



Zoning Board of Appeals – Town of Spencer

Minutes of Monday May 16, 2022, at 7:00pm

IN-PERSON & REMOTE MEETING

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

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

Zoning Board Member Absent: None

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

Staff Absent: None

1. Open Meeting – Mr. Tyler was acting chair and opened the meeting at 7:00 pm

2. Special Permit – Applicant/ Owner: Adel Abdelmasih/ Adel Realty, LLC; Location: 11 Highland Street, Spencer Assessor's Map U14-70. The applicant is looking for a special permit under Section 4.3.3 (Conversion of single-family to two-family dwelling) of the Spencer Zoning Bylaw to convert a single-family home into a two-family. The property is located in the Village Residential zoning district.

Mr. Tyler explained they have a request from the applicant to continue. Ms. Trifone explained they stated on the request they needed more time to gather information.

MOTION: Mr. Collette motioned to continue the petition for 11 Highland Street until June 14, 2022

SECOND: Ms. Beford

DISCUSSION: None

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

3. Variance & Special Permit – Applicant: Serrato Signs LLC, Owner: CEP Realty LLC. Location: 130 West Main Street, Spencer Assessor's Map R29-18. The applicant is looking for a Variance under section 7.3 and Section 6.5.3.E-4 (Prohibited Signs) and a Special Permit under section 6.5.3.E-8 (Landmark Signs) of the Spencer Zoning Bylaw to install an LED Message Center sign and a second double faced free-standing sign. The property is located in the commercial zoning district.

Mr. Tyler explained they have a request from the applicant to continue. Ms. Trifone explained the owner would like to be present at the meeting but could not make it tonight.

MOTION: Ms. Beford motioned to continue the special permit and variance for 130 West Main Street until June 14, 2022

SECOND: Mr. Collette

DISCUSSION: None

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

4. Variance – Applicant/ Owner: William Keyes Jr; Location: 42 Bacon Hill Road, Spencer Assessor’s Map R08-33. The applicant is looking for a variance under section 7.3 and Section 5.1 (Table of Area Requirements) of the Spencer Zoning Bylaw to build an addition that encroaches on the front setback. The property is located in the Rural Residential zoning district.

Richard Chaffee, site contractor, and William and Pamela Keyes were present for the hearing. Mr. Chaffee discussed the topography of the site and mentioned the members received a new plan. Mr. Tyler asked if the new plan was a redesign and Mr. Chaffee explained that the plan shows the addition setback three feet, but Mr. and Mrs. Keyes would like the addition in line with the house. Mr. Tyler discussed that all variances should be hard to come by for all applicants, the evidence of a hardship needs to be presented by the applicant to the members. Also, Mr. Tyler mentioned that the hardship needs to be clear of the of the property or land and financial loss cannot be used as a hardship. Mr. Collette said at the last meeting the board requested an accurate number from the addition corner to the road frontage. Mr. Tyler stated they have a new plan to review but it is not clear, and he calculated it to be 35.4. Mr. Chaffee said the engineer misunderstood what was needed. Mr. Tyler asked what the hardship was to request the variance and Mr. Chaffee responded the topography of the land. Mr. Chaffee said Mr. and Mrs. Keyes would like a three-stall garage and will be out 35 feet and would be to close to the bank and Mr. Keyes is getting older plus the cost of the fill needed to make it useable. Mr. Keyes said they would like the garage to be larger because the house is very small. Mr. Tyler stated the house is the size that they bought it. Mrs. Keyes said one side has the well and requirements on how far they can build from the septic.

Mr. Collette said he visited the site and there is some merit to the topography and the drop off, has the driveway already, and can’t use the other side the house. Mr. Tyler stated if they are using the solar farm as a hardship, he does not see it on the plan. Mr. Chaffee said its more of the topography for the hardship. Mr. Collette said he did not think a couple feet will make that much of a difference. Mr. Tyler asked what the stakes in the photos are for and Mr. Keyes said for both options.

The Chair opened the hearing for public comment.
No comments or concerns.

Mr. Tyler discussed potential conditions including hiring a second licensed Land Surveyor to verify and make sure any deficiencies are corrected before occupancy. Mr. Chaffee asked to use their surveyor because it would cost more money for a second surveyor. Mr. Chaffee stated that Jeremy Croteau is licensed and would not jeopardize his license. Ms. Beford liked the idea of stopping at the foundation and checking before they continue.

Brief break waiting for Mr. Collette to call back in remotely

Mr. Tyler said an asbuilt plan upon completion and checking the foundation would be needed.

MOTION: Ms. Beford motioned to close the public hearing for 42 Bacon Hill Road.

SECOND: Mr. Collette

DISCUSSION: None

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

MOTION: Ms. Beford motioned to grant the variance request for 42 Bacon Hill Road contingent upon the following conditions: that in order to obtain a certificate of occupancy for the addition the applicant shall be required to provide a stamped certified plan from a Massachusetts professional land surveyor to survey the finished addition and prepare a certified asbuilt plan that certifies that no portion of the new structure is any closer than 35.4 feet to the front property line.

SECOND: Mr. Collette

DISCUSSION: None

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

5. Approval of Minutes- 3/8/2022, 3/24/2022, and 4/21/2022

- **3/8/2022**

MOTION: Mr. Collette motioned to accept the minutes of 3/8/2022 as written.

SECOND: Ms. Beford

DISCUSSION: None

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

- **3/24/2022**

MOTION: Mr. Collette motioned to accept the minutes of 3/24/2022 as written.

SECOND: Ms. Beford

DISCUSSION: None

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

- **4/21/2022**

MOTION: Ms. Beford motioned to accept the minutes of 4/21/2022 as written.

SECOND: MR. Collette

DISCUSSION: None

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

7. Town Planner Report

Ms. Trifone, Interim Town Planner, mentioned interviewing for a Minutes Clerk, the ad has been posted for over a year, and the Minutes Clerk would be starting with the Zoning Board. Ms. Trifone discussed

that Town meeting was pushed to June because the quorum for Town Meeting was not met and advocated for everyone to attend in June. Also, Ms. Trifone stated the Housing Production Committee meeting will meet on May 17th, 2022, at 6:00 pm and it was her first meeting.

8. New Business/ Citizens Input/ Adjournment

None

Ms. Beford motioned to adjourn the meeting at 8:00 pm

Mr. Collette seconded

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

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals: 6/14/2022

List of Documents used on May 16, 2022:

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

- Agenda
- Drafted Minutes 3/8/2022, 3/24/2022, and 4/21/2022
- Memo from Interim Town Planner, Lauren Trifone
- 11 Highland Street Application & Plans
- 11 Highland Street continuance request form
- 130 West Main Street SP & Variance applications and plans
- 130 West Main Street continuance request form
- 42 Bacon Hill Road- Variance application and updated plans

Items submitted to ZBA members at the meeting:

- None