



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, February 13, 2018 at 7:15pm

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

Zoning Board Members Present: Allan Collette, Mary Stolarczyk and Alan Stolarczyk

Zoning Board Member Absent: None

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

1. Open Meeting – Mr. Collette was acting chair and opened the meeting at 7:16 pm

2. Special Permit – Applicant: 116 Main St Spencer, LLC; Owner: Dmitry Bykhovsky. Location: 116 Main Street, Spencer Assessor's Map U07/04. The applicant is requesting Special Permit under Sections 4.9.3 (Nonconformity Uses) of the Spencer Zoning Bylaw to continue use of the previously approved special permit from June, 28, 1994 to have an auto show room with auto sales and repairs. The property is located within the Town Center zoning district.

Ms. Stolarczyk read aloud the project description. Dmitry Bykhovsky, Alpha Cars, explained how he started a car dealership in the early 90's and in 2001 was growing so much he expanded and built a showroom in Boxborough, MA, and about 10 years ago the motorcycles with side cars became very popular in his business. Mr. Bykhovsky showed a brief slideshow of his different locations, showrooms, and vehicles he sells. Recently, Mr. Bykhovsky bought 116 Main Street, which, used to be an auto body shop. Currently, his team are sandblasting and doing the cosmetic work that needs to be done to put cars in the building to create a showroom. Mr. Bykhovsky explained that there will be smaller European cars and motorcycles on display much like a museum; the upper level will be display, lower level display and storage, and a small area for service maintenance only. Mr. Bykhovsky handed out a site plan which showed the vehicle layout inside and the exterior rear parking lot.

Mr. Collette said that he wasn't as concerned of the amount of vehicles that will be inside the building but he cares about the parking outside. Mr. Collette asked if they had to put in a sprinkler system and Mr. Bykhovsky said they will not be changing the building because if they do major changes it would trigger a building permit and the need to update the building to code. Mr. Collette mentioned there was a town owned parking lot nearby that he could use.

Mr. Dell'Aquila mentioned that the set up will be much like Barnstorm in Spencer, the operation will bring in opportunities, bring in activity in Spencer possibly at the fairgrounds, it would be a pre-existing use, won't be an auto body shop or a used car dealership, and the curb appeal will bring a nice visual element for Main street.

Mr. Dell'Aquila handed out a draft decision with findings and conditions for the Zoning Board of Appeals could view. There was much discussion in regards to carrying over the conditions from the previous Special Permit from 1994, much of the conditions did not fit this applicant and were open to interpretation, and therefore, the Zoning Board of Appeals revised the conditions. Mr. Collette asked about signage and Mr. Dell'Aquila said there is a Zoning Bylaw for signs and that could be taken up with the Building Inspector, William Klansek. Mr. Collette asked about the hours of operations and Mr. Bykhovsky said there would be one person in the showroom and one person in the service area but they don't know yet the timeframe of their operations. It was agreed that since all work would be done inside the building there was no need to set a time limit.

MOTION: Ms. Stolarczyk motioned to approve the Special Permit for Alpha Cars & Ural of New England at 116 Main Street with the following findings and conditions:

Findings: After the public hearing duly noticed and held on October 10, 2017, the Spencer Zoning Board of Appeals made the following findings as required by M.G.L. Chapter 40 A., § 9 and Section 7.2 of the Spencer, MA Zoning Bylaw:

- 1. That the proposed use is in harmony with the general purpose and intent of the zoning bylaw.**
- 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.**

Conditions: 1) No more than 12 parking spaces

2) All employees to park in rear of building in parking lot

3) All service work to be done inside the building

4) All signage to adhere to the rules and guidelines of the Spencer Bylaws

SECOND: Mr. Stolarczyk

DISCUSSION: None

VOTE: 3-0

3. Approval of Minutes

- January 09, 2018

MOTION: Mr. Stolarczyk motioned to approve the minutes for January 09, 2018 as submitted

SECOND: Ms. Stolarczyk

DISCUSSION: None

VOTE: 3-0

4. Town Planner Report

- **May meeting fall on election night so the Zoning Board of Appeals members agreed on a new date meeting on May 1st, 2018 instead of May 8th, 2018**
- **Nothing new for next meeting, upcoming Special Permit in April meeting**

Mr. Stolarczyk motioned to adjourn the meeting at 8:55 pm

Ms. Stolarczyk seconded

VOTE 3-0

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals: 4/10/2018

List of Documents used on February 13, 2018:

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

- Agenda
- Memo from Town Planner
- Minutes from 1/09/2018
- Special Permit application, 116 Main Street, Owner: Dmitry Bykhovsky, to have an auto show room with auto sales and repairs

Items submitted to ZBA members at the meeting:

- Site plan for 116 Main Street with vehicle layout and parking spaces submitted by Dmitry Bykhovsky