



Zoning Board of Appeals – Town of Spencer

*Minutes*

Zoning Board of Appeals Meeting  
**Tuesday, June 14, 2016 at 7:15 PM**  
McCourt Social Hall  
Memorial Town Hall

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Zoning Board Members Present: Dee Kresco, Allan Collette and Mary Stolarczyk

Zoning Board Member Absent:

Staff present: Monica Santerre-Gervais, Clerk & Larry Smith, Town Planner

There was a brief discussion in regards to the resignation of Robert Emerson, the resignation of Dee Kresco, and the new member Mary Stolarczyk. Due to Mr. Emerson's resignation Mr. Collette was acting chair.

**1. Open Meeting** – Mr. Collette opens the meeting at 7:23 pm

**2. Special Permit Continuation - Special Permit- Tattoo Parlor:**

Ms. Stolarczyk listened to the recording tape for the meeting of October 13, 2015 and submitted a signed adjudicatory hearings form.

Reopen the hearing at 7:24 pm.

Applicant/Owner: Brydi Ricard. Location: 52 Chestnut Street, Spencer Assessor's Map U7-11. The applicant is requesting Special Permit under Sections 4.3.20 of the Spencer Zoning Bylaw to open a Body Art Establishment. The property is located within the Town Center zoning district.

Brydi Ricard, 52 Chestnut Street, and Christine Seller, 29 Elm Street, were present for the meeting.

Ms. Kresco read aloud the narrative submitted by Ms. Ricard with her original application.

Mr. Collette asked about the layout of the space and square footage. Ms. Ricard approached the Zoning Board of Appeals members and discussed minor changes to the layout she had originally submitted; however, the square footage will remain the same. Mr. Collette asked about possible employees. Ms. Ricard discussed possibly having one other person working in the shop but will start off working alone by appointment only. Ms. Kresco asked about operation hours. Ms. Ricard said she was looking for 7 days a week 9:00 am- 9:00 pm, choosing two days off depending on the need, but starting off with appointment only. Mr. Smith asked about the surrounding neighborhood. Ms. Ricard said there were apartments, vacant lots, businesses. Mr. Smith explained that Ms. Ricard was on the edge of business and residential district. Mr. Smith asked about noise levels and Ms. Ricard explained that would not be an issue. Mr. Collette

asked about Either's Café and Ms. Ricard said her mother still owns it but unfortunately only opens once a year.

Mr. Collette inquired about parking. Ms. Ricard explained there wouldn't be more than 2-3 cars at a time and there is sufficient parking on the street and on the side and rear of the building. Mr. Smith asked what was at the top floor of the building and Ms. Ricard said she lived there. There was a brief discussion in regards to the new adopted bylaw changes for tattoo parlors and what was approved at the town meeting. Mr. Collette made it known that there was no one present to oppose the tattoo parlor.

**MOTION:** Ms. Kresco motioned to close the public hearing

**SECOND:** Ms. Stolarczyk

**DISCUSSION:** None

**VOTE: 3-0**

**MOTION:** Ms. Kresco motioned to approve the Special Permit to Brydi Ricard to have a tattoo only body art establishment located at 52 Chestnut Street with the following conditions and findings:

**Conditions:**

1. At least 30 days prior to the sale and or transfer of ownership of the property, the current owner of the property (or his/her/their successor or assigns) shall notify the Zoning Board, in writing, as to the identification of the prospective purchaser and proposed use of the property, to enable the Zoning Board to determine compliance with the terms of the Special Permit, or whether such use requires a change, extension or alteration of the Special Permit
2. All work authorized under this Special Permit shall be in accordance with the Application, supportive materials and testimony submitted by the Applicant and its representative to the Zoning Board,
3. Prior to the commencement of the use permitted by this Special Permit, all necessary and required permits must be obtained from any and all other municipal, state and or federal departments, boards, commission or agencies, and all work shall be done in accordance with said permits.
4. The hours of operation will be 7 days a week, 9:00 am- 9:00 pm.

**Findings:** After the public hearing, the Spencer Zoning Board of Appeals made the following findings as required by M.G.L. Chapter 40 A., 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 due to the fact it is a business zone in town center and meets all the criteria for this type of establishment in the town center zoning district.

2. That the proposed use will not create undue traffic congestion nor unduly impair pedestrian safety due to the fact this is an old neighborhood with a lot of single apartments with street parking and it is a mixed use of apartment buildings, multi-family housing, and businesses and there hasn't been an issue with parking. Parking for the tattoo establishment could be on the street and or side/rear of building.

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 because it is a mixed use area with older homes.

**SECOND:** Ms. Stolarczyk

**DISCUSSION:** None

**VOTE: 3-0**

### **3. Special Permit Continuation - Special Permit-:**

Applicant: Christopher Gagne. Owner: Steven Turner. Location: Charlie's Diner, 5 Meadow Road, Spencer Assessor's Map U11/12-1. The applicant is requesting a Special Permit under section 3.4.1.G.1 (Permitted Uses/ Agricultural), 3.4.1.G.2 (Permitted Uses/Forestry), 5.4 (Bulk Requirements), and 6.1.1.D (Parking/ Maximum number of spaces) in order to build an addition onto restaurant. The property is located within the Commercial zoning district.

Mr. Smith discussed how he recently was contacted by Christopher Gagne and they discussed withdrawing the application, however, Mr. Gagne wanted the fees refunded and Mr. Smith explained they could not do that, therefore, it was decided they would keep requesting extensions.

Mr. Collette read aloud the extension letter from Mr. Gagne to request an extension until July 12, 2016.

### **4. Approval of Minutes:**

- **4/12/16**
- **4/27/16- Joint Meeting**

**MOTION:** Ms. Kresco motioned to approve both sets of minutes as written

**SECOND:** Mr. Collette

**DISCUSSION:** None

**VOTE: 3-0**

**4. Adjournment:** with no further discussion the meeting is adjourned at 8:05

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

**Approved by the Zoning Board of Appeals on 7/12/2016**

**List of Documents used on June 14, 2016:**

Items emailed to ZBA members prior to meeting:

- Agenda
- Memo to the ZBA dated 6/7/2016, submitted by Larry Smith

Items submitted to ZBA members at the meeting:

- Minutes for 4/12/16
- Minutes for 4/27/16-joint meeting
- Request for extension from Christopher Gagne for Charlie's Diner
- Drafted findings and conditions for Tattoo Establishment