

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, MAY 8, 2002

Present: Theophile Beaudry
Mary Blanchard
Jeff Bonja
Pat Jeffries
Ginger Peabody, Chair

Also in Attendance Lawrence Adams, Town Planner
Nancy Campbell

Absent: Lawrence Boniface

G. Peabody opened the meeting at 7:00 PM and read the agenda. The minutes for April 10, 2002 were reviewed.

Motion: to accept the minutes of April 10, 2002 as corrected, by M. Blanchard
2nd: J. Bonja
Discussion: None
Vote: All in favor

CORRESPONDENCE

G. Peabody had received a letter of resignation from Kim Adams effective April 22, 2002. Any individuals interested in filling K Adams position were invited to send a letter to Mr. Malloy, the Town Administrator. G. Peabody asked the Board's permission to send a letter of appreciation for service to former Board members Kim Adams and Laurel Buckley. J. Bonja has agreed to attend a Chapter 40B Negotiation Training workshop to be held on June 10, 2002, along with L. Adams and N. Campbell. G. Peabody also thanked the Board for attending the Board of Selectmen's meeting on May 6th, where J & W Associates presented plans for a Chapter 40B project to be located on Stallion Hill Road.

PUBLIC HEARING FOR WILLIAM & JOAN CHAMBERLAND

G. Peabody explained to the Chamberlands that their request for a special permit would require a super majority vote of the seven-member board. There were only five members present, all members would have to vote in favor of the request. She gave the Chamberlands the opportunity to withdraw without prejudice and wait until there was a full board. They chose to go forward. G. Peabody opened the hearing at 7:05 PM. J. Bonja read the legal notice.

W. & J. Chamberland spoke for BC Building Consultants and presented the plans. There is one common entryway going into both living areas as well as a private entrance into the in-law apartment which qualifies it as a two family dwelling. There would be two separate kitchens, a common laundry area and separate utilities with one septic system designed to handle a four bedroom home. The lot measured 2.5 acres, had adequate frontage and ample parking. Though there was water on the property, the home would be built well outside the Town's 200-foot buffer zone. The Building Inspector had told the Chamberlands they needed the special permit. The Board questioned if this special permit request for an in-law apartment needed to be heard. J. Bonja

would like to see a better definition for a two family dwelling and noted that the permit would be for use only and not for building. He asked if there was a reason that the Board should consider to have the special permit run with the person and not the land. The Board felt the permit could run with the land, since changes regarding use would have to go through proper channels.

Motion: to grant a special permit to William and Joan Chamberland, as BC Building Consultants of 7 North Drive, for the construction of a three bedroom colonial with an in-law attachment at 1 Cooper Road, Assessor's map #20, lot #1 and recorded in Book 22796, Page 374, Plan #60 768, by M. Blanchard

2nd: T. Beaudry

Motion: to amend the motion to replace the word "construction" with the words "use as a two family", by J. Bonja

2nd: M. Blanchard

Discussion: None

Vote: All in favor of the amended motion

Vote: All in favor of the main motion

G. Peabody reminded the Chamberlands of the 20 day appeals period.

RULES AND REGULATIONS ON COMPREHENSIVE PERMITS – Discussion

G. Peabody opened the discussion on Comprehensive Permits Rules and Regulations. The Board had been given a draft of Rules and Regulations for Chapter 40B from the Town of Rehoboth (attached) from G. Peabody and a Town of Sturbridge draft (attached) from L. Adams. G. Peabody had selected the Rehoboth draft as an example because she thought it was very clear and she wanted to make the application process as simple as possible for both the applicant and the Board. The purpose of the discussion was for the Board to select sections from both drafts to create a set of Comprehensive Permit Rules and Regulations for the Town. L. Adams suggested using the Town of Sturbridge draft as a model and then include additions from the Rehoboth draft. A majority vote of a quorum would be needed to adopt the Bylaws.

Items discussed were: 1.2 – strike out the words "provided such adoption...any proposed changes" if the Board chooses to use this clause; 3.2 – application contents – change number of copies from nine to twenty-five; 4.0 – fee schedules – acres vs. units, the Board favored Rehoboth's schedule; 3.3.17 – the wording of low income/moderate/affordable housing; 3.3 – layout and design standards; 5.1 – timeframe – change the number of days for application distribution from five to ten; 5.2 – a public hearing would take place within forty-five days of application receipt; and 5.3 – the decision be rendered within forty-five days of the close of the hearing. L. Adams stated that the law did not require a public hearing for the adoption of these Bylaws, notification on the Board's agenda would be sufficient. The Board agreed to incorporate items 3.2 and 3.3 of the Rehoboth Rules and Regulations and omit 3.0 of the Town of Sturbridge draft.

G. Peabody asked L. Adams to blend the two drafts together as discussed. He agreed and asked the Board to review and then officially adopt the regulations at their next meeting (5-22-02), before the Stallion Hill Chapter 40B project formally came before them. L. Adams requested a subcommittee of two members from the Board to the help draft the final copy. T. Beaudry and P. Jeffries agreed to be on the subcommittee.

NEW BUSINESS

Park Place – L. Adams informed the Board that a application for a multiple dwelling project located off Farquhar Road had been formally submitted to the Town Clerk. He asked the Board to review Chapter Twenty-one of the Sturbridge Zoning Bylaws since it would be the basis for their decision on the project. Copies of the

plans were passed out to each member and they were asked not to discuss its merit outside of the public hearing. L. Adams would be available to discuss the details if there were any questions. He stated that the application was more like that of a subdivision, therefore the fee collected had been \$800.00 as opposed to the standard \$85.00. The Board agreed the amount was fair.

G. Peabody asked the Board if they would be comfortable hearing this application at their June 12th meeting. They said they were. L. Adams said the Planning Board would set the bond amount for surety to guarantee the infrastructure and then forward the requirements to the Zoning Board of Appeals, as referenced (21.36) in the bylaws. J. Bonja asked if the Board should set a fee structure for future multiple dwelling projects. The Board thought they should draft a letter to the Board of Selectmen and the Town Administrator for setting these fees. L. Adams suggested that the fees be based on the value of the infrastructure or units. He also suggested that the Board have the applicant 1) – go through the purpose statements in the Bylaw, the conditions and the requirements and the design considerations and 2) – go through the Site Plan Review checklist addressing the engineering. If the Board decided to have a site visit, he advised them to post it, though it was not required.

Sturbridge Candy – G. Peabody read a memorandum from the Town Planner (4-25-02) on the status of a variance for Sturbridge Candy. The Planning Board had asked if the variance had expired or needed an extension or reapplication. The concern on the issue was that the construction had been for the residential portion and not the candy store. P. Jeffries and T. Beaudry recalled that when the variance was granted it was for the entire structure. Since construction had commenced, the variance had been exercised.

Motion: that the variance on Sturbridge Candy and Gift Shop on Main Street had been exercised and was in full effect, by M. Blanchard
2nd: T. Beaudry
Discussion: None
Vote: In favor – M. Blanchard, G. Peabody, P. Jeffries and T. Beaudry
Abstain – J. Bonja

Regional Zoning Meeting: Cellular Towers – P. Jeffries attended the Regional Zoning Meeting. The topic of discussion was a proposed cellular tower in the Town of Leicester that was turned down and the decision went into litigation. The Town supported its Zoning Board 100% and the court ruled in favor of the Town, saying that the town had the right to restrict the location of these towers. P. Jeffries passed out a copy of Leicester's Wireless Communication Bylaw (attached). The Town of Leicester offered to help any town faced with this issue.

G. Peabody asked M. Blanchard to review and update the Board's variance application. T. Beaudry and P. Jeffries were asked to be subcommittee members to assist L. Adams with the Comprehensive Permit Rules and Regulations. J. Bonja would be attending the June 10th workshop for Chapter 40B Negotiations. N. Campbell would update the member list of telephone numbers and addresses.

Motion: to adjourn, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: All in favor

Adjournment at 8:13 PM