

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, FEBRUARY 13, 2002

Present: Kim Adams
Theophile Beaudry
Lawrence Boniface
Jeff Bonja
Laurel Buckley
Pat Jeffries, Chair
Ginger Peabody

Also in Attendance Lawrence Adams, Town Planner
Nancy Campbell

P. Jeffries opened the meeting at 7:00 PM

The minutes for Wednesday, December 12, 2001 were reviewed.

Motion: to accept the minutes of December 12, 2001 as amended, by G. Peabody

2nd: L. Buckley

Discussion: None

Vote: In favor: K. Adams, T. Beaudry, J. Bonja, L. Buckley, P. Jeffries and G. Peabody
Opposed: L. Boniface

PUBLIC HEARING FOR DONALD COSSETTE TO PERMIT A 2 CAR GARAGE 24' X 24' WITH AN ATTACHED 8' X 12' STORAGE ELL 10' WITHIN THE SIDE SETBACK ON THE EASTERLY SIDE AT 98 SOUTH SHORE DRIVE

Andre Cormier presented the plans for Donald Cossette. The topography of the lot was very steep, limiting the locations for the driveway and septic system to that on the plans. A. Cormier felt there was not an alternative to the proposed plan. If the garage were located outside of the setback areas it would interfere with the driveway and septic system, as well as emergency equipment and personnel entering the home and the appearance would not be as aesthetically pleasing. D. Cossette was concerned that he did not know how his neighbor felt about the garage. Notice had been given to the abutters. No one was present to speak for or against the variance. D. Cossette stated he would drop the idea if his neighbor resented the proposed location of the garage.

Motion: to close the public hearing, by G. Peabody

2nd: L. Buckley

Discussion; None

Vote: All in favor

G. Peabody stated that in order for the Zoning Board of Appeals to grant a variance, the applicant must meet all three criteria. Namely the soil conditions, shape, topography, secondly the hardship and third the public good. Meeting one out of two or two out of three does not meet the requirements for granting a variance. All three must be met. Also neighbors for or against a variance should not influence the Board. It is up to the petitioner to convince the Board that all three requirements have been met.

G. Peabody had visited the site and did not see any uniqueness to the shape and topography to the lot. The hardship did not interconnect with the shape or topography. The size of the lot was not the difficulty; it was where the house had been built. Regarding the third criteria for finding public good, these criteria had also not been met. The statements made during the public hearing had not convinced her otherwise.

It was L. Boniface's opinion that the Board would be denying people the use of their property if the variance was

not granted. He did not feel that the garage would be against the public good, or that consideration should not be given for the slope of the property. He wanted to see the Board work with people. He noted there was not opposition to the garage from the neighbors and that was important to him.

L. Buckley had felt like L. Boniface is the past. However, having attended workshops she realizes that the Board should make suggestions to the Planning Board and the Town that maybe changes could be made to the bylaws if they find it necessary. Variances cannot be given out freely and she, also, did not feel that D. Cossette met the criteria for the variance requested.

Motion: to deny the variance of Donald Cossette requesting a 24'x 24' garage with an attached 8' x 12' storage ell, at 98 South Shore Drive as shown on Assessor's map 6, lot 98 because they have not met the three criteria necessary to grant the variance, namely soil conditions, shape or topography, hardship or public good, by G. Peabody.

2nd: J. Bonja

Discussion: None

Vote: In favor – K. Adams, T. Beaudry, J. Bonja, L. Buckley, P. Jeffries and G. Peabody
Opposed – L. Boniface

NEW BUSINESS

G. Peabody asked to attend the workshop to be held on March 9th at Holy Cross College regarding Chapter 40B. Cost for the workshop would be \$40.00. P. Jeffries had no objection. N. Campbell would make the necessary arrangements.

G. Peabody was interested in the subcommittee the Planning Board and the Selectmen might be forming to address changes to the current zoning bylaws. She felt this would be a good opportunity to provide input concerning bylaws they might like to see addressed (lakefront property).

P. Jeffries inquired about the line item for training in the upcoming budget.

Motion: to adjourn, by J. Bonja

2nd: by T. Beaudry

Vote: All in favor

Motion: to accept the minutes of January 9, 2002, by G. Peabody

2nd: J. Bonja

Discussion: None

Vote: In favor: K. Adams, T. Beaudry, J. Bonja and G. Peabody
Abstaining: L. Boniface L. Buckley and P. Jeffries

Motion: to adjourn, by K. Adams

2nd: by G. Peabody

Vote: All in favor

Adjournment at 7:47 PM.

TRAINING WORKSHOP – conducted by Larry Adams, Town Planner
Third of Three Sessions