

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, September 12, 2007

Present:

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

Also Present : Diane Trapasso, Administrative Assistant

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.

M. Blanchard agreed with G. Peabody's statement.

G. Peabody read the agenda.

The Board introduced themselves.

APPROVAL OF MINUTES

Motion: to approve the corrected draft meeting minutes of August 29, 2007 by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: 6 – 0 – 1 (R. Cornoni)

CORRESPONDENCE

Letter from Waterman Design – Construction Progress Report on Crescent Gate

The Board had a brief discussion on being more strict and more forceful on Determinations. The Chair will look into whether abutters can be notified without a public hearing and if the Board could place conditions on Determinations.

REQUEST FOR A DETERMINATION – PETER MIMEAULT OF 76 SOUTH SHORE DRIVE IS FILING FOR A REQUEST FOR A DETERMINATION FOR THE CONSTRUCTION OF A GARAGE AND A DRIVEWAY WITH A PAVED PARKING AREA AT 25 SOUTH SHORE DRIVE.

G. Peabody read the Department memos.

There was no one present on behalf of the applicant.

The Board did discuss the Determination and ascertained that this is not a pre-existing non-conforming structure, nor is it a new accessory structure on the primary residential lot of the applicant. This will actually be a new structure on a separate parcel of vacant land owned by the applicant. The proposed structure would comply with zoning setbacks and coverage, but the lot does not comply with the lot size and frontage requirements.

The Board believes the applicant should file for a Special Permit.

Mr. Allard of 31 South Shore Drive and Ms. Krochmalnyckj of 23 South Shore Drive had concerns with the height of the garage. A two car garage would be fine as long as it was to be used only as a garage and the height would be reasonable for a garage.

Motion: Made by M. Blanchard not to grant the Determination to Peter Mimeault but to recommend that the applicant file for a Special Permit.
2nd: Mr. Beaudry
Discussion: None
Vote: 7 – 0

REQUEST FOR A SPECIAL PERMIT & VARIANCE – REMI FOURNIER OF 8512 SPRINGFIELD OAKS DRIVE, SPRINGFIELD VA IS FILING FOR A REQUEST FOR A SPECIAL PERMIT & VARIANCE TO REMOVE AN EXISTING NON-CONFORMING TRAILER, OUTHOUSE AND SHED AND TO REPLACE THE TRAILER WITH A PERMANENT SINGLE RESIDENTIAL STRUCTURE AT 74 BULLOUGH ROAD.

M. Blanchard read the legal notice.

G. Peabody read the Department memos from G. Morse, DPW Director, Board of Health and J. Bubon, Town Planner.

Mr. McClure of McClure Engineering, spoke on behalf of the applicant. The applicant is requesting permission to construct a single family residence on a non-conforming lot which contains 50 ft. of frontage and approximately 6,098 sq. ft. of area. The lot was created in 1953 prior to the adoption of Sturbridge zoning bylaws and meets the minimum State requirements for a buildable lot. A variance is being sought for relief from the side yard setback requirements. The existing trailer is no longer livable and the outhouse has created a health concern.

The Board of Health stated that the outhouse on the property qualifies as an existing system, however, no increase in waste water flow beyond the current level can be allowed. This means that the one bedroom trailer on the property could potentially be turned into a one bedroom house.

The Board had concerns with a one bedroom house in the same size footprint as that of the proposed three bedroom. They questioned the legality of the trailer being on the site. Also questioned if the DEP and the BOH could mandate a house to be one bedroom.

Mr. L. St. Jean of 70 & 72 Bullough Rd., Mr. Rousseau of 78 Bullough Rd. and Mr. L. St Jean of 255 Laurel Rd. W. Springfield had concerns with the size of the house and changing the character of the street. The abutters questioned the grades and with run off from the proposed house to adjoining properties.

The Board suggested the Engineer talk to his client and suggest to him to withdraw and resubmit revised plans showing a smaller house.

Motion: Made by P. Jeffries to continue the Public Hearing to October 10, 2007
@ 7:05 PM.
2nd: M. Blanchard
Discussion: None
Vote: 7 – 0

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.

Attorney Neal stated that the proposed garage does not have a 30 foot front setback from Leadmine Lane as required by the Intensity Regulations of the Zoning Bylaw, Chapter 19, Section 20.14 which requires that no accessory building be located within the required setback from lot lines. The plan submitted with the Request for Determination indicates the shed to be 47 sq. ft. However, the assessors' property records indicates that the sheds are 96 sq. ft. for a total of 1,493 sq. ft. which is 15.8% lot coverage, and therefore over the amount allowed by the zoning bylaw. The addition of the garage on the property will add to the non-conformities on the lot and requires a special permit in accordance with §20.05 of the zoning bylaw.

The request herein is for compliance with the frontage and lot coverage requirements of the zoning bylaw and therefore there is no detriment to the public road.

Attorney Chase stated that the right of way has remained open at all times and that the abutter was aware of the sheds being on their property.

The Board had concerns about public safety for the four houses beyond Sherry Diane's property. Mr. Lequire of 110 Leadmine Lane stated that two of those homes use Gladding Lane.

The Board felt they made the right decision at the time for granting the Determination based on the information they were given.

G. Peabody apologized for not making a site visit at the time.

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

Motion: Made by M. Blanchard to allow the Board time to deliberate over all the given material presented on October 10, 2007.
2nd: P. Jeffries
Discussion: None
Vote: 7 - 0

NEW BUSINESS

G. Peabody stated that she and Ms. Bubon will be looking into the backgrounds of two consulting firms for the Housing Grant of \$25,000 from Crescent Gate.

Motion: Made by M. Blanchard to adjourn at 9:20 PM.
2nd: K. Kelley
Discussion: None
Vote: 7 - 0