

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

Present:

M. Blanchard
Marge Cooney
Robert Cornoni
Kevin Kelley
Ginger Peabody, Chairman

Also Present : Diane Trapasso, Administrative Assistant

Absent: Theophile Beaudry
P. Jeffries

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

APPROVAL OF MINUTES

Motion: to approve the draft meeting minutes of November 14, 2007 by M. Blanchard.
2nd: K. Kelley
Discussion: None
Vote: 5 – 0

CORRESPONDENCE

Two letters dated November 15, 2007 and November 26, 2007 from Waterman Design Associates – Construction report on Crescent Gate at Sturbridge

Letter from Kopelman & Paige

Memo from Town Administrator – Special Town Meeting – January 28, 2008

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 an email from Mr. St. Jean. His email stated that the trailer on the property was there illegal according to the zoning bylaw.

G. Peabody stated that the Zoning Enforcement Officer is the one to enforce legality of the trailer.

Mr. McClure of McClure Engineering spoke on behalf of the applicant. The applicant reduced the size of the house and made it a one bedroom. The house is now in character of the neighborhood.

The Board felt the house is still too big for the lot and felt it was not truly a one bedroom. The letter from the BOH dated December 12, 2007 stated that “tight tanks” will not be approved for new construction. Tight tanks are only approvable for upgrades to existing systems and there is no existing system on this property. An outhouse does not qualify as a “failed on-site system.”

Mr. Fournier, the applicant, spoke and explained why he would like this size house. The house has no basement, so he needs the room for storage also he works from home often and needs the space. Eventually, the home maybe a permanent resident at some point. The concerns with the BOH with “tight tanks” both he and Mr. McClure stated they just received the letter and would like to investigate it further.

The Board gave Mr. McClure and Mr. Fournier a short recess to discuss their options.

G. Peabody stated the options were the following:

- The Board could close the Public Hearing and make a decision this evening
- Withdraw without prejudice
- Ask for a continuation

CONTINUATION OF THE 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.

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant.

G. Peabody read the letter from Jalbert Engineering requesting on behalf of their client to withdraw without prejudice, the Special Permit application for the construction of a garage at 25 South Shore Drive.

G. Peabody stated the filing should have been for a variance not special permit.

Motion: Made by M. Blanchard to close the Public Hearing.
2nd: R. Cornoni
Discussion: None
Vote: 5 – 0

Motion: Made by M. Blanchard to grant the request to withdraw without prejudice

the Special Permit application for the construction of a garage at 25 South Shore Drive submitted on September 25, 2007.

2nd: K. Kelley

Discussion: None

Vote: 5 – 0

Motion: Made by M. Blanchard to waive all fees when the applicant applies for the Variance.

2nd: K. Kelley

Discussion: None

Vote: 5 – 0

FREDERICK GUYETTE, FRED'S VARIETY – 25 BROOKFIELD ROAD – REQUEST FOR AN EXTENSION FOR THE SPECIAL PERMIT AND VARIANCE TO JANUARY 13, 2008

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Due to problems beyond their control, plans were not completed until last week, so an extension for the Special Permit and Variance was requested.

Motion: Made by M. Cooney to grant the extension for the Special Permit and Variance to July 13, 2008.

2nd: M. Blanchard

Discussion: None

Vote: 5 – 0

REOPENED THE PUBLIC HEARING ON 74 BULLOUGH ROAD AT 7:50 PM

Mr. Fournier asked the Board for his three options again.

G. Peabody stated they were the following:

- The Board closed the Public Hearing and make a decision this evening
- Withdraw without prejudice
- Ask for a continuation

Mr. Fourier stated he wished to withdraw without prejudice.

Motion: Made by M. Blanchard to allow the applicant to withdraw without prejudice the request for a Special Permit and Variance at property located at 74 Bullough Road.

2nd: M. Cooney

Discussion: None

Vote: 5 – 0

Closed the Public Hearing.

G. Peabody stated that she would like see some workshops for Board members on Variances and Special Permits. Maybe Town Counsel could give the presentation.

PUBLIC HEARING FOR AN ADMINISTRATIVE APPEAL FILED BY SYLVIO PROULX WHICH SEEKS TO OVERTURN A CEASE & DESIST ISSUED BY THE ZONING ENFORCEMENT OFFICER FOR PROPERTY LOCATED AT 109 MAIN STREET

G. Peabody stated that she wanted all to know that the two members of the Board were not present.

M. Blanchard read the legal notice.

Attorney Neal spoke on behalf of the applicant and stated that he would like to ask for a continuation because he wanted a full Board present.

G. Peabody stated that because of the Mullen Rule, the Board could go forward and the members not present could watch the video.

Attorney Neal still requested a full Board.

M. Blanchard stated she felt it was only fair to the applicant to have the full Board present, so they could see facial expressions....R. Cornoni agreed. M. Cooney agreed with the previous two Board members.

Mr. Malloy, Town Administrator, stated that Town Staff is present and Town Counsel and feels the hearing should go forth.

Motion: Made by M. Blanchard to grant a continuation for the Administrative Appeal filed by Sylvio Proulx for the property at 109 Main Street to January 9, 2008 at 7:05 PM
2nd: M. Cooney
Discussion: None
Vote: 3 – 2 (G. Peabody & K. Kelley)

OLD/NEW BUSINESS

NONE

NEXT MEETING

January 9, 2008

Motion: Made by M. Blanchard to adjourn at 8:15 PM.
2nd: M. Cooney
Discussion: None
Vote: 5 - 0

