



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, August 11, 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 7:05 pm 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 said he spoke to the applicant and the new plan had not been submitted yet due to some family issue, but he will submit soon to the Building Inspector.

MOTION: Ms. Johns motioned to continue the public hearing until 9/08/2020

SECOND: Mr. Tyler

DISCUSSION: None

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

3. Public Hearing/ Special Permit – Applicant/Owner: Kenneth LaLiberte. Location: 14 Washburn Terrace, Spencer Assessor's Map R60-15. The applicant is seeking a special permit under Section 5.2.6 (Detached Structures) and Section 7.2 (Special Permit) of the Spencer Zoning Bylaw to place a garage within the front setback. The property is in the Lake Residential zoning district.

Kenneth and Heidi LaLiberte were on the phone call.

Mr. Collette discussed the project as was explained by the Town Planner in his memo that the current 0.45-acre (19,689 sf) site at 14 Washburn Terrace is developed with a single-family home which is located at the rear of the property (relative to the frontage) close to the shoreline of Brooks Pond (see site photos at the end of this memo). The applicant also owns the adjacent undeveloped 0.27-acre (11,969 sf) parcel at 12 Washburn Terrace. For purposes of zoning conformity, abutting parcels in the same ownership are considered as one unit, thus the applicant's property complies with the current standard for lot size (22,500 sf) in the Lake Residential Zone. The applicant is seeking to construct a 24' x 32' garage within the front setback to provide for enclosed parking, as the current site only has a driveway. The proposed garage would be set back 22.7 feet from the front property line, which would comply with the required 15-foot minimum setback in the LR zone. Building a garage behind the current residence is impossible due to the topography of the land and proximity to the pond, so building in the front setback would be the applicant's only option. Under Section 7.2.3 of the Zoning Bylaw, the ZBA must make the following mandatory findings in order to grant a special permit:

1. That the proposed use is in harmony with the general purpose and intent of the zoning bylaw and any applicable subsections herein;
2. That the proposed use will not create undue traffic congestion nor unduly impair pedestrian safety;
3. That the proposed use will not impair the integrity or character of the district or adjoining zones, nor will it be detrimental to the health, safety, or welfare of the neighborhood or the Town;

Mr. LaLiberte said he had nothing to add. Mr. Collette asked Mr. Dell'Aquila if it was clear that there was 22 feet from the frontage and where the building was going and Mr. Dell'Aquila said yes it complies with the setback requirements. Mr. Tyler mentioned that while viewing the Town of Spencer's GIS Mapping it looked like the road right-of-way was further from the frontage and would like Mr. Dell'Aquila to investigate. Mr. Tyler asked to clarify what the variance was for and Mr. Dell'Aquila responded that it was a Special Permit request because currently the towns bylaws don't allow accessory structures in the front setbacks.

The Chair opened the meeting to the public and there were no questions or 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 subject to other board and department approvals

SECOND: Ms. Johns

DISCUSSION: None

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

4. Public Hearing/ Special Permit– Applicant: Kelly Muniz; Owner: FC Princess Inc, Location: 120 Main Street, Spencer Assessor's Map U07-03. The applicant is requesting a

Special Permit under Section 4.3.13 (pet grooming establishments) and Section 7.2 (Special Permit) of the Spencer Zoning Bylaw to open a Dog Grooming Salon. The property is located within the Town Center zoning district.

Mr. Collette mentioned that since the applicant was not present for the meeting it was best to continue the meeting until September 8, 2020.

MOTION: Mr. Tyler motioned to continue the public hearing until 9/08/2020

SECOND: Ms. Johns

DISCUSSION: None

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

5. Approval of Minutes

- **July 14, 2020-** Mr. Tyler mentioned there were multiple errors in the draft minutes and after further evaluation the wrong copy was sent to the board members and the minutes were tabled until the next meeting.

6. Town Planner Report

- Mr. Dell'Aquila mentioned to the Zoning Board members that the Monica Hawes hearing needed to be heard in September. Mr. Collette discussed finding alternatives in order to allow public testimony and run the meetings more efficiently. Mr. Dell'Aquila to discuss with the Town Administrator and Town Council on different options for the next meeting.

Mr. Tyler motioned to adjourn the meeting at 7:50 pm

Ms. Johns seconded

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 August 11, 2020:

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

- Agenda
- Memo from Town Planner
- Minutes from 7/14/2020
- Special Permit application, Kenneth LaLiberte. Location: 14 Washburn Terrace
- Special Permit application, Kelly Muniz; Owner: FC Princess Inc, Location: 120 Main Street

Items submitted to ZBA members at the meeting:

- None