

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
WEDNESDAY, March 10, 2004

**Present:** Theophile Beaudry  
Mary Blanchard  
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. The Board members introduced themselves. G. Peabody noted that the Board still had two vacant positions and that interested individuals should contact the Town Administrator. The minutes for January 14, January 21 and February 11, 2004, were reviewed.

**Motion:** to approve the minutes of January 14, 2004, as written, by M. Blanchard  
**2<sup>nd</sup>:** T. Beaudry  
**Discussion:** None  
**Vote:** In favor– T. Beaudry, M. Blanchard, R. Cornoni and P. Jeffries  
Abstain – G. Peabody

**Motion:** to approve the minutes of January 21, 2004, as written, by M. Blanchard  
**2<sup>nd</sup>:** P. Jeffries  
**Discussion:** None  
**Vote:** In favor – T. Beaudry, M. Blanchard, R. Cornoni and P. Jeffries  
Abstain – G. Peabody

**Motion:** to approve the minutes of February 11, 2004, as written, by M. Blanchard  
**2<sup>nd</sup>:** P. Jeffries  
**Discussion:** None  
**Vote:** In favor – T. Beaudry M. Blanchard, P. Jeffries and G. Peabody  
Abstain – R. Cornoni

**CORRESPONDENCE**

Bonja, Jeffrey – dated 02-23-04 – Zoning Board of Appeals Resignation letter – G. Peabody accepted the resignation with regret and congratulated J. Bonja in his new position as Building Inspector/Zoning Enforcement Officer

Audet, Dr. Robert H. – dated 02-23-04 – Public Hearing Extension

Kopelman & Paige – dated 02-12-04 – Confidential

Building Inspector – dated 03-02-04 – Zoning Violation 23 Brookfield Road  
dated 03-08-04 – 342 and 338 Leadmine Road  
dated 03-08-04 – David C. Brunell

**PUBLIC HEARING – 01-14-04-1 – SPECIAL PERMIT – ABRAMS, GREGORY – TO PERMIT THE CONSTRUCTION OF A 750 SQUARE FOOT ADDITION TO THE SECOND FLOOR OF THE RESIDENTIAL DWELLING AND ENCLOSE ITS FIRST FLOOR PORTICO AT 43 ABRAMS DRIVE**

At 7:05 PM G. Peabody acknowledged receipt of a letter from Greg and Erin Abrams, dated 2-26-04 requesting the Board continue the public hearing to May 12<sup>th</sup> in order that they may provide the most accurate information to the Board.

**Motion:** to continue the public hearing for Gregory Abrams to May 12, 2004 at 7:05 PM, by M. Blanchard  
**2<sup>nd</sup>:** P. Jeffries  
**Discussion:** None  
**Vote:** All in favor

**OLD BUSINESS**

There was none.

**NEW BUSINESS**

G. Peabody recognized Leonard Jalbert, of Jalbert Engineering, who stated he had contacted the Town Planner seeking clarification on the regulations governing special permits, variances and determinations. G. Peabody commented that the regulations for special permits were designed to address all projects both large and small. A request for waivers from various sections could be made and granted by the Board depending on the size of the projects. L. Jalbert sought clarification for potential projects relative to non-conforming lots. G. Peabody referenced Section 20.05.1 of the Town's Zoning Bylaws for guidance. Jeffrey Bonja, Building Inspector/Zoning Enforcement Officer, was present and offered further clarification for L. Jalbert. N. Campbell stated that the Town Planner had created a flow chart which would provide better understanding to the process required for L. Jalbert's projects. There was further discussion relating to the timeframe for the permitting process to which the Board agreed it would schedule a second meeting within a given month if the workload so necessitated.

L. Jalbert made a recommendation that the Building Inspector indicate on a standardized form, as is practiced in other towns, the reason for denial of a building permit. This form then could become a part of the submittal to the Zoning Board of Appeals. G. Peabody thanked L. Jalbert and said the Board would take the suggestion under advisement.

**PUBLIC HEARING – 02-11-04-1 – VARIANCE – FREITAS, JOSEPH – TO CONSTRUCT AN ADDITION 22 FEET BY 24 FEET, TO BE LOCATED ABOUT SEVEN FEET INTO THE STREET SETBACK FROM LAUREN LANE**

G. Peabody explained the Board's situation regarding its vacant seats and asked if the applicant wanted the hearing opened or tabled to the April meeting in hopes of a full Board. Joseph Freitas stated he would like the hearing opened. G. Peabody opened the public hearing at 7:30 PM and read the legal notice.

J. Freitas submitted a Summary of Appeal and diagrams to the Board which noted the following:

- The reason for the variance requested.
- The variance was required because the grade layout did not allow for a feasible alternative.

- The distance from the proposed addition to the existing sidewalk was greater than the 30 foot setback which provided for the intent and purpose of the zoning bylaws.
- According to Larry Adams, Town Planner, there was little chance that Lauren Lane would ever need to be widened because 1) the Lauren Ledge subdivision would most likely not be further developed and 2) significant blasting would be required on what was now personal property.
- The elevation of the lot diminished the safety issues for which the setback regulations were proposed.
- The resulting setback of 23 feet met the intent of the zoning bylaw.
- In general viewing, it did not appear that a variance was required for the proposed addition.
- Abutting neighbors were in full support of the addition.
- When the lot was purchased in 1995, the adjacent street (Lauren Lane) did not exist.
- A plot plan drawn by Jalbert Engineering showed that a variance would not have been required to build the proposed addition in 1995.
- An action by the Sturbridge Planning Board approving the Lauren Ledge subdivision in 1999, created a front setback of 30 feet instead of the side setback of 15 feet.
- It was J. Freitas’ opinion that the approval of the Lauren Ledge subdivision had been shrouded with controversy.

J. Freitas asked that the Board consider the reasons stated above and grant the variance for the proposed addition. G. Peabody said it was difficult to meet the required criteria for a variance. M. Blanchard agreed, but felt that the construction of Lauren Lane created a different set of circumstances and that the shape of the land with the alteration of the side setback of 15 feet to a front setback of 30 feet was a hardship. She felt it would not be detrimental to the neighborhood. P. Jeffries concurred.

Not speaking for or against the application, J. Bonja offered that considering the lot had been converted from a single frontage lot to a corner lot, where two sides had a 30 foot setback, the addition of Lauren Lane could be considered a “taking.” The switching of one setback to another had been out of the control of the property owner and could therefore be used to support for the variance. He also pointed out that the variance request did not intrude beyond the 1995 side setback line. The Board also had discussion on the measurement of the lot frontage at 100 feet. James Malloy was present and helped to clarify the issue as to when the Town made changes to these requirements.

G. Peabody asked if there were further questions from the Board. There were none. She then asked for comments or questions from the public.

- James Malloy, 61 Clark Road – commented that when the area homes were built they had legal frontage and each house was situated on its lot to accommodate a garage; that the garage (built prior to Lauren Lane’s existence) attached to the house on 58 Clark Road now encroached into the front setback as a result of the construction of Lauren Lane; that the proposed Freitas addition would not appear to be in a setback; agreed Lauren Lane would not be widened; felt this would not be a detriment to the neighborhood and asked the Board to support the variance request.

There were no other comments from the public.

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

**Motion:** to grant a variance to Joseph Freitas, 60 Clark Road, for the construction of a 22 foot by 24 foot garage, Assessor's map 19, lot 60, Worcester District Registry of Deeds Book 30385, page 41, by M. Blanchard

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

**Discussion:** J. Freitas noted that the request was for an addition. After reviewing the application the Board concurred.

M. Blanchard withdrew her motion and P. Jeffries withdrew her second.

**Motion:** to grant a variance to Joseph Freitas, 60 Clark Road, for the construction of a 22 foot by 24 foot addition, Assessor's map 19, lot 60, Worcester District Registry of Deeds Book 30385, page 41, by M. Blanchard

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

**Discussion:** G. Peabody supported the variance because the construction of Lauren Lane after the purchase of this house changed its side yard setback to a front yard setback. She maintained that there was no hardship in having or not having a garage.

**Vote:** All in favor

G. Peabody reminded the applicant of the 20 day appeal period. She reminded the Board to keep April 28<sup>th</sup> open as a potential meeting date.

**Motion:** to adjourn, by M. Blanchard

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

**Discussion:** None

**Vote:** All in favor

**Adjournment at 8:00 PM**