



Zoning Board of Appeals – Town of Spencer

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

***EXECUTIVE SESSION***

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

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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. 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 mentioned that per Town Counsel's advice, it would be best to discuss Monica Hawes' appeal of the denial of Variance for lot size at 71 Borkum Road during an executive session. Ms. Hawes' variance was denied, and Ms. Hawes' Attorney has requested that the ZBA reconsider the case. Mr. Dell'Aquila explained that the board is not voting to approve or deny but only to have another public hearing.

Mr. Collette said he felt it was ok to have another public hearing and he was surprised she didn't have council the first time. Mr. Collette said his decision was based on the bylaws.

Ms. Johns was not at the original meeting and asked if she would be able to attend and vote if there is another public hearing. Mr. Dell'Aquila responded that she could attend and ask questions, but she would not vote.

Mr. Tyler asked if council had any remarks or cautions and Mr. Dell'Aquila said no. The KP Law letter was discussed.

Mr. Dell'Aquila took roll call to accept another hearing for the variance for Monica Hawes.

**VOTE of ROLL CALL**

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

**Mr. Emerson motioned to adjourn the executive session**

**Mr. Collette 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

Items submitted to ZBA members at the meeting:

- None