



Zoning Board of Appeals – Town of Spencer

Minutes

Zoning Board of Appeals Special Meeting

October 11, 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 (late), Town Planner/ Conservation Agent (in-person), Monica Santerre-Gervais, ODIS Senior Clerk (in-person)

1. The Chair opened the meeting 7:15 pm

2. Public Hearing: 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.

Karen Hubacz, President of Bond Construction, was present for the meeting and reviewed the history of the location. Ms. Hubacz requested to renew the gravel permit special permit they originally received in 1990. Ms. Hubacz discussed areas where minor material was moved and nothing new has been opened or closed.

The Zoning Board members reviewed the inspections report from Lauren Vivier, Town Planner/Conservation Agent dated 10/10/2023.

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: Mr. Collette motioned to grant the Special Permit renewal for Gravel Removal operations to Bond Construction at Cranberry Meadow Road, Assessors Map R09-1 & R09-2.

SECOND: Ms. Parker

DISCUSSION: None

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

3. Public Hearing: 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.

Leo Aucoin, 89 Cranberry Meadow Road, was present at the meeting. Mr. Aucoin stated everything is the same since last year, nothing opened, and nothing closed.

The Zoning Board members reviewed the inspections report from Lauren Vivier, Town Planner/Conservation Agent dated 10/10/2023.

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

MOTION: Ms. Parker motioned to close the public hearing.

SECOND: Mr. Collette

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 grant the Special Permit renewal for Gravel Removal operations to Leo Aucoin, location 89 Cranberry Meadow Road, Assessor's map R02-2-1.

SECOND: Mr. Collette

DISCUSSION: None

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

4. Public Hearing: Special Permit (Renewal) – Applicant/ Owner: Royal Crest Farm, Robert & Margaret Moschini; Location: 30 Howe Road, Spencer Assessor's Map R023-25. 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.

The applicant was not present for the meeting and Mr. Collette stated that applicants should attend meetings to answer questions.

The Zoning Board members reviewed the inspections report from Lauren Vivier, Town Planner/Conservation Agent dated 10/10/2023.

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

MOTION: Ms. Parker motioned to close the public hearing.

SECOND: Ms. Beford

DISCUSSION: None

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

MOTION: Mr. Collette motioned to grant the Special Permit renewal for Gravel Removal operations to Royal Crest Farm, Robert & Margaret Moschini, 30 Howe Road, Spencer Assessor's Map R023-25

SECOND: Ms. Parker

DISCUSSION: None

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

5. Public Hearing: Special Permit– Applicant/Owner: Jeffrey Zukas; Location: Woodside Drive, Spencer Assessor's Map R40-04. The applicant is seeking a Special Permit under Section 4.8.3.E (Home Based Contractors) of the Spencer Zoning Bylaw to have a contractor's yard for storing materials such as gravel, stone, and loam. The property is in the Rural Residential (RR) zoning district.

Jeffrey Zukas, applicant/owner, and Jason Dubois, DC Engineering were present at the meeting. Mr. Dubois brought a large plan for his presentation and explained that Mr. Zukas would like to have a home-based contractor barn, the location is setback far from the road, he has a long driveway, and he received approval/Order of Conditions from the Conservation Commission.

Mr. Collette asked how far off the road and Mr. Dubois said about 2000 feet. Mr. Collette asked if the equipment would be stored inside, and Mr. Zukas answered stationary equipment would remain outside but anything with wheels would be stored inside. Mr. Collette asked about his property on Smithville Road and Mr. Zukas stated this was a better location and they closed the gravel pit on Smithville Road.

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

Bernie Nowak, 37 Woodside Road, is an abutter of the property and felt this was the ideal location for Mr. Zukas to have the home-based contractor barn.

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 under Section 4.8.3.E (Home Based Contractors) of the Spencer Zoning Bylaw to Jeffrey Zukas; Location: Woodside Drive, Spencer Assessor's Map R40-04, to have a contractor's yard for storing materials such as gravel, stone, and loam.

SECOND: Mr. Collette

DISCUSSION: None

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

6. Approval of Minutes:

9/25/2023

MOTION: Ms. Parker motioned to approve the minutes of 9/25/2023 as submitted.

SECOND: Mr. Collette

DISCUSSION: None

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

7. Town Planner Report

Ms. Vivier mentioned the next meeting for the ZBA is on 11/8/2023, the Town Meeting will be on 11/9/2023, and she discussed the Housing Production Plans next steps.

8. Citizens Input

None

9. New Business/Adjournment

MOTION: Ms. Parker motioned to close the meeting at 7:42pm

SECOND: Ms. Beford

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: 11/08/2023

List of Documents used on 10/11/2023:

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

- Agenda
- Memo from Town Planner
- Special Permit Application- Gravel pit renewal application, narrative, and inspection report for Bond Construction/ Cranberry Meadow Road
- Special Permit Application- Gravel pit renewal application, narrative, and inspection report for Leo Aucoin/89 Cranberry Meadow Road
- Special Permit Application- Gravel pit renewal application, narrative, and inspection report for Royal Crest Farm/ Moschini/ 40 Howe Road
- Special Permit Application-narrative and plans for Jeffrey Zukas, Woodside Road, for home-based contractor yard
- Drafted minutes for 9/25/2023

Items submitted/ brought to the Meeting:

- None