

Planning Board – Town of Spencer

Minutes



Regular Planning Board Meeting
Tuesday, March 2, 2010 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

The meeting was called to order at 7:00 p.m.

Planning Board Members Present: Chairman Fabio Carrera, Paul Tee, Shirley Shiver, and Paul Sauvageau.

Planning Board Member Absent: Robert Ceppi.

Staff present: Adam Gaudette, Interim Town Administrator.

New Business:

A. ANR – Bay Path Real Estates, LLC, 100 Clark Road, Spencer, for a boundary line adjustment. The application was submitted by Dan Lemenager. Mr. Gaudette explained the ANR plan to the Board. There are two existing buildings on the property which were built prior to Zoning. The ANR plan is proposing the boundary line adjustment and separating the two buildings; one building will be on Lot 1, and another will be on Lot 2.

Mr. Gaudette said that in accordance with MGL c. 41, Sec 81L exemption, under the definition for “subdivision” it *allows the Planning Board to endorse a plan* showing a “division of a tract of land which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing.” However, the 81L exemption does not relieve a property owner *from complying with local zoning requirements.*

Mr. Gaudette stated that in regards to this ANR plan, new nonconformities are being created by the division of the existing tract into Lots 1 and 2. Thus, the new lots will be more nonconforming by decreasing the frontage from the already nonconforming 100 feet to 50 feet each. Also, the existing building coverage is nonconforming (the maximum is 15%) and may be further increased on either Lot 1 or Lot 2, or both.

Mr. Gaudette explained that the increase in the nonconforming dimensions without obtaining a variance from the Zoning Board of Appeals will mean that the lots will not be “legal” nonconforming lots. In addition, an application for an extension or alteration on a nonconforming lot that is not legally nonconforming is not allowed under MGL c.40A, Sec 6 and

Section 4.9.2 of the Spencer Zoning Bylaws. Mr. Gaudette advised and recommended that the applicant submit an application for a variance to the Spencer Zoning Board of Appeals in attempt to make Lots 1 and 2 legal nonconforming lots such that future permit requests for extensions or alterations will not be disallowed.

Mr. Gaudette had suggested the HS & T Group, Inc., who prepared the ANR plan, to revise the plan and adding the following detailed information to the plan:

- A Zoning Table containing the current zoning requirements.
- The setback measurements and the total building coverage of the existing buildings, and also of the two proposed Lots.
- Note any decisions by the Planning Board and the Zoning Board in regards to the land or any building.

The revised plan is being presented to the Board tonight. Mr. Gaudette said the plan meets all the submittal requirements.

Note: Mr. Lemenager was present this evening.

The Board reviewed the plan. Ms. Shiver made a motion to accept the ANR plan as submitted tonight and to have Mr. Gaudette endorse the plan. Mr. Tee seconded the motion and the vote was 4-0 in favor.

Old Business: None

Approval of Minutes: Minutes for February 16, 2010.

Mr. Tee made a motion to accept the minutes for February 16, 2010. Mr. Sauvageau seconded the motion and the vote was 4-0 in favor.

Board Discussion:

A. Request for Proposals (RFP) - Planning and Zoning Boards Support Services. Mr. Gaudette informed the Board that Mr. William Scanlan was selected from the two RFP's submitted.

Note: Mr. Fabio announced that he is not available to attend the Planning Board meetings during the months of March through May, 2010.

With no discussion, Ms. Shiver made a motion to adjourn the meeting at 7:40 p.m. Mr. Tee seconded the motion and the vote was 4-0 in favor.

Submitted By:

Approved By:

Bea Meechan, Senior Clerk

Paul Tee, Planning Board Vice Chairman