

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
Wednesday, September 10, 2008

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

**Also Present :** Diane Trapasso, Administrative Assistant

**Absent:** Kevin Kelley

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

**APPROVAL OF MINUTES**

**Motion:** to approve the amended draft meeting minutes of August 13, 2008 by M. Cooney  
**2<sup>nd</sup>:** E. Banks  
**Discussion:** None  
**Vote:** 5 – 0 – 1 (P.Jeffries)

**CORRESPONDENCE**

Letter from Kopelman & Paige – Re: Proulx v. Peabody, et al. ( Town of Sturbridge Zoning Board of Appeals)

CHAPA – Conference on Keeping Current with Chapter 40B

CMRPC – Sub-regional Outreach Program

**PUBLIC HEARING FOR MICHAEL & DEBRA GILHOOLY REQUESTING A SPECIAL PERMIT TO TEAR DOWN & RECONSTRUCT A ONE BEDROOM SINGLE FAMILY RESIDENCE WITH ASSOCIATED SITE WORK. THE VARIANCES REQUEST ARE FOR SIDELINE SETBACK FOR PROPOSED ENCLOSED PORCH AND FOR RETAINING WALLS IN EXCESS OF 4' WITHIN SIDELINE SETBACK. THE PROPERTY IS LOCATED AT 32 GOODRICH ROAD.**

A. Gaudette read the legal notice.

G. Peabody read the memos from the following departments:

- J. Bubon, Town Planner
- H. Nichols, Building Commissioner/Zoning Enforcement Officer
- E. Jacque, Conservation Agent
- G. Morse, DPW Director

D. Roberts of Jalbert Engineering spoke on behalf of the applicant. The applicant is requesting a Special Permit to tear down and reconstruct a one bedroom single residence . The property is located within the Rural Residential Zoning District. The property will be serviced by a new private artesian well and a “Tight-Tank” holding system for sewage disposal. The installation of the holding system requires retaining walls are that in excess of four feet in height (to a maximum height of ten feet). Due to topography and dimensional constraints these walls are located within the building setbacks and require a variance to the Town of Sturbridge’s Zoning Bylaw.

The applicant is proposing to reconstruct a new residence on the same foot print of the existing with the exception of an enclosed entry of approximately 40 s.f. The removal of the existing dwelling is to facilitate the installation of a “Tight-Tank” holding system. It is not feasible to construct the holding system or required retaining walls and footing with the building in place. The applicant wants to do extensive renovations to the residence and feels the money would be better spent by replacing it.

The Board along with the Town Planner and DPW Director are having concerns with the lot coverage calculation roof line and the retaining walls/stairs and concerned that there is no adequate off street parking.

The Board also questioned the median height and the attic.

L. Tuttle of Architectural Insights stated that the west elevation is from the walkout in the basement to the pitch in the roof and the attic is for storage only. The dormers are only for light, the windows are undersized and could not meet the code to become a bedroom.

The Board and the Building Commissioner were not happy with the entry way. The Board felt the retaining walls are necessary.

**Motion:** Made by P. Jeffries to close the Public Hearing.  
**2<sup>nd</sup>:** R. Cornoni  
**Discussion:** None  
**Vote:** 6 – 0

**Motion:** Made by A. Gaudette to grant a Variance to Michael & Debra Gilhooly for property at 32 Goodrich Road for retaining walls in excess of 4’ within the required sideline setback according to plan date 8/7/08, DWG # 08008-P.  
**2<sup>nd</sup>:** M. Conney  
**Discussion:** None  
**Vote:** 6 – 0

**Motion:** Made by P. Jeffries to deny a Variance to Michael & Debra Gilhooly for

property at 32 Goodrich Road for sideline setback for proposed enclosed porch (20' required, 15.2" proposed) according to plan date 7/18/08 DWD # 07099

2<sup>nd</sup>: A. Gaudette

**Discussion:** This request did not meet all the criteria for a Variance which are the following:

1. Hardship
2. Soil conditions, shape or topography
3. Public good

**Vote:** 6 – 0

**Motion:** Made by A. Gaudette to grant a Special Permit with Conditions to Michael & Debra Gilhooly for property located at 32 Goodrich Road according to plan date 8/11/08 DWG # 08008 revision 3 with the exception of the covered porch.

1. Approval from Conservation Committee
2. Monitoring by the construction foreman during critical phases of the project with periodic reporting and storm event inspections by an independent monitor to insure adequate erosion control measures are being adhered to during all phases of construction.
3. The applicant should provide a construction sequencing plan to the Board.
4. Reference BOH order of “Tight Tank”, deed restriction placed on the property limiting the dwelling to one bedroom.

2<sup>nd</sup>: P. Jeffries

**Discussion:** None

**Vote:** 6 - 0

**CONTINUATION OF THE PUBLIC HEARING OF MARGARET PREDELLA 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.**

Attorney Neal spoke on behalf of the applicant. He stated that the Predellas' were not present because they were truly upset that the Board feels that they are being dishonest. They just want to build a house on the lake to enjoy for the rest of their lives. They have lived in this Town for 21 years and feel because their name is not well known, they are not being treated equal.

Attorney Neal also stated that the Predellas' feel that the Board should not be dictating on the inside of the house.

G. Peabody stated that the Board does not feel that the Predellas' were being dishonest and are sorry the Predellas' feel that way.

G. Peabody stated that all applicants are treated equally and each case is different. She is sorry the Predellas' feel they have been hurt by the Board.

A. Gaudette stated that after the last meeting he was surprised not seeing revised plans showing a smaller house.

**Motion:** Made by p. Jeffries to close the Public Hearing.  
**2<sup>nd</sup>:** M. Cooney  
**Discussion:** None  
**Vote:** 6 – 0

**Motion:** Made by R. Cornoni to postpone the decision to October 8, 2008.  
**2<sup>nd</sup>:** P. Jeffries  
**Discussion:** None  
**Vote:** 6 - 0

**WILLIAM & GAYE KENYON ARE REQUESTING A DETERMINATION TO BUILD AN ADDITION OF AN 18'X20' GARAGE ATTACHED TO THE HOUSE WITH ATTIC STORAGE. THE PROPERTY IS LOCATED AT 39 BENNETTS ROAD.**

G. Peabody read the memos from the following departments:

- J. Bubon, Town Planner
- H. Nichols, Building Commissioner/Zoning Enforcement Officer
- G. Morse, DPW Director
- A Rusiecki, Board of Health Agent
- E. Jacque, Conservation Agent

Mr. Kenyon spoke on his own behalf. He stated that the garage will now be 18'X22' and showed a revised plan from Jalbert Engineering. The reason the garage was increased from 18'X20" to 18'X22', when Jalbert did the survey they found 45 more feet. He stated that the garage will be attached to the house with attic storage.

The Board had no problems with the plans.

**Motion:** Made by M. Cooney to grant the Determination to William & Gaye Kenyon for property at 39 Bennetts according to plans dated 9/10/08 DWG # 08317. The Determination does not intensify the existing or create additional non-conformities, and the owner may apply for a building permit for the described activities as shown on the attached survey forthwith.  
**2<sup>nd</sup>:** P. Jeffries  
**Discussion:** None  
**Vote:** 6 - 0

**OLD/NEW BUSINESS**

M. Cooney stated that there is a difference in the Sturbridge Zoning Bylaws and M.G. L. on granting an extension on Variances.

M. Cooney would like to have on the application for a Variance, the time of extension printed on the form.

**NEXT MEETING**

October 8, 2008

**Motion:** Made by P. Jeffries to adjourn at 8:35 PM.  
**2<sup>nd</sup>:** E. Banks  
**Discussion:** None  
**Vote:** 6 - 0