



# Zoning Board of Appeals – Town of Spencer

## *Minutes*

Zoning Board of Appeals Meeting  
**Tuesday, August 14, 2012 at 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: Chair Allan Collette, Albert Drexler, Dee Kresco

Zoning Board Member Absent: None

Staff present: Michelle Buck, Town Planner and Brynn Johnson, ODIS Clerk

### **1. New Business:**

**A. Special Permit** – Applicant/Owner: Worcester Real Estate, LLC. Project Location: 10 Linden Street, Spencer. The applicant is requesting a Special Permit to allow the conversion of the residential home at 10 Linden Street into business/financial office to be used by Spencer Savings Bank. The property is located within the Village Residential Zoning District. Phil Stoddard and Pat Daley are present representing Spencer Savings Bank.

Mr. Collette opens the hearing.

Ms. Kresco reads the application and the project narrative. New Worcester Real Estate, LLC is a Massachusetts Liability Company which is owned and operated by Spencer Savings Bank with Lori Kowal serving as the manager. New Worcester Real Estate, LLC purchased 10 Linden Street which is located in a Village Residential District on June 29, 2011 with the intent to use the property for business/financial offices in connection with their 176 Main Street property. A review of the attached assessors map will show that 10 Linden Street and 176 Main Street abut at the rear of each property which will allow access to 10 Linden Street from the Spencer Savings Bank parking lot at 176 Main Street. The proposed business/financial office use is allowed by special permit in a Village Residential District. The offices will be used on the same days of operation and have the same hours as Spencer Savings Bank. This project has been before the Spencer Planning Board and minor site plan review has been found to be unnecessary.

Mr. Collette asks Mr. Stoddard if he has anything to add.

Mr. Stoddard adds there will be 3 to 4 employees that will work in this house and they will have 8 new parking spaces behind the house. They do not want to be precluded from using the Linden Street

access; however they don't expect the need to use it on a regular basis. The employees will be parking in the back of the house accessible from the Banks existing 176 Main Street driveway. There will be no customers or added traffic to Linden Street. Mr. Stoddard feels this type of use is what the Village Residential District was intended for.

Mr. Collette asks what zone Spencer Savings Bank is in. The bank's main building at 176 Main Street is in the Town Center Zoning District.

Ms. Kresco asks if the exterior of the house will be changed. Ms. Daley says nothing will be changed; the house will look the same. The employees would be coming and going from the back of the house thus having little impact on the Linden Street residents.

Mr. Collette asked how much parking is in the front of the house. Mr. Stoddard says there is room for 2 cars to pull into the driveway one behind the other. Mr. Collette wants to make sure no one is intending to park on the Street. Mr. Stoddard says no one will park on the street; all employees will park in back. There will be 8 new parking spots added to the current bank parking lot and the public will not be using this building.

Mr. Drexler asks what the garage will be used for, will office space be expanded into the garage. Ms. Daley says no the garage will be keep as it is now, currently they use it for storage.

Mr. Collette asks the public if they have any questions or concerns. There are none.

Mr. Drexler makes a motion to close the discussion. Ms. Kresco seconds the motion. Vote is 3-0 in favor. The public hearing is closed.

**MOTION:** Mr. Drexler makes a motion to approve the special permit for New Worcester Real Estate, LLC regarding offices at the property of 10 Linden Street. The following findings as required by M.G.L. Chapter 40 A., Sec. 9 and Section 7.2 of the Spencer, MA Zoning By-laws: That the proposed use is in harmony with the general purpose and intent of the zoning bylaw. That the proposed use will not create undue traffic congestion nor unduly impair pedestrian safety. 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. The Board also finds that the project meets parking requirements. Based on these findings, the Spencer Zoning Board of Appeals, as Special Permit Granting Authority pursuant to Section 7.2.1 of the Spencer Zoning Bylaw. Conditions: (1.) No on-street parking is permitted. Ms. Kresco seconds the motion.

**VOTE:** 3-0 to approve

**B. Variance** – Applicant/Owner: Bruce DeLude. Project Location: 2 Bellevue Drive, Spencer. The applicant is requesting a Variance to allow construction of a two-car garage that extends into the side and front setbacks. The property is located within the Lake Residential Zoning District. Bruce Delude and Tom Fancy are present.

Mr. Collette opens the hearing.

Ms. Kresco reads the application.

Mr. Fancy explains the applicant wants a variance from the minimum front and side setback requirement to demolish an existing garage and construct a new 24' x 28' (672 s.f.) garage. The proposed construction requires a variance because the garage would be 10 feet from the front lot line and 5 feet from the side lot line; the minimum required front and side setbacks in the Lake Residential Zoning District are 15 feet and 10 feet, respectively. Two-hundred and forty-three (243) square feet of the existing garage extends into the side setback; 93 square feet of the proposed garage extends into setbacks (side and front).

Mr. Collette asks the public if they have any questions or comments.

Lisa Barylski of 1 Bellevue Drive expresses concern that if the garage is too close to the road the driveway may not have enough room for them to reverse their cars out of the garage onto the road without hitting and driving on her lawn. People who aren't careful will back their cars up out of the Delude driveway onto her lawn. She states Mr. and Ms. Delude are very careful not to drive on her lawn but some visitors to the Delude home are not careful and drive on her lawn to turn their cars around.

Mr. Delude explains there will be an additional parking area to the left of the garage that will better accommodate their visitors. The overall parking area will be larger than it is now.

Ms. Barylski also expresses concern for the condition of the road. The road is already in bad condition and heavy equipment could cause even more damage to it.

Mr. Collette states the condition of the road is not in their jurisdiction. He asks if the road is private. Mr. Delude says yes the road is private and the residents patch it when needed as best they can. He agrees the road is in desperate need of repairs but the town is slow to get involved because it's a private road. The town has put this road on a list of roads the need to be paved but this is a very long list.

Mr. Collette asks why people have such a hard time turning their cars around at the Delude house. Mr. Delude says there is plenty of room to turn around, but sometimes if it's their first time at the house and they are not being careful they back up on the grass across the street.

Ms. Buck asks how wide the street is. Mr. Fancy says it's a private road so it varies from between 20 ft to 27 ft wide near the Delude property.

Mr. Collette asks if there are any further questions. There are none.

**MOTION:** Ms. Kresco makes a motion to grant a variance for the construction of a new garage at 2 Bellevue Drive. With the following findings related to the requirements for a variance under M.G.L. Chapter 40 A., Sec. 11 and Section 7.3 of the Spencer, MA, and Zoning By-laws:

1. Owing to circumstances relating to topography of land, and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise to the petitioner or appellant.

2. That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this by-law.

There are no conditions added.

Mr. Drexler seconds the motion. Based on these findings, the Spencer Zoning Board of Appeals, as Variance Granting Authority pursuant to Section 7.3 of the Spencer Zoning Bylaw, voted 3-0 to approve this variance.

**VOTE:** 3-0 to approve

**2. Approval of Minutes-** July 10, 2012

MOTION: Ms. Kresco makes a motion to accept the minutes from July 10, 2012. Mr. Drexler seconds the motion.

VOTE: is 3-0 in favor

**3. Adjournment:** With no further discussion the meeting is adjourned.

Submitted By: Brynn Johnson, Junior Clerk ODIS *Brynn Johnson*

Approved by the Zoning Board of Appeals on \_\_\_\_\_12/11/2012\_\_\_\_\_

**List of Documents used on August 14, 2012:**

Items mailed to ZBA members prior to meeting:

- Agenda
- Memo to ZBA from Michelle Buck dated August 08, 2012
- 2 Bellevue Drive Application & Map
- Print out of proposed garage for 2 Bellevue Drive
- Letter of approval signed by two abutters of 2 Bellevue Drive
- Spencer Savings Bank-10 Linden Street packet
- July 10, 2012 Minutes

Items submitted at meeting:

- Print out of proposed garage for 2 Bellevue Drive
- Letter of approval from Mr. & Ms Delude's neighbor Rungsita Tulathimutte 76 Wilson Street
- Letter of approval from Mr. & Ms Delude's neighbor Eleanor Harris 4 Bellevue Street