



## Zoning Board of Appeals – Town of Spencer

### *Minutes*

#### Zoning Board of Appeals Meeting

***April 11, 2023, at 7:00 pm***

In-Person & Remote

Conference Room A, 157 Main Street Spencer, MA 01562  
Memorial Town Hall

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**Zoning Board Members Present: Chair Alan Collette (in-person), Gina Beford (in-person), Donna Parker (in-person)**

**Zoning Board Members Absent: None**

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

**Staff Absent: None**

**1. The Chair opened the meeting at 7:00pm**

**2. Public Hearing Special Permit– Applicant: David Caputo; Owner: David Caputo/Sandra Caputo/Stephanie Caputo; Location: 20 GH Wilson Road, Spencer Assessor’s Map R14-18. The applicant is seeking a Special Permit under Sections 4.9.2.2 (Nonconforming Structures) of the Spencer Zoning Bylaw to add an addition (16x24) to the existing structure. The property is in the Rural Residential (RR) zoning district.**

David and Sandra Caputo were present in-person to answer any questions from the board or public. Mr. Caputo explained he is looking to put an addition on his home but since the zoning has changed since the house was built, they do not meet the frontage requirements. Ms. Caputo stated the septic is for three bedrooms. Ms. Vivier stated the applicant has an approved Order of Conditions from the Conservation Commission for the septic system and they meet the rear and side setbacks.

The Chair opened the hearing up for public questions and comments.

**MOTION: Ms. Beford motioned to close the public hearing for the Special Permit for 20 GH Wilson Road.**

**SECOND: Ms. Parker**

**DISCUSSION: None**

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

**Ms. Vivier mentioned adding a condition that the applicant must submit an as-built plan upon completion by a Certified Land Surveyor.**

**MOTION: Ms. Beford motioned to approve the Special Permit for 20 GH Wilson Road with the condition that the applicant submits a final as-built plan done by a Certified Land Surveyor upon completion of the project.**

**SECOND: Ms. Parker**

**DISCUSSION: None**

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

**3. Public Hearing Special Permit– Applicant: Adrian Kase; Owner: JAD Realty Trust/Jennifer Davis; Location: 401 Main Street, Spencer Assessor's Map R35-31. The applicant is seeking a Special Permit under Sections 4.3.13 of the Spencer Zoning Bylaw to open a dog grooming business. The property is in the Commercial (C) zoning district.**

Adam Smith and Adrian Kase were present at the meeting remotely.

Mr. Smith explained that originally with this application they were hoping to have dog grooming and doggy day care, however, currently in the Commercial Zoning District dog daycare falls under kenneling and is not allowed in the Spencer Zoning Bylaws. Mr. Smith stated the property at 401 Main Street has been vacant for quite some time and it seems like a perfect place to have both dog grooming and daycare. Mr. Smith is undecided if they will continue with the dog grooming at this location since they cant have both but would like to proceed with the application. Ms. Beford asked how many dogs would be groomed a day and Mr. Smith said a max of 15 per day. Ms. Beford asked how long the dogs would stay after they are groomed. Mr. Smith answered hopefully within an hour but does not want to get in trouble if the dog is left longer. Mr. Collette asked about the business hours and Ms. Kase answered 7:00 am- 4/5:00pm Monday-Sunday.

Ms. Vivier stated that they would consider the dogs to be in temporary holding after they are groomed. Mr. Smith discussed allowing a certain number of dogs, but Ms. Vivier didn't want to limit the number of dogs if the business grew. Mr. Collette was concerned with the number of dogs at one time. Mr. Smith expressed not wanting to get in trouble of fined in the future.

The Chair opened the hearing up for public questions and comments.

Edward Caissie, 397 Main Street, mentioned he is an abutter, and he has a tenant that is 80 years old and wants peace in the neighborhood. Mr. Caissie does not want the dogs running loose or kenneled outside.

Mr. Smith stated the dogs would not be kenneled outside and they were planning on putting up a small, fenced area where they would take the dogs out to relieve themselves. Mr. Collette asked the abutter if he was ok with the grooming business being open seven days a week and Mr. Caissie said yes.

Possible conditions discussed were 1. No dogs to be held overnight, 2. The maximum number of dogs at one time will be 15 dogs, 3. A small fence will be required for when the dogs go outside, only one dog at a time, and must remain on a leash.

Ms. Parker asked what would happen if a dog wasn't picked up and Mr. Smith said the worst-case scenario is they would bring the dog home with them.

**MOTION: Ms. Beford motioned to close the public hearing for the Special Permit for 401 Main Street.**

**SECOND: Ms. Parker**

**DISCUSSION: None**

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

**MOTION: Ms. Beford motioned to approve the Special Permit for dog grooming only at 401 Main Street with the following conditions: 1. no more than 15 dogs shall be held at any given time. 2. a fenced in area will be provided to allow one pet at a time to defecate/urinate. Animals must remain on a leash and be accompanied by an adult. 3. Animals shall not be housed overnight. Any unpermitted activity that occurs shall be grounds for the Spencer Zoning Board of Appeals to rescind its approval.**

**SECOND: Ms. Parker**

**DISCUSSION: None**

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

#### **4. Approval of Minutes: 12/13/2022**

**MOTION: Ms. Beford motioned to approve minutes from 12/20/2022.**

**SECOND: Mr. Collette**

**DISCUSSION: None**

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

#### **6. Town Planner Report**

Ms. Vivier discussed the following:

- Ms. Vivier will be taking leave from July 2023-Septemebr 2023, and they will have coverage from CMRPC.
- There is still an opening for a Planning Assistant.
- There will not by a ZBA Meeting in May.
- The Town Meeting is on May 4<sup>th</sup>, 2023, and they need a quorum of 100 people.
- The Governor has extended remote meetings until 2025.
- The Master Plan Survey is live online and hard copies can be found in numerous locations.
- The Housing Production Plan will be entered into the Master Plan once it is approved.
- On April 29, 2023, is the Town cleanup day.
- The next meeting will be June 13, 2023.

Mr. Collette asked for updates regarding the new CVS and Ms. Vivier discussed the many inspections completed by herself, the Building Inspector, and the Highway Superintendent regarding the construction at the site.

## **7. New Business/Citizens Input/Adjournment**

**MOTION: Ms. Beford motioned to adjourn the meeting at 8:20 pm**

**SECOND: Ms. Parker**

**DISCUSSION: None**

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

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**Submitted by: Monica Santerre-Gervais, ODIS Senior Clerk**

**Approved by the Zoning Board of Appeals on: 6/21/2023**

### **List of Documents used on 4/11/2023:**

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

- Agenda
- Town Planner memo
- 20 GH Wilson Road/Special Permit Application and plans.
- 401 Main Street/ Special Permit application, plan, and narrative.
- Drafted Meeting Minutes 12/20/2022.

#### **Items submitted/ brought to the Meeting:**

- 20 GH Wilson Road draft certificate of decision
- 401 Main Street draft certificate of decision