

# Zoning Board of Appeals – Town of Spencer

## *Minutes*



Regular Zoning Board Meeting  
Tuesday, August 31, 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, and Allan Collette.

Zoning Board Member Absent: Delores Kresco.

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

### **New Business:**

**A. Public Hearing - Special Permit**, Webster First Federal Credit Union, 24 – 28 Wall Street, Spencer (Assessor's Map U07/27). The application was submitted by Douglas Cutler, d/b/a Barnstorm Cycles. Ms. Crawford opened the hearing at 7:20 p.m. The Clerk read the brief. The applicant is requesting a special permit in accordance with Section 4.9.3.C of the Spencer Zoning Bylaw to change the pre-existing nonconforming use to the manufacturing, sales, and servicing of motorcycles. The property is located in the Town Center Zoning District.

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

Mr. Cutler said that he has owned and operated Barnstorm Cycles, a motorcycle business since 1983 when it was established. The business has two locations; a servicing/restoring department located at Elm Street; and a display showroom on Main Street, Worcester. He bought a home and property in Spencer and his family is residing in the town at present time. Another son, also a business partner, is contemplating moving to Town. He would like to relocate the existing business to Spencer.

At this time the Board reviewed the site's map submitted by the applicant.

The following were questions and comments from the Board of the applicant.

The location on the application consists of two buildings, a brick building and a small white wooded building. Ms. Crawford asked what will be the type of the usage and what were the previous businesses? Mr. Collette asked if the applicant plans to occupy both buildings.

Mr. Cutler said that it used to be a bowling alley, a construction company, and storage spaces. He plans on utilizing both buildings, the operation and servicing will be at the brick building,

and the white building will be for storing equipment. In addition, a small office for customer and retailing service (and administrative processing) will be in the white building. Also, there is one pre-existing apartment, and if the business does happen, his son (who works at the current business) will occupy that apartment space.

Will the applicant close both locations in Worcester and re-locate the business to Spencer?

Mr. Cutler responded that since the business has been in existence in Worcester for a long time, he would like to maintain the display show room, and will provide some services there at Elm Street. The location in Spencer will be use for the construction /assembly of motorcycles, servicing, and storage (equipment).

How many employees would be working at the business?

Mr. Cutler said he would acquire 3 to 4 employees for the business, one will be an accountant, and the rest will handle the building, restoring and servicing part of business.

In general, motorcycles do create loud noise. Thus, the noise generated by the business would become a nuisance to the neighborhood. The Board expressed concern on the noise level.

Mr. Cutler explained that his current repair shop (on 130 Elm Street, Worcester) is in the historical zoning district next to the restricted residential zoning district area which is more dense when compared to the proposed location (24-28 Wall Street, Spencer). The business was established since 1983 and there has never been a complaint *in regards to the noise from the neighbors*. He also owns apartment units which abut the repair shop; he has not had any complaints from tenants there either. He has always maintained good relationships with the neighborhood and developed a good rapport with area residents.

Regarding the existing apartment, Ms. Buck asked for which building it is in – brick or wooded building. In addition, is it occupied?

Mr. Cutler said the existing apartment is located in the brick building. The apartment is vacant at the present time. As stated above Mr. Cutler's son will occupy the space if things go accordingly to the plan.

Ms. Buck provided the pictures of buildings and locations, which were obtained from the Website, to the Board. The applicant asked to approach the Board in order to better explain all the items shown on the pictures – the brick and wooded buildings, the distance between the two buildings, parking area/spaces, and identified abut-properties.

Mr. Collette inquired as to the hours and the days of operation. Is the repairing/restoring service to be conducted inside the building and behind closed doors?

Mr. Cutler said operating hours will be 7:00 am - 6:00 pm, Monday through Saturday. Yes, the service, repairing and restoring, will be conducted in the brick building with the door closed.

Ms. Crawford opened the hearing to the public for comments and questions at this point.

Mr. Lucy White of 5 Wall Street, an abutter, requested that **for Sunday** the business shall not start before 9:00 am and shall close no later than 5:00 pm. Her husband works late and does not wish to be disturbed by the noise from the business, especially on a Sunday morning.

Mr. Cutler said there is no problem with that. He is happy to work with Ms. White on the subject.

The Board directed the applicant to specify the business and operation hours now.

Mr. Cutler said that hours will be 7:00 am – 6:00 pm, Monday through Friday, Saturday 7:00 am – 5:00 pm., and Sunday 11:00 am – 5:00 pm.

Ms. White was the only abutter that was present this evening. Let the record be known that the Spencer Housing Authority, an abutting property next to this proposed project, did not send anyone on their behalf, nor anyone who is a resident at the Building attended this public hearing. Mr. Collette requested that this shall be reflected in tonight's minutes.

Ms. Crawford announced that the members sitting in the voting were Mr. Collette, Ms. Backus, and herself. With no further questions and comments, Ms. Joanne made a motion to close the hearing at 7:00 pm. Mr. Collette seconded the motion and the vote was 3-0 in favor.

Mr. Collette made a motion to grant a special permit to the owner Webster First Federal Credit Union, for the applicant Douglas Cutler, d/b/a Barnstorm Cycles to change the current pre-existing nonconforming trade use to the manufacturing, sales, and servicing of motorcycles (all inside of one or both structures on site). Other proposed uses on the site (not the subject of this special permit) are construction trade (including outside storage of construction vehicles), storage/warehouse, and reuse of an existing apartment in the larger of the two structures on the site. Ms. Backus 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. 40A, Section 9 and Section 7.2 of the Spencer Zoning Bylaw:

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, or welfare of the neighborhood or the Town.

This approval is granted with the following **condition**:

1. Hours of operation shall be 7:00 am – 6:00 am, Monday through Friday, Saturday 7:00 am – 5 pm, and Sunday 11 am – 5:00 pm.
2. All servicing, repairing, and restoring of motorcycles shall be conducted inside of one or both structures on the site.

Mr. Collette 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 July 13, 2010.**

Ms. Backus made a motion to accept the minutes for July 13, 2010. Mr. Collette seconded the motion and the vote was 3-0 in favor.

**Old Business: None**

**Other Discussion: None**

Ms. Crawford made a motion to adjourn the meeting at 7:45 pm. Ms. Backus seconded the motion and the vote was 3-0 in favor.

Submitted By:

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Bea Meechan, Senior Clerk, ODIS

**List of Documents and Media Used August 31, 2010**

*Attach to the Minutes*

- Site's Maps provided by Mr. Douglas Cutler.
- Pictures of the brick and wooded buildings and site location provide by Ms. Buck which was obtained from Website.
- Memorandum from Ginny Scarlet, subject: Site Visit – 24 Wall Street, dated 8.31.10.