



# **Zoning Board of Appeals – Town of Spencer**

## ***Minutes of Tuesday June 14, 2022, at 7:00pm***

### ***IN-PERSON & 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) 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 (remote)**

**Staff Absent: None**

**1. Open Meeting** – the chair 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. Collette mentioned the attorney representing Adel Abdelmasih sent in a continuance request because they must receive a variance before the special permit can be discussed.

**MOTION: Ms. Beford motioned to continue the petition for 11 Highland Street until July 12, 2022**

**SECOND: Mr. Tyler**

**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.**

Michelle Kerry, 130 West Main Street, was present for the meeting. Ms. Kerry explained she is the owner of CEP Realty and is a member of the Spencer Exchange Club. Ms. Kerry explained that at a recent Exchange Club meeting the Fire Department was looking for a message center and felt it was a good opportunity for the Town of Spencer and herself to go through this process. Ms. Kerry mentioned she was trying to help the community and be able to use for her own company. Additionally, Ms. Kerry noted that there were other businesses in town that have

more than one display sign. Mr. Collette explained some were allowed due to the size of the properties and some were done before the sign bylaw was approved.

Andy Serrato, Serrato Signs, was on the call remotely asking if the Building Inspector was present for this meeting. Ms. Trifone stated he was not but will contact him and ask he join the meeting. Mr. Collette asked why everything can't be on one sign and Ms. Kerry said it was not cost effective because she would need to rip out the parking lot and have it repaved. Mr. Collette asked if the roof could be raised, and Ms. Kerry said it would not work because Serrato Signs did a demonstration, and they were not able to read the signs. Mr. Serrato said they cannot raise the roof because then they would need a new foundation.

Duane Amos, Building Inspector, joined the meeting remotely and it was discussed that LED signs were allowed by right if they meet the zoning requirements. Mr. Tyler discussed his opposition to have the two signs but appreciated her trying to help the community. Mr. Collette stated that it would be too much of a distraction with the two signs and everything needs to remain under one sign and pertain to the businesses.

Mr. Serrato recommended Ms. Kerry to withdraw both applications and Ms. Kerry agreed.

**MOTION: Mr. Tyler motioned to close the public hearing for the Variance & Special Permit for 130 West Main Street**

**SECOND: Ms. Beford**

**DISCUSSION: None**

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

**MOTION: Mr. Tyler motioned to accept the withdrawal without prejudice for the Variance & Special Permit for 130 West Main Street**

**SECOND: Ms. Beford**

**DISCUSSION: None**

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

#### **4. Approval of Minutes- 4/12/2022 and 5/16/2022**

- **4/12/2022-** Mr. Tyler ineligible to vote due to his absence

**MOTION: Ms. Beford motioned to accept the minutes of 4/12/2022 as written.**

**SECOND: Mr. Collette**

**DISCUSSION: None**

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

- **5/16/2022**

**MOTION: Ms. Beford motioned to accept the minutes of 5/16/2022 as written.**

**SECOND: Mr. Tyler**

**DISCUSSION: None**

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

**5. Town Planner Report- Interim Town Planner, Lauren Trifone**

- Ms. Trifone discussed the results of the North Brookfield Solar Appeal. The Special Permit is vested; however, the Site Plan Review and Stormwater permit needs to come back before the Planning Board and adhere to current Solar Bylaws.
- Ms. Trifone has been working on new solar amendments for the Fall Town Meeting to include battery language, clearer definitions, and a max number of commercial solar farms in Spencer.
- Ms. Trifone completed a grant for \$130,000 to amend the Master Plan
- Housing Production Plan has been meeting and a table with the surveys will be at Town Meeting on June 23, 2022

**6. New Business/ Citizens Input/ Adjournment**

Ms. Trifone noted that Ms. Beford is unable to make the meeting on July 12, 2022, and may need to have a special meeting for 11 Highland Street. The dates suggested were July 20<sup>th</sup>, 21<sup>st</sup>, and 25<sup>th</sup>.

Mr. Collette asked about changes downtown and mentioned the railings are leaning in front of Mexicali. Jeff Bridges, Town Administrator, noted that 31 Mechanic Street is in probate, the owner passed away, and the daughter may do something with it.

**Ms. Beford motioned to adjourn the meeting at 7:50 pm**

**Mr. Tyler 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: 8/9/2022**

**List of Documents used on June 14, 2022:**

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

- Agenda
- Drafted Minutes 4/12/2022 and 5/16/2022
- 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
- North Brookfield Solar Court documents

**Items submitted to ZBA members at the meeting:**

- None