

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF
Wednesday, July 9, 2008

Present: Elizabeth Banks
Marge Cooney
Robert Cornoni
Adam Gaudette
Pat Jeffries
Kevin Kelley
Ginger Peabody, Chairman

Also Present : Diane Trapasso, Administrative Assistant

G. Peabody opened the meeting at 7:00 PM. G. Peabody read the agenda. G. Peabody introduced the new member of the Board, Adam Gaudette.

APPROVAL OF MINUTES

Motion: to approve the draft meeting minutes of May 14, 2008 by P. Jeffries
2nd: R. Cornoni
Discussion: None
Vote: 4 – 0 – 1(A. Gaudette)

CORRESPONDENCE

Memo from Mr. Malloy inviting Planning Board, Zoning Board of Appeals, Economic Development Committee and Conservation Commission to the July 14, 2008 worksession meeting of the BOS.

Letter from Kopelman & Paige – Re: 25 South Shore Drive

WAIVER OF FULL COMPLIANCE REQUEST FROM THE RULES AND REGULATIONS GOVERNING SPECIAL PERMITS FOR SIGN EXEMPTION REQUEST AT PILOT TRAVEL CENTER.

Ms. Blakeley of Bertin Engineering spoke on behalf of the applicant. Ms. Blakeley stated that this request is only required to provide pertinent information regarding the sign location, sign size and sign appearance as part of the application along with the required information for notification of abutters and advertising. In addition, a request that Consultant Review Fee/ Special Account fee be waived due to the limited scope to this Special Permit request.

Motion: Made by P. Jeffries to Waive of full Compliance Request from the Rules

and Regulations governing Special Permits for Sign Exemption request at Pilot Travel Center.

2nd: R. Cornoni

Discussion: None

Vote: 5 – 0

Board members K. Kelley and M. Cooney arrived at 7:07 PM

PILOT TRAVEL CENTER REQUESTING A SPECIAL PERMIT. THE APPLICANT IS REQUESTING AN EXEMPTION TO THE SIZE LIMITATION FOR TWO EXISTING, DIRECTIONAL SIGNS.

P. Jeffries read the legal notice.

G. Peabody read the memos from the following department heads:

J. Bubon, Town Planner

G. Morse, DPW Director

T. Ford, Chief of Police

Ms. Blakeley of Bertin Engineering spoke on behalf of the applicant. Ms. Blakeley stated that this request is being made to allow for two signs that exceed the five square foot requirement for directional signs to be permitted and remain onsite. Both signs are not of any advertising nature, they both direct cars out of the truck service and parking area. The signs are 12 sq. ft. each. The location of the signs is the reason for the extreme and unusual conditions allowing for this special permit request. The signs are located in the truck fueling and parking area of the Pilot Travel Center, therefore increased size is required for visibility and safety purposes.

Motion: Made by R. Cornoni to close the Public Hearing.

2nd: P. Jeffries

Discussion: None

Vote: 7 – 0

Motion: Made by P. Jeffries to grant a Special Permit for a sign size exemption to Pilot Travel Center.

2nd: A. Gaudette

Discussion: None

Vote: 7 - 0

WILLIAM & RITA TETREAULT ARE REQUESTING A SPECIAL PERMIT. THE APPLICANT IS REQUESTING A SPECIAL PERMIT TO CONSTRUCT SITE IMPROVEMENTS WITH ASSOCIATED WORK. THE PROPERTY IS LOCATED AT 94 SOUTH SHORE DRIVE.

P. Jeffries read the legal notice.

G. Peabody read the memos from the following departments heads:

J. Bubon, Town Planner
E. Jacque, Conservation Agent
G. Morse, DPW Director
H. Nichols, Building Commissioner/Zoning Enforcement Officer
T. Ford, Chief of Police

Mr. Roberts of Jalbert Engineering spoke on behalf of the applicant. The applicant is proposing to construct two building additions totaling 762 sq. ft., two pervious paver patios and pervious walkway, and a 891 sq. ft. garage. The proposed improvements are located away from South Pond or within an area already occupied by concrete patio thus minimizing the disturbance to the site. The proposed improvements do not increase the non-conformity of the lot and does not create additional non-conformities.

The Board had some concerns with erosion and run-off and the installation of the walkway.

Mr. Roberts answered all the concerns.

G. Peabody stated that the plan was well done and in keeping with the neighborhood.

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

Motion: Made by M. Cooney to grant the Special Permit to William & Rita Tetreault to allow the construction of two building additions and a garage at 94 South Shore Drive according to plans prepared by Jalbert Engineering, Plan # 08074
2nd: P. Jeffries
Discussion: None
Vote: 7 – 0

MARGARET PREDELLA IS REQUESTING A SPECIAL PERMIT. THE APPLICANT IS REQUESTING A SPECIAL PERMIT TO DEMOLISH AND REMOVE AN EXISTING RESIDENCE, WALKWAYS AND ASSOCIATED RETAINING WALLS, PATIO AND DECK TO CONSTRUCT A SINGLE-FAMILY HOME WITH ASSOCIATED SITE WORK. THE PROPERTY IS LOCATED AT 160 LAKE ROAD.

P. Jeffries read the legal notice.

G. Peabody read the memos from the following department heads:

J. Bubon, Town Planner
E. Jacque, Conservation Agent
G. Morse, DPW Director
H. Nichols, Building Commissioner/Zoning Enforcement Officer
T. Ford, Chief of Police

Mr. Roberts of Jalbert Engineering spoke on behalf of the applicant. The property is located within the 100-foot Buffer Zone to Big Alum Pond. An Order of Conditions was issued by the Sturbridge Conservation Commission and is included in your packets. Since they had revised the building layout they notified the Conservation Commission and are awaiting ConCom's response. Most, if not the entire disturbance to the site will be contained within 25' of the proposed residence.

The applicant is proposing to construct a 2,252 square foot single-family residence with an attached garage with site improvements on the site. The proposed improvements do not increase the non-conformity of the lot and do not create additional non-conformities.

Attorney Neal also spoke on behalf of the applicant. He stated that the home is not out of character with the neighborhood and reinforced this with photos of homes around the lake; also with letters signed by abutters saying that they have no objection with this house being built.

Attorney Neal presented previous ZBA minutes, showing the approval of the Board for large homes to be built.

The Board stated that the showing of the photos were selective and not showing the whole lake. The Board would like plot plans of the homes around the lake.

The Board had the following concerns:

- House too big for the neighborhood
- Concern about the house being a two-family
- Elevator being shown in the plans

G. Peabody stated from Bjorlund V. Zoning Board of Appeals of Norwell, Mass. (2008), "A proposal to tear down the existing house, which had 675 sq. ft. of living space, and construct a new and much larger house with 3600 sq. ft. of living space. The new house would have a larger footprint and increase height, The Board of Appeals found that the proposed reconstruction would increase the non-conformity nature of the structure based upon the increased length, height..... It further found that the proposed new house would be substantially more detrimental to the neighborhood, due to the doubling of the length of the building and the increase in height, would not be keeping with the rural character of the neighborhood....."

Mr. Predella, owner of the property, stated that the elevator being installed is for the future when it will become harder to climb the stairs.

Ms. Gidopoulos of 165 Lake Road stated that the proposed house would not be out of character with the neighborhood.

Mr. Cormier of Escape Estates and a builder stated the proposed house has the appearance of a two-family but is not. It only has one entrance, one meter and party wall.

Ms. Predella, property owner, stated that this property has been in the family for 54 years and just want to enjoy it with all family members. Ms. Predella also stated that she would never do anything to hurt the lake or the neighbors.

G. Peabody stated that all decisions made by the Board are made according to the Bylaws and not personal.

The Board felt that they have a lot of information to go through and would like to continue the public hearing.

Motion: Made by P. Jeffries to continue the Public Hearing of Margaret Predella requesting a Special Permit to August 13, 2008 @ 7:05 PM.
2nd: M. Cooney
Discussion: None
Vote: 7 - 0

OLD/NEW BUSINESS

M. Cooney stated that at the ZBA meeting of May 14, 2008, the Board incorrectly granted an extension of one year for a Variance to the DeVines'. M. Cooney stated that a Variance can only be extended for six months. The Board agreed with M. Cooney that by law a Variance should only be extended for six months.

The Board decided instead of rescinding the vote, they would keep the vote the same, but in the future only allow six month extensions on Variances.

REORGANIZATION OF THE BOARD

Motion: Made by K. Kelley to nominate G. Peabody as Chair.
2nd: R. Cornoni
Discussion: None
Vote: 7 – 0
G. Peabody accepted.

Motion: Made by G. Peabody to nominate K. Kelley as Vice Chair.
2nd: M. Cooney
Discussion: None
Vote: 6 – 0 – 1 (K. Kelley)
K. Kelley accepted.

Motion: Made by R. Cornoni to nominate M. Cooney as Secretary.
2nd: K. Kelley
Discussion: None
Vote: 7 – 0
M. Cooney accepted.

NEXT MEETING

August 13, 2008

Motion: Made by M. P. Jeffries to adjourn at 8:45 PM.
2nd: M. Cooney
Discussion: None
Vote: 7 - 0