



Zoning Board of Appeals – Town of Spencer

Minutes

Zoning Board of Appeals Special Meeting

December 20, 2022, at 7:00 pm

In-Person & Remote

McCourt Social Hall, 157 Main Street Spencer, MA 01562

Memorial Town Hall

Zoning Board Members Present: Chair Alan Collette (in-person), Gina Beford (in-person), Steven Tyler (in-person)

Zoning Board Members Absent: None

Staff Present: Lauren Vivier (formerly Trifone), Town Planner/Conservation Agent (in-person), Dawn Foster, Minutes Clerk (in-person) and Monica Santerre-Gervais, ODIS Senior Clerk (remote)

Staff Absent: None

1. The Chair opened the meeting at 6:03PM

2. Continued Public Hearing Special Permit– Applicant: Cedric Richardson; Owner: Jason, Jeremy Wentworth, Lisa Luzzo; Location: 505 East Main Street, Spencer Assessor's Map R35-50. The applicant is seeking a Special Permit under Sections 4.3.22 (Automobile, boat, and other motor vehicle sales and rental) and 4.9.3 (Nonconforming Uses) the Spencer Zoning Bylaw to allow mixed use at 505 East Main Street to rehab building to allow a residence and online car rental business (no cars onsite). The property is in the Commercial zoning district.

Cedric Richardson (applicant) and Jason Wentworth (owner) were present remotely to answer any questions from the board or public. Mr. Wentworth reports that they have tried to sell the property commercially for over five years with no interest. However, people have expressed interest if the property if it were residentially zoned. Mr. Richardson is requesting a mixed use for the property for a residence and an online car sales business (no cars will be onsite).

The Zoning Board of Appeals (ZBA) verified with Mr. Richardson that he must maintain parking for two residential spaces and two business spaces - any additional would require board approval.

Mr. Colette has requested additional parking plan detail and dimensions prior to issuance of building permit. The applicant is to submit this information to the Town Planner.

Mr. Tyler has requested removal of the bushes and shrubs ten feet in from Route 9 with frontage layout line to maintain site distance.

Additionally, the ZBA agreed that if the business owner decides to add future signage, he is reminded that he must return for signage approval.

The Chair opened the hearing to the public but there were no comments or questions.

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

SECOND: Ms. Beford

DISCUSSION: None

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

MOTION: Mr. Tyler motioned to approved the Special Permit for mixed use with the following conditions: 1) there shall be two parking spaces for the residence and two parking spaces for the business, 2) clear brush and shrubs 10 feet from the layout line, 3) if signage is needed the applicant must return to the Zoning Board of Approval, and 4) must submit a detailed parking plan to the Building Inspector before a Building Permit is issued.

SECOND: Ms. Beford

DISCUSSION:

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

3. Discussion: Leon Drive

Steven and Renee Leoncini, 12 Barnum St., South Grafton, were present to answer any questions.

Mr. Collette asked why the applicant deviated from original approved plan. Mr. Leoncini said the ZBA approved nine units; however, Mr. Leoncini would like to do eights units and keep the green space.

The Zoning Board accepted the deviation from the original plan shown on the As-Builts. The original plan indicates nine units and all drainage, sewer, and electrical has been installed. The As Built shows a reduction from nine to eight units within two buildings and provides more open space. The applicant has met all other conditions of the original permit.

MOTION: Mr. Tyler motioned to approve As Built plans.

SECOND: Ms. Beford

DISCUSSION: None

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

4. Discussion: CVS

Ms. Vivier noted that there are potential changes for the CVS project. Also, there has been no decision on the transformer issue. Ms. Vivier mentioned that because the ZBA was the original permitting authority then they would need to be the ones to approve any changes. Ms. Vivier noted that there is a difference of 300 square feet on the Site Plan/Building Plan due to an increase in wall thickness (about 6" overall). Ms. Vivier stated that the Fire Chief, Highway Superintendent, and Sewer had no issues with the plan submitted.

Mr. Collette requested a red overlay as verification from CVS as to where the six inches is coming from to ensure critical dimensions are undisturbed.

5. Approval of Minutes: 12/13/2022

MOTION: Ms. Beford motioned to approve minutes from 12/13/2022.

SECOND: Mr. Tyler

DISCUSSION: None

ROLL CALL VOTE: G. Beford-Aye, and A. Collette-Aye (Vote 2-0 motion carried S. Tyler-abstained)

6. Town Planner Report

- The Town Planner requested ZBA signatures for an approval for the request to withdraw without prejudice decision for 130 West Main Street.
- Seeking a new member (replacement) for the ZBA, a potential candidate will be attending a meeting in January.
- Seeking participants for the Master Plan Update Committee.

7. New Business/Citizens Input/Adjournment

MOTION: Ms. Beford motioned to adjourn the meeting at 7:02PM.

SECOND: Mr. Tyler

DISCUSSION:

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

Submitted: Dawn Foster, ODIS Minutes Clerk

Reviewed by: Monica Santerre-Gervais, ODIS Senior Clerk

Approved by the Zoning Board of Appeals on: 4/11/2023

List of Documents used on 12/20/2022:

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

- Agenda
- Town Planner memo dated 12/14/2022.
- 505 East Main St/SP Application and plans
- Drafted Meeting Minutes 12/13/2022.
- Letter and As-Built plan for Leon Drive

Items submitted/ brought to the Meeting:

- 130 West Main Street Decision