

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
WEDNESDAY, April 14, 2004

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

**Also in Attendance** Nancy Campbell, Clerk  
Jeffrey Bonja, Building Inspector/Zoning Enforcement Officer

G. Peabody opened the meeting at 7:00 PM and read the agenda. She welcomed Marge Cooney who had been elected to the Board at the Annual Town Election on April 12, 2004. G. Peabody had also been elected to serve another three years with the Board. The Board members introduced themselves. G. Peabody noted that the Board still had one vacancy and that interested individuals should contact the Town Administrator. The minutes for March 10, 2004, were reviewed and a grammatical correction was noted.

**Motion:** to approve the minutes of March 10, 2004, as corrected, by M. Blanchard

**2<sup>nd</sup>:** P. Jeffries

**Discussion:** None

**Vote:** In favor– T. Beaudry, M. Blanchard, R. Cornoni, G. Peabody and P. Jeffries  
Abstain – M. Cooney

## **CORRESPONDENCE**

Request for Determination Fee - Memo dated 03-24-04 - to Town Administrator for request for \$85.00 fee  
Massachusetts Federation of Planning and Appeals Board - Spring Meeting, April 29, 2004 - members interested in attending should contact Nancy Campbell

Open Meeting Workshop - May 20, 2004, Greenfield Community College - members interested in attending should contact Nancy Campbell

Department of Housing & Community Development - 2005-2009 Consolidated Plan Focus Groups Meeting dates

Kopelman & Paige – dated 02-12-04 – Confidential - G. Peabody requested the Board meet in Executive Session for further discussion

Kopelman & Paige – dated 03-12-04 - Re: Green Mountain Realty Corp.

Building Inspector – various Notices of Violations

## **PUBLIC HEARING – 04-14-04-1 – SPECIAL PERMIT/VARIANCE – STURBRIDGE VETERINARY HOSPITAL – 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**

G. Peabody opened the public hearing at 7:05 PM and read the legal notice. Dr. Martin Maketansky explained his hospital has been serving Sturbridge for about 40 years and that has it maintained excellent relationships with its neighbors. He added that his practice has outgrown the existing building which hinders the service to clients.

William Coyle, Coyle Engineering, and Brad Rabinowitz, Brad Rabinowitz Architect, presented the proposal noting that the second floor would provide for a staff lounge, storage and mechanical space. The new design addressed current safety issues pertaining to the traffic flow and access by showing a single, standard-width access drive (24 feet with a 15 foot radius.) Most of the frontage would be returned to green space and with plantings. The existing maple tree would be preserved. Parking patterns would be improved and an agreement had been reached with abutters which provides for almost all employees to park off site. The handicapped parking spaces would be 16 feet by 20 feet with striping.

In reviewing the building and addition, B. Rabinowitz stated that the design would be in keeping with the traditional architecture of Sturbridge. The plans proposed a saltbox addition using cedar shingles and clapboards, double- hung windows and architectural asphalt and metal roofing. He noted that the mean height to the ridge was approximately 29.5 feet.

G. Peabody asked if there was anyone from the public wishing to speak for or against the project -

- Arnold Wilson, 21 Cedar Street - commented this was a fine veterinary hospital, but felt the plans were overwhelming for the lot; was concerned for the parking and the future of the site if its ownership should change.
- Bill Cormier, Wild Bird Crossing - had no problems with the project and felt it would be a nicer building.

The Board discussed issues of parking and green space. G. Peabody felt there was ample parking given the agreement for spaces across Cedar Street; that the added green space would enhance the visual quality of the property; that Sturbridge Veterinary Hospital had been a good neighbor. She would like to have the business remain in Sturbridge. M. Blanchard noted that the Zoning Bylaws allowed for off street parking within 300 feet of the building and that she agreed the addition seems overwhelming for the lot.

**Motion:** to close the public hearing, by P. Jeffries

**2<sup>nd</sup>:** M. Blanchard

**Discussion:** M. Blanchard asked G. Peabody's opinion on the variance request which placed the handicapped parking space in the street setback. G. Peabody responded that she had no issues with the request because a parking space was not a structure.

**Vote:** All in favor

The Board agreed to take up the discussion at its April 28<sup>th</sup> meeting at 7:02 PM.

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

G. Peabody opened the public hearing at 7:35 PM and read the legal notice. The applicant was not in attendance to present the request. The Board agreed to continue the public hearing.

**Motion:** to continue the public hearing for Robert H. Audet to April 28, 2003 at 7:15 PM, by M. Blanchard

**2<sup>nd</sup>:** P. Jeffries

**Discussion:** None

**Vote:** All in favor

N. Campbell would notify R. Audet of the continuation date.

**PUBLIC HEARING – 04-14-04-3 – VARIANCE – DAMIANO, FRANK - TO PERMIT FULL USE OF THE ATTIC SPACE AS A THIRD STORY COMPLETE WITH A FULL STAIRCASE ACCESS, CLIMATE CONTROL AND A SINK AT 118 MASHAPAUG ROAD**

M. Blanchard noted that the Tax Certification form for this variance request indicated that taxes were not paid-up-to date.

G. Peabody opened the public hearing at 7:37 PM, read the legal notice and questioned the applicant about the outstanding taxes. Frank Damiano noted he was not the owner of record, but had a purchase and sales agreement on the property. He would check on the amount owned to the Town. He explained that it had been his intention to utilize the entire space within this house. He had been up front with the previous Building Inspector, with regards to the staircase leading to the attic space, and it had not been an issue at that time. The new Zoning Enforcement Officer, Jeffrey Bonja, considered the attic space to be a third story due to the permanent staircase. J. Bonja stated that the State Building Inspector concurred. F. Damiano disagreed with J. Bonja's interpretation and felt it was a two story building. F. Damiano offered to install 5/8<sup>th</sup> inch fire board to comply with the request of the State Inspector.

The Board discussed issues pertaining to -

- the use of the area a storage versus human habitation - F. Damiano stated it could not be a habitable space due to the height of the ceiling and that an attic should be considered useable space.
- the purpose of climate control and a sink - F. Damiano stated he considered having the area for wine and cheese storage.
- the dimensions of the area - F. Damiano stated it measured 13 feet by 23 feet.
- pull down stairs an option for the area which would allow for the same amount of storage space - J. Bonja stated that the bylaws were silent on pull down stairs with regards to the definition of a third story.

The Board agreed that the use of the attic space was questionable given the installation of permanent stairs, the sink and the capped plumbing. The Board asked for the opinion of J. Bonja who again noted that he felt the permanent staircase made this a third story (5B to 5A) and could lead to a use other than storage. M. Cooney stated it was the intent of the bylaw to keep the area as storage. P. Jeffries commented that the variance would go with the property and she was concerned with how the next owner would use the space if the Board approved this request.

There was no one present to speak for or against the request.

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

M. Blanchard suggested the Board take the issue under advisement and compare with other towns on the basis of a variance of this nature. Other members felt they had heard sufficient testimony.

**Motion:** to deny the variance request to use the attic space as a third floor because it did not meet Chapter Nineteen, Intensity Regulations, (maximum - two stories) and that the request was not within the scope of the Intensity Regulations or the intent of the bylaw, by G. Peabody

**2<sup>nd</sup>:** P. Jeffries

**Discussion:** R. Cornoni questioned the effect this motion had on the staircase. Would the applicant need to remove them and the sink. M. Blanchard had concerns with the permanent staircase and the 5/8<sup>th</sup> inch fireboard, but she had no problem with the sink. P. Jeffries reminded the Board that the request was asking for the space to be a third story. M. Cooney concurred with P. Jeffries.

**Vote:** In favor - T. Beaudry, M. Cooney, R. Cornoni, G. Peabody and P. Jeffries  
Opposed - M. Blanchard

G. Peabody noted there was a 20-day appeal period.

### **REQUEST FOR DETERMINATION FOR A NON-CONFORMING STATUS #04-14-04-1D – MORIN, JOSEPH & SUSAN, 132 LAKE ROAD**

Leonard Jalbert presented the request for determination for the applicants. He stated that the proposed structure would keep the existing footprint, a second floor was to be added and that the structure would conform to all other zoning regulations. The lot was undersized with an area of 24,424 square feet and 100 feet of frontage with the required being 32,670 square feet with 125 feet of frontage, respectively.

Comments made by the Board -

- M. Cooney noted a discrepancy with the proposed lot coverage on the application (9.8%) versus the plan (10.0%) - L. Jalbert stated the plan reflected the correct figure.
- G. Peabody asked if the applicants would be returning to the Board to put a second house on the property - L. Jalbert said they would not.

**Motion:** to grant Joseph and Susan Morin a determination for the property at 132 Lake Road as requested on the application to permit the reconstruction of a dwelling as depicted on Plan # 03547, dated 3/10/04 by Jalbert Engineering, Inc., by M. Blanchard

**2<sup>nd</sup>:** M. Cooney

**Discussion:** None

**Vote:** All in favor

### **OLD BUSINESS**

There was none.

### **NEW BUSINESS**

G. Peabody asked for the reorganization of the Board and opened the floor for nominations.

**Motion:** to nominate G. Peabody for Chairman, by M. Cooney

**2<sup>nd</sup>:** R. Cornoni

**Motion:** to close the nominations, by M. Blanchard

**2<sup>nd</sup>:** P. Jeffries

**Discussion:** None

**Vote:** All in favor

**Discussion:** None  
**Vote:** All in favor

**Motion:** to nominate M. Cooney as Clerk, by P. Jeffries  
**2<sup>nd</sup>:** G. Peabody

**Motion:** to close the nominations, by M. Blanchard  
**2<sup>nd</sup>:** P. Jeffries

**Discussion:** None  
**Vote:** All in favor

**Discussion:** None  
**Vote:** All in favor

**Motion:** to nominate P. Jeffries for Vice Chairperson, by M. Cooney  
**2<sup>nd</sup>:** M. Blanchard

**Motion:** to close the nominations, by M. Blanchard  
**2<sup>nd</sup>:** P. Jeffries

**Discussion:** None  
**Vote:** All in favor

**Discussion:** None  
**Vote:** All in favor

J. Bonja circulated a draft diagram showing examples of potential application requests regarding determinations and special permits under Chapter Twenty, 20.05. He asked the Board to review the draft and comment at its next meeting.

**Motion:** to adjourn, by M. Blanchard  
**2<sup>nd</sup>:** P. Jeffries

**Discussion:** None  
**Vote:** All in favor

**Adjournment at 8:39 PM**