

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, 9 November 2005

Present: Ginger Peabody, Chairman
Mary Blanchard
Margaret Cooney
Robert Cornoni
Pat Jeffries
Bruce Sutter

Absent: Theophile Beaudry

Also in Attendance: Jean Bubon, Town Planner
Linda Coates, Administrative Assistant

G. Peabody opened the meeting at 7:01 P.M. Corrections to the 21 September 2005 were made: Marge Cooney and Theophile Beaudry were not listed as absent, and R. Cornoni's name was misspelled.

Motion: To accept the 21 September 2005 minutes as corrected, by G. Peabody
2nd: R. Cornoni
Discussion: None
Vote: In favor – G. Peabody, M. Blanchard, R. Cornoni, P. Jeffries, B. Sutter
Abstain – M. Cooney

12 October 2005 minutes were by-passed as M. Blanchard did not have adequate time to review them. G. Peabody stated that the minutes would no longer be corrected before the meetings.

PUBLIC HEARING 10-12-05-1AA – ADMINISTRATIVE APPEAL FROM A DECISION OF THE BUILDING INSPECTOR DECLINING A REQUEST TO REQUIRE SITE PLAN REVIEW DUE TO AN EXPANSION OF USE, TRAFFIC IMPACTS AND PARKING AT 548 MAIN STREET

Attorney Edmond A. Neal, III provided the Board with a Memorandum of Law and the realtor's listing for the house in support of his argument that a Site Plan Review and Special Permit are required. He showed that the realtor lists the house as a one-bedroom apartment. He also expressed his concern and frustration that Harold Nichols, Building Inspector/Zoning Enforcement Officer and someone from Wetherbee & Wetherbee has not appeared at the hearings. G. Peabody stated that the Board couldn't use the realtor's advertisement, as they are not always correct; the assessor's listing must be used, which shows it as a two (2) bedroom apartment. M. Blanchard stated that the Board did not request H. Nichols' or Wetherbees' presence. G. Peabody stated that she did not initially feel that their presence was needed, nor could she demand that the Wetherbees appear. G.

Peabody and M. Blanchard agreed to request their [H. Nichols/Wetherbee] presence at the next hearing to help answer questions.

Motion: To continue the Public Hearing to 14 December 2005 at 7:05, by M. Blanchard
2nd: M. Cooney
Discussion: None
Vote: Unanimous

PUBLIC HEARING CONTINUATION – 01-26-05-1SP – SPECIAL PERMIT – BLUE & GOLD DEVELOPMENT – TO PERMIT THE CONSTRUCTION OF THE PROPOSED DEVELOPMENT OF A 71 UNIT ACTIVE ADULT HOUSING COMMUNITY, NAMELY STONELEIGH WOODS, ON APPROXIMATELY 35.5 ACRES OF LAND AT 72 HALL ROAD.

Attorney Mark Donahue stated there was nothing new to present, but would be available to answer any of the board’s questions. M. Cooney stated that Kopelman & Paige still has access issues:

1. Chase Road is a private way that passes through a commercial zone – access must be through rural residential.
2. Multi-dwelling projects are not permitted in a commercial zone.
3. Chase Road needs to be accepted as a public way, or the Bylaws need to be changed to allow multi dwelling projects in a commercial zone.
4. They do not have legal access today and Town Counsel said this does not meet our regulations.
5. We can’t grant a Special Permit with conditions set forth by another board.

Atty. Donahue referred to the letter from Kopelman & Paige (9/28/05) where there is a possibility of continuing the project with conditions. He asked that the Board approve the Special Permit with the condition that Chase Road be made a public way or that the zoning Bylaw be amended. P. Jeffries stated that it could be done with conditions. B. Sutter stated that it is a good development, is a good project for the tax base, and is something good overall for the town.

Kirstie Pecci (122 McGilpin Rd.) – Stated she is an attorney and that the project is not permitted. It is not proper for the Board to operate in this manner. The issue is whether the project as proposed is permitted. The Special Permit should be denied.

Wayne Belec from Waterman Design Associates, Inc. – They have complied with everything on the plans. R. Cornoni referred to the traffic flow for access road sketch and

the corresponding memo from Greg Morse (11/04/05). He questioned how this had been addressed. Mr. Belec and the Board discussed proposed placements of lampposts, signs, and pedestrian cross walk signs.

Motion: To close the Public Hearing, by M. Blanchard,
2nd: P. Jeffries
Discussion: None
Vote: In favor – G. Peabody, M. Blanchard, R. Cornoni, P. Jeffries, B. Sutter
Opposed – M. Cooney

G. Peabody stated that the Board had until 30 November to file the decision and that a special meeting to discuss the conditions should be held before then. This would also require a Site Plan Review.

Motion: To approve the Special Permit for Blue & Gold Development – to permit the construction of the proposed development of a 71 unit active adult housing community, namely Stoneleigh Woods, on approximately 35.5 acres of land at 72 Hall Road wit conditions, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: In favor – G. Peabody, M. Blanchard, R. Cornoni, P. Jeffries, B. Sutter
Abstain – M. Cooney

The special meeting date to go over the conditions for Blue & Gold Development was set for 7 December 2005 at 7:00 P.M.

Motion: To extend the decision date to 9 December 2005, by M. Blanchard.
2nd: P. Jeffries
Discussion: None
Vote: Unanimous

Roberta & James Dunn (35 Bennetts Road) – G. Peabody informed them that they would not have their hearing tonight due to an administrative error.

Motion: To have a hearing on 14 December 2005 at 7:20 P.M. for the Dunn determination, by G. Peabody.
2nd: M. Cooney
Discussion: None
Vote: Unanimous

PUBLIC HEARING CONTINUATION – 09-28-05-1SPV – SPECIAL PERMIT/VARIANCE – FREDERICK & MARGARET GUNN – TO DEMOLISH THE EXISTING STRUCTURE, TO PERMIT THE CONSTRUCTION OF A SINGLE FAMILY DWELLING AND ALLOW IT TO ENCROACH TEN FEET INTO THE STREET SETBACK ON A LOT THAT LACKS THE REQUIRED FRONTAGE AND AREA AT 36 & 38 GOODRICH ROAD

Leonard Jalbert from Jalbert Engineering was present with Fred Gunn to discuss their proposal to decrease the lot coverage. Mr. Gunn stated that the decking has been up for 20 years. It is the only area where he can sit and enjoy the waterfront due to the land drop off. He could not get to the water without it. Mr. Jalbert stated that they had already removed 8% of the decking, which reduced lot coverage to 27%. The Board is asking the Gunns to remove 60% of their deck. R. Cornoni suggested that perhaps they could keep the upper decks but reduce the setbacks on the sides of the lower decks. M. Blanchard stated that the new location of the house would require other Variances for frontage and lot coverage, which were not indicated on the legal notice. L. Jalbert said that they were doing this one step at a time – going for the Special Permit first and then addressing the Variances. M. Blanchard stated that they needed to take care of the Variances first, and then the Special Permit. The Board would waive the Special Permit fee because it's already been paid.

G. Peabody recessed the Gunn Public Hearing to hear Spaho Corporation.

PUBLIC HEARING CONTINUATION – 02-09-05-1SP – SPECIAL PERMIT – THE SPAHO CORPORATION – TO ALLOW AN ACCESS DRIVEWAY OFF OF MAIN STREET (ROUTE 131), WHICH IS NOT THE LOT'S LEGAL FRONTAGE AND TO PERMIT THE CONSTRUCTION OF TWENTY-ONE AGE RESTRICTED CONDOMINIUM UNITS LOCATED AT FARQUHAR ROAD

M. Blanchard recused herself at 8:31 P.M.

G. Peabody read the letter from Walter Regep stating the Spaho Corporation would like to withdraw without prejudice, their application for Special Permit.

Motion: To accept Spaho Corporation's request to withdraw without prejudice, their application for Special Permit, by P. Jeffries

2nd: M. Cooney

Discussion: None

Vote: Unanimous

M. Blanchard returned to the Board at 8:33 P.M.

Gunn Public hearing continued:

The Board discussed if the Public Hearing could be done prior to the end of December.

Motion: To continue the Public Hearing for a Special Permit to 14 December 2005 at 7:45 P.M.

2nd: M. Cooney

Discussion: None

Vote: Unanimous

The Board resumed the meeting with Attorney Donahue to go through line item changes to the Proposed Conditions of Approval for Stoneleigh Woods. Of note: condition #7 needed Town Counsel approval, Atty. Donahue would supply additional language for #'s 8 & 9, and the first paragraph would be removed from #31.

Old Business / New Business:

None

Motion: To adjourn, by M. Blanchard

2nd: P. Jeffries

Discussion: None

Roll Call Vote: Unanimous

Adjournment at 9:15 P.M.

Next meeting: 7 December 2005 at 7:00 P.M.