



Zoning Board of Appeals – Town of Spencer

***Minutes of Tuesday, September 11, 2018 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, 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 7:16 pm

**2. Special Permit – Applicant/Owner: Glenn Maffei; Location 49 East Charlton Road, Spencer Assessor's Map R14/4-9. The applicant is requesting a special permit to park vehicles over one ton on his property under Spencer Zoning Bylaw Section 4.8.4 (Parking Vehicles over One Ton in Capacity). The property is located within the Rural Residential zoning district.** Ms. Langelier read aloud description.

Glenn Maffei, 49 East Charlton Road, was present for the meeting.

Mr. Collette asked the types of trucks the applicant had. Mr. Maffei said he has a couple trucks that he has paid a storage company to keep the vehicles at and now the landlord is raising the rent and would like to park the vehicles at his residence. Mr. Collette asked if his application was due to a complaint and Mr. Dell'Aquila said the applicant came in and there weren't any complaints about this applicant. Mr. Collette asked how close the neighbors are. Mr. Maffei answered that his property was 300 ft long and, 1 neighbor is next to him, and the other neighbor has a piece of property between them. Mr. Collette stated that in his experience the main concern is noise especially idling vehicles in the morning. Mr. Maffei said that he has been doing the construction work on the side and work for the Town of Auburn full-time. Mr. Collette said businesses are allowed and storage is allowed in certain zones. Mr. Maffei said in the future, possibly in the spring, he would like to build a garage.

Mr. Tyler asked what types of trucks that will be stored. Mr. Maffei said dump truck, tractor, storage trailers, mini excavator, bob cat, small equipment. Mr. Tyler asked more specifics about the trucks and Mr. Maffei said 66 Mac and 85 Freightliner pickup trucks, and connex boxes. Mr. Tyler asked the Town Planner if they limit the amount of vehicles the applicant can have. Mr. Collette said it's for one truck, Mr. Dell'Aquila said it can be for more, and Mr. Maffei said two vehicles and storage containers. There was some discussion in regards to future use of his business and storing more vehicles. Mr. Tyler said that the draft conditions touch upon the amount of trucks allowed. Mr. Dell'Aquila said the trailers and smaller equipment are not part of this but the two vehicles over one ton is the discussion and for the record the application states vehicles. There was discussion of the driveway on the left hand side of the property to store the trucks. Mr. Collette said to try and keep the trucks out of site as much as possible. Mr. Dell'Aquila said trees for screening, top of driveway to neighbor was 200 feet and the other

neighbor was much greater than that. Mr. Maffei is not opposed to putting up fencing or a gate. Mr. Collette said in the back of the property would be best. Mr. Tyler asked the applicant if he is driving off of the grass to the road and Mr. Maffei said no because the septic is there.

Mr. Collette opened the meeting to the public:

Robert Catino, 58 East Charlton Road, said he has a Special Permit and he is in favor of equipment being parked at the residence and his only concern is that he does not want to see multiple cars piled up in the yard. Mr. Catino gave an example of Sweeny's property turning into a junk yard and wanted to know who oversees that. Mr. Collette said the Special Permit will be for two vehicles and if it becomes larger the applicant will have to come back. Mr. Dell'Aquila said that if there were additional vehicles a complaint should be made at the Office of Development and Inspectional Services and either the Building Inspector or himself would site/fine the applicant until they adhere to the Special Permit.

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

**SECOND: Ms. Langelier**

**DISCUSSION: None**

**VOTE: 3-0**

Mr. Dell'Aquila stated the Zoning Board of Appeals must find that the applicant has met the required findings as required by M.G.L. Chapter 40 A., Sec. 9 and Section 7.2 of the Spencer, Mass., 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.

Also, Mr. Dell'Aquila mentioned an added condition 4.8.4 which discusses mandatory hours of idling vehicles/ hours of operation and adding the condition of no more than two (2) one ton vehicles.

Mr. Dell'Aquila noted that on his draft decision page 3 had the wrong address and name that will be corrected.

**MOTION: Mr. Tyler motioned to approve the Special Permit to accept the findings and conditions, the condition #1 will state no more than two vehicles over one ton, condition #2 will be 4.8.4 to cover idling vehicles and hour of operations.**

**SECOND: Ms. Langelier**

**DISCUSSION: None**

**VOTE: 3-0**

### **3. Approval of Minutes**

- August 14, 2018- Mr. Collette pointed out on page 3 need to change wording of Mr. Ceppi to Mr. Collette, Mr. Tyler said on page 2 need to add driveway permit, and page 4 add second and vote for the adjournment.

**MOTION: Ms. Langelier motioned to approve the minutes with the corrections as discussed**

**SECOND: Mr. Tyler**

**DISCUSSION: None**

**VOTE: 3-0**

**4. Town Planner Report/ Adjournment-**

- BOS- Committee to review Solar Bylaw
- Next meeting two gravel pit renewals

**MOTION: Mr. Tyler motioned to adjourn the meeting at 7:47 pm**

**SECOND: Ms. Langelier**

**VOTE: 3-0**

**Submitted By: Monica Santerre-Gervais, ODIS Clerk**

**Approved by the Zoning Board of Appeals: 10/09/2018**

**List of Documents used on September 11, 2018:**

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

- Agenda
- Town Planner Memo
- Minutes from 8/14/2018
- Special Permit application, aerial, for 49 East Charlton Road, Glenn Maffei, parking vehicles over one ton at his residence.

**Items submitted to ZBA members at the meeting:**

- Draft decision and conditions for Special Permit application for 49 East Charlton Road, Glenn Maffei, parking vehicles over one ton at his residence.