

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

WEDNESDAY, April 28, 2004

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

Also in Attendance Nancy Campbell, Clerk

G. Peabody opened the meeting at 7:00 PM, read the agenda and noted that the Board would enter into an executive session at the end of this meeting and would not reconvene into open session. The Board members introduced themselves. M. Blanchard noted grammatical corrections to the clerk and Board members.

Motion: to approve the minutes of April 14, 2004, as amended, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: All in favor

CORRESPONDENCE

Building Inspector – dated 04-22-04 – RE: Zoning Violation 23 Brookfield Road

DISCUSSION/VOTE – 04-14-04-1 – SPECIAL PERMIT/VARIANCE – STURBRIDGE VETERINARY HOSPITAL, DR. MARTIN MAKETANSKY – TO INCREASE THE EXISTING 3,600 SQUARE FOOT STRUCTURE BY APPROXIMATELY 1,500 SQUARE FEET, PART OF THE EXPANSION IS A SECOND FLOOR AT 6 CEDAR STREET

At 7:07 PM G. Peabody asked members if there were any comments they would like to make. Being none she commented that it was her opinion the applicant had done a great deal of work to make the site more attractive by arranging for off site parking for employees, replacing the front parking area with green space and the elimination of a curb cut. P. Jeffries felt the proposed driveway was safer since it was not opposite that of the abutters. Board members concurred.

G. Peabody stated the variance request for the handicapped parking space within the front setback was not an issue for her because it was not a structure. P. Jeffries was comfortable granting the request due to the neighbor's supportive testimony. R. Cornoni felt this was a good project and again members agreed.

Motion: to grant a variance to Martin Maketansky for a handicapped parking space to encroach no more than seventeen feet into the front setback for the property at 6 Cedar Street, Assessor's map 24, lot 6, recorded in Worcester District Registry of Deeds Book #23130, page 11, Plan #109 in Book 654, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: All in favor

Motion: to grant a special permit to Martin Maketansky for an addition to increase the existing 3,600 square foot structure by approximately 1,500 square feet, part of the expansion is a second floor for property at

6 Cedar Street, Assessor's map 24, lot 6, Plan #109 in Book 654 as referenced on the site plan dated 02-17-04 by Coyle Engineering, Inc., by M. Blanchard

2nd: P. Jeffries
Discussion: None
Vote: All in favor

PUBLIC HEARING CONTINUATION – 04-14-04-2 – SPECIAL PERMIT – DR. ROBERT H. AUDET – TO PERMIT THE CONSTRUCTION OF AN ADDITION TO THE FIRST FLOOR OFFICE SPACE AT 22 MAIN STREET

G. Peabody continued the hearing at 7:15 PM and recognized Dr. Robert Audet who stated the following –

- The 20 foot by 14 foot first floor addition would be located at the rear of the existing structure.
 - The purpose of the addition was to expand the present office space for an employee room, an expanded laboratory and a sterilizing area.
 - The proposed roof line would be consistent with the existing line.
 - The present access to the second floor would be eliminated and relocated as reflected on the plan.
- Members commented that the plan showed only one entrance/egress. Dr. Audet stated he would not be using the second floor space. He had spoken with the Building Inspector, J. Bonja, on this issue. Dr. Audet said J. Bonja had been clear that the second floor could not be used as office space or rented to anyone with the single entrance/egress as proposed on the plans submitted to the Board. Dr. Audet noted he had no intention on using or renting the second floor. M. Blanchard inquired as to the present use of the second floor. Dr. Audet responded that it had previously been an apartment, but currently the space was not used. M. Blanchard stated that if Dr. Audet intended on using the second floor as an office he would need to apply to the Board for the variation of use. Dr. Audet understood and reiterated that there was no use proposed for the second floor.
- The handicapped ramp would remain the same.
 - There would be no setback violations.

M. Cooney expressed her concern that any change in the intensity of use to the second floor should require site plan review and a variance. Having visited the property she noticed that the dumpster was not screened as noted on the plan which had been submitted to the Board with the application. M. Blanchard felt that was a condition apart from the request presently before the Board. It was M. Cooney's opinion that the condition should be fulfilled because it was on the submitted plan. M. Blanchard felt it should be the responsibility of the Building Inspector/Zoning Enforcement Officer. A comment was made that the number of employees would remain the same. Dr. Audet did not disagree. M. Blanchard clarified that though the application referenced a variance, Dr. Audet was seeking a special permit. G. Peabody concurred.

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

R. Cornoni asked if there was an abutters list with the application. N. Campbell stated there was and that all had been notified of the request. There were no additional comments from the Board.

Motion: to grant the special permit to Dr. Robert H. Audet for a 20 foot by 14 foot addition to the rear of the building at 22 Main Street, Assessor's map 39, lot 22, recorded in Worcester District Registry of Deeds Book #8003, page 41, Book #4350, page 493, Plan Book #748, plan 116, to be used for expansion of employee space, laboratory services and the sterilization of equipment, by P. Jeffries
2nd: M. Blanchard

Discussion: M. Blanchard asked if the Board wished to make a condition that if the applicant chose to use the second floor, he would need to apply to the Board for a variance for use.

Amendment: to add the condition that the property owner, before using the second floor, would need to apply to the Zoning Board of Appeals for a variance of use, by M. Blanchard

Discussion: M. Cooney asked that it be necessary for the property owner to apply to the Planning Board for site plan review if there was any intensity of use. The Board agreed.

2nd: P. Jeffries

Vote: All in favor

Amended Motion: to grant the special permit to Dr. Robert H. Audet for a 20 foot by 14 foot addition to the rear of the building at 22 Main Street, Assessor's map 39, lot 22, recorded in Worcester District Registry of Deeds Book #8003, page 41, Book #4350, page 493, Plan Book #748, plan 116, to be used for expansion of employee space, laboratory use and the sterilization of equipment with the following conditions – 1) the property owner, before using the second floor, must apply to the Zoning Board of Appeals for a variance of use and 2) the property owner must apply to the Planning Board for site plan review if there were any changes to the proposed intensity of use

Discussion: None

Vote: All in favor

G. Peabody reminded Dr. Audet of the 20-day appeal period.

DISCUSSION – NON-CONFORMING STRUCTURE AND LOT CHART; Building Inspector

G. Peabody asked if the Board had reviewed the draft chart submitted by the Building Inspector. They asked that more time and agreed to address the chart at their May 12th meeting.

OLD BUSINESS

G. Peabody reminded the Board of the workshop on Conflict of Interest at Greenfield Community College, May 20th.

R. Cornoni commented that the block lettering on the new sign for the Sturbridge Host Hotel and Conference Center was an improvement and that M. Blanchard's suggestion to compromise on the size of the sign worked well to not overwhelm the area.

NEW BUSINESS

There was none.

Motion: to adjourn into Executive Session for the purpose of discussing matters under litigation and not reconvene the open session, by G. Peabody

2nd: P. Jeffries

Discussion: None

Roll Call Vote: All in favor

Adjournment at 8:32 PM