

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, August 11, 2004

Present: Theophile Beaudry
Robert Cornoni
Pat Jeffries
Ginger Peabody, Chairman
Bruce Sutter

Absent: Mary Blanchard
Marge Cooney

Also in Attendance Nancy Campbell, Clerk

G. Peabody opened the meeting at 7:00 PM and read the agenda. The minutes of the July 14, 2004 were reviewed.

Motion: to approve the minutes for the July 14, 2004, as presented, by T. Beaudry
2nd: B. Sutter
Discussion: None
Vote: In favor –B. Sutter, G. Peabody, R. Cornoni and T. Beaudry
Abstain – P. Jeffries

G. Peabody noted that two members were absent and that the following applicants had requested to postpone the opening of their public hearings to the time and date certain below:

Randy Bercume	08-11-04-1SP	postponed to September 8, 2004 at 7:05 PM
Peter & Rebecca Mimeault	08-11-04-SP/V	postponed to September 8, 2004 at 7:25 PM

REQUEST FOR DETERMINATION – 08-11-04-1D – PETER & REBECCA MIMEAULT, 76 SOUTH SHORE DRIVE

Peter Mimeault presented the request for determination for property located at 76 South Shore Drive. This request was to remove the corner portion of the existing deck, repair the foundation on the remaining deck area and enclose the south deck area with a hallway structure and the east area with a lower and upper level sunroom. The lot was nonconforming in that it lacked sufficient frontage and lot area. P. Mimeault stated that -

- he was not seeking consideration for the construction of the retaining walls as noted on the determination
- the alterations would reduce the non-conformities by 1) reduce the lot coverage from 19% to 15% and 2) remove the encroachment into one of the side yard setbacks;
- the abutter to the six foot side yard encroachment was in favor of the proposed alterations as noted in the application;
- the submittals had been approved by both the Conservation Commission and the Department of Environmental Protection and
- there would be no changes to the foundation footprint.

The Board accepted the amendment to the application. It had no additional questions.

Motion: to grant a determination to Peter and Rebecca Mimeault since the request 1) did not intensify or create any new non-conformities and 2) it reduced the non-conformities relative to the lot coverage and one side yard setback and that they may apply for a building permit for 126 Westwood Drive as per the amended application, by P. Jeffries

2nd: B. Sutter

Discussion: None

Vote: All in favor

REQUEST FOR DETERMINATION – 08-11-04-2D – ELEANOR FLYNN, 14 WOODLAWN DRIVE

Eleanor Flynn presented the request for determination for property located at 14 Woodlawn Drive. This request was to permit the construction of an 8 foot by 18 foot addition to the rear of the dwelling. The lot was non-conforming in that it lacked sufficient frontage. G. Peabody noted she had visited the property and that abutters would not be impacted by the proposed addition. There were no questions from the Board.

Motion: to grant a determination to Eleanor Flynn since the request did not intensify or create any new non-conformities and that she may apply for a building permit for 14 Woodlawn Drive as per the application, by T. Beaudry

2nd: G. Peabody

Discussion: None

Vote: All in favor

REQUEST FOR DETERMINATION – 08-11-04-3D – TOBIN & ENDSLEY KOCH, 11 OLD VILLAGE ROAD

Tobin Koch presented the request for determination for property located at 11 Old Village Road. This request was to permit the construction of a second floor bedroom addition, an entry room and an elevated deck. The lot was nonconforming in that it lacked sufficient lot area. The Board accepted from T. Koch a revised application which eliminated the request for the second floor bedroom addition. There were no questions from the Board.

Motion: to grant a determination to Tobin and Endsley Koch since the request did not intensify or create any new non-conformities and that they may apply for a building permit for 11 Old Village Road for the construction of an entry room and elevated deck as per the amended application, by P. Jeffries

2nd: R. Cornoni

Discussion: None

Vote: All in favor

REQUEST FOR DETERMINATION – 08-11-04-4D – KEITHA MURPHY, 41 MAIN STREET

Leonard Jalbert was present along with Keitha Murphy and Paul Sparapani to explain the request for determination for property located at 41 Main Street. This request was to permit the construction of a 20 foot by 18 foot addition to the southerly side of the dwelling. The lot was nonconforming in that it did not have legal frontage along Main Street. The property was accessed by a right of way. G. Peabody commented that she had visited the site and found the lot to be most unusual. She noted that the applicant had made substantial improvements to the property and that the addition would be a further improvement. There were no questions from the Board.

Motion: to grant a determination to Keitha Murphy since the request did not intensify or create any new non-conformities and that she may apply for a building permit for 41 Main Street for the construction of a 20 foot by 18 foot addition to the southerly side of the dwelling as per the application, by R. Cornoni

2nd: P. Jeffries

Discussion: None

Vote: All in favor

REQUEST FOR DETERMINATION – 08-11-04-5D – JASON & HEATHER LEMIEUX, 12 RIDGE HILL ROAD

Jason and Heather Lemeiux presented the request for determination for property located at 12 Ridge Hill Road. This request was to permit the construction of a four bedroom dwelling with an attached deck. The lot was nonconforming in that it lacked frontage and sufficient lot area. J. Lemeiux stated that there had been a house on the lot some years ago, but it had been taken down and the lot presently was vacant. His proposed plans would conform to all zoning requirements. The Board inquired if there was a stairway to the attic. J. Lemeiux stated there was not. The proposed plans showed three second floor bedrooms and a first floor office/guest bedroom. The property was serviced by Town sewer and a private well. The Board had no further questions.

Motion: to grant a determination to Jason and Heather Lemeiux since the request did not intensify or create any new non-conformities and that they may apply for a building permit for 12 Ridge Hill Road for the construction of a four bedroom dwelling with an attached deck as per the application, by P. Jeffries

2nd: B. Sutter

Discussion: None

Vote: All in favor

OLD BUSINESS

Request for Determination Fee – G. Peabody recommended that the Board again ask the Board of Selectmen to consider a fee for Request for Determination applications. The Board supported the request and agreed on the amount of \$50.00. G. Peabody said the Board of Selectmen had rejected the original request of \$85.00 because they felt this process should be easy for the applicant and they did not want to make it harder by adding a cost. Zoning Board members felt the request was reasonable since it would cover supply costs and would be deposited into the general fund. G. Peabody noted that the Town Administrator agreed there should be a fee.

Motion: to request that the Board of Selectmen approve a \$50.00 fee for Request for Determination applications, by T. Beaudry

2nd: P. Jeffries

Discussion: None

Vote: All in favor

N. Campbell would draft a memorandum for approval by the Chairman relative to the above motion and submit it to James Malloy, Town Administrator.

NEW BUSINESS

Windgate at Sturbridge Schedule of Topics – G. Peabody asked the Board to review the schedule of topics for Windgate at Sturbridge public hearing dates and note any conflict. G. Peabody was not available for the September 15th date – it was changed to September 22nd. N. Campbell would contact M. Blanchard and M. Cooney to determine if they were available for the proposed dates.

Motion: to accept the Schedule of Topics for Windgate at Sturbridge public hearing dates contingent on the availability of M. Blanchard and M. Cooney, by R. Cornoni
2nd: P. Jeffries
Discussion: None
Vote: All in favor

REQUEST FOR DETERMINATION – 08-11-04-6D – JON & NANCY GRESENZ, 314 THE TRAIL

Jon and Nancy Gresenz presented the request for determination for property located at 314 The Trail. This request was to remove the garage roof and a portion of the house roof and to permit the construction of a second story, a 10 foot by 16 foot addition and a 9 foot by 12 foot deck. The lot was non-conforming in that it lacked sufficient lot area. G. Peabody asked that the applicant clarify their request regarding the 10 foot by 16 foot slab because the application did not indicate a structure was to be built on it. J. Gresenz stated it was their intention to build a 10 foot by 16 foot addition on this slab. The Board agreed to accept the clarification to the application. There were no additional questions from the Board.

Motion: to grant a determination to Jon and Nancy Gresenz since the request did not intensify or create any new non-conformities and that they may apply for a building permit for 314 The Trail for the removal of the garage roof and a portion of the house roof, build up one story; an addition of a structure on a 10 foot by 16 foot slab on the Trail Road side and also a 9 foot by 12 foot deck as per the amended application, by G. Peabody
2nd: P. Jeffries
Discussion: None
Vote: All in favor

NEW BUSINESS (cont.)

P. Jeffries formally agreed to serve as a member to the working subcommittee for Windgate at Sturbridge. G. Peabody commented that the applicant for this project had requested an informal meeting with the Board. She had declined stating that introductory discussions should be conducted within the scheduled public hearing.

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

Adjournment at 8:10 PM