

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

Wednesday, July 11, 2007

Present:

Theophile Beaudry
Mary Blanchard
Marge Cooney
Robert Cornoni
Kevin Kelley
Pat Jeffries
Ginger Peabody, Chairman

Also Present : Diane Trapasso, Administrative Assistant

G. Peabody opened the meeting at 7:00 PM.

G. Peabody read the agenda.

PUBLIC HEARING ON THE PETITION FOR AN ADMINISTRATIVE APPEAL BY STURBRIDGE SERVICE CENTER, INC. – 241-245 MAIN STREET. THE PETITIONER, STURBRIDGE CENTER, INC. MAIN STREET, IS SEEKING RELIEF FROM THE DECISION OF THE TOWN ADMINISTRATOR DATED MAY 9, 2007 WHICH DOES NOT ALLOW THE PETITIONER TO PARK WRECKED VEHICLES AND TOW TRUCKS WITHIN THE SETBACK AREA. THE APPLICANT IS REQUESTING THAT THE USE BE ALLOWED TO CONTINUE AS A LAWFUL PRE-EXISTING NON-CONFORMING USE (20.03). IN THE ALTERNATIVE, THE PETITIONER SEEKS A VARIANCE OF THE SETBACK REQUIREMENTS IN CHAPTER 19 – INTENSITY REGULATIONS TO ALLOW SUCH PARKING.

G. Peabody read a letter from J. Malloy, Town Administrator, withdrawing the zoning violation issued from his office. G. Peabody also read a letter from the law offices of Bikofsky, White & Benjamin stating that since the claimed violation is being appealed, there is nothing pending to be heard before the Board.

Motion: Made by M. Blanchard to allow the petitioner to withdraw without prejudice on the Administrative Appeal.

2nd: P. Jeffries

Discussion: None

Vote: 7 – 0

Roll Call Vote:

T. Beaudry	yes
M. Blanchard	yes
M. Cooney	yes
R. Cornoni	yes
K. Kelley	yes
P. Jeffries	yes

G. Peabody yes
Motion: Made by P. Jeffries to close the Public Hearing
2nd: R. Cornoni
Discussion: None
Vote: 7 - 0

**REQUEST FOR AN EXTENSION OF THE SPECIAL PERMIT & VARIANCES
TO FRED'S VARIETY – 25 BROOKFIELD ROAD.**

Mr. Jalbert, of Jalbert Engineering, spoke on behalf of the applicant. He stated that because of circumstances beyond the applicant's control, construction is behind schedule. The applicant is asking for a six month extension and there are no changes to the plan.

Motion: Made by M. Blanchard to grant a six month extension of the Special Permit
 & Variances to January 13, 2008
2nd: P. Jeffries
Discussion: M. Cooney stated that she had no objection with granting the extension to
 Fred's Variety. M. Cooney felt that according to The Zoning Act of MGL
 Chapter 40A §10 and Sturbridge Zoning Bylaws Chapter 24 § 10, the Board
 is not following proper protocol.
Vote: 7 - 0

APPROVAL OF MINUTES

Motion: to approve the corrected draft meeting minutes of June 13, 2007 by M.
 Blanchard
2nd: P. Jeffries
Discussion: None
Vote: 7 – 0

CORRESPONDENCE

Letters from Koelman & Paige dated June 25, 2007, June 26, 2007, June 28, 2007, June 29, 2007 and July 3, 2007

Letter from Waterman Design – Construction Report on Crescent Gate

NEW BUSINESS

G. Peabody stated that she would like the Board to vote on changing how the applicants mail notification to abutters. All notices are now sent certified mail, which is very expensive. Legally the Board just needs verification that the notices were mailed. G. Peabody would like to change the mailing from certified to certificate of mailing in which the stamped tear-off portion is returned to the Board. The Board agreed.

Motion: Made by M. Blanchard to amend §5.03 paragraph 19 of the Rules &
 Regulations Governing Special Permits. Change certified mail to certificate of
 mailing .

2nd: P. Jeffries

Discussion: None

Vote: 7 – 0

Motion: Made by P. Jeffries to amend Section 3 of Requirements Necessary for Filing of petition for Administrative Appeal. Change certified mail to certificate of mailing.

2nd: M. Blanchard

Discussion: None

Vote: 7 – 0

Motion: Made by M. Cooney to amend Section 5.2 of Rules & Regulations Governing Comprehensive Permits. Change certified mail to certificate of mailing.

2nd: M. Blanchard

Discussion: None

Vote: 7 – 0

Motion: Made by M. Blanchard to amend Section 3 of Requirements Necessary for Proper filing Petition for Variance. Change certified mail to certificate of mailing.

2nd: P. Jeffries

Discussion: None

Vote: 7 – 0

M. Cooney gave an update on the June 14th meeting of the Zoning Study Committee. Among the topics discussed were municipal parking, mix uses, assessing commercial setbacks and looking at various parcel along the Rout 20, Sturbridge/Brimfield line and Sturbridge/Charlton line. M. Cooney thanked Ms. Bubon for the ortho map with overlay, which is very helpful at the ZSC meetings.

CORRESPONDANCE

Local Permitting Survey Summary

MAPD – Recent Court Decisions

The Commonwealth of Massachusetts – Executive Office of Energy & Environment Affairs
– Wetlands Appeals Reform
- Greenhouse Gas Emissions Policy

Governor Patrick Announces Measures to Spur Business Development While Protecting the Environment

Deval Patrick, Governor, Executive Order No. 484 – Leading by Example – Clean Energy and Efficient Buildings

CONTINUATION RAOUL & THERESA RICARD – 32/53 BEACH AVENUE REQUEST FOR AN ADMINISTRATIVE APPEAL TO OVERTURN THE

CEASE & DESIST ORDER AND ALLOW THE CONSTRUCTION OF THE GARAGE WITHIN THE EXISTING FOUNDATION FOOTPRINT.

G. Peabody opened the continued Public Hearing. She stated that Mr. Nichols would not be present and did not request a continuance.

Attorney Neal spoke on behalf of the applicant. The applicant applied for and received a building permit for the construction of a garage in the existing foundation on the property.

With the purchase of the property from an adjoining landowner, the garage will comply with the setback requirements of the zoning bylaw and there will be no detriment to the public good.

Olney Avenue has never been built upon and the present location of Beach Avenue is not in accord with the paper street as shown on said Plan. Olney Avenue is not shown on the official "Town Map".

Board members questioned whether Olney Avenue is a street, and whether it is on the official Town map, it is not on the official Town map.

Motion: Made by M. Blanchard to close the Public Hearing.
2nd: P. Jeffries
Discussion: None
Vote: 7 – 0

Motion: Made by M. Blanchard to reverse the Cease & Desist order by the Zoning Enforcement Officer and allow the construction of the garage within the existing foundation footprint.

2nd: P. Jeffries
Discussion: None
Vote: 7 - 0

PUBLIC HEARING ON A PETITION FOR AN ADMINISTRATIVE APPEAL BY GLENN & SHERRY PELSKI OF 102 GLADDING LANE AND DAVID & PARTICIA HARRIS OF 108 LEADMINE LANE, STURBRIDGE, ARE SEEKING RELIEF FROM THE GRANT OF A BUILDING PERMIT DATED MAY 25, 2007 WHICH ALLOWS THE OWNER SHERRY DIANE OF 110 LEADMINE LANE, STURBRIDGE, TO CONSTRUCT A 12'X20' GARAGE ON THE PREMISES. THE PETITIONERS (ABUTTERS TO THE SUBJECT PROPERTY) ARE APPEALING THE GRANT OF THE BUILDING PERMIT ON THE BASIS THAT THE LOT COVERAGE IS MORE THAN 15% ALLOWED BY THE ZONING BYLAW AND THEREFORE THE OWNER OF THE PROPERTY SHOULD HAVE APPLIED FOR A SPECIAL PERMIT UNDER SECTION 20.05 OF THE ZONING BYLAW TO ALLOW CONSTRUCTION OF A GARAGE. THE PETITIONERS REQUEST IS FOR COMPLIANCE WITH THE FRONTAGE AND LOT COVERAGE REQUIREMENTS.

M. Blanchard read the legal notice.

Attorney Neal spoke on behalf of the applicants.

Attorney Chase spoke on behalf of the owner. He stated that his client, Sherry Diane is on vacation which was planned a year in advance and could not be here at the hearing and requested a continuation to August 8th.

Attorney Neal did not have a problem with a continuation.

Motion: Made by M. Blanchard to continue the Public Hearing on the Administrative Appeal to August 8, 2007 @ 7:05 PM.
2nd: P. Jeffries
Discussion: None
Vote: 7 – 0

Motion: Made by P. Jeffries to adjourn at 8:15 PM.
2nd: M. Blanchard
Discussion: None
Vote: 7 - 0