

# Zoning Board of Appeals – Town of Spencer

## *Minutes*



Regular Zoning Board Meeting  
Tuesday, October 12, 2010 7:15 PM  
McCourt Social Hall  
Memorial Town Hall

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The meeting was called to order at 7:15 p.m.

Zoning Board Members Present: Chairwoman Pamela Crawford, Clerk Joanne Backus, Allan Collette, and Delores Kresco, alternate.

Zoning Board Member Absent: None

Staff present: Michelle Buck, Town Planner, Bea Meechan, Senior Clerk, ODIS.

### **New Business:**

**A. Public Hearing - Special Permit, David Pelchat, 42 North Spencer Road, Spencer (Assessor's Map R38/40).** Ms. Crawford opened the hearing at 7:25 p.m. The Clerk read the brief. The applicant is requesting a special permit in accordance with Section 4.9.2.A.2 of the Spencer Zoning Bylaw to construct an addition (which consists of a bedroom, a living room, a mud room, and a one-car attached garage) which encroaches on the front setback. The property is located within the Rural Residential Zoning District.

Ms. Crawford asked the applicants for the presentation on the application.

Mr. Pelchat explained his family has 3 children and his elderly mother has been living with him since his father passed, thus the addition is necessary. The current situation, being a single-family house, is not practical at this point.

Ms. Backus asked if the addition is as an apartment with its own kitchen. What is the distance from the existing house to the road?

Mr. Pelchat said that there will be no kitchen, just a living area and a bedroom. It is approximately 15 to 20 feet from the house to road.

Ms. Kresco inquired as to the capacity of the existing septic system, if it could handle the additional bedroom.

Mr. Pelchat indicated he had submitted an application for system upgrading and received an approval from the Spencer Health Agent, Board of Health; the existing septic system is being upgraded at the present time.

The Board reviewed the plan submitted. The minimum front setback in the Rural Residential Zoning District is 55 feet. The proposed addition will be 38.53 feet from the front lot line, and the existing house is 13 feet from the lot line. Therefore, the proposed addition will be less nonconforming than the existing structure's front setback, but it still does not meet the requirement.

Mr. Collette asked if the proposed addition required an elevation.

Mr. Pelchat presented the addition's design plan to the Board. Due to the addition being situated at the lower level to the house, there will be an elevation (to the main door); he then pointed out the location on the plan.

Note: There were no abutters present this evening.

Ms. Crawford announced that members sitting in the voting were Ms. Backus, Ms. Kresco, and herself.

Ms. Crawford made a motion to close the discussion. Ms. Kresco seconded the motion and the vote was 4-0 in favor.

**Ms. Backus** made a motion to grant a special permit to David Pelchat to construct an addition to an existing non-conforming single-family home that encroaches on the front setback. The addition consists of a bedroom, a living room, a mud room, and a one-car attached garage; it will encroach on setbacks to a lesser degree than the existing nonconformity. (The existing structure is approximately 13 feet from the front lot line; the addition as proposed is a minimum of 38.53 feet from the front lot line). The property is located within the Rural Residential Zoning District, which requires a 55-foot front setback. **Ms. Kresco** seconded the motion and the vote was 3-0 in favor. The following was included in the motion:

**Findings:** The Board determined that the proposed use met the requirements for a special permit in M.G.L. Chapter 40A., Sec. 9 and Section 7.2 of the Spencer Zoning Bylaws:

1. That the proposed use is in harmony with the general purpose and intent of the zoning bylaw.
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.

Ms. Crawford explained that once the decision has been filed with the Town Clerk, staff from ODIS will mail the copy of the decision along with the instructions to the applicant and to all abutters.

**Approval of Minutes: For September 21, 2010.**

Ms. Backus made a motion to accept the minutes for September 21, 2010. Mr. Collette seconded the motion and the vote was 4-0 in favor.

**Old Business: None**

**Other Discussion: None**

Ms. Crawford made a motion to adjourn the meeting at 7:35 pm. Ms. Backus seconded the motion and the vote was 4-0 in favor.

Submitted By:

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Bea Meechan, Senior Clerk, ODIS

**List of Documents and Media Used October 12, 2010**

- Special permit application submitted by Mr. Pelchat.
- Survey plan prepared by Murray Engineering, dated 8.30.10.
- The construction plan of the addition provided by Mr. Pelchat.