

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

Wednesday, April 27, 2005

Present: Mary Blanchard
Theophile Beaudry
Robert Cornoni
Pat Jeffries
Ginger Peabody, Chairman
Bruce Sutter

Absent: Marge Cooney

Also in Attendance Nancy Campbell

G. Peabody opened the meeting at 7:00 PM and read the agenda. The Board introduced themselves. The minutes of April 13, 2005 were reviewed. M. Blanchard noted grammatical corrections.

Motion: to approve the minutes of April 13, 2005, as corrected, by P. Jeffries
2nd: M. Blanchard
Discussion: None
Vote: All in favor

CORRESPONDENCE

Wayne Belec – dated 04-25-05 – RE: Stoneleigh Woods – Field Flow Test Report
Planning Board, Charlton, MA – dated 04-25-05 – RE: Special Permit Decision- Lemansky/Wolanski
Steven Paquette – dated 04-27-05 – RE: Crescent Gate at Sturbridge (Chapter 40B, formerly Windgate at Sturbridge) – request for approval of temporary marketing signs at the driveway entrance on Route 20.

Motion: that these changes were not substantial and that the Board approve the temporary signs as per the Main Street Senior Housing, LLC letter, dated 04-27-05 for Crescent Gate at Sturbridge, by M. Blanchard
2nd: P. Jeffries
Discussion: M. Blanchard noted that the meeting date on the Certificate of Action read April 13th. G. Peabody stated she would correct it to read April 27th and initial the correction.
Vote: All in favor

Thomas Button, Police Chief – RE: The Estates at Sturbridge Farms
Steven Paquette – dated 04-27-05 – RE: Crescent Gate at Sturbridge permanent sign
Conservation Commission – dated 04-27-05 – RE: Maguire – 493 Leadmine Road deck

M. Blanchard recused herself as an abutter to The Spaho Corporation project and stepped off the Board.

PUBLIC HEARING – 02-09-05-1SP – THE SPAHO CORPORATION – TO PERMIT THE CONSTRUCTION OF TWENTY-ONE AGE RESTRICTED CONDOMINIUM UNITS LOCATED AT 30 FARQUHAR ROAD

PUBLIC HEARING – 04-27-05-1V – THE SPAHO CORPORATION – TO ALLOW AN ACCESS DRIVEWAY OFF MAIN STREET/ROUTE 131 WHICH IS NOT THE LEGAL FRONTAGE OF THE LOT AT 30 FARQUHAR ROAD

G. Peabody opened the public hearing at 7:05 PM and B. Sutter read the legal notice. G. Peabody noted that one member was absent and another member had recused herself, leaving the Board with five voting members. She noted that a variance petition required four votes for approval and the special permit required a super majority vote for approval. She asked the applicant if they chose to continue with the special permit public hearing and open the variance petition. Calisto Bertin, principal of Bertin Engineering, Inc., on behalf of The Spaho Corporation stated he would like to proceed with the variance public hearing and continue the special permit public hearing to a later date. G. Peabody said she would permit revised plans to be submitted which would allow the Board to forward these plans for a peer review.

C. Bertin presented drawing #S-1, revision date of 04-20-05, and noted the following –

- The 23 acre site had frontage on Farquhar Road and on Main Street (on angled width of 55 feet) – the legal frontage was on Farquhar Road;
- The site had a rolling topography with two gorges, one running north to south, one running east to west (a topographic issue);
- Access from Farquhar Road would cross a pristine wetland which the Conservation Commission (ConCom) opposed. ConCom felt that the alternate access, Main Street, would be more appropriate (a wetlands issue);
- Had there been no wetlands, a through road would have been proposed from Farquhar Road to Main Street – this variance application asked to remove one portion of the road that accessed the legal frontage;
- There was no hardship because there was access to Main Street regardless of the access to Farquhar Road – G. Peabody commented that the Zoning Bylaws did not support this statement and C. Bertin agreed.
- ConCom would not issue an Order of Conditions for the project if Farquhar Road was the access location.

G. Peabody read Police Chief Button's memorandum, dated 04-26-05, which expressed concerns relative to the impact of traffic at the entrance/exit, no traffic study had been submitted to provide data for the site, the entrance/exit was located on a curve close to a confusing intersection, and he would like to see a deceleration turning lane.

C. Bertin felt that there was adequate sight distance at the site since it was on the outside of the curve; that the twenty age restricted homes would generate limited traffic (7 to 8 vehicles at AM peak hours), a deceleration lane could be looked into on the right of way, and MassHighway had issued a driveway permit which would indicate that the entrance/exit was not detrimental to the motoring public. Michael Loin, also of Bertin Engineering, stated that CME Engineering had reviewed the curb cut for the Town and found that it met all the MassHighway regulations. C. Bertin commented that denying access from Main Street would deny access to the property.

G. Peabody asked if there was anyone from the public that wished to speak on the variance petition –

- Lynn DiGregorio Sarty, 47 Farquhar Road – felt twenty dwellings would generate more than seven or eight vehicle trips. C. Bertin referenced the Environmental Impact Statement submittal which showed 15 total trips on average at AM peak hour (12 exiting, 3 entering) and evening peak hour showed 8 exiting, 13 entering.

- Mary Wheeler, 14 Willard Road – the State had told her the project was within their parameters; she was concerned that the State had no idea of the traffic situation at that intersection and was concerned with how the excess traffic would impact Willard Road.
- Carol Goodwin, 19 Orchard Road – asked if ConCom had reviewed the wetlands on the revised plan. G. Peabody stated that this concern should be addressed at the special permit public hearing since the revised plans did not pertain to the variance petition. C. Goodwin stated that the project was proposed on a site that had been subdivided from one parcel into four parcels along Farquhar Road. She felt that since the applicant had built houses on three of the four parcels, to leave one parcel for access to the proposed site was a self created hardship; that the applicant could have purchased additional land on Main Street to give it legal frontage; that the request did not meet the criteria for a variance; and that the traffic turning concerns were a real problem.

C. Bertin responded – the length of the Farquhar Road frontage was not the issue driving the variance request, but rather the distance between the property lines and where the road would traverse the wetlands.

The Board had the following questions –

- What was the width of the proposed driveway – C. Bertin stated it would measure 24 feet wide with a split entrance/exit.
- Had a traffic study been performed on the access driveway – C. Bertin stated only traffic volumes were projected using general conditions.
- A concern was expressed for using Main Street as the egress given the increased traffic during spring/summer month activities on the Town Common and that traffic back up would occur – C. Bertin commented that this project was a much less intense use than a Commercial use (convenience store) along the highway.
- Given the Police Chief's concerns relative to safety, should a full traffic study be proposed – G. Peabody felt this could be done in the peer review process. B. Sutter requested a traffic study and asked about Spaho's receptiveness for adding a turning lane due to the narrow roadway.

Other comments from the public –

- Mary Blanchard, 26 Farquhar Road – understood the need for a variance given the restrictions from ConCom, but felt the public access on Route 131 was very detrimental to the public good due to the traffic safety reasons.
- Carol Goodwin – asked if the wetland crossing would limit the width of the driveway to Main Street. G. Peabody stated the driveway must meet MassHighway specifications.
- Guy Martel, 4 Farquhar Road – felt that the left hand turning situation was already bad at the Farquhar Road intersection and that the traffic from the proposed project would make the situation worse.

C. Bertin thought Farquhar Road residents would appreciate the traffic entering onto Main Street as opposed to Farquhar Road.

- Mary Blanchard – felt this was a good project, but that it was not on the best site for safety reasons; thought that it would be better to have the driveway access onto Farquhar Road and eliminate the additional exit to Route 131.
- Dan Gonya, 36 Farquhar Road – felt the twenty units would place no burden on the Town, but would add tax revenues which would be a positive move given the Town's budget problems discussed at Annual Town Meeting 2005.

- Lynn Sarty – felt the traffic from the proposed driveway would still impact Farquhar Road since drivers would follow the path of less resistance. She said they would use Farquhar Road as a means of making a left hand turn by making right hand turns and going to the signal lights at the Route 131 intersection.

B. Sutter felt that the public had expressed emotion and their thinking on the traffic situation, but had not stated objective reasons pro or con. He thought a traffic study would provide the Board with a professional opinion to help determine if there was a detriment to the public good. G. Peabody suggested that the Board request a traffic study when it forwarded the plans for a peer review. R. Cornoni felt a traffic study would give an independent analysis of the situation.

Motion: to continue the public hearing for the variance petition for 30 Farquhar Road, The Spaho Corporation to May 25, 2005 at 7:05 PM, by B. Sutter

2nd: R. Cornoni

Discussion: None

Vote: All in favor

Motion: to distribute the plans and design materials for The Spaho Corporation to department heads and Judith Nitsch Engineering, Inc. for peer review and a traffic study with the scope of work to be determined with help from L. Adams and N. Campbell, by B. Sutter

2nd: P. Jeffries

Discussion: None

Vote: All in favor

Motion: to continue the public hearing for The Spaho Corporation special permit to May 25, 2005 at 7:05 PM, by P. Jeffries

2nd: R. Cornoni

Discussion: None

Vote: All in favor

M. Blanchard stepped back onto the Board at 7:45 PM

PUBLIC HEARING – 04-27-05-1VSP – TIMOTHY & LILIAN BONIN – TO REMOVE AN EXISTING EIGHT FOOT BY TWELVE FOOT SHED, TO PERMIT THE CONSTRUCTION OF A 22 FOOT BY 24 FOOT GARAGE AND ALLOW A LOT COVERAGE OF APPROXIMATELY 25.3% AT 93 SHORE ROAD

G. Peabody opened the public hearing and B. Sutter read the legal notice. Leonard Jalbert, of Jalbert Engineering, Inc. presented the request for the applicants stating the following –

- The lot was non-conforming in that it lacked proper frontage and area;
- The lot measured approximately 9,380 square feet, the existing lot intensity was approximately 20.7%;
- The proposed intensity with the detached garage which would be used for sheltering vehicles calculated at 25.3%;
- The proposed two stall single story garage would not encroach into the side or front setbacks.

G. Peabody asked for comments/questions from the Board regarding the variance petition –

- What was unique about the property – L. Jalbert stated the applicant felt he had a right to shelter his vehicles and that the request did not create a hardship with any abutters. M. Blanchard felt there was no hardship, no topographic problem and that the request did not meet the criteria to grant a variance. L. Jalbert added that the applicant felt the size of the property created a hardship. G. Peabody commented that under the subject of shape – regulations stated that a lot lacking sufficient area did not provide for issuing a variance.
- When did the applicant purchase the property and was it non-conforming at that time – L. Jalbert stated the applicant purchased the property 13 years ago and it was non-conforming at that time.
- A concern was expressed for intensifying the use of lakefront properties from summer residences to year round residences.

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

Motion: to deny the variance petition of Timothy and Lilian Bonin to remove an existing eight foot by twelve foot shed, to permit the construction of a 22 foot by 24 foot garage and allow a lot coverage of approximately 25.3% at 93 Shore Road, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: All in favor

L. Jalbert stated that the special permit then became moot. The Board acknowledged this comment.

REQUEST FOR DETERMINATION – 04-27-05-1D – MAGUIRE, ELLEN, 493 LEADMINE ROAD

L. Jalbert presented the request for determination for this lakefront property located at 493 Leadmine Road. This request was to permit the construction of a 17.5 foot by 18 foot deck and stairs. The lot was nonconforming in that it lacked sufficient area. The existing lot coverage was 5.3%; the proposed deck would not encroach into the street or side setbacks; ConCom had approved an Order of Conditions for the work and no new non-conformities would be created. There were no questions from the Board.

Motion: to grant a determination to Ellen Maguire since the request does not intensify or create any new non-conformities and that the owner may apply for a building permit for 493 Leadmine Road as per the application with the following directives noted in ConCom's memorandum dated 04-27-05 1) that hay bales be installed as an erosion control measure and 2) crushed stone to be installed beneath the deck, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: All in favor

NEW BUSINESS

There was none

OLD BUSINESS

R. Cornoni commented that the Sturbridge Veterinary Hospital, though architecturally attractive, looked more imposing than it did on the plans.

Motion: to adjourn into Executive Session under M.G.L., Chapter 39, paragraph 3, for the purpose of discussing matters of litigation and not reconvene into open session, by P. Jeffries

2nd: M. Blanchard

Discussion: None

Roll Call Vote: All in favor

Adjournment at 8:05 PM