _____ OF _____

REGISTERED LAND CERTIFICATE OF TITLE:
REGISTRATION BOOK: _____ PAGE: _____
PLAN NUMBER: _____ LOT(S): _____

ASSESSORS MAP: 00R46
BLOCK: 00014 LOT: 00000

GENERAL NOTES: (1) THE DECLARATIONS MADE ABOVE ARE ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF AS THE RESULT OF A MORTGAGE INSPECTION TAPE SURVEY, NOT THE RESULT OF AN INSTRUMENT SURVEY MADE TO THE NORMAL STANDARD OF CARE OF REGISTERED LAND SURVEYORS PRACTICING IN MASSACHUSETTS (2) DECLARATIONS ARE MADE TO THE ABOVE NAMED CLIENT ONLY AS OF THIS DATE. (3) THIS PLAN WAS NOT MADE FOR RECORDING PURPOSES, FOR USE IN PREPARING DEED DESCRIPTIONS OR FOR CONSTRUCTION. (4) VERIFICATIONS OF PROPERTY LINE DIMENSIONS, BUILDING OFFSETS, FENCES, OR LOT CONFIGURATION MAY BE ACCOMPLISHED BY AN ACCURATE INSTRUMENT SURVEY. (5) NO RESPONSIBILITY IS ASSUMED HEREIN TO THE LAND OWNER OR OCCUPANT.



Commonwealth of Massachusetts

Title 5 Official Inspection Form

Subsurface Sewage Disposal System Form - Not for Voluntary Assessments

203 Paxton Rd
Property Address

D. Semanager
Owner's Name

Spencer
City/Town

MA
State

01562
Zip Code

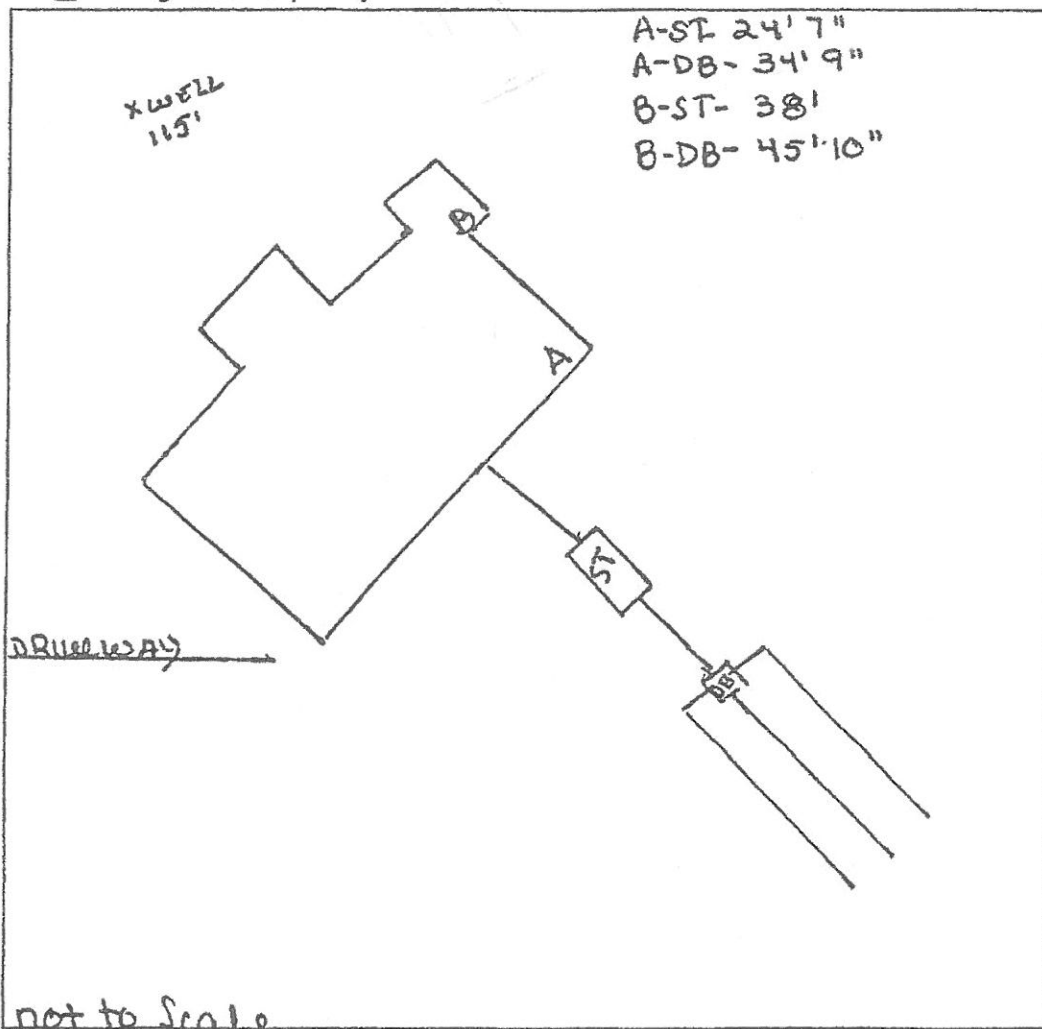
12-30-13
Date of Inspection

Owner information is required for every page.

D. System Information (cont.)

Sketch Of Sewage Disposal System: Provide a view of the sewage disposal system, including ties to at least two permanent reference landmarks or benchmarks. Locate all wells within 100 feet. Locate where public water supply enters the building. Check one of the boxes below:

- hand-sketch in the area below
- drawing attached separately



TOWN OF SPENCER

Town of Spencer, Massachusetts
Office of Development & Inspectional Services

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*Memorial Town Hall
157 Main Street
Spencer, MA 01562*

*Tel: 508-885-7500 ext. 180
Fax: 508-885-7519*

May 13, 2021

Victor Apostoiou,
203 Paxton Road
Spencer, MA 01562

RE: Construction of pool without building permit

The Building Department received an application for construction of an above ground pool at 203 Paxton Road. After review of the application, you were informed the location of the pool not acceptable, and you were instructed to change the location of the pool to a location behind the front of the house. This would mean no part of the pool was closer to Paxton Road than the house.

On May 12, 2021 I drove by the property and saw the pool was built in the location that was denied. You will be required to pay the fee of \$250.00 for working without a permit. The building department can not issue a building permit without a special permit from the Zoning Board of Appeals for a nonconforming accessory structure as stated in In Spencer Zoning Bylaw Article 5.2.6. If the special permit is granted you will need to apply for a building permit. If the special permit is denied the pool may need to be removed.

Thank You


Duane Amos
Spencer Building Inspector/ Zoning Enforcement Officer
damos@spencerma.gov
508-885-7500 ext180

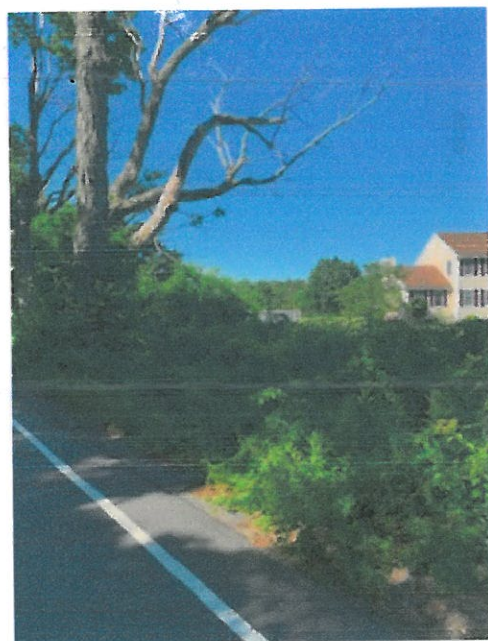
6/28/2021

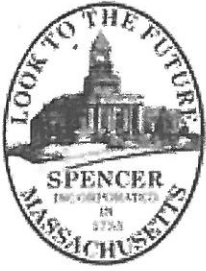
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7/6/2021

7/6/2021





**TOWN OF SPENCER
MASSACHUSETTS
BOARD OF ASSESSORS**

Memorial Town Hall
157 Main Street
Spencer, MA 01562
Tel: 508-885-7500 x165
Fax: 508-885-7512
www.spencerma.gov

Assessed Owner: Victor Apostolou

Mailing Address: 203 Paxton Rd Spencer, MA 01562

Telephone Number:

Property Location: 203 Paxton Rd R46/14

The following is a list of abutters to the property designated on the application for appeal. "Parties Interest" shall mean the petitioners, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent taxable tax list, notwithstanding that the land of such owner is located in another city or town.

MAP/PARCEL	OWNER'S NAME	MAILING ADDRESS
R46/12	Paul Butts	207 Paxton Rd Spencer, MA 01562
R46/13	Narendra Batra	205 Paxton Rd Spencer, MA 01562
R46/15	Robert O'Rourke Jr	201 Paxton Rd Spencer, MA 01562
R46/16	Tara Fawe	199 Paxton Rd Spencer, MA 01562
R46/20	Adel Abdelmashih	4 Debbie Dr Spencer, MA 01562
R46/21	Jose Rodriguez Jr	2 Debbie Dr Spencer, MA 01562
R46/22,28,29,33 &34	Cedarwoods Estates LLC	62 South St Douglas, MA 01516
R46/23	Matthew Harrington	1 Debbie Dr Spencer, MA 01562
R46/4-1 & 4-2	Gregg Andrews	202 Paxton Rd Spencer, MA 01562
R46/5-1	Lynn Snelling	196 Paxton Rd Spencer, MA 01562

Date Certified: May 13, 2021

ejj

