

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, July 10, 2002

Present: Theophile Beaudry
Mary Blanchard
Jeff Bonja
Lawrence Boniface
Robert Cornoni
Pat Jeffries
Ginger Peabody, Chairman

Also in Attendance Nancy Campbell, Clerk

G. Peabody opened the meeting at 7:00 PM and read the agenda. G. Peabody welcomed new member, Robert Cornoni to the Board.

PUBLIC HEARING DENISE McNALLY – VARIANCE – TO ALLOW ACCESS TO THE PROPERTY LOCATED AT 59 BUSHNELL ROAD FROM PODUNK ROAD WHICH HAS FRONTAGE MEASURING 118.29 FEET

G. Peabody opened the public hearing at 7:05 PM. J. Bonja read the legal notice and letter submitted to the Board from the Conservation Commission (ConCom) dated July 10, 2002 (see attached). D. McNally was not present at the opening of the public hearing. G. Peabody explained what was necessary in order to grant a variance. She asked for abutters who wished to speak.

- Jennifer Tremblay, 164 Podunk Road – spoke on behalf of her mother Barbara Tremblay who was unable to attend due to illness. B. Tremblay stated in a letter (see attached) that there was no hardship as there was suitable frontage on Bushnell Road, express concerns for a vernal pool on the property.
- Vincent Provenzano, 167 Podunk Road – felt the land was not a buildable lot, was concerned about the additional traffic, felt that the 118-foot frontage was not appropriate for the house.

Denise and Robert McNally arrived at 7:12 PM. She noted that a single-family three-bedroom house was planned for the property. All members of the Board had been to the property. Because of wetlands and the engineering costs required to access the property from Bushnell Road, the Conservation Commission had suggested the McNally's locate the driveway off Podunk Road. R. McNally stated he had been willing to put the driveway off Bushnell Road and did not feel there was a problem with the wetlands. It was for financial reasons that he was seeking the variance to allow the driveway off Podunk Road. G. Peabody informed the McNally's that financial hardship was not a criteria for granting a variance. She asked how long they had owned the property and when it had been subdivided. R. McNally said they had owned the property six years and had divided it in April 2002. L. Boniface felt the driveway access should be allowed off Podunk Road.

G. Peabody asked for other abutters wishing to speak.

- Donald Suprenant, 170 Podunk Road – asked to see the plans, felt a properly installed driveway would not have an impact on the property, did not feel wetlands was an issue.
- Lucien Suprenant, 170 Podunk Road – concerned that the driveway would become a trash area, that the wetlands would not be protected and was disappointed at the cutting of the trees for the road.

Motion: to close the public hearing, by P. Jeffries
2nd: M. Blanchard
Discussion: None
Vote: All in favor
Motion: to deny the variance for Denise McNally to allow a driveway cut on 154 Podunk Road, Assessor's map 12 & 13, lot 59 (Bushnell Road), Book 17404, Page 236 based on the fact it is strictly for financial reasons (R. McNally's words) and also, it does not meet the three criteria for a variance based on the Zoning Bylaws, by M. Blanchard.
2nd: J. Bonja
Discussion: J. Bonja suggested the Board contact the Conservation Commission requesting they not give recommendation regarding Zoning issues. G. Peabody said she would write a letter to that affect.
Vote: In favor – J. Bonja, M. Blanchard, G. Peabody, P. Jeffries, R. Cornoni and T. Beaudry
Opposed – L. Boniface

M. Blanchard recused herself from the Board at 7:25 PM

PUBLIC HEARING CONTINUATION FOR SPAHO CORP. – SPECIAL PERMIT – TO CONSTRUCT AN ADULT FIFTY YEARS OF AGE OR OLDER, PRIVATE, GATED, MULTI-FAMILY COMMUNITY AT 30 FARQUHAR ROAD

G. Peabody reopened the public hearing at 7:25 PM. She read a letter dated July 10, 2002, which had been submitted by Mike Loin (see attached), Bertin Engineering Associates, requesting that the plans and application for the Spaho Corp. – Park Place Special Permit be withdrawn without prejudice.

Motion: to allow Spaho Corp. to withdraw the plans and application for Park Place project without prejudice, by P. Jeffries
2nd: J. Bonja,
Discussion: None
Vote: In favor – J. Bonja, L. Boniface, G. Peabody, P. Jeffries, R. Cornoni and T. Beaudry

Motion: to close the public hearing, by P. Jeffries
2nd: T. Beaudry
Discussion: None
Vote: In favor – J. Bonja, L. Boniface, G. Peabody, P. Jeffries, R. Cornoni and T. Beaudry

G. Peabody recognized Howard Sarty, Farquhar Road – wanted to be sure that abutters will be notified the next time the Park Place project was heard. She assured him that the process would begin again and abutters would be notified.

M. Blanchard stepped back onto the Board at 7:32 PM.

The minutes for June 26, 2002 were reviewed.

Motion: to accept the minutes of June 26, 2002 as written, by P. Jeffries
2nd: L. Boniface
Discussion: None
Vote: In favor – J. Bonja, L. Boniface, M. Blanchard, G. Peabody, P. Jeffries and T. Beaudry
Abstain – R. Cornoni

M. Blanchard appreciated Conservation Commission's (ConCom) letter and their line of communication. J. Bonja noted he also appreciated the letter and understood the points made by ConCom, however, was concerned with ConCom giving advise to residents which might result in an extra long process. He stated that the Board was not empowered to use the environment as a criteria for granting a variance. G. Peabody will include a note of thanks in her letter to ConCom.

NEW BUSINESS

G. Peabody has been working with Lawrence Adams, Town Planner, on the guidelines for Special Permit applications. There was discussion on the Zoning Board of Appeals Official Application Form and Checklist for Comprehensive Permit Project 40B – L.I.P. – L.I.P. Units Only (see attached). G. Peabody explained L.I.P. (Local Initiative Partnership) projects under Chapter 40B to be those where only a percentage of the units would be affordable and L.I.P. Units Only projects under Chapter 40B were those where all the units would be affordable. The checklist is a worksheet to go along with the Chapter 40B Rules and Regulations adopted by the Board at its May 22, 2002 meeting. The Board felt that because the applicant would be required to complete the checklist as part of their application, it should be approved by a vote of the Board. It also felt the checklist would be a good work tool, that it would give the Board consistency and it would help eliminate repeat meetings. J. Bonja asked to have a revision date added to the Checklist.

Motion: to approve the Zoning Board of Appeals Official Application Form and Checklist for Comprehensive Permit Project 40B – L.I.P. – L.I.P. Units Only as submitted with the addition of a revision date, by J. Bonja

2nd: P. Jeffries

Discussion: M. Blanchard questioned the height listed (pg. 1) "Project Description – less than 35 feet on height" commented that a multiple dwelling height in the Sturbridge Zoning Bylaws is 30 feet. J. Bonja felt that L.I.P. would not fall under multiple dwelling. T. Beaudry felt the limit was 35 feet as a safety factor. The Board recognized that from an application point of view, the limit did not matter, as under Chapter 40B, local zoning did not apply. R. Cornoni suggested there also be an application date on the checklist.

Amendment to Motion: that the checklist include a date of application, by M. Blanchard

2nd: J. Bonja

Discussion: None

Vote: All in favor

Main Motion Vote: All in Favor

The Board had received a letter from Charles Blanchard regarding the process of the Spaho Corp. – Park Place public hearing. Though the project was no longer before the Board, members had discussion regarding the process that should be followed when conducting a public hearing.

The July 24th meeting has been cancelled, the next scheduled meeting will be August 14th.

Motion: to adjourn, by P. Jeffries

2nd: M. Blanchard

Discussion: None

Vote: All in favor

Adjournment at 8:09PM