



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, May 01, 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 7:20pm

2. Special Permit – Applicant: Marcus H. Shagogue III. Location: 17 Debbie Drive, Spencer Assessor's Map R55/23. The applicant is requesting Special Permit under Sections 4.4.1. D (Accessory Uses) of the Spencer Zoning Bylaw for renting of rooms in a single-family dwelling. The property is located within the Rural Residential zoning district.

Mr. Collette reopened the hearing. There were no further comments or question from Mr. Stolarczyk and Ms. Stolarczyk. Mr. Dell'Aquila reiterated his recommendations from the last meeting.

Mr. Collette opened the meeting to the public but asked for new comments.

Jason Fields, 8 Debbie Drive, was not able to attend the first meeting. Mr. Fields said he was a disabled Veteran and moved to Spencer to raise a family in a safe neighborhood, with this tenant the neighborhood no longer feels, his wife does not feel safe, and asked the Zoning Board of Appeals members to consider if it was there neighborhood. Mr. Fields ended with the concern that the people who rent don't have to pay taxes and the permit should be denied because this will affect the whole neighborhood.

Todd LaPorte, 19 Debbie Drive, expressed that he felt the community has expressed that enough neighbors have expressed the burden this would take on the neighborhood and asked to think about the future of the neighborhood with their decision.

William Klansek, Zoning Enforcement Officer, stated that if this Special Permit is granted there have been new conditions from the new building code that the applicant would have to meet. If the applicant is renting rooms for a fee the house would need to be retrofitted as it were a lodging house and the renovations would need to be completed before the renting of rooms can start.

MOTION: Mr. Stolarczyk motioned to close the hearing for the Special Permit

SECOND: Ms. Stolarczyk

DISCUSSION: None

VOTE: 3-0

MOTION: Mr. Stolarczyk motioned deny the Special Permit application for 17 Debbie Drive based on enough evidence that it would affect the character of the neighborhood

SECOND: Ms. Stolarczyk

DISCUSSION: Mr. Collette added and read aloud section 7.2.3.C of the Zoning Bylaw
“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.”

VOTE: 3-0

3. Special Permit & Variance – Applicant/Owner: Patricia Karpowicz. Location: 2 Garrette Lane, Spencer Assessor’s Map R28/3-7. The applicant is requesting Special Permit under Section 4.8.1 (Accessory Uses) of the Spencer Zoning Bylaw for an accessory apartment in a single-family dwelling. The applicant is requesting a variance under Section 4.8.1.G (Special Use Regulations) of the Spencer Zoning Bylaw for the size of accessory apartment in a single-family dwelling. The property is located within the Rural Residential zoning district. .

Jim Reinke, Leicester, MA, was present for the meeting to represent Patricia Karpowicz. Mr. Reinke is the contractor that was hired by the applicant. In 1991 Antanavica constructed the single family home, in 1992 applicant had an addition of a breezeway and bedroom, then in 1992 the home was sold and during that time that homeowner put in the kitchen. The kitchen was added without the required permitting and Ms. Karpowicz bought the home in 2007 and was unaware that the accessory apartment was not permitted. The applicant is requesting the Special Permit for the accessory apartment and a variance on 44 sqft that goes over the zoning regulations for size requirements of the accessory apartment.

Mr. Klansek asked to review the plans.

Mr. Collette asked if the addition was within the setbacks and Mr. Reinke said yes.

Mr. Klansek asked if there was a second means of egress and Mr. Reinke said yes they were just not labeled on the plans. Mr. Klansek said a final plan needs to be submitted with the deleted portion of work that is not being done and the egress needs to be labeled. Mr. Collette asked if the setbacks will change on the new plan and Mr. Reinke said no. Mr. Stolarczyk confirmed that the 10x 16 space was being deleted from the plan and Mr. Reinke said yes because the original scope was over 200 sqft and they took that out so that way they were more compliant for the variance. Mr. Collette said it was important to note that they made an attempt to downsize for the variance aspect.

Mr. Klansek suggested approving the special permit and variance contingent upon the final plan approval of the ODIS office because Mr. Klansek does not see any issues and the Zoning Board members agreed.

MOTION: Mr. Stolarczyk motioned to close the hearing for the Special Permit/ Variance

SECOND: Ms. Stolarczyk

DISCUSSION: None

VOTE: 3-0

MOTION: Mr. Stolarczyk motioned to accept the Special Permit/ Variance for 2 Garrette Lane in regard to the accessory apartment contingent upon submittal of approval of the new plan by William Klansek.

SECOND: Ms. Stolarczyk

DISCUSSION: New plan should have removal of work not being completed, updated setbacks, and labeled egress. Mr. Collette wanted to make a note that the variance was approved based on the applicants efforts to conform to the requirements for the accessory apartment.

VOTE: 3-0

4. Approval of Minutes

- April 10, 2018

MOTION: Mr. Stolarczyk motioned to approve the minutes for April 10, 2018

SECOND: Ms. Stolarczyk

DISCUSSION: None

VOTE: 3-0

4. Town Planner Report

Mr. Dell'Aquila briefly discussed the next meeting

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

Ms. Stolarczyk seconded

VOTE 3-0

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals: 6/12/2018

List of Documents used on May 01, 2018:

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

- Agenda
- Memo from Town Planner dated 4/24/2018
- Minutes from 4/10/2018
- Special Permit & Variance application, 2 Garrette Lane, Patricia Karpowicz, description letter, quitclaim deed, and certified plot plan.

Items submitted to ZBA members at the meeting:

None