



Zoning Board of Appeals – Town of Spencer

Minutes of Monday, March 15, 2021 at 7:00pm

REMOTE MEETING

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

Zoning Board Members Present (Remote): Allan Collette, Alyce Johns, and Steven Tyler

Zoning Board Member Absent: None

Staff Present (Remote): Town Planner and Monica Santerre-Gervais, Clerk

Staff Absent: None

1. Open Meeting – Mr. Collette was chair and opened the meeting at 7:13 pm read aloud Covid-19 statement. *“This Meeting of the Zoning Board of Appeals is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, pursuant to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. In order to mitigate the transmission of the COVID-19 Virus, we have suspended public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. We are meeting remotely and broadcasting live on Spencer Cable Access to ensure public viewing access.”*

2. Special Permit – Applicant: Concord Brewer, Inc (DBA RapsCALLION); Owner: Thomas Lowkes (LTJ, LLC), Location: 8 Meadow Road, Spencer Assessor’s Map U12-48-1. The applicant is requesting Special Permit under 7.2 and of the Spencer Zoning Bylaw Zoning to operate a microbrewery. The property is located within commercial zoning district.

Mr. Collette read aloud the narrative that was submitted with the application.

Cedric Daniel, RapsCALLION, gave an updated narrative and mentioned the Building Inspector gave him approval for 16 occupants. Mr. Miller concurred and said if the applicant wanted to add additional occupancy, then they would need to add additional parking. Mr. Collette said the parking spaces need to be on the property. Mr. Daniel said they are not looking to increase occupancy right now, but it is a possibility in the future. Mr. Collette stated he had a different plan because his plan showed 28 spots and Mr. Daniel said they sent an updated plan showing 8 spots. There was much discussion as to where the alternate parking spaces could be. Mr. Collette felt the business would have more traffic, but Mr. Daniels stated they are only brewing in this location and selling cans. Mr. Collette referenced Tree House Brewery and Mr. Daniel stated they are a smaller outfit, and the main taproom will still be in Sturbridge, MA. Mr. Collette said that if this special permit is approved than parking will be a condition with no parking allowed on Meadow Road.

Ms. Johns discussed that a building permit for floor drains, electrical and plumbing were pulled in 2020. Additionally, Ms. Johns pointed out that on the applicants Facebook page they have made updates, progress pictures with kegs, new bar taps, and added cold water tank machinery without the special permit approval. Mr. Daniel commented that they explored different venues

in different towns and felt Spencer was the right spot for them, also, they met with the previous Town Planner, Paul Dell'Aquila, and went through the motions. Mr. Daniel said the walk-in cooler is a kit cooler with no drainage, a general contractor has been pulling the necessary permits, and they painted the floors. Mr. Daniel stated that they have not been brewing because they still need to tie into the sewer system, and they are working with the sewer commission.

Mr. Tyler welcomed Rapsallion to town and mentioned he was the previous Highway Superintendent and discussed the reconstruction design that will be happening on Meadow Road and the shared path for cyclists and pedestrians. Mr. Tyler stated that the current plan for parking will be inadequate, cannot back out into Meadow Road, and will be too close to the shared path. Mr. Collette said he would like to see more spaces and the drawing is not to scale. Mr. Tyler discussed property lines, the buried sewer manhole, sewer service, and a power easement. Mr. Daniel mentioned the power easement was on the plan and that Helgeson's found the manhole, and there was a sewer easement from the Old Knights of Columbus. Mr. Tyler said that should all be listed on the plans. Additionally, Mr. Tyler explained that the Town of Spencer has a Complete Streets Policy and discussed the future of the sidewalks, and the possibility of Rapsallion to have bicycle customers and considering a bike rack at their location. Mr. Daniel said a bike rack would not be a problem as they embrace cyclists and pedestrians, the focus is on manufacturing for their other locations and selling cans, they are not looking to double the occupancy, and it will only be a small retail component.

Mr. Tyler said that Olde Main Street will be re-aligned, new intersection, and close to fairgrounds. Mr. Collette asked when the reconstruction of Meadow Road will start and Mr. Tyler said Fiscal Year 2023 so the summer of 2024, and Route 9 will be reconstructed too. Mr. Collette asked if they would take some of the property for the walkway and Mr. Tyler said no it would just be closer to their property line. Mr. Daniel said if they knew about the reconstruction of Meadow Road, they could have adapted that into the plan and Mr. Tyler said it is a more recent approval. Mr. Collette asked if the building has three exits and Mr. Daniel said yes. Mr. Collette asked about signage placement and vehicles entering and exiting the property, and an updated plan would need to be submitted.

The chair opened the hearing up to the public:

Tony Pepe, 1 Lake Ave, said he is excited for this new development in town, the town needs to grow, and this will be an important project to help the town grow, and Rapsallion has been good with the Town of Sturbridge.

Mr. Collette said this hearing needs to be continued and the applicant to submit new plans. Mr. Daniel asked the Zoning Board if the use for brewing could be approved and then come back with the revised plan because they would like to move forward with brewing the beer. Mr. Collette said he did not have a problem with the use it was only the retail aspect. Mr. Tyler had no issues but asked how to move forward because he would not know how to condition a motion. Mr. Collette asked about the brewing process and how many people would be on site and Mr. Daniel answered a max of two people. Mr. Collette asked about deliveries and Mr. Daniel said a UPS and a grain delivery 1-2 times per week, but the location has 2 bay garages to use for deliveries. Ms. Johns said this needs to be continued.

Chris McClure, McClure Engineering, said they can make the changes with shared streets, but approve the use and the 8 parking spaces now, and condition to change in the future. Mr. Daniel stated his application for the microbrewery is the main goal. Ms. Johns stated that on February 1 retail was included in the narrative. Mr. Daniel said the narrative was two-fold, would have done two applications if he knew, and brewing is the main component.

MOTION: Mr. Tyler motioned to continue until April 21, 2021

SECOND: Ms. Johns

DISCUSSION: Reviewed changes to the plans that need to be revised and resubmitted.

ROLL CALL VOTE: S. Tyler- Aye, A. Johns-Aye, and A. Collette-Aye (Vote 3-0 motion carried)

Tom Lowkes, current owner, stated that the building was a warehouse with an office, they parked parallel, current use is more than adequate so the applicant can start brewing, and allow the brewery staff to continue the use. Mr. Tyler asked if the board were creating new applications and what would the motion be. Mr. Collette discussed conditioning what the applicant is looking for and have them return with new parking plan. Mr. Miller stated that the hearing was continued and would need to be rescinded. There was much discussion about what to motion.

Mr. Daniel stated that last year he communicated what they were planning to do, trying to go through the proper steps, the retail can wait, the priority is to make beer.

Gary Woodbury, 219 Charlton Road, asked if the Building Inspector could allow them to manufacture. Mr. Miller said it would require both parties to approve. Mr. Pepe asked about having a special meeting, so the applicant did not need to wait a month. Mr. Woodbury asked about the sewer and pH Meter and Mr. Daniel stated they were working on the final stages. Mr. Woodbury asked if the applicant had a holding tank and Mr. Daniel said no. Mr. Collette asked if he knew when the Sewer Commission will complete the plans and Mr. Daniel said they were very close just waiting on the sewer rate.

MOTION: Mr. Tyler motioned to rescind the first motion to continue

SECOND: Ms. Johns

DISCUSSION: None

ROLL CALL VOTE: S. Tyler- Aye, A. Johns-Aye, and A. Collette-Aye (Vote 3-0 motion carried)

MOTION: Mr. Tyler motioned to close the public hearing

SECOND: Ms. Johns

DISCUSSION: None

ROLL CALL VOTE: S. Tyler- Aye, A. Johns-Aye, and A. Collette-Aye (Vote 3-0 motion carried)

MOTION: Mr. Tyler motioned to grant the petition approval for allowing the brewing manufacturing only; that requires all necessary building permits and occupancy permits for the manufacturing use and includes necessary water and sewer connections and approvals. The existing use is for manufacturing only and can only

use the existing parking layout on site and that this approval is contingent upon the applicant coming back before the Zoning Board of Appeals at the meeting on April 21, 2021 with the amended request for a two-phase project including the manufacturing facility and any parking changes proposed and suggestion on timelines.

SECOND: Ms. Johns

DISCUSSION: None

ROLL CALL VOTE: S. Tyler- Aye, A. Johns-Aye, and A. Collette-Aye (Vote 3-0 motion carried)

3. Approval of Minutes: 01/12/21 and 2/9/2021

MOTION: Ms. Johns motioned to approve the minutes of February 9, 2021

SECOND: Mr. Tyler

DISCUSSION: None

ROLL CALL VOTE: S. Tyler- Aye, A. Johns-Aye, and A. Collette-Aye (Vote 3-0 motion carried)

MOTION: Ms. Johns motioned to approve the minutes of January 12, 2021

SECOND:

DISCUSSION: None

ROLL CALL VOTE: S. Tyler- Aye, A. Johns-Aye, and A. Collette-Aye (Vote 3-0 motion carried)

4. Town Planner Report-

Mr. Miller discussed reaching out to Attorney Eichman to review the Lake Street Comprehensive Permit decision and will need send to the board to review.

5. New Business/ Adjournment

None

Mr. Tyler motioned to adjourn the meeting at 8:41 pm

Ms. Johns seconded

ROLL CALL VOTE: S. Tyler- Aye, A. Johns-Aye, and A. Collette-Aye (Vote 3-0 motion carried)

Submitted By: Monica Santerre-Gervais, ODIS Clerk
Approved by the Zoning Board of Appeals: 4/21/2021

List of Documents used on March 15, 2021:

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

- Agenda
- Minutes from 01/12/21 and 2/9/2021
- Special Permit application, draft condition, and plans for LTJ, LLC/ 8 Meadow Road/ Rapsallion

Items submitted to ZBA members at the meeting:

- Updated Rapsallion plans emailed during the public hearing to Zoning Board of Appeals members