



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, March 10, 2020 at 7:00pm

Zoning Board of Appeals Meeting
Conference Room A/Memorial Town Hall
157 Main Street, Spencer, MA 01562

Zoning Board Members Present: Allan Collette, Alyce Johns, Robert Emerson, and Steven Tyler
Zoning Board Member Absent: None
Staff Present: Paul Dell'Aquila, Town Planner and Monica Santerre-Gervais, Clerk
Staff Absent: None

1. Open Meeting – Mr. Collette was acting chair and opened the meeting at 7:03pm

2. Public Hearing/ Special Permit – Applicant/Owner: Francis & Barbara White. Location: 35 R. Jones Road, Spencer Assessor's Map R24/10. The applicant is requesting a Special Permit under Section 4.8.1 of the Spencer Zoning Bylaw to construct an accessory apartment in a garage. The property is located within the Rural Residential zoning district.

Frank and Barbara White, 35 R. Jones Road, were present for the meeting. Mr. White brought pictures of the garage from before and after and discussed with the board members his intent for a 640 square foot accessory apartment in the new garage. The new garage is 48 x 36, and Mr. White handed out two possible layouts. Mr. Collette expressed that the hallway should be included in the square footage. Francis White Jr, 35 R. Jones Road, said they will need to rearrange and shorten the rooms. The Zoning Board of appeals members all agreed that they need to come back with a new layout plan, show how the house will be connected, and the parking plan.

Mr. Collette opened the hearing up to the public for comments:

Paul Wychorski, 27 R. Jones Road, said he is the White's neighbor and has no problem with the accessory apartment.

MOTION: Mr. Tyler motioned to continue the meeting until 4/14/2020

SECOND: Mr. Emerson

DISCUSSION: None

VOTE: 3-0

3. Public Hearing/ Variance – Applicant/Owner: David & Jean Flint. Location: 77 Cherry Street, Spencer Assessor's Map U06-144. The applicant is seeking a variance under Section 7.3 (Variances) of the Spencer Zoning Bylaw to install a driveway within the side boundary setback. The property is located within the Village Residential zoning district.

David Flint, 77 Cherry Street, was present and discussed his purpose for the new driveway layout is for easier access for his mother because she is coming to live with him. There was

much discussion about the two lots Mr. Flint owns and the maintenance of the driveway being so close to the neighboring properties. There were potential conditions discussed such as officially removing the first driveway before installing the second driveway. Mr. Flint will return with a new plan to try to offset the driveway to 3 feet from the neighboring property.

Mr. Collette opened the hearing up to the public for comments:

Risto Babineau, 24 Irving Street, expressed a glare from vehicles and possibly planting bushes to avoid the glare.

MOTION: Mr. Tyler motioned to continue the meeting until 4/14/2020

SECOND: Mr. Emerson

DISCUSSION: None

VOTE: 3-0

4. Approval of Minutes

- January 14, 2020

MOTION: Mr. Tyler motioned to approve the minutes for as submitted.

SECOND: Ms. Johns

DISCUSSION: None

VOTE: 4-0

5. Town Planner Report

- Next meeting there will be a variance for a deck
- May meeting date- Tabled until April 14, 2020 meeting

6. New Business- None

7. Request Executive Session under Chapter 30A Section 21.a.3 to discuss ongoing litigation and future strategy in Hawes v. Town of Spencer ZBA, Land Court Department Case No.: 20 MISC 000001 (GHP)

Mr. Dell'Aquila did a roll call to accept executive session.

Roll-call vote:

Mr. Emerson-yes, Ms. Johns-yes, Mr. Collette-yes, and Mr. Tyler-yes

Mr. Tyler motioned to adjourn the meeting and go into executive session

Mr. Emerson seconded

VOTE 4-0

Submitted By: Monica Santerre-Gervais, ODIS Clerk
Approved by the Zoning Board of Appeals: 6/29/2020

List of Documents used on March 10, 2020:

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

- Agenda
- Memo from Town Planner
- Minutes from 1/14/2020
- Special Permit application and plan for Frank and Barbara White, 35 R. Jones Road, Accessory Apartment
- Variance application and plan for David and Jean Flint, 77 Cherry Street, Driveway setbacks

Items submitted to ZBA members at the meeting:

- None