



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, September 08, 2020 at 7:00pm

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 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 that he has spoken with the applicant and it is still not clear if he needs a variance or not. Also, the applicant has not supplied an application or documents to the building inspector. Mr. Collette said at the next meeting the applicant needs to attend and give an update.

MOTION: Mr. Tyler motioned to continue the public hearing until 10/13/2020

SECOND: Ms. Johns

DISCUSSION: None

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

3. 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.

Kelly Muniz, FC Princess Inc, was on the call.

Mr. Collette asked Ms. Muniz how many dogs she would have at one time. Ms. Muniz explained she will be by appointment only, but if a family has more the one dog, she will take them all at once, but no more than four dogs at one time. Mr. Collette asked if the dogs would always be inside and Ms. Muniz said yes. Mr. Collette what the hours of operation would be, and Ms. Muniz said Monday thru Friday 8:30 am- 5:00 pm. Ms. Johns and Mr. Tyler had no comments or questions. Mr. Dell'Aquila mentioned the findings that take place for a Special Permit and said those would be in the decision along with the conditions.

Mr. Collette opened the hearing to public comments and there were no comments or questions.

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 to Ms. Muniz with the conditions that no more than four dogs at the establishment at once, the hours of operation are Monday- Friday 8:30 am-5:00 pm.

SECOND: Ms. Johns

DISCUSSION: Ms. Muniz will be responsible for cleaning up excrement on sidewalks from the dogs

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 had a clarifying question about the gravel pit and Mr. Dell'Aquila assured the Zoning Board members that the previous conditions were embedded in the decision.
- **August 11, 2020-** no comments or edits

MOTION: Mr. Tyler motioned to approve the minutes of 7/14/2020 and 8/11/2020

SECOND: Ms. Johns

DISCUSSION: None

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

6. Town Planner Report

- Mr. Dell'Aquila discussed the upcoming special meeting that will take place on September 29, 2020. Currently, it is scheduled for the Great Hall but looking into the gymnasium at David Prouty High School.
- Signatures for the approved decisions was discussed, possibility of the Town Planner being the signature designee, but was tabled until the next meeting to gather more information.

Ms. Johns motioned to adjourn the meeting at 7:28 pm

Mr. Collette seconded

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: 10/13/2020

List of Documents used on September 08, 2020:

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

- Agenda
- Memo from Town Planner
- Minutes from 7/14/2020 and 8/11/2020
- Special Permit application, Kelly Muniz; Owner: FC Princess Inc, Location: 120 Main Street

Items submitted to ZBA members at the meeting:

- None