

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, December 8, 2004

Present: Theophile Beaudry
Mary Blanchard
Marge Cooney
Robert Cornoni
Ginger Peabody, Chairman
Bruce Sutter

Absent: Pat Jeffries

Also in Attendance Lawrence Adams, Town Planner
Nancy Campbell, Clerk

G. Peabody opened the meeting at 7:00 PM and read the agenda. The Board members introduced themselves. The minutes of November 17, 2004 were reviewed.

Motion: to approve the minutes of November 17, 2004, as written, by M. Blanchard
2nd: M. Cooney
Discussion: None
Vote: All in favor

CORRESPONDENCE

James Malloy – Letter dated 08-31-04 to Robert Havasy, of Blue and Gold Homes, responding to a proposed housing for the elderly on Hall Road. It was J. Malloy’s opinion that Section 5.02(j) was the appropriate section of the zoning bylaws to define R. Havasy’s proposed project.

G. Peabody reminded the Board of the Special Town Meeting which would be held at Tantasqua Senior High School on December 14th at 7:30 PM.

PUBLIC HEARING – 12-08-04-1SP – SPECIAL PERMIT – DOUGLAS AND NATALIE FISH – TO PERMIT THE CONSTRUCTION OF A ONE STORY ADDITION TO CONVERT A SINGLE FAMILY DWELLING TO A TWO FAMILY DWELLING AT 37 CHAMPEAUX ROAD

G. Peabody opened the public hearing at 7:05 PM and M. Cooney read the legal notice. Douglas Fish presented the request and plans to the Board. A second submission from the Board of Health stated that it had reviewed the plan for the addition and had no objections to the proposed addition. M. Blanchard referenced Chapter Four of the zoning bylaws (adopted 1983) and stated that it was her interpretation that the permit was not allowed in the Rural Residential District since the existing structure was not built prior to the above noted bylaw. L. Adams noted that in Chapter Five, Section 5.02 (k), a two family residence was allowed provided there was not less than 20,000 square feet of lot per dwelling unit and that this bylaw was blind to whether or not the structure was pre-existing, a conversion or new construction. L. Adams clarified that this bylaw applied in both the Rural and Suburban Residential District and that provided the lot was conforming to zoning, new construction for a two family dwelling was allowed. He felt this bylaw was open to the Board’s interpretation. B. Sutter felt the Board should not deny the applicant’s request because it was a conversion and not new construction. M. Blanchard interpreted Section 5.02(k) to mean

new construction and not a conversion. G. Peabody felt there was a conflict with the Sections 5.02 (c) and 5.02 (k). B. Sutter's interpretation of Section 5.02 (c) was that a single family dwelling on a lot with less than 20,000 square feet which pre-existed the zoning bylaw was allowed to convert to a two family dwelling and that 5.02 (k) allowed for new construction on lots with 20,000 square feet or more. M. Cooney asked the size of the lot. D. Fish responded that it was approximately twelve acres.

G. Peabody asked if there were any other questions from the Board or the public. There were none.

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

Motion: to grant a special permit to Douglas and Natalie Fish to allow the construction of a one story addition to convert a single family dwelling to a two family dwelling at 37 Champeaux Road, by M. Cooney
2nd: T. Beaudry
Discussion: None
Vote: In favor - B. Sutter, M. Cooney, G. Peabody, R. Cornoni and T. Beaudry
Opposed - M. Blanchard

REQUEST FOR DETERMINATION — 12-08-04-1D – EDWARD A. SEMAN, JR, 14 BIRCH STREET

Steve Bressette, of Jalbert Engineering, Inc., presented the request for determination for Edward Seman, Jr., for property located at 14 Birch Street. This request was to permit the renovation of the existing structure, the removal of a 176 square foot deck, the construction of a 137 square foot addition and to replace the existing crawl space with a full foundation. The lot was nonconforming in that it lacked sufficient frontage and lot area. S. Bressette stated foundation was not a walkout basement. The existing structure would be lifted to allow for the excavation under the house. G. Peabody had visited the site and saw no problems with the request. She asked if there were any questions from the Board. There were none.

Motion: to grant a determination to Edward Seman to permit the renovation of the existing structure, the removal of a 176 square foot deck, the construction of a 137 square foot addition and to replace the existing crawl space with a full foundation for 14 Birch Street since the request did not intensify or create any new non-conformities and that the owner may apply for a building permit as per the application, by M. Blanchard
2nd: M. Cooney
Discussion: None
Vote: All in favor

REQUEST FOR DETERMINATION — 12-08-04-2D – JOSEPH P. JR. AND PATRICIA C. WONDOLWSKI, 16 BIRCH STREET

Steve Bressette, of Jalbert Engineering, Inc., presented the request for determination for Joseph, Jr. and Patricia Wondolowski., for property located at 16 Birch Street. This request was to permit the demolition of the existing one story structure and the construction of a 1,819 square foot two story structure. The lot was nonconforming in that it lacked sufficient frontage and lot area. S. Bressette stated there would be a slight increase in the lot coverage (6.9% to 9.3%). M. Blanchard asked if there would be a disturbance in a

buffer. R. Cornoni asked for the height of the foundation. S. Bressette stated that a small corner of the structure was within the 25 foot buffer area and that the foundation came one and a half feet out of the ground. The existing structure would be lifted and to allow for the excavation under the house. G. Peabody had visited the site and saw no problems with the request. She asked if there were any questions from the Board. There were none.

Motion: to grant a determination to Joseph, Jr. and Patricia Wondolowski to permit the demolition of the existing one story structure and the construction of a 1,819 square foot two story structure since the request did not intensify or create any new non-conformities and that the owner may apply for a building permit as per the application, by M. Blanchard

2nd: T. Beaudry

Discussion: None

Vote: All in favor

WINDGATE AT STURBRIDGE - DISCUSSION/VOTE - DRAFT #4 DECISION WITH CONDITIONS - Prepared by Attorney Mark Bobrowski

G. Peabody introduced the following documents and correspondence -

Board of Selectmen Endorsement of Windgate Water/Sewer Fees - dated December 6, 2004

Fire Chief, Leonard Senecal signed Zoning Board of Appeals Memorandum - dated December 3, 2004 - in support of battery backup system as proposed in the original submittal for the Windgate at Sturbridge project.

The Board reviewed the requested changes from parties in interest and directed the staff to incorporate the approved changes. A final draft would be presented and reviewed for possible approval at it next meeting. The Board agreed to meet for this action on December 15th.

CORRESPONDENCE (Cont.) -

Blue and Gold Development Letter - dated August 16, 2004 - proposal for Elderly project on Hall Road

James Mallory's Letter - dated August 31, 2004 - response to Blue and Gold Development letter - See page one.

Motion: to adjourn, by M. Blanchard

2nd: M. Cooney

Discussion: None

Vote: All in favor

Adjournment at 9:15 PM