

**STURBRIDGE ZONING BOARD OF APPEALS**  
**MINUTES OF**  
**WEDNESDAY, January 22, 2003**

**Present:** Theophile Beaudry  
Mary Blanchard  
Jeff Bonja  
Robert Cornoni  
Ginger Peabody, Chairman

**Absent:** Lawrence Boniface  
Pat Jeffries

**Also in Attendance** Nancy Campbell, Clerk

G. Peabody opened the meeting at 7:00 PM and read the agenda. The minutes for January 8, 2003, were reviewed. M. Blanchard asked to have the words "setback dimensions from the property line" inserted on page 4, paragraph 3, and line 1.

**Motion:** to accept the minutes of January 8, 2003, as corrected, by M. Blanchard  
**2<sup>nd</sup>:** J. Bonja  
**Discussion:** None  
**Vote:** All in favor

**CORRESPONDENCE**

Stallion Hill Village – G. Peabody commented that she had received memorandums from various boards and department heads. However, she would hold them for discussion until the next scheduled Stallion Hill Village public hearing on February 12, 2003.

**OLD BUSINESS**

There was none.

**NEW BUSINESS**

M. Blanchard stated she had attended a workshop sponsored by the Massachusetts Municipal Association on January 10, 2003, in Boston. This was a session on Mass Zoning Reform relating to Chapter 40A. It was indicated that in general the current Land Use Laws were archaic. Some changes (ANR'S) had been presented to the legislature. More information may be obtained by visiting its web site at <http://www.masszoningreform.org>.

**PUBLIC HEARING CONTINUATION FOR MARK FARRELL – VARIANCE AND SPECIAL PERMIT – TO ALLOW THE CONSTRUCTION OF A GARAGE AND SECOND FLOOR PROFESSIONAL OFFICE, WITH A SETBACK OF 18 FEET FROM THE FRONT PROPERTY LINE AT 10 MAIN STREET**

G. Peabody opened the public hearing continuation at 7:05 PM. M. Farrell stated he had spoken with his abutters, Mr. Hamelin and Mr. Soper, and had worked out an arrangement regarding the issue of relocating the waterline. This arrangement stated that M. Farrell would pay all costs associated with relocating the waterline, maintain the line from Old Sturbridge Road to Main Street, install a water filtration system to remove sediment from the water during construction and he could tap into the waterline. G. Peabody asked Richard Hamelin (speaking for his parents, Robert

and Teresa Hamelin) if he had any concerns with the arrangement as described by M. Farrell. Richard Hamelin said that he was satisfied with the document prepared and reviewed by M. Farrell.

G. Peabody asked if the Board had any questions. R. Cornoni commented that the Board had had questions regarding the parking issue and that he understood this would be addressed under Site Plan Review with the Planning Board. G. Peabody concurred. Richard Hamelin presented the Board with the document stating the conditions M. Farrell agreed to when relocating the waterline. A copy was made by the Board's Clerk and entered into evidence (see attached).

**Motion:** to close the public hearing, by M. Blanchard  
**2<sup>nd</sup>:** T. Beaudry  
**Discussion:** None  
**Vote:** All in favor

G. Peabody felt the request for the variance was not necessary since the proposed garage/office was more conforming than the present building. M. Blanchard felt it was necessary because the structure would be located within the setback. Since the variance had been requested, M. Blanchard asked to have the variance included in the wording. G. Peabody requested the Special Permit have attached to it the following conditions:

- 1) A Special Permit be issued to Ocala Realty Trust to erect a garage/office to be 28 feet by 32 feet and two stories not to exceed 26 feet in height;
- 2) The second floor office be used by Green Hill Engineering, and the first floor garage be used by them for storage only, any other tenant, owner or use will void this Special Permit;
- 3) Subject to approval of Site Plan Review;
- 4) Subject to approval of the Water and Sewer Commissioners;
- 5) Subject to the successful reconstruction of a waterline which services a neighboring home at 5 Main Street;
- 6) Subject to a check in the amount of \$2,000.00 to be held for a period of thirty-six (36) months to ensure that there are no leaks and that there be adequate pressure in the above mentioned waterline.

J. Bonja asked to have the following condition added to the above;

- 7) Subject to the satisfactory execution of the agreement between Mr. Farrell and the Hamelins.

M. Blanchard felt that a few of the conditions were not necessary. She noted that M. Farrell could not proceed with the project until he had approval for tie-in to water and sewer and an approval or waiver of Site Plan Review. J. Bonja and R. Cornoni did not have a problem with the above conditions. J. Bonja felt that the variance would document exactly what was allowed on the property and building. M. Farrell felt the Building Inspector would require the variance since the proposed garage/office would be located within the setback.

**Motion:** to approve a variance for Mark Farrell, Trustee of Ocala Realty Trust for the property located at 10 Main Street, Assessor's Map 39, Lot 10, Deed Recording Book 23448, Page 265, by J. Bonja  
**2<sup>nd</sup>:** T. Beaudry  
**Discussion:** None  
**Vote:** All in favor

**Motion:** to approve a special permit for Mark Farrell, Trustee of Ocala Realty Trust for the property located at 10 Main Street, Assessor's Map 39, Lot 10, Deed Recording Book 23448, Page 265, with the following conditions:

- 1) A Special Permit be issued to Ocala Realty Trust to erect a garage/office to be 28 feet by 32 feet and two stories not to exceed 26 feet in height;
- 2) The second floor office be used by Green Hill Engineering, and the first floor garage be used by them for storage only, any other tenant, owner or use will void this Special Permit;
- 3) Subject to approval of Site Plan Review;

4) Subject to approval of the Water and Sewer Commissioners;  
5) Subject to the successful reconstruction of a waterline which services a neighboring home at 5 Main Street;  
6) Subject to a check in the amount of \$2,000.00 to be held for a period of thirty-six (36) months to ensure that there are no leaks and that there be adequate pressure in the above mentioned waterline.

7) Subject to the satisfactory execution of the agreement between Mr. Farrell and the Hamelins, by J. Bonja  
**2<sup>nd</sup>:** T. Beaudry

**Discussion:** J. Bonja offered that if the intended use should change in the future, M. Farrell would have to again come to the Board.

**Vote:** In favor – J. Bonja, G. Peabody, R. Cornoni and T. Beaudry  
Opposed – M. Blachard

M. Blanchard stated she was not opposed to granting a special permit. She felt that as a Zoning Board they were attaching too many needless conditions.

G. Peabody asked if there was any other business for the Board. There was none.

**Motion:** to adjourn, by M. Blanchard

**2<sup>nd</sup>:** T. Beaudry

**Discussion:** None

**Vote:** All in favor

**Adjournment at 7:25 PM**