



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, August 14, 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, Steven Tyler, and Stacey Langelier

Zoning Board Member Absent: None

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

1. Open Meeting – Mr. Collette was acting chair and opened the meeting at 7:20 pm

2. Special Permit – Applicant/Owner: Lauren & Kyle Curren; Location: 2 Lyford Cross Road, Spencer Assessor's Map R20/10. The applicant is requesting a Special Permit under Section 4.8.3.D (Use of Residence for Business Purposes/Customary Home Occupations) of the Spencer Zoning Bylaw to rebuild an accessory building for a salon/ operate salon from home. The property is located within the Suburban Residential zoning district.

Ms. Langelier read aloud the permit description.

Lauren and Kyle Curren, 2 Lyford Cross Road, were present for the meeting. Mr. Collette asked about parking and Ms. Curren explained she had land to the side that they would turn into a second driveway for clients to park. Ms. Langelier asked about the abutters letter and there concern about chemicals and hair going into the septic, leaking, and contaminating the ground. Ms. Curren explained they would be installing a separate holding tank for the chemicals and the hair. Mr. Dell'Aquila further explained that the Board of Health would address the chemical, hair, septic, and holding tank. Mr. Collette read the full letter out loud from James and Sharon Pelow on 6 Lyford Cross Road. Mr. Collette asked if the plumbing was going to the tight tank only and Mr. Curren said yes. Mr. Collette asked if they would need to attend a Board of Health meeting and Mr. Dell'Aquila said no just an inspection and sign off.

Mr. Dell'Aquila mentioned that a home occupation is allowed in the zoning district and currently the only employee and a condition would be the hours of operation. Mr. Collette asked if the applicant is allowed one employee and Mr. Dell'Aquila answered no more than two employees and four parking spaces. Mr. Collette asked the applicant her proposed hours and Ms. Curren said she is currently part time with children at home and her hours would be limited. Mr. Dell'Aquila handed out the draft conditions. Mr. Tyler asked if the hours of operation on the draft conditions were standard to previous permitted salons. Mr. Dell'Aquila said yes because it gives surety to the neighbors.

Mr. Tyler asked if DEP gets involved with the tight tank and if there is an alarm-level monitoring. Mr. Curren said there will be level monitoring in the tight tank. Mr. Tyler asked how the board verifies that the applicant is meeting the requirements needed. Mr. Dell'Aquila said once we permit the use, and then there are certain safeguards, and more conditions can be

added like electrical/plumbing permits, and high way permits. Mr. Tyler asked about the plumbing and if there were two locations for piping and Mr. Curren said yes. Mr. Tyler asked about how many driveways they have and Ms. Curren said one. Mr. Tyler said that the applicants will need to go through the highway department for the second curb cut, additionally; the first fifteen feet of the driveway will need to be paved. There was some discussion in regard to the sign bylaw and the applicant receiving a sign permit through the Building Department.

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

SECOND: Ms. Langelier

DISCUSSION: None

VOTE: 3-0

The Zoning Board of Appeals discussed conditions including hours of operation from Monday-Saturday 8:00 am- 9:00pm, there is no on street parking, the applicant must receive the proper Building/Electrical/Plumbing permits, the applicant must comply with the Board of Health regulations and receive final inspection before opening, and the applicant must apply for a sign permit for signage.

MOTION: Mr. Tyler motioned to approve the Special Permit to rebuild an accessory building for a salon/ operate salon from home with the discussed conditions

SECOND: Ms. Langelier

DISCUSSION: Mr. Collette read aloud the requirements and how the applicant had met those requirements.

VOTE: 3-0

Because the applicant was present for the last hearing Mr. Collette switched the agenda items.

3. Special Permit Extension – Applicant: ZPT Energy; Owner: Wentworth Estate; Location 103 N. Spencer Road, Spencer Assessor’s Map R49/1/1. The applicant is requesting a extension to their special permit for a 2-megawatt solar farm, originally approved July 13th, 2010, under Spencer Zoning Bylaw Section 4.3.4 (Major Utility). The property is located within the Rural Residential zoning district.

Ms. Langelier read aloud permit description.

Andrew Freilich, 38 Asylum Road, Worcester, MA, was present for the meeting and discussed that he is presently in the process of purchasing the property. Mr. Collette asked if the plans have changed. Mr. Freilich explained that he received the stormwater permit and three month extension from the Planning Board on 8/13/2018. Mr. Freilich further explained that they needed the stormwater permit in order to pull the building permit but for added security requesting a three month extension for the use that was granted in 2010. Mr. Collette asked why so many continuances and Mr. Freilich answered that they did not have adequate lines (three phase) until the Abbey Solar was built, the previous owner passed away, and the property has been for sale. Mr. Collette asked about the abutters being notified and Mr. Dell’Aquila answered they were and they were at the Planning Board meeting on 8/13/2018, and there concerns were addressed and added to the stormwater conditions. Mr. Collette talked briefly about the

location, the winter time, and spring runoff. Mr. Tyler mentioned his knowledge of the site and stormwater conditions. Mr. Dell'Aquila mentioned that the applicants engineer and the town's engineer both said there would not be additional runoff at the site.

Mr. Collette opened the meeting up to the public:

Matt Defosse, 7 Paul's Drive, asked if this is a ZPT Energy site. Mr. Freilich said he is the contingent owner of the project and ZPT Energy is the applicant because they are constructing the project. Mr. Defosse went into detail the issues ZPT Energy is having at the Holmes Street Solar Farm with runoff and if the applicant is not taking care of previous projects they may not take care of new projects. Additionally, Mr. Defosse stated that he wanted to bring this to the attention to both Planning and Zoning Boards to try and avoid future issues with the solar farms.

Mr. Dell'Aquila went into detail about the Holmes Street Project and the issues it has had but explained that ZPT Energy is working with third party and the Conservation Commission to rectify the issues. Additionally, the Planning Board will insert stronger language in the conditions. Mr. Tyler discussed his knowledge of Holmes Street and that it was an unforeseen issue with the drainage. Mr. Freilich said he understands the concerns Mr. Defosse raised but he will be involved in the project and this is a separate project.

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

SECOND: Ms. Langelier

DISCUSSION: None

VOTE: 3-0

MOTION: Mr. Tyler motioned to approve the Special Permit extension until November 17, 2018

SECOND: Ms. Langelier

DISCUSSION: None

VOTE: 3-0

4. Special Permit – Applicant/Owner: Spencer Agricultural Association (Robert Knight); Location: 48 Smithville Road, Spencer Assessor's Map R32-26-4. The applicant is requesting a Special Permit under Section 4.9.3.C (Nonconforming Uses) of the Spencer Zoning Bylaw to construct parking lot/ hay field. The property is located within the Rural Residential zoning district.

The applicant was not present for the meeting. Mr. Dell'Aquila reviewed with the board the intentions of the Spencer Agricultural Association and what the plans were. Additionally, the applicant was present at the Planning board meeting on 7/17/2018 and was issued a stormwater waiver and the Fire Chief has approved the plans with slopes not greater than 10%. Mr. Tyler discussed his knowledge of the project. Mr. Dell'Aquila passed out the draft conditions for the permit.

Matt Defosse, 7 Paul's Drive, stated he believed the address was Smithville Cross. Mr. Dell'Aquila clarified that 48 Smithville is where we send mail to the Spencer Agricultural Association and 23 Smithville Cross Road is the actual fairgrounds.

MOTION: Mr. Tyler motioned to close the hearing for the Special Permit to construct parking lot/ hay field

SECOND: Ms. Langelier

DISCUSSION: None

VOTE: 3-0

MOTION: Mr. Tyler motioned approve the hearing for the Special Permit to construct parking lot/ hay field

SECOND: Ms. Langelier

DISCUSSION: None

VOTE: 3-0

5. Approval of Minutes

- June 12, 2018- Mr. Collette approved the minutes as submitted
- July 10, 2018- Mr. Collette approved the minutes as submitted

6. Town Planner Report/ Adjournment-

- Welcome to the new members Stacey Langelier and Steven Tyler
- Upcoming meetings parking vehicle over one ton and gravel pit renewals

MOTION: Mr. Tyler motioned to adjourn the meeting at 8:30 pm

SECOND: Ms. Langelier

VOTE: 3-0

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals:

List of Documents used on August 14, 2018:

Items emailed & handed out to ZBA member prior to meeting:

- Agenda
- Town Planner Memo
- Minutes from 6/12/18 & 7/10/2018
- Special Permit application, plans, for Lyford Cross Road/ Lauren & Kyle Curren
- Abutter letter for Lyford Cross Road
- Special Permit application for Spencer Agricultural Association, parking lot/ hayfield.
- Special Permit extension application for 103 North Spencer Road Solar Farm

Items submitted to ZBA members at the meeting:

- Draft Conditions for Lyford Cross Road SP
- Draft Conditions for Spencer Agricultural Association SP
- Draft Conditions for 103 North Spencer Road Solar SP extension