



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, July 14, 2020 at 7:00pm
REMOTE MEETING

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

Zoning Board Members Present: Allan Collette, Alyce Johns, and Steven Tyler

Zoning Board Member Absent: None

Staff Present: Paul Dell'Aquila, Town Planner and Monica Santerre-Gervais, Clerk

Staff Absent: None

1. Open Meeting – Mr. Collette was acting chair and opened the meeting at 7:14pm and Mr. Dell'Aquila 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. In order 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 Public Hearing/ Variance – Applicant/Owner: Audrzej Sobiech/ 73 Wilson LLC. Location: 73 Wilson Street, Spencer Assessor's Map U28-10. The applicant is seeking a variance under Section 7.3 (Variances) of the Spencer Zoning Bylaw to replace an existing deck within the side boundary setbacks. The property is in the Lake Residential zoning district.

Mr. Dell'Aquila explained to the board that the applicant will be submitting material to verify the deck will be on the same footprint and will not need the variance.

MOTION: Mr. Tyler motioned to continue the public hearing until 8/11/2020

SECOND: Ms. Johns

DISCUSSION: None

ROLL CALL VOTE: Mr. Tyler-yes, Ms. Johns-yes, and Mr. Collette-yes (vote 3-0)

3. Major Site Plan Review/ Special Permit – Applicant: Arista Development LLC; Owners: The Estate of William D. Ekleberry, Richard Cormier, and S-BNK Spencer LLC, Location: 4 lots bounded by High Street, Main Street, and Pleasant Street; Spencer Assessor's Map U13-98, 99, 100, & 101. The applicant is requesting Special Permit under section 3.3.2 (zoning boundary dividing a parcel) and a Major Site Plan Review under Section 7.4 and of the Spencer Zoning Bylaw Zoning to develop a 12,850 sf CVS with Drive Thru. The properties are located within the Town Center and Village Residential zoning districts.

A letter dated 7/14/2020 from Attorney Phillip Stoddard was read aloud and stated the applicant was looking for a continuance until the Zoning Board of Appeals September meeting.

MOTION: Mr. Tyler motioned to continue the hearing until September 8th, 2020

SECOND: Ms. Johns

DISCUSSION: None

ROLL CALL VOTE: Mr. Tyler-yes, Ms. Johns-yes, and Mr. Collette-yes (vote 3-0)

**4. Special Permit (Renewal) – Applicant/ Owner: Royal Crest Farm/ Robert Moschini
Location: 30 Howe Road, Spencer Assessor’s Map R23-25. The applicant is looking to renew their Special Permit under Sections 4.2 (H.1) and 4.8.6 of the Spencer Zoning Bylaw to continue a gravel removal operation. The property is located in the Rural Residential zoning district.**

Mr. Collette read aloud the narrative submitted by the applicant that mentioned a small amount of gravel was removed in 2018. There was discussion regarding the Conservation Agents report from his inspection.

The Chair opened the meeting to the public and there were no comments.

MOTION: Mr. Tyler motioned to approve the renewal of the gravel permit

SECOND: Ms. Johns

DISCUSSION: Renewal date to be reviewed and entered by the Town Planner

ROLL CALL VOTE: Mr. Tyler-yes, Ms. Johns-yes, and Mr. Collette-yes (vote 3-0)

5. Special Permit– Applicant/ Owner: Michael & Krystal Reno, Location: 46 Browning Pond Road, Spencer Assessor’s Map R57-39. The applicant is requesting a Special Permit under Section 4.8.1 of the Spencer Zoning Bylaw to construct an accessory apartment in their home. The property is located within the Lake Residential zoning district.

Michael Reno, 46 Browning Pond Circle, was on the call to answer questions.

Mr. Dell’Aquila explained that the current single-family home rests on 0.65 acres of land and the applicant is located in the lake residential zoning district. The applicant is seeking to add 672 square feet addition to their home for an accessory apartment. Mr. Dell’Aquila stated everything complies with the standards and requirements and a parking spot will be added for the accessory apartment.

Charlie Bellemer, 56 Browning Pond Circle, asked if the driveway would be permeable and Mr. Reno said it would be a gravel driveway where his current wood pile is. Mr. Tyler had additional questions regarding the parking spot and its location near the current driveway. Additionally, Mr. Tyler added that the applicant would need a permit through the Highway Department for a curb cut, even though, they live on a private road. Mr. Dell’Aquila said the permit requirement can be added as a condition.

The Chair opened the meeting up to the public and there were no additional comments.

MOTION: Mr. Tyler motioned to close the public hearing

SECOND: Ms. Johns

DISCUSSION: None

ROLL CALL VOTE: Mr. Tyler-yes, Ms. Johns-yes, and Mr. Collette-yes (vote 3-0)

MOTION: Mr. Tyler motioned to approve the special permit for the accessory apartment with the added condition that the applicant receive a permit from the Highway Department

SECOND: Ms. Johns

DISCUSSION: None

ROLL CALL VOTE: Mr. Tyler-yes, Ms. Johns-yes, and Mr. Collette-yes (vote 3-0)

6. Approval of Minutes

- June 29, 2020 Special Meeting- Mr. Tyler mentioned there was a clerical error on page 2, condition should be plural.

MOTION: Mr. Tyler motioned to approve the minutes for 6/29/2020 with the discussed edits

SECOND: Ms. Johns

DISCUSSION: None

ROLL CALL VOTE: Mr. Tyler-yes, Ms. Johns-yes, and Mr. Collette-yes (vote 3-0)

7. Town Planner Report

- The Zoning Board of Appeals meeting in August will have an application for dog grooming.

8. New Business/ Adjournment

MOTION: Mr. Tyler motioned to adjourn the meeting at 7:51 pm

SECOND: Ms. Johns

DISCUSSION: None

ROLL CALL VOTE: Mr. Tyler-yes, Ms. Johns-yes, and Mr. Collette-yes (vote 3-0)

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals: 9/08/2020

List of Documents used on July 14, 2020:

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

- Agenda
- Memo from Town Planner
- Drafted Minutes from 6/29/2020 Special Meeting
- Variance application and plan for 73 Wilson Ave
- Major Site Plan Review/ Special Permit application and plans for CVS
- Special Permit Renewal application for Moschini Gravel Pit
- Special Permit application and plan for 46 Browning pond Circle

Items submitted to ZBA members at the meeting:

- None