

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, November 14, 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.

APPROVAL OF MINUTES

Motion: to approve the corrected draft meeting minutes of October 10, 2007 by M. Blanchard.
2nd: P. Jeffries
Discussion: None
Vote: 7 – 0

CORRESPONDENCE

Letter from Massachusetts Housing Partnership – to assist communities in the review of Ch.40B permit applications

Letter from Corporate Environmental Advisors, Inc. – RE: Termination of Activity and Use Limitation

Letter from Massachusetts Federation of Planning & Appeals Board

Letter from Kopelman & Paige – Stipulation of Dismissal – O’Connell, et al. v. Wetherbee & Wetherbee

CONTINUATION 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.

G. Peabody read two letters from McClure Engineering requesting a continuation and an extension of the Public Hearing on a Special Permit and Variance for 74 Bullough Road

Motion: Made by M. Cooney to continue the Public Hearing to December 12, 2007
@ 7:05 PM
2nd: M. Blanchard
Discussion: P. Jeffries stated that she would not be present at the December 12th meeting.
Vote: 7 – 0

OLD/NEW BUSINESS

M. Cooney stated that the ZSC meeting was cancelled on November 8th due to a power outage.

M. Cooney also stated that at the BOS meeting there was a discussion of the lakefront properties. She stated that ZSC realizes that there are some issues with these properties and that it will be discussed at future meetings.

PUBLIC HEARING ON THE APPLICATION OF STEVE MORRIS OF 53 RIDGE WAY, STURBRIDGE, MA. THE APPLICANT IS REQUESTING A SPECIAL PERMIT AS ALLOWED BY SECTION 22.20 OF THE ZONING BYLAW TO CONSTRUCT A SIGN FOR A PROPOSED NURSERY WITHIN THE RIGHT-OF-WAY OF ROUTE 15 AT 140 ROUTE 15.

M. Blanchard read the legal notice.

G. Peabody read memos from the following departments:
G. Morse – DPW Director
J. Bubon – Town Planner
T. Ford – Police Chief

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. The applicant is requesting a Special Permit to construct a sign for the proposed nursery within the right-of-way of Route 15 at 140 Route 15. Given the fact that the distance from the property line to the edge of pavement of Route 15 is 80 feet, the effectiveness of a sign being erected 10 feet behind the property line or a distance of approximately 90 feet from the edge of Route 15 would be non-existent.

The proposed location of the sign is approximately 138 feet north of the southerly property line and is setback 15 feet from the edge of the pavement of Route 15. With the requested Special Permit, the proposed sign conforms to all requirements of Chapter 22.20 of the Sturbridge Zoning Bylaw.

Mr. Jalbert also stated that the Design Review Committee had already approved the design of the sign and the Tree Warden approved the plantings.

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

Motion: Made by M. Blanchard to approve a Special Permit to Steve Morris to construct a sign for a proposed nursery within the right-of-way of Route 15 according to the Plan Number 07337 dated 10/22/07
2nd: P. Jeffries
Discussion: None
Vote: 7 – 0

PUBLIC HEARING ON A PETITION FOR A SPECIAL PERMIT BY PETER MIMEAULT FOR PROPERTY LOCATED AT 25 SOUTH SHORE DRIVE. THE APPLICANT IS REQUESTING A SPECIAL PERMIT FOR THE CONSTRUCTION OF A GARAGE WITH A WORKSHOP ABOVE AND A DRIVEWAY WITH A PAVED PARKING AREA.

M. Blanchard read the legal notice.

G. Peabody read memos from the following departments:

J. Bubon – Town Planner
T. Ford – Police Chief
Board of Health
G. Morse – DPW Director

Mr. Roberts of Jalbert Engineering spoke on behalf of the applicant. The applicant is requesting a Special Permit for the construction of a garage and a driveway with a paved parking area. The lot was created prior to 1964 and predates zoning. The existing lot does not conform to the current zoning bylaw in lot area (1.0 AC. required, 10,890 sq.ft. existing) or in street frontage (150 ft. required, 100.00 ft. existing).

The applicant is proposing to construct an 864 sq. ft. 3-stall garage with a workshop above with a driveway and paved parking are on the subject site. The proposed work is to be an accessory to the existing home located at 76 South Shore Drive. The proposed improvements do not increase the non-conformities.

The Board had the following concerns:

- The size of the garage with workshop above
- The amount of material being removed to accommodate the construction of the garage
- Abutters to the rear of the property negatively impacted by the appearance of the new proposed garage

The definition of a garage according to the Sturbridge Zoning Bylaws is the following :
Garage – an accessory building used only for storage of motor vehicles

M. Blanchard had a concern that this lot appeared to be “grandfathered” and that Mass General Law 40A, Section 6 only applied to the construction of single or two family homes and not accessory buildings and therefore the garage could not be permitted even by Special Permit.

Ms. Krochmalnyckyj of 23 South Shore Drive had concerns about the height of the garage blocking her view of the lake.

Mr. Allard of 31 South Shore Drive had concerns that the garage might some day be turned into a cottage.

The Board decided not to make a ruling and to continue the Public Hearing. They would like an opinion from Town Counsel concerning the garage being built on the lot.

Motion: Made by M. Blanchard to continue the Public Hearing for a Special Permit for Peter Mimeault, property at 25 South Shore Drive to December 12, 2007 @7:20PM
2nd: P. Jeffries
Discussion: None
Vote: 7 – 0

Motion: Made by P. Jeffries to adjourn at 9:00 PM.
2nd: M. Blanchard
Discussion: None
Vote: 7 - 0