



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, November 13, 2018 at 7:15pm

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

Zoning Board Members Present: Allan Collette, Alyce Johns, and Steven Tyler (Alternate)
Zoning Board Member Absent: Stacey Langelier
Staff Present: Paul Dell'Aquila, Town Planner, and Monica Santerre-Gervais, Senior Clerk

1. Open Meeting – Mr. Collette was acting chair and opened the meeting at 7:15 pm. Mr. Tyler was acting clerk.

2. Variance - Applicant/Owner: Matthew Schold. Location: 77 Chickering Road, Spencer Assessor's Map R16/09. The applicant is looking for a variance under Sections 5.1 and 7.3 of the Spencer Zoning Bylaw as the lot does not meet the current zoning standards for minimum side setbacks to allow construction of a 16 x 16 addition. The property is located in the Rural Residential zoning district.

Mr. Tyler read aloud the variance description.

Matthew Schold, 77 Chickering Road, was present for the meeting.

Mr. Collette confirmed with the applicant that the addition would be 16 x 16 and what the side setback is. Mr. Schold said roughly 28-30 feet and Mr. Dell'Aquila said the plan notes 28.8 feet. Mr. Schold explained that he is expanding the master bedroom and this would be the most cost effective way of adding the addition. Mr. Collette mentioned that the Building Inspector counts overhang toward the dimensions. Mr. Schold said he asked his neighbors before the meeting and no one had any issues. Mr. Dell'Aquila stated that he visited the site and the neighbor uphill from him would be the most impacted. Mr. Schold said that neighbor would be the Grenier's and they were ok with what he was proposing. Mr. Collette asked if it would be a 14 foot side setback and Mr. Schold said 14-15 feet but would like to keep the 16 x 16 addition just in case and then he can provide the Building Inspector with a more accurate as built. Mr. Dell'Aquila said that it can be made a condition in the decision. Mr. Collette said they need to have the side set back on the conditions and Mr. Dell'Aquila said they can use 16 feet as a basis.

Mr. Tyler mentioned that as one of the requirements for a variance he does not see the hardship. Mr. Schold stated having too many kids and running out of room, also, the proposed location of the addition would be the cheapest route. Mr. Tyler inquired about different locations that the addition could go and Mr. Schold explained that the areas have a well and parking that would not be suitable for an addition. Mr. Tyler explained that he doesn't know the hardship or the layout of the house. There was much discussion in regards to Mr. Schold's house layout and different locations for the addition, however, due to the slope of his land, the well, and parking they kept the location of the addition to the Master Bedroom.

Mr. Tyler asked Mr. Dell'Aquila what the purpose of setbacks was and Mr. Dell'Aquila said to create space between properties. Mr. Collette responded that any part of the side of the house would need a variance. Mr. Schold said that the house was built in 1978 and there was a bedroom on each floor, now with his growing family he needs more space, and it's more economical. Mr. Collette discussed previous variances.

None of the abutters were present at the meeting.

MOTION: Mr. Tyler motioned to close the hearing for the variance at 77 Chickering Road

SECOND: Ms. Johns

DISCUSSION: None

VOTE: 3-0

Mr. Dell'Aquila handed out the draft decision for the variance with findings and conditions and mentioned the Zoning Board members can add more conditions that they see necessary.

MOTION: Mr. Tyler motioned to approve the variance for 77 Chickering Road 1. practical use of the property is hindered by the existing steep slopes on the front portion of the lot, the location of a well serving the residence, as well as the layout configuration of the existing house; 2. that the proposed use will not be a detriment to the public good, nor nullify or derogate from the intent of the Bylaw, as there is currently an accessory structure on the property that is set 11 feet back from the northerly property line, and the proposed addition will have at least a 12-foot setback including the eave of the roof.

SECOND: Mr. Collette added due to topography of lot and the variance according to plan

DISCUSSION: None

VOTE: 3-0

3. Approval of Minutes

- October 09, 2018- Mr. Tyler wanted clarity on page two in regards to the gravel pit renewal and make and edit from "change" to "changes." Additionally, will be clearer in the future. Ms. Johns was not present at the meeting and was not able to vote.

MOTION: Mr. Tyler motioned to approve the minutes from 10/09/18 with the discussed change.

SECOND: Mr. Collette

DISCUSSION: None

VOTE: 2-0

4. Town Planner Report/ Adjournment-

- Time of meeting- it was discussed that the time of the meetings in 2019 will be changed to 7:00 pm instead of 7:15 pm.
- No meeting in December
- Possible application in the future beer tasting at the St. Joseph Abbey

MOTION: Mr. Collette motioned to change the start times of meetings in 2019 to 7:00 pm

SECOND: Mr. Tyler

VOTE: 3-0

MOTION: Mr. Tyler motioned to adjourn the meeting at 7:55 pm

SECOND: Mr. Collette

VOTE: 3-0

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals: 3/12/2019

List of Documents used on November 13, 2018:

Items emailed & handed out to ZBA member prior to meeting:

- Agenda
- Town Planner Memo dated 11/6/2018
- Minutes from 10/09/2018
- Variance application for 77 Chickering Road/ Matt Schold, with foundation plan
- Variance findings and requirements packet

Items submitted to ZBA members at the meeting:

- Draft Certificate of Decision for 77 Chickering Road Variance