



Zoning Board of Appeals – Town of Spencer

*Minutes*

Zoning Board of Appeals Meeting  
**Tuesday, May 12, 2015 at 7:15 PM**  
McCourt Social Hall  
Memorial Town Hall

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Zoning Board Members Present: Dee Kresco, Allan Collette and Robert Emerson  
Zoning Board Member Absent: Albert Drexler  
Staff present: Monica Santerre-Gervais, Clerk & Michelle Buck, Town Planner

Allan Collette was acting Chair due to Albert Drexler being absent.  
Mr. Collette opens the meeting at 7:16 pm

**1. Special Permit Applicant/Owner: Robert Del Frate, Location: 16 & 21 Valley Street:**

Mr. Collette opened the meeting. Robert Emerson was acting Clerk and read the application aloud. The applicant Robert Del Frate is requesting a Special Permit under Section 4.2.G.6 (manufacturing, assembling, or packaging of goods) of the Spencer By law to allow the manufacturing and distribution of picture frames in an existing structure on 16 & 21 Valley Street. Zoning district in commercial, Assessors tax map number U08 parcel number 16&21, and deed reference book 4798 page 395 and book 43823 page 214. Under brief description from the applicant this is a pure e-commerce business, all sales are generated online, and products to ship from the proposed facility with no more than five employees.

Dee Kresco made known that she works with the building owner's son at FLEXcon.

Mr. Robert Del Frate, 60B Shrewsbury Green, Shrewsbury, MA, presented a video to the Zoning Board Members that showed what his company does such as; modular designs, kitting, printing, framing, shrink wrapping, and shipping. Mr. Del Frate mentioned that they mostly stock raw components and do kitting. The company does less of the manufacturing because most items are received cut to size.

Mr. Collette opened the meeting up to the public for questions.

Sarah Chase, 36 Valley Street, stated that from her property she can see the back of the building. Ms. Chase wanted to know why the applicant was relocating to Spencer. She expressed concerns about trucking coming in and out of Valley Street because it is very narrow. She also noted that there is poor drainage on the street. Ms. Chase asked the hours of operations and noise control considering the building is metal and will produce significant amounts of noise. She stated that although the area is zoned Commercial it is mostly residential. Ms. Chase was also concerned about the applicant opening the bay doors in the summer time because of noise and fumes. Mr. Collette asked Ms. Chase how long she has lived at her residence and she replied

three years. Mr. Collette stated that there used to be a trucking company at the exact location for quite some time.

Mr. Del Frate addressed Ms. Chase's questions and stated that his employees work flexible hours. The equipment they use does not produce large levels of noise. For example, the diamond cutter is a manual diamond cutter that produces very little noise. Ms. Chase stated she was concerned with the hours and asked about the water issue. Mr. Del Frate said they do not use any water for any of the manufacturing.

Mr. Emerson asked if this was mainly a wood finishing operation. Mr. Del Frate stated that there will be no wood staining; they do not use wood only plastic and they manufacture kits. Mr. Del Frate also mentioned that there will not be excessive trucking, possibly 6-8 trailers a year, and the rest of the time would be UPS or FedEx on a daily basis for outgoing shipments. Mr. Emerson also was concerned about the hours of operation and lighting at night. Mr. Collette believes there are already lights there; however, Ms. Chase said there wasn't. Mr. Del Frate said he could buy the outdoor sensor lighting. Mr. Emerson asked if there was sufficient parking. Mr. Del Frate said there is parking across the street and there would never be more than five people at a time working.

Ms. Chase commented that the company's growth may increase the number of employees in the long run. Mr. Collette reminded Ms. Chase that the area is zoned for Commercial and there is also a towing company on the same road that would make more noise. Mr. Emerson also commented that they cannot limit people working in commercial zoned areas. Ms. Chase acknowledged she lives in commercial but she wants to address the nuisance issues.

Mr. Del Frate is unsure of what the place is really like in terms of insulation, heat, and air conditioning. They are currently moving because the owner of the current location would not turn on the heat and the pipes burst this past winter. Mr. Collette asked about the doors in the front of the building and keeping them closed. Mr. Del Frate does not think the doors will be kept open.

Ms. Kresco asked about the assembly area. Mr. Del Frate said the assembly area be 1,500-2,000 square feet. Mr. Collette asked if the applicant was buying the building. Mr. Del Frate said he wants to purchase the building but it is contingent on the Zoning Board's approval.

Ms. Chase asked about printing. Mr. Del Frate said the printing is outsourced; they will have no ink, no glue, no water, and no printing press.

**MOTION:** Ms. Kresco motion to close the hearing

**SECOND:** Mr. Emerson

**VOTE:** 3-0

**MOTION:** Mr. Emerson motion to approve the Special Permit for the manufacturing and distribution of picture frames at 16 & 21 Valley Street with the condition that there shall be no activity between 11pm-7am.

**SECOND:** Ms. Kresco

**AMENDMENT:** Mr. Collette added that all manufacturing shall take place inside the building.

**SECOND:** Mr. Emerson  
**VOTE:** 3-0

## **2. Special Permit, continued public hearing/Kennel/ Kim Foley:**

*[For the record Ms. Kresco was absent for the first session of the public hearing on April 14, 2015. However, she listened to the minutes for 4/14/15 on tape, reviewed the record, and signed an Adjudicatory Hearing Form in order to vote on the public hearing in accordance with MGL Ch. 39 § 23D.]*

Hearing reopened at 7:57 pm

Kim Foley handed in two letters. One letter was from Carol Gaucher, Spencer Animal Control Officer, dated 5/11/15. The second letter was from Annie Custer, Associate Veterinarian at Spencer Veterinary Hospital, dated 5/4/15 that the Zoning Board Members reviewed.

Mr. Collette told the Zoning Board that at the last meeting the applicant, Kim Foley, was asked to bring in a revised plan showing the existing building and proposed fence with the setbacks. Ms. Foley came up to explain the plan (yellow line) existing fence, (pink) is the building, (dotted line) proposed second fence. Ms. Kresco asked if the first fence would be coming down. Ms. Foley said they would be keeping the first fence and put up a second fence 5 feet from the existing fence.

There was brief discussion about the future ground mounted solar panels that would be going in on Ms. Foley's Mother-in-Laws property.

Ms. Foley explained to the board that the second fence would be a solid vinyl fence (privacy fence) toward the road and facing Ms. Foley's home. The remaining fence would be chain link.

Mr. Collette let it be known that they are on the second hearing and no abutters have come to oppose the special permit. Ms. Foley said the operating hours for the Kennel/Daycare, pick up and drop off, would be between the hours 6:00 am – 6:00 pm. Ms. Kresco asked who would be taking care of the kenneled dogs at night. Ms. Foley said there will be a camera surveillance system to check in on them and if there was an issue she would address it.

Mr. Collette asked if the Zoning Board should make a condition if Ms. Foley sells the building/business the special permit is voided. Ms. Buck said she did research this issue and the Board can make this condition. She handed out copies of page 287 of Massachusetts Land Use and Planning Law by Mark Bobrowsk, 3<sup>rd</sup> edition, with circled text as follows: “*A special permit, unlike a variance, may be conditioned by limiting its duration to the term of ownership or use by the applicant.*” Ms. Buck mentioned she does not recommend the Zoning Board include this condition on all special permits, but it makes sense for this permit.

**MOTION:** Ms. Kresco made a motion to approve a special permit to Kim & Joe Foley to run a boarding kennel/day camp/training/grooming facility at 15 N. Brookfield Road noting that 1) That the proposed use is in harmony with the general purpose and intent of the zoning bylaw and any applicable subsections herein, 2) That the proposed use will not create undue traffic congestion nor unduly impair pedestrian safety; and 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. The Special Permit is conditioned to operate during the hours of 6:00 am – 6:00 pm for pickup, drop off, and grooming. The second condition is that the Special Permit is limited to the current ownership or use by the applicant Kim and Joe Foley.

**SECOND:** Mr. Emerson

**DISCUSSION:** Mr. Collette added that they adhere to the plans received May 6<sup>th</sup>, 2015 showing the new fence and setback to abutters.

**VOTE:** 3-0

### **3. Approval of Minutes:**

**- March 10<sup>th</sup>, 2015**

**MOTION:** Mr. Emerson motioned to approve the minutes as submitted.

**SECOND:** Ms. Kresco

**VOTE:** 3-0

**-April 14<sup>th</sup>, 2015**

**MOTION:** Mr. Emerson motioned to approve the minutes as submitted.

**SECOND:** Ms. Kresco

**VOTE:** 3-0

### **4. Other Business:**

**5. Adjournment:** with no further discussion the meeting is adjourned

**MOTION:** Mr. Emerson

**SECOND:** Ms. Kresco

**VOTE:** 3-0

Submitted By: Monica Santerre-Gervais, ODIS Clerk **MSG**

Approved by the Zoning Board of Appeals on **6/23/2015**

### **List of Documents used on May 13, 2015:**

5/6/2015 ZBA mailing

#### **Items mailed to ZBA members prior to meeting:**

- Agenda
- Memo from Michelle Buck, Town Planner dated 5/6/2015
- Special Permit Application, plans, and documents for 16 & 21 Valley Street
- Minutes for 3/10/2015 & 4/14/2015

#### **Items submitted to ZBA members at the meeting:**

- Letter from Carol Gaucher, Spencer Animal Control Officer, dated 5/11/15
- Letter from Annie Custer, Associate Veterinarian at Spencer Veterinary Hospital, dated 5/4/15
- Ms. Buck handed out copies of page 287 of Massachusetts Land Use and Planning Law by Mark Bobrowsk, 3<sup>rd</sup> edition.