



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, March 08, 2022, at 7:00pm

IN-PERSON & REMOTE MEETING

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

Zoning Board Members Present in person: Allan Collette (in-person), Gina Beford (in-person), and Steven Tyler (remote)

Zoning Board Member Absent: None

Staff Present in person: Interim Town Planner, Lauren Trifone, (in-person) and Monica Santerre-Gervais (remote), Clerk

Staff Absent: None

1. Open Meeting – Mr. Collette was acting chair and opened the meeting at 7:04 pm

2. Continued Appeal of Building Fee – Applicant/ Owner: James and Rachel LaLiberte; Location: 195 Charlton Road, Spencer Assessor’s Map R13-16. The applicant is requesting relief from a building permit fee calculated by the Building Inspector for an indoor arena/barn. The property is located within the rural residential zoning district.

Mr. Collette mentioned the applicant reached out earlier today and will be discontinuing the appeal and will not be at future meetings.

3. Special Permit Amendment – Applicant/ Owner: Scott & Grace Conner; Location: 7 Brewer Lane/Wilson Ave, Spencer Assessor’s Map U29-107. The applicant is looking for a special permit under Section 5.2.6 (Detached Accessory Structure) of the Spencer Zoning Bylaw to correct the structure dimensions and erect a 720 sqft accessory structure (previously was approved a 600 sqft accessory structure). The property is located in the Lake Residential zoning district.

Scott Conner, 7 Meadowbrook Road, explained he received approval of a special permit, however, there was a clerical error on the Certificate of Decision. Mr. Conner explained the error was that the approval should have been for a 720 square foot accessory structure not a 600 square foot structure.

Duane Amos, Building Inspector, had no issues with the accessory structure being 720 Square feet.

The chair opened the meeting for public comment and there were no questions or concerns.

MOTION: Mr. Tyler motioned to close the public hearing for 7 Brewer Lane/Wilson Ave

SECOND: Ms. Beford

DISCUSSION: None

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

MOTION: Mr. Tyler motioned to approve the amended Special Permit to fix the clerical error for the accessory structure to be 720 square feet for 7 Brewer Lane/Wilson Ave

SECOND: Ms. Beford

DISCUSSION: Mr. Conner asked if the 20-day appeal could be waived and because this is an advertised public hearing the appeal timing could not be waived.

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

4. CVS Main St & Pleasant St- Condition submittals, discussion, and review

Attorney Philip Stoddard, Phil Henry, Civil Design Group, and Doug Benoit, Arista Development were in person/remote for the meeting.

Mr. Collette discussed some of the background of the CVS project and the current agenda item is to approve the conditions so the applicant can start breaking ground. Mr. Collette read aloud the conditions:

- 1. The applicant shall submit revised exterior lighting and landscaping plans to the Zoning Board for approval before a building permit can be issued.*
- 2. The applicant shall coordinate verbiage on the historical monuments with the Spencer Historical Commission.*
- 3. All perimeter plantings approved under the revised landscaping plans shall be maintained for the life of the development, or until changed by future permit, including screening.*
- 4. The applicant shall maintain snow clearance within the property boundaries and adjoining public right-of-way to provide the best level of line of site possible during winter conditions.*

Mr. Stoddard discussed how the application went through appeals but now the litigation has been completed and the parties are satisfied. Mr. Henry discussed the six lighting pole heights for the project and noted that the poles were lowered from 28 feet to 20 feet around the exterior of the parking lot. Mr. Collette stated the promenade details were not submitted and will need to be submitted for review and stated they should match the Town of Spencer's lighting and color. Mr. Henry said the fixtures were previously submitted with the original decision and approved and they were only here to show the reduction of the lighting height. Mr. Henry discussed in more detail where the lighting will be on the building. Mr. Collette stated he would want the lens to match the Town of Spencer's color. Mr. Tyler stated he would not be comfortable approving the lighting for this application until they have all the details and information needed. Mr. Benoit believed the information was submitted of the original approved package and Mr. Collette stated he did not recall the specifications being submitted. Mr. Tyler asked if Ballard lighting is included with the project and Mr. Henry said yes with down lighting off the building. Mr. Collette asked if the color temperature of the bulb would be 3000k and Mr. Henry it is under the lighting plan under the luminaire schedule. Mr. Collette asked about CRI rating and Mr. Henry said it is rated at 70. Mr. Tyler has the plans for the Town of Spencer that he can get to the applicant.

There was much discussion regarding the lighting and request to match the lighting to Town of Spencer's lighting, having the specification sheets for the lighting and having the applicant return to show the members at the next meeting. Mr. Collette offered to have a Special Meeting and it was agreed the applicant would return on March 24th, 2022, at 7:00pm.

Mr. Collette stated the Historical Society was happy with what the applicant has planned for the landscaping plan. Mr. Henry discussed the landscaping plan and said they will be planting an alternate row of Arborvitae with a starting height of eight feet on High Street. Mr. Collette had concerns of the arborvitae height and the view of the Sagendorph Mansion. There was much discussion regarding the arborvitae's height and the abutters views of the CVS building versus the mansion view and fence heights. Ms. Beford asked if there was a maintenance agreement to replace damaged trees and there is one in place under condition three of the Certificate of Decision. Mr. Collette asked what the height was on the deciduous trees on Pleasant Street and Mr. Henry said they will be 25-30 feet. Mr. Henry said the River Birch Trees in the front could be 15-20 feet tall. Mr. Tyler and Ms. Beford agreed the landscaping plan was good with no other questions.

The chair opened the meeting for public comment:

Matt Defosse, 7 Paul's Drive, agreed that the arborvitae should be high enough to block the views of the abutters and need to make sure there is a maintenance agreement for trees and leaves.

Mr. Tyler inquired about the property lines being surveyed and verified and would like the applicant to bring the survey plan to the next meeting.

MOTION: Mr. Tyler motioned to continue the CVS Site lighting and landscaping review until March 24th, 2022, at 7:00 pm

SECOND: Ms. Beford

DISCUSSION: None

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

5. Approval of Minutes 2/8/2022

MOTION: Mr. Tyler motioned to approve the minutes for 2/8/2022

SECOND: Ms. Beford

DISCUSSION: None

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

5. Town Planner Report

Ms. Trifone, Interim Town Planner, explained she had nothing to comment on at this time and catching up with the current applications.

6. New Business/ Citizens Input/ Adjournment

Citizens Input

Matt Defosse, 7 Paul's Drive, mentioned the North Brookfield Solar Farm being in Land Court and presented the ZBA members with solar concerns and suggestions to approve the Solar Bylaw.

New Business-

4 Chickering Road- Jason Dubois, DC Engineering, mentioned at the last meeting there was discussion of a zoning determination for 4 Chickering Road and the Zoning Board members leaned toward the remodel being an accessory apartment. Mr. Dubois explained since the last meeting the owners, Daniel, and Melissa Watson, removed the shower from the plans and looking for the members to reconsider. Mr. Dubois referenced section 4.8.1 (F) of the Zoning Bylaw for the Accessory Apartment requirements and by removing the shower they will no longer have a complete bath. The Watson's have no intention of using the space for an apartment and only an area to entertain.

Mr. Collette mentioned that the Zoning Bylaw needs to change to explain the difference for an accessory apartment or remodel/addition. Mr. Collette's concern is the next owner using it as an accessory apartment. Mr. Tyler said he is not opposed to the project but there is a gray area.

Gary Woodbury, 219 Charlton Road, felt the Zoning Board of Appeals and Building Inspector cannot restrict this application because the bylaw is vague, the applicant is a taxpayer and cannot predict the future, the owner should have the right to do the project and not withhold the building permit.

Jeff Bridges, Town Administrator, explained the view of an accessory apartment and needing it defined better in the Zoning Bylaws.

Ms. Beford motioned to adjourn the meeting at 8:43 pm

Mr. Tyler seconded

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

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals: 5/16/2022

List of Documents used on March 08, 2022:

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

- Agenda
- Drafted Minutes for 2/8/2022
- 195 Charlton Road- 44-Page Document regarding use group, exemptions, and past building permits
- SP Application- 7 Brewer Lane Amendment

- CVS Main St & Pleasant St- Updated plan for condition approval
- 4 Chickering Road- Resubmission of plans for review

Items submitted to ZBA members at the meeting:

- Matt Defosse- solar concerns and suggestions to approve the Solar Bylaw.