



Zoning Board of Appeals – Town of Spencer

***Minutes of Wednesday, April 21, 2021 at 7:00pm***

***REMOTE MEETING***

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

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Zoning Board Members Present in person: Chair Allan Collette (in-person), Alyce Johns (in-person), and Steven Tyler (remote)

Zoning Board Member Absent: None

Staff Present in person: Town Planner, Todd Miller (in-person) and Monica Santerre-Gervais, Clerk (remote)

Staff Absent: None

**1. Open Meeting** – Mr. Collette opened the meeting at 7:14 pm and read aloud Covid-19 statement. *“This Meeting of the Zoning Board of Appeals is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, pursuant to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus. To mitigate the transmission of the COVID-19 Virus, we have suspended public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. We are meeting remotely and broadcasting live on Spencer Cable Access to ensure public viewing access.”*

**2. Continued Special Permit – Applicant: Concord Brewer, Inc (DBA RapsCALLION); Owner: Thomas Lowkes (LTJ, LLC), Location: 8 Meadow Road, Spencer Assessor’s Map U12-48-1. The applicant is requesting Special Permit under 7.2 and of the Spencer Zoning Bylaw Zoning to operate a microbrewery. The property is located within commercial zoning district.**

Mr. Collette reviewed the last meeting and what was approved in phase 1. Paul DeVries, McClure Engineering, presented the phase 2 plan and narrative and explained that at the first meeting the original parking plan was inadequate due to cars backing up in the road and the future road repairs to include a sidewalk/bike path. Mr. DeVries spoke with the Highway Superintendent, William Cunduff, and he gave recommendations for parking such as grass pavers for cars to park and not increase the impervious surface, landscaping, and walkway that have been included in the revised plans. The plans show parking for eight vehicles. Mr. Collette asked how many employees would be working at a time and Mr. DeVries said 1-2 employees to manufacture Monday -Friday. Cedric Daniel, RapsCALLION, said 1 manager with a backup, and the max number employees at one time would be 2-3 employees. Mr. Collette asked if they could park more cars on the Southside and Mr. DeVries said no because of a National Grid Easement and they would need permission. Mr. Collette was concerned about the limited amount of parking onsite. Mr. Daniels stated the manufacturing employees will leave before the retail employees and the employees can park behind the building. Mr. Collette asked about the hour of

operation and Mr. Daniel said the Board of Selectmen approved the hours but will be Monday-Friday 4 pm – 9 pm and Saturday and Sunday 12-8pm.

Ms. Johns asked about overflow parking and Mr. Collette said they cannot condition that and feels the applicant needs to find more spaces. Mr. Daniels said the parking is based off the occupancy calculations and they are expecting 2 people per car, they will regulate traffic, and encourage carpooling. Mr. Collette asked if they could find more parking in the back of the building and Mr. DeVries said the grading would need to be altered. Mr. Daniel said that at the last meeting he explained that they are primarily selling cans to go, customers may enjoy one drink, but it will not be a hang out because the main taproom is in Sturbridge. Mr. Tyler said he understood the parking being based off occupancy, he understands the parking on the Northside and the Southside easement issue but would like clarity on the plan regarding haybales and a future bike rack location. Mr. DeVries said the haybales are on the plan for erosion control and can put the bike rack on the plan. Mr. Tyler mentioned the Conservation Commission likes waddles instead of haybales.

The Chair opened the hearing up to the public and there were no questions or concerns.

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

**SECOND: Ms. Johns**

**DISCUSSION: None**

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

Mr. Collette clarified that the approved phase 1 is for manufacturing and phase 2 is for retail. Mr. Tyler asked is the applicant received Sewer Department and Water Department approvals and Mr. DeVries said yes. Frank White, Sewer Commissioner, stated they have approval into the system, but the conditions have not been finalized because the applicant needs a chemical containment encasement and ball valves. Mr. Daniels said everything has been addressed. Mr. DeVries said they can coordinate with Mr. White and James LaPlante to have a final inspection.

**MOTION: Mr. Tyler motioned to approve Phase 2 to Rapsallion, located at 8 Meadow Road, contingent upon final written approval from the Sewer Department, the plan be revised to show a future bike rack, and erosion controls are met. Mr. Collette added to the motion no parking on Meadow Road and the operation hours will be Monday -Friday 4-9 and Saturday & Sunday 12-8.**

**SECOND: MS. Johns**

**Roll Call Vote: 3-0**

### **3. Approval of Minutes 3/15/2021**

Ms. Johns said the date of April 19, 2021 need to be changed to April 21, 2021. Mr. Tyler said on page 1 put Chair and not acting Chair, on page 3 until the next ZBA Meeting make consistent with dates. Mr. Collette said the meeting got bumped from the 19<sup>th</sup> to the 21<sup>st</sup>.

**MOTION: Mr. Tyler motioned to accept the minutes of 3/15/2021 with the revisions discussed.**

**SECOND: Ms. Johns**

**DISCUSSION: None**

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

**4. Town Planner Report- Todd Miller**

- Mr. Miller discussed working with Local Rapid Recovery Plan (LRRP) to extend revitalization and new activity in downtown and may have an opportunity for grant money.
- Mr. Miller discussed being 2/3 complete with the Solar Bylaw.
- Mr. Miller mentioned his Sugden Block visit.
- Upcoming Solar Projects.
- Spencer Street Party scheduled August 2022.

**5. New Business/ Adjournment**

**Mr. Tyler motioned to adjourn the meeting at 7:52 pm**

**Ms. Johns seconded**

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

**Submitted By: Monica Santerre-Gervais, ODIS Clerk**

**Approved by the Zoning Board of Appeals: 6/29/2021**

**List of Documents used on April 21, 2021:**

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

- Agenda
- Minutes from 3/15/2021
- Application and update plans for Concord Brewer, Inc (DBA Rapsallion); Owner: Thomas Lowkes (LTJ, LLC), Location: 8 Meadow Road

Items submitted to ZBA members at the meeting:

- None