

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
Wednesday, November 12, 2008

**Present:** Elizabeth Bank  
Robert Cornoni  
Francesco Froio  
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 draft meeting minutes of October 8, 2008 by A. Gaudette  
**2<sup>nd</sup>:** P. Jeffries  
**Discussion:** None  
**Vote:** 5 – 0 – 1 (F. Froio)

**NOMINATION OF CLERK**

**Motion:** Made by G. Peabody to nominate A. Gaudette as Clerk  
**2<sup>nd</sup>:** R. Cornoni  
**Discussion:** None  
**Vote:** 6 - 0

**CORRESPONDENCE**

Memo from the Sturbridge Recreation Committee – Tree Lighting Ceremony – December 5, 2008 @ 6:00 PM

**PUBLIC HEARING FOR BICHOP AND LINDA NAWROT REQUESTING A SPECIAL PERMIT AND VARIANCE TO ALLOW THE DEMOLITION OF THE EXISTING NON-CONFORMING RESIDENCE AND THE RECONSTRUCYION OF A NEW HANDICAPPED ACCESSIBLE IN ITS PLACE AT 88 WESTWOOD DRIVE.**

A. Gaudette read the legal notice.

Attorney Neal spoke on behalf of the applicant. He stated that the Nawrots propose to build a two story house with decks and ramps for handicapped accessibility due to a family member with a disability. The variance is sought for the lot coverage requirement, the setbacks and a special permit is sought for the alteration of a pre-existing non-conforming use.

Attorney Neal stated that the variance and special permit applications herein are similar in nature to that granted to the DeVines' at 23 Valley Road on June 20, 2007. In that case, a variance was requested for lot area, frontage and lot coverage requirement. There was an existing house on a non-conforming lot in the SR zone. Due to health problems, the DeVines applied for a variance to build a new handicapped accessible home including an elevator to the second story. They met the setbacks but the proposed lot coverage was 19.9%. The Board approved the variance and special permit to allow construction of a new two story handicap accessible single family home. In voting to grant the variance for the lot coverage, the Board found that there is a unique hardship in making the home handicapped accessible.

Similarly, the Nawrots face a similar hardship in making the home handicapped accessible for one of the occupants and for the person with the disability to have the ability to enjoy the lake view since the lot is too steep for wheelchair access to the lakefront.

Attorney Neal read a letter of support from Tania Laliberte of 90 Westwood Drive of the house plans.

G. Peabody read the old department memos from the following since the plans did not change:

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

The Board that the house plans were very confusing; showing what is house , what is deck.

L. Nawrot stated that the deck is not around the whole house, just front to side.

The Board felt that new house plans should be submitted showing where the deck will exactly be and may not need a variance because the coverage will be less.

**Motion:** Made by A. Gaudette to continue the Public Hearing for Bichop and Linda Nawrot requesting a Special Permit & Variance at 88 Westwood Drive to December 10, 2008 @ 7:05 PM.

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

**Discussion:** None

**Vote:** 6 – 0

**REQUEST FOR A DETERMINATION. JAMES ROWE REQUESTING A DETERMINATION TO DEMOLISH THE SECOND FLOOR AND ADD A FULL SECOND FLOOR DORMER. THE PROPERTY IS LOCATED AT 6 BIRCH STREET.**

Mr. Rowe, the property spoke on his own behalf. He stated that the proposal does not include the deck at this time. The interior of the home has been demolished already. The home will maintain the existing setbacks and coverage.

G. Peabody read departments memos from the following:

- J. Bubon, Town Planner
- J. Malloy, Acting Zoning Enforcement Officer
- G. Morse, DPW Director
- A. Rusiecki, BOH Agent

**Motion:** Made by P. Jeffries to grant the Determination to James Rowe property located at 6 Birch Street 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. The applicant must see the BOH agent for septic system.

**2<sup>nd</sup>:** E. Banks

**Discussion:** None

**Vote:** 6 - 0

**PUBLIC HEARING FOR FREDERICK GUYETTE TO AMEND SPECIAL PERMIT # 2006-6SP GRANTED ON JUNE 21, 2006 TO ALLOW RECONSTRUCTION OF THE BUILDING WITHIN THE EXISTING FOOTPRINT.**

A.Gaudette read the legal notice.

G. Peabody read departments memos for the following:

- J. Bubon, Town Planner
- J. Malloy, Acting Zoning Enforcement Officer

F. Guyette, the property owner spoke on his own behalf. He stated that during the construction process, the front portion of the building was demolished since it was determined that there were major structural issues with the existing building.

The Board agreed there was no change in the footprint and it is a big improvement.

**Motion:** Made by A. Gaudette to close the Public Hearing.

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

**Discussion:** None

**Vote:** 6 - 0

**Motion:** Made by A. Gaudette to grant to amend Special Permit # 2006-6SP granted

on June 21, 2006 to allow reconstruction of the building within the existing footprint for the property at 25 Brookfield Road.

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

**Discussion:** None

**Vote:** 6 – 0

**REQUEST FOR A DETERMINATION. PAULINE GAUTHIER REQUESTING A DETERMINATION TO DEMOLISH AND RECONSTRUCT A PORTION OF THE EXISTING ROOF, CONSTRUCT A NEW PORCH AND DECKS AT 29 LONG AVENUE.**

G. Peabody read the department memos fro the following:

J. Bubon, Town Planner

J. Malloy, Acting Zoning Enforcement Officer

E. Jacque, Conservation Agent

G. Morse, DPW Director

A. Rusiecki, BOH Agent

H. Blakeley of Bertin Engineering spoke on behalf of the applicant. She stated that the proposed demolition and reconstruction includes two phases of construction. Phase 1 includes the following; demolition and reconstruction of the existing roof over the kitchen, bathroom and laundry areas, to include the new porch; demolition and reconstruction of the interior of the kitchen, bathroom and laundry area, including a new covered deck and drainage infiltration trench at the edge of the new covered deck.

Phase 2 includes the construction of a new deck extension to the existing deck at the lake side of the residence and will include a drainage infiltration trench around the edge of the deck.

The Board agreed the plan was excellent.

**Motion:** R. Cornoni to grant the Determination to Pauline Gauthier for property at 29 Long Avenue 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

**REQUEST FOR A DETERMINATION. JOEL AND CHRISTINE CASAUBON REQUESTING A DETERMINATION FOR THE DEMOLITION OF THE NON-COFORMING STRUCTURE, CONSTRUCTION OF A NEW SINGLE HOME AND RELATED SITE IMPROVEMENTS. THE PROPERTY IS LOCATED AT 286 BIG ALUM ROAD.**

G. Peabody read the department memos from the following:

J. Bubon, Town Planner

J. Malloy, Acting Zoning Enforcement Officer

P. Gates, attorney for the Casaubons spoke on behalf of the applicant. She stated that the Determination is sought to build a single family house on a non-conforming lot submitted on the basis that the lot has no frontage.

The 4-3-72 ANR Plan was approved the Sturbridge Planning Board filed at the Worcester Registry of Deeds (Plan Book 368, Plan 22). The plan did not create lots. The right of way ends at the Casabuans’.

J. Malloy stated that based upon legal documents (ANR and deed) available that there is a private way that crosses this property from north to south and that the location described in the Casaubon deed is identical to the ANR plan approved in 1972 and the plan accompanying the building permit application. Based upon these documents and the new building does not meet the setback requirements and that the previous building did meet the front setback requirement, that the structure as proposed is more detrimental to the neighborhood and should not be approved.

J. Bubon stated that this property has frontage along a private way for several reasons. Frontage is defined on our Zoning Bylaw as “The horizontal distance measured along the front street lot line between the points of intersection of the side lot lines, which provides safe, convenient and meaningful vehicular access to the building portion of the lot. Frontage, for the purpose of this bylaw shall be continuous frontage and in the case of the corner lots shall be measured on the front lot line. This will be the street address for the property. Calculation of the frontage dimensional requirements shall be in conformance with Chapter 19 – Intensity Regulations”. Street is defined in the Zoning Bylaw as “A way, whether public or private, as shown on the most recent edition of the “Official Town Map”, located at the Town Hall, Department of Public Works and the Public Safety Complex”. Big Alum Road is shown on the Official Town Map as a private way.

J. Malloy stated from the deed that together with a right of way for foot, team or motor travel over said private road, leading to Arnold Road, and reserving a right of way over the extension of said road from north to south to connect with a road on the premises of said Alexander McDonald et ux. to provide access for fire fighting equipment, but not for use as a through for ordinary travel.

J. Malloy also that fire apparatus can not get through.

The Board questioned what is the nature of the road. Private road, rights of road, people have rights to use the road.

The Board stated that the road needs to lead to Arnold Road.

The Board felt it needed more information before it makes a decision.

**Motion:** Made by F. Froio to continue the Determination for Joel and Christine Casaubon for property at 286 Big Alum Road to December 10, 2008 @ 7:30 PM.  
**2<sup>nd</sup>:** R. Cornoni

**Discussion:** None  
**Vote:** 6 – 0

P. Gates stated that she would probably file for a Special Permit and an Administrative Appeal on the Cease and Desist Order of October 16, 2008 on November 13, 2008.

**OLD/NEW BUSINESS**

None

**NEXT MEETING**

December 10, 2008

At 9:05 PM a motion was made by G. Peabody to enter into executive session under Chapter 39 § 23B, Paragraph 3 for the purpose of discussing strategy with respect to collective bargaining or litigation and not to reconvene in open session.

**2<sup>nd</sup>:** A. Gaudette  
**Vote:** E. Banks – yes  
R. Cornoni – yes  
F. Froio – yes  
A. Gaudette  
P. Jeffries – yes  
G. Peabody - yess