



Zoning Board of Appeals – Town of Spencer

***Minutes of Tuesday, January 10<sup>th</sup>, 2017 at 7:15pm***

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: Allan Collette, Mary Stolarczyk, and Alan Stolarczyk

Zoning Board Member Absent: None

Staff present: Monica Santerre-Gervais, Clerk & Paul Dell'Aquila, Town Planner

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

**2. Special Permit: 3 LaLiberte Lane- temporary mobile home**

Mr. Collette opened the hearing at 7:16 pm

Ms. Stolarczyk read aloud the special permit description, Applicant/Owner: Paul Lindsey. Location: 3 LaLiberte Lane, Spencer Assessor's Map R30-6. The applicant is requesting a Special Permit under Section 4.5.3 (Temporary Uses) of the Spencer Zoning Bylaw applying for a temporary mobile home on the property in order to repair the single family home that was damaged by a fire. The property is located within the Rural Residential zoning district.

Paul Lindsey, 3 LaLiberte Lane, was present for the meeting. Mr. Collette asked if there was anything the applicant wanted to add and Mr. Lindsey said no. Mr. Collette asked when the fire was, where the applicant was living, if the Building inspector had been notified. Mr. Lindsey answered that the fire was on October 19, 2016, he is currently living in the mobile trailer now, which, is located on the side of the driveway, and that the Building Inspector and Board of Health had approved the temporary trailer. Mr. Collette asked about the construction timeline and Mr. Lindsey explained he only has the trailer for 6 months. Mr. Collette asked if they were currently building and Mr. Lindsey said that he is still fighting with the mortgage company. Mr. Stolarczyk asked about the septic and well and Mr. Lindsey said it was put in and all set. Mr. Stolarczyk expressed he was okay with issuing a one year permit. Mr. Collette said a start date would need to be determined.

Mr. Collette opened the meeting to the public and there were no comments.

**MOTION: Ms. Stolarczyk made a motion to close the hearing**

**SECOND: Mr. Stolarczyk**

**DISCUSSION: None**

**VOTE: 3-0**

**MOTION: Ms. Stolarczyk motioned to approve the Special Permit under Section 4.5.3 (Temporary Uses) of the Spencer Zoning Bylaw for a temporary mobile home on the 3 LaLiberte Lane for 1 year starting 1/10/2017.**

**SECOND: Mr. Stolarczyk**

**DISCUSSION: None**

**VOTE: 3-0**

**MOTION: Mr. Collette made a motion to amend the motion and added**

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.

**SECOND: Ms. Stolarczyk**

**DISCUSSION: None**

**VOTE: 3-0**

### **3. Special Permit (renewal): 89 Smithville Road- gravel removal operation**

Mr. Collette opened the hearing at 7:27 pm

Ms. Stolarczyk read aloud the special permit description, Applicant/Owner: Peter Zukas.

Location: 89 Smithville Road, Spencer Assessor's Map R30-1. The applicant is requesting a Special Permit Renewal under section 4.8.6 of the Spencer Zoning Bylaw to continue a gravel removal operation. The property is located in the Rural Residential zoning district.

Jeff Zukas, 89 Smithville Road, was present for his father. Mr. Collette asked where the entrance to the gravel pit was and Mr. Zukas said off of the driveway. Mr. Collette asked if there was a right of way for National Grid and Mr. Zukas said yes. Mr. Collette asked how much gravel there was and Mr. Zukas explained there were not much gravel operations that could be done because of the Zoning Bylaws in place. There was much discussion in regards to the length of extensions the Zoning Board of Appeals could grant, Zoning Bylaw changes, and inspections done by the Conservation Commission.

In addition, there was much deliberation over the National Grid letter that was submitted to Mr. Dell'Aquila dated 1/6/2017. Questions arose as to where the gravel pit was located in regards to National Grids high velocity area and the right of way. Mr. Zukas explained he did drive on the right of way, they did store items near the area, but there is no gravel removal/digging in that area.

There was no one in the audience to speak in regards to the application.

**MOTION: Ms. Stolarczyk made a motion to close the hearing**

**SECOND: Mr. Stolarczyk**

**DISCUSSION: None**

**VOTE: 3-0**

**MOTION:** Ms. Stolarczyk made a motion to approve the gravel pit renewal for Peter Zukas located at 89 Smithville Road with the following findings and conditions:

**Findings:**

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

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

Based on these findings, the Spencer Zoning Board of Appeals, as Special Permit Granting Authority pursuant to Section 7.2.1.B. of the Spencer Zoning Bylaw, voted 3-0 to approve the Special Permit for a one year renewal for Peter Zukas to continue to remove gravel, fill and sand.

**Conditions:**

1. That the special permit is valid for one (1) year.
2. The applicant is to follow all previous conditions of earlier Special Permits on the property.
3. If the applicant chooses to open any new areas in the next year, the Board must be notified, in writing, before any further area is open for gravel removal.

**SECOND:** Mr. Stolarczyk

**DISCUSSION:** An added condition was left out in regards to the encroachment of National Grid and it was discussed that the applicant will need to meet with National Grid to discuss their concerns.

**VOTE:** 3-0

**4. Approval of Minutes:**

- October 11, 2016

**MOTION:** Ms. Stolarczyk motioned to accept the minutes for October 11, 2016 as submitted

**SECOND: Mr. Stolarczyk**  
**DISCUSSION: None**  
**VOTE: 3-0**

**5. Town Planner Report/ Adjournment:**

- There are no new applications and the application deadline has passed for the February 14, 2017 meeting, therefore, the meeting will be cancelled.
- The May 9, 2017 meeting falls on Town Meeting and we would need to reschedule or cancel the May meeting.

With no further discussion the meeting is adjourned at 7:52 pm

**MOTION: Ms. Stolarczyk**  
**SECOND: Mr. Stolarczyk**  
**DISCUSSION: None**  
**VOTE: 3-0**

**Submitted By: Monica Santerre-Gervais, ODIS Clerk**  
**Approved by the Zoning Board of Appeals on 4/11/2017**

**List of Documents used on January 10, 2017:**

ZBA mailing

Items mailed/mailed to ZBA members prior to meeting:

- Agenda
- Memo to the ZBA dated 12/28/2016, submitted by Paul Dell'Aquila
- Minutes from October 11, 2016
- Special Permit application for Paul Lindsey, 3 LaLiberte Lane, in regards to a temporary mobile home on the property.
- Special Permit application and letter for Peter Zukas for gravel pit renewal.

Items submitted to ZBA members at the meeting:

- Email from Carol Childress from National Grid in regards to encroachment of gravel pit into high voltage area, letters, Google map, and photographs dated 1/6/2017.