



Zoning Board of Appeals – Town of Spencer

Minutes of Tuesday, October 09, 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, and Monica Santerre-Gervais, Senior Clerk

1. Open Meeting – Mr. Collette was acting chair and opened the meeting at 7:29 pm

2. Special Permit (Renewal) – Applicant/ Owner: Bond Construction Corp. Location: Cranberry Meadow Road, Spencer Assessor's Map R09-1 & R09-2. The applicant is looking to renew their Special Permit under Sections 4.2 (H.1) and 4.8.6 of the Spencer Zoning Bylaw to continue a gravel removal operation. The property is located in the Rural Residential zoning district. Ms. Langelier read aloud description.

Karen Hubacz, Bond Construction, was present for the meeting. Mr. Collette asked if this gravel pit was for 98 North Spencer Road and Ms. Hubacz said the other gravel pits don't need renewals and Mr. Dell'Aquila said the other sites are grandfathered. The Zoning Board of Appeals members were given the inspection sheets with photos from the Conservation Agent, Margaret Washburn, and recommended for renewal. Mr. Collette asked if there was anything the applicant wanted to add and Ms. Hubacz said no and that she was grateful to be heard and wants to be a good neighbor. Mr. Collette asked about the trespassing issues. Ms. Hubacz said it is still an issue especially on the tracks and she continues to post signs, being diligent, and taking pictures as proof. Mr. Collette asked if they would be opening new areas. Ms. Hubacz said no because all the areas have been disturbed and reclaimed under DEP regulation. Currently, they are recycling paper to create loam instead of stripping loam from other places and creating their own topsoil. Mr. Collette asked if the recycling is a new technology and Ms. Hubacz said yes and they used Casella Organics seven years ago and have been happy with the turn out. Additionally, this allows people to create organics and for them to be competitive when bidding projects that want to be green. Mr. Tyler asked if the organics was on the steep slope and Ms. Hubacz said yes. Mr. Tyler asked how deep do they apply the pulp and Ms. Hubacz replied between 8-12 inches. Mr. Tyler asked at the end how much organic layer will it create and Ms. Hubacz said a solid 6. Ms. Hubacz discussed other sites they have this technology they have this on and the success they have received. Mr. Collette asked about the rotation duration and Ms. Hubacz said about three years. Mr. Tyler asked about the pit and concerns with opening the back area and the access road. Ms. Hubacz said it is open but not active and if they did then would need to move some from the front to the back to stabilize the road. Mr. Tyler asked if the access road is something Ms. Washburn checks on her inspections and Ms. Hubacz said yes.

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

Mr. Dell'Aquila handed out the draft conditions and suggested approval for one year. Additionally, he discussed how many gravel pits there are in town, grandfathered sites, and changing renewal process in the future. Ms. Hubacz handed out pictures taken 10/09/18 for the record.

MOTION: Mr. Tyler motioned to close the hearing for the Special Permit for Bond Gravel Pit renewal

SECOND: Ms. Langelier

DISCUSSION: None

VOTE: 3-0

MOTION: Mr. Tyler motioned to approve the Special Permit to renew the gravel pit permit with findings and conditions.

SECOND: Ms. Langelier

DISCUSSION: None

VOTE: 3-0

3. Special Permit (Renewal) - Applicant/Owner: Leo Aucoin. Location: 89 Cranberry Meadow Road, Spencer Assessor's Map R02-2-1. The applicant is looking to renew his Special Permit under Sections 4.2 (H.1) and 4.8.6 of the Spencer Zoning Bylaw to continue a gravel removal operation. The property is located in the Rural Residential zoning district. (Hearing opened at 7:44pm/ Mr. Collette read aloud description).

Leo Aucoin, 89 Cranberry Meadow Road, was present for the meeting. Mr. Collette asked to have the draft conditions to look over from Mr. Dell'Aquila. Mr. Aucoin said he planned on doing something eventually and knows he will need to come back. Mr. Collette asked how much he has removed and Mr. Collette said he had an opportunity but it didn't go through so nothing has been removed. Mr. Aucoin mentioned he is maintaining the permit so that he can do something in the future. Mr. Dell'Aquila said there are no issues and recommends renewal. Mr. Aucoin asked about the date, on page 3, in the draft decision where it states 2008 but he has had the gravel pit since 1984. Mr. Dell'Aquila said he can insert wording to state "operational since 1984, permitted since 2008."

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

MOTION: Mr. Tyler motioned to close the hearing for the Special Permit renewal for 89 Cranberry Meadow Road Gravel Pit

SECOND: Ms. Langelier

DISCUSSION: None

VOTE: 3-0

MOTION: Mr. Tyler motioned to approve the Special Permit renewal for the gravel pit with findings, with the changes on page 3 that were discussed, and conditions.

SECOND: Ms. Langelier

DISCUSSION: None

VOTE: 3-0

4. Approval of Minutes

- September 11, 2018

MOTION: Mr. Tyler motioned to approve the minutes for 9/11/2018

SECOND: Mr. Collette

DISCUSSION: None

VOTE: 3-0

5. Town Planner Report/ Adjournment-

- Elise Johns- Ms. Johns was present for the meeting because she is interested in becoming a member. Ms. Johns has 22 years of municipal experience, working as an Assessor, and Treasurer/Collector.
- Variance for next meeting
- Discussed possible time change for meetings

MOTION: Ms. Langelier motioned to adjourn the meeting at 8:01 pm

SECOND: Mr. Tyler

VOTE: 3-0

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals: 11/13/2018

List of Documents used on October 09, 2018:

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

- Agenda
- Town Planner Memo dated 10/2/2018
- Minutes from 9/11/2018
- Special Permit application, for Bond Construction, Gravel pit renewal/ with inspection sheet and pictures from Conservation Commission.
- Special Permit application, for Leo Aucoin, Gravel pit renewal/ with inspection sheet and pictures from Conservation Commission

Items submitted to ZBA members at the meeting:

- Draft decision and conditions for Special Permit renewal application for Bond Gravel Pit.
- Draft decision and conditions for Special Permit renewal application for Aucoin Gravel Pit.
- Pictures handed in by Karen Hubacz from Bond Construction