

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, 11 January 2006

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

Also in Attendance: Harold Nichols, Building Inspection/Zoning Enforcement
Linda Coates, Administrative Assistant

Ginger Peabody opened the meeting at 7:00 P.M. The Board reviewed the draft minutes of 9/28/05.

Motion: to accept the draft minutes of 9/28/05, by M. Blanchard.
2nd: M. Cooney
Discussion: None
Vote: In favor: G. Peabody, M. Blanchard, R. Cornoni, P. Jeffries, B. Sutter, M. Cooney
Abstain: T. Beaudry

PUBLIC HEARING – 11-29-05-ISP2V – SPECIAL PERMIT/VARIANCE-JMJ PROPERTIES, INC. TO CONSTRUCT A PARKING LOT TO SERVE AN EXISTING BUSINESS ON AN EXISTING NON-CONFORMING LOT THAT LACKS PROPER LOT AREA AND STREET FRONTAGE AT 79 MAIN STREET
L. Jalbert, Jalbert Engineering, Inc. submitted the certified return cards and legal advertisement tear sheets for the Public Hearing. He stated that all the cards had been returned. G. Peabody stated that the Zoning Enforcement Officer/ Building Inspector had noted on the application that he did not have any issues with the proposed plan. She read the 12/29/05 memo from Greg Morse, DPW and the 1/05/06 memo from J. Bubon, Town Planner. G. Peabody requested a response regarding both memos from L. Jalbert. L. Jalbert stated that they were requesting Variances for lot area, street frontage and a Special Permit to construct a parking lot to serve an existing business on an existing non-conforming lot. He stated that he submitted a packet that included a twelve (12) page proposed lot plan to the Town. G. Peabody stated that the Board only has two (2) pages of the plans, not twelve (12). L. Jalbert stated that the lot in question has .84 Ac. where 1 Ac. is required, and 75.04' existing street frontage while 150' is required. He was working under the assumption that the Variances and Special Permit needed to be granted first before he could go before the Planning Board for a Site Plan Review. He stated that he did not think the Zoning Board needed all the same information that would be required for the Site Plan Review. G. Peabody stated that it did.

L. Jalbert told the Board that they have applied for and obtained a Grant of Driveway Easement from the Commonwealth of Massachusetts for access into the abutting property for the common drive. JMJ would be responsible for the upkeep. D. Roberts, Jalbert Engineering, Inc. stated that he was unaware that the plans would be going to Greg Morse otherwise he would have given him the drainage calculations. Mr. Roberts went through the entire set of plans for the Board. The common drive is an existing condition. There is an agreement with the abutter that JMJ Properties will have sole responsibility for the upkeep of the asphalt, retaining walls, and all other issues pertaining to the common drive.

The Massachusetts Highway Department has approved of and sees the proposed curb cut as an improvement. Snow storage will be located where a future building is proposed. There is sufficient handicapped parking as well as for the proposed use and employee parking. The office is the headquarters so there will not be any transient or visiting customers. Deliveries will be done in the rear [of the building] where there is sufficient room for turning. The Conservation Commission has approved the grading of the 50' buffer zone. It will be regraded with a 3:1 slope off the back of the curb and grassed.

M. Cooney questioned that if the proposed building site was going to be used for snow removal, where would the snow be put if the building were built? D. Roberts stated that it was just shown as a future possibility. M. Cooney questioned if the parking spaces were based on the existing building, or included the proposed building. D. Roberts responded that it would be for both, but they would come back for the proposed building at a later time. M. Cooney asked if there were eleven (11) employees. L. Jalbert stated that there were currently eleven (11) employees; there will be eighteen (18) if the addition takes place. Using the 1.1 calculation would require twenty (20) spaces; they will only be using eighteen (18).

G. Peabody asked if there were existing retaining walls. D. Roberts stated that the retaining wall on Proulx would remain; the one on JMJ properties will be removed. G. Peabody asked how wide is the existing drive. J. Morrison, JMJ Properties responded that the existing drive is 12 ft. and the proposed drive is approximately double to allow for traffic flow in both directions. G. Peabody asked how far the current retaining wall was from the building. J. Morrison responded that it was approximately seventeen (17) feet from the building. L. Jalbert stated that the proposed retaining wall would be approximately 5' from the building upon completion.

D. Roberts continued with the proposed Stormwater Management system. They are proposing a manifold system of pipes underground with deep sump catch basins to catch the sediment. Because they are so close to the wetlands, they have added a vortex unit to clean the water further. The existing septic will be crushed and replaced, and the water storage will be replaced. A propane system will be installed.

D. Roberts said that Cal Montigney would be doing the landscaping. The existing parking lot will be removed and replaced by several trees, shrubs and perennials. A weeping cedar will be planted in the front to replace some of the trees being removed.

L. Jalbert stated that the details of the soil erosion methodology have been submitted to and were approved by the Conservation Commission. M. Blanchard asked if the proposed impervious area coverage of 39.94% would make the total lot coverage non-conforming. L. Jalbert replied that they were a little over half. M. Cooney asked if the propane tank would be protected. D. Roberts stated that the tank would be on a cradle and concrete pad with bollards and shrubs around it for protection. R. Cornoni asked if a traffic study would be needed. D. Roberts stated that the Massachusetts Highway Department did not feel one was necessary.

G. Peabody stated that the changes looked like an improvement to the property, but in light of G. Morse's memo, the Board should request a continuance to the next meeting date.

Motion: to continue the Public Hearing for Special Permit and Variances for JMJ Properties, Inc. to 8 February 2006 at 7:20 P.M., by M. Blanchard

2nd: P. Jeffries

Discussion: None

Vote: Unanimous

PUBLIC HEARING CONTINUATION 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 E. Neal was present. He stated that his clients were not present as there was a misunderstanding as to the date of the appeal. He and his clients thought that it was not until Thursday, 12 January 2006. The property owner, Mr. Wetherbee, was present. Sturbridge's Building Inspector/Zoning Enforcement Officer, Harold Nichols was also present. Atty. Neal agreed to continue the Administrative Appeal to 8 February 2006 at 7:45 P.M. and to extend the decision filing date to 10 February 2006.

Motion: to continue the Administrative Appeal Public Hearing to 8 February 2006 at 7:45 P.M. and to extend the decision filing date to and including 10 February 2006, by M. Blanchard

2nd: P. Jeffries

Discussion: None

Vote: Unanimous

The draft minutes for 10/12/05, 11/09/05, and 12/07/05 were reviewed and accepted as amended.

Motion: to accept the draft minutes of 10/12/05 as corrected, by M. Blanchard

2nd: P. Jeffries

Discussion: None

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

Motion: to accept the draft minutes of 11/09/05 as corrected, by P. Jeffries
2nd: M. Blanchard
Discussion: None
Vote: In favor: M. Blanchard, M. Cooney, R. Cornoni, G. Peabody, B. Sutter, and P. Jeffries. Abstain: T. Beaudry

Motion: to accept the draft minutes of 12/07/05 as corrected, by P. Jeffries
2nd: M. Blanchard
Discussion: None
Vote: In favor: M. Blanchard, R. Cornoni, G. Peabody, B. Sutter, and P. Jeffries. Abstain: T. Beaudry, M. Cooney

The Board decided to hold the corrections to the draft minutes of 12/14/05 until the next meeting.

CORRESPONDENCE

Kopelman and Paige, P.C. (12/16/05) - notifying the Board that the appeal of the Board's denial of a Special Permit to reconstruct a house on an undersized lot at 111 Shore Road by Michael Leo has been voluntarily dismissed.

Department of Housing & Community Development (12/30/05) - regarding the FY 2006 Action Plan Drafts as required by the US Department of Housing and Urban Development (HUD). The drafts will be available for public review and comment from 1/05/06 until 2/04/06. Two Public Hearings will be held during the public comment period. The first will be held on 1/23/06 in Boston, MA and the second will be held on 1/25/06 in W. Springfield.

CMRCP – Smart Growth Toolkits Workshops are planned for 1/15/06, 1/24/06, and 1/31/06.

OLD BUSINESS/NEW BUSINESS

G. Peabody brought the Board up to date on the Charter Review Committee meeting that took place on 3 January 2006.

Motion: to adjourn, by M. Cooney
2nd: M. Blanchard
Discussion: None
Vote: Unanimous

Meeting adjourned at 8:45 P.M.

Next Meeting: 8 February 2006