

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, June 9, 2004

Present: Theophile Beaudry
Mary Blanchard
Marge Cooney
Robert Cornoni
Ginger Peabody, Chairman
Pat Jeffries

Also in Attendance Nancy Campbell, Clerk
Jeff Bonja, Building Inspector (arriving at 7:40 PM)

G. Peabody opened the meeting at 7:00 PM and read the agenda. The Board members introduced themselves. The minutes of the April 28, 2004, open meeting session and the minutes for the May 12, 2004, were reviewed.

Motion: to approve the minutes for the April 28, 2004, open meeting session, as presented, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: All in favor

Motion: to approve the minutes for the May 12, 2004, as presented, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: In favor – M. Blanchard, G. Peabody, P. Jeffries, R. Cornoni and T. Beaudry
Abstain – M. Cooney

CORRESPONDENCE

<u>John R. Keenan, Jr., P.C.</u> –	dated 05-28-04 – Notice of Appeal to Leo Decision
<u>Kopelman & Paige</u> –	dated 06-03-04 – RE: Rehabilitative Resources, Inc. Appeal
<u>Fletcher, Tilton & Whipple</u> –	dated 05-27-04 – RE: Robert A. Cottone Variance 07-14-04
<u>Kopelman & Paige</u> –	dated 06-01-04 – RE: Robert A. Cottone Appeal
<u>Building Inspector</u> –	dated 05-20-04 – RE: Complaint 23 Brookfield Road
<u>Building Inspector</u> –	dated 06-04-04 – RE: 9 Holland Road
<u>Dr. Robert H. Audet</u> –	dated 05-12-04 – RE: Site Plan Review Waiver Request
<u>Town Planner</u> –	dated 06-08-04 – RE: Site Plan Review Waiver Request

REQUEST FOR DETERMINATION – 06-09-04-1D – PETER & REBECCA MIMEAULT, 76 SOUTH SHORE DRIVE

Peter Mimeault presented the request for determination for property located at 76 South Shore Road. This request was to permit the construction of an 8/12 pitch roof to replace an existing 5/12 roof providing for a 7'6" interior ceiling height and for two 6" – 12" window "bump-outs" to the front of the structure for new egress-rated window. The lot was nonconforming in that it lacked sufficient frontage and lot area. The existing structure encroached into the front and side setback.

P. Mimeault provided the Board with pictures of the existing roof and noted the following:

- there would be no foundation or earth work required
- raising the pitch of the roof would bring the structure into compliance relating to living space with the state building code
- the existing roof was in disrepair
- the request created no new non-conformities
- the neighbors had no issues with the request

Motion: to grant a determination to Peter and Rebecca Mimeault since the request did not intensify or create any new non-conformities and that they may apply for a building permit for the construction of an 8/12 pitch roof and two 6” – 12” window “bump-outs” to the front of the structure as per the application, by M. Blanchard

2nd: P. Jeffries

Amended Motion: that there be no change to the foundation, by G. Peabody

2nd: M. Cooney

Discussion: G. Peabody felt that it was important to be clear that the applicant would not be making any alterations to the foundation footprint. M. Cooney concurred. M. Blanchard felt such language was not necessary since the application noted there would be no foundation work done.

Vote Amended Motion: In favor – G. Peabody and M. Cooney

Opposed – M. Blanchard, P. Jeffries, R. Cornoni and T. Beaudry

Vote Main Motion: All in favor

REQUEST FOR DETERMINATION – 06-09-04-2D – CLARENCE SOPER, 45 HILLCREST STREET

Leonard Jalbert, of Jalbert Engineering, was present on behalf of the applicant for the determination for property located at 45 Hillcrest Street. This request was to permit the construction of a 26 foot by 36 foot two story standard cape with a six foot farmer’s porch. The lot was nonconforming in that it lacked sufficient area and had an existing abandoned foundation.

L. Jalbert noted the following:

- permits had been obtained for sewer, water and the driveway
- the lot’s zoning district was split between Commercial and Rural Residential – the submitted plan showed the dwelling to be located 100% within the Commercial portion of the lot
- the proposed structure would conform with respect to the zoning bylaws
- the foundation had been abandoned for 50 to 55 years – the submitted plan indicated the foundation would be collapsed and buried

Motion: to grant a determination to Clarence Soper since the request did not intensify or create any new non-conformities and that he may apply for a building permit for the construction of a 26 foot by 36 foot two story standard cape with a six foot farmer’s porch as per the application, by M. Blanchard

2nd: P. Jeffries

Discussion: None

Vote: All in favor

REQUEST FOR DETERMINATION – 06-09-04-3D – PAMELA NDUYU & MOSES NDUYU KAMAU, 115 SHORE ROAD

Leonard Jalbert, of Jalbert Engineering, was present on behalf of the applicants for the determination for property located at 115 Shore Road. This request was to permit the demolition of the existing single family dwelling and allow for the construction of a 26 foot by 36 foot two story single family dwelling. The lot was nonconforming in that it lacked sufficient area and frontage.

L. Jalbert noted the following:

- the proposed structure would conform with respect to the zoning bylaws – modifications eliminated the existing non-conformities with respect to side yard setback (8 feet to 16 feet) and lot coverage (18.4% to 14.1%)
- the proposed structure would be a minimum of 50 feet from the lake to satisfy the Conservation Commission restrictions

Motion: to grant a determination to Pamela Nduyu and Moses Nduyu Kamau since the request did not intensify or create any new non-conformities, but eliminated existing non-conformities, and that they may demolish the existing single family dwelling and apply for a building permit for the construction of a 26 foot by 36 foot two story single family dwelling as per the application, by M. Blanchard

2nd: P. Jeffries

Discussion: Clarification was made that the request was for the demolition and reconstruction of a 26 foot by 36 foot structure.

Vote: All in favor

L. Jalbert commented to the Board that he found the new Building Inspector, Jeff Bonja, most professional, responsive and meticulous. After some initial misgivings, L. Jalbert has been pleased with J. Bonja's work.

OLD BUSINESS

Request for Determination Fee – G. Peabody noted that the Board of Selectmen rejected the Board's request to attach an \$85.00 application fee to all Determination requests.

Conflict of Interest Workshop – May 20th – M. Cooney summarized the details covered at this workshop held at Greenfield Community College. Members attending were M. Blanchard, G. Peabody, M. Cooney and the Board's clerk, N. Campbell. The workshop addressed topics relating to:

- Open Meeting Law – emails, site visits, etc.
- Conflict of Interest – gifts, repetitive gift, etc.
- Public Records – proper disposal, storage of, requests, etc.

NEW BUSINESS

G. Peabody mentioned that the Town Administrator would be interviewing an applicant for the Board's vacant position. She was hopeful the position would be filled as soon as possible.

DISCUSSION – NON-CONFORMING STRUCTURE/LOT CHART

Jeff Bonja, Building Inspector, joined the Board at 7:40 PM for the purpose of discussion with the Board on the draft of his chart addressing various scenarios relating to non-conforming lots and structures. The chart portrayed seven graphical diagrams which reflected the language contained in the Zoning Bylaws

sections 20.05, 20.05.1 and 20.13, with wording from the state law, governing the process for applying for a building permit.

After lengthy discussion and modifications to the draft, the Board directed J. Bonja to make the requested changes and submit a final draft to the Board.

G. Peabody extended L. Jalbert's complimentary comments to J. Bonja.

Motion: to adjourn, by M. Blanchard

2nd: P. Jeffries

Discussion: None

Vote: All in favor

Adjournment at 8:09 PM