

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

Wednesday, August 29, 2007

Present:

Theophile Beaudry
M. Blanchard
Marge Cooney
P. Jeffries
Kevin Kelley
Ginger Peabody, Chairman

Also Present : Diane Trapasso, Administrative Assistant

Absent: Robert Cornoni

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

G. Peabody read a prepared statement stating that it is an honor and privilege being part of a Board that video broadcasts its meetings to the public.

G. Peabody read the agenda.

The Board introduced themselves.

APPROVAL OF MINUTES

Motion: to approve the draft meeting minutes of August 8, 2007 by M. Cooney

2nd: T. Beaudry

Discussion: None

Vote: 4 – 0 – 2 (M.Blanchard and P. Jeffries)

CORRESPONDENCE

Letter from CHAPA - an update on the affordable housing at Crescent Gate

Letter from MassHousing – approving the Project Eligibility (Site Approval) Application at Fiske Hill Commons

CONTINUATION OF THE PUBLIC HEARING ON A PETITION FOR AN ADMINISTRATIVE APPEAL BY GLENN & SHERRY PELSKI OF 102 GLADDING LANE AND DAVID & PATRICIA HARRIS OF 108 LEADMINE LANE, STURBRIDGE, 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 THE GARAGE. THE PETITIONERS REQUEST IS FOR COMPLIANCE WITH THE FRONTAGE AND LOT COVERAGE REQUIREMENTS.

Attorney Chase spoke on behalf of Ms. Diane and Attorney Neal spoke on behalf of the applicants.

G. Peabody stated that they only had a six member Board, because one of the members had a death in the family. G. Peabody gave the option to both attorneys for a continuation.

Attorney Chase wanted to continue because his client had waited long enough and wishes her project to be finished.

Attorney Neal would like to have a continuation.

The Board would also want Mr. Nichols, Building Inspector to be present.

Motion: M. Blanchard to continue the Public Hearing on the Administrative Appeal
To September 12, 2007 @ 7:45 PM
2nd: P. Jeffries
Discussion: None
Vote: 5 – 1 (G. Peabody)

NEW BUSINESS

M. Cooney gave an update on the ZSC. She stated that Mr. Malloy had not given the Board a memo on goals or a “Mission Statement”. At the August 20, 2007 meeting of the BOS, Mr. Malloy stated that the ZSC is right on target. The next meeting is September 13, 2007.

PUBLIC HEARING ON A PETITION FOR A SPECIAL PERMIT BY THE STURBRIDGE RETIREMENT COOPERATIVE CORP. FOR PROPERTY LOCATED AT 1 KELLY ROAD. THE APPLICANT IS REQUESTING A SPECIAL PERMIT TO CONSTRUCT UP TO 43 NEW MOBILE HOME SITES FOR 55 OR OLDER HOUSING.

M. Blanchard read the legal notice.

G. Peabody read the memos from the following departments:

- L. Senecal, Fire Chief
- N. Nichols, Building Inspector
- T. Ford, Police Chief
- K. Kippenberger, Conservation Agent

- G. Morse, DPW Director
- Board of Health
- J. Bubon, Town Planner

Mr. Hatch, Civil Engineer, spoke on behalf of the applicant. The Sturbridge Retirement Cooperative Corp. is a resident owned home community. Residency is limited to 55 and older. SRCC had purchased more land and could expand to 50 additional mobile home sites. Compliance with the Discharge Permit requires the construction of a wastewater treatment plant and treated wastewater disposal facilities. Priced proposals were solicited for construction of the wastewater treatment facilities, the cost to construct the wastewater treatment facilities and appurtenances totaled \$1,909,00. It is necessary for SRCC to borrow the funds enabling them to meet the construction cost. However the necessary borrowing exceeds the SRCC borrowing capacity limit. SRCC has entered into agreement with MaDEP for a modification to the ACO which provides for the phased construction of the wastewater treatment facilities. The amended ACO allows SRCC to construct up to 43 additional mobile sites and the sales of which will generate sufficient capital for SRCC to construct the wastewater facilities in compliance with the issued groundwater discharge permit. Upon completion of the wastewater treatment facilities, the MaDEP groundwater discharge permit allows for a total of 50 new sites to be added to the existing 175 sites for a total of 225.

Board members had some concerns about traffic and speed, also grades, compaction and water lines.

Mr. Hatch answered their concerns and will make the requested changes, which will be reviewed when the plans go forth to the Planning Board for Site Plan Approval.

Motion: Made by M. Blanchard to close the Public Hearing.
2nd: T. Beaudry
Discussion: None
Vote: 6 – 0

Motion: Made by M. Blanchard to grant the Special Permit pursuant to Article/Section 14.02(c) of the Zoning Ordinance/Bylaw to Sturbridge Retirement Cooperative Corp. of 1 Kelly Rd. Assessor's map#38 lot#24 Book #38961 Page #134 Plan # Bk. 00852 Page 58 number 7184
2nd: P. Jeffries
Discussion: Thorough and excellent presentation.
Vote: 6 – 0

PUBLIC HEARING ON A PETITION FOR A SPECIAL PERMIT AND VARIANCE BY RICHARD LEO OF 8 PRINCE ROAD, CHARLTON MA. THE APPLICANT IS REQUESTING A SPECIAL PERMIT AND VARIANCE FOR THE CONSTRUCTION OF A PARKING LOT AND BUILDING ADDITION AND TO OPERATE A BEAUTY SALON ON THE FIRST FLOOR WITH A

RESIDENCE IN THE SECOND FLOOR. THE PROPERTY IS LOCATED AT 13 MAIN STREET.

M. Blanchard read the legal notice.

G. Peabody read the memos from the following departments:

- H. Nichols, Building Inspector
- T. Ford, Police Chief
- G. Morse, DPW Director
- K. Kippenberger, Conservation Agent
- J. Bubon, Town Planner

Mr. Jalbert, of Jalbert Engineering, spoke on behalf of the applicant. The lot was created prior to 1964 and the existing structure was built prior to 1940 both conditions predate zoning. The existing lot and structure do not conform to the current zoning bylaw in lot area (1.0 ac. required, 0.30 ac existing), in street frontage (150' required, 110' existing), in street setback for existing building (25' required, 6.3' existing) side yard setback for existing building (10' required, 4.8' existing). Also, the existing driveway exceeds the 12% maximum slope to the rear of the lot. Most, if not the entire area, which is proposed to be paved is a mixture of gravel, sand and woodchips. Due to the existing location of the existing building and the topography, the applicant is requesting that the required handicap accessible space be placed within the front yard setback close to the entrance.

In order to improve the safety of the driveway, the applicant shall provide for the required parking anticipated by the proposed beauty salon and upgrade the existing façade of the building. The applicant is seeking the afore mentioned variances and special permit to construct the parking lot and building addition.

Board members had concerns with the handicap parking in the front of the building and it being abused. The Board would like to see staggered appointments to minimize the traffic conflict. Also, questioned if the applicant has been to the BOS for water and sewer hookup.

Mr. Leo, the applicant, informed the Board that water and sewer is already there and the capacity is enough. He will have signage for handicap and enforce it.

The Board would like to make the handicap parking enforcement and staggered appointments part of the conditions of approval.

K. Kelley questions the conditions as being unforceable.

G. Peabody answered that the conditions can't be enforced but strongly suggested, they be put in to show the intent of the Board.

Motion: Made by M. Blanchard to close the Public Hearing.

2nd: P. Jeffries

Discussion: None

Vote: 6 – 0

Motion: Made by M. Blanchard to grant the special Permit and Variance with two with conditions

- A Variance to allow the handicap parking to be within the setback

Conditions:

- Handicap parking be strictly enforced
- Respectfully suggest consider staggering appointments

2nd: P. Jeffries

Discussion: K. Kelley thinks it is a waste of time for the conditions because they cannot be monitored or enforced.

Vote: 6 – 0

OLD BUSINESS

M. Cooney discussed compliance with the open meeting law in regards to those executive minutes which could be released for those settled or closed cases which have been resolved.

G. Peabody stated that the closed cases could and will have to be checked.

Motion: Made by P. Jeffries to adjourn at 8:40 PM.

2nd: M. Blanchard

Discussion: None

Vote: 6 - 0