

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, April 8, 2009

Present: Elizabeth Banks
Robert Cornoni
Francesco Froio
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.

APPROVAL OF MINUTES

Motion: to approve the draft meeting minutes of March 11, 2009 by R. Cornoni
2nd: F. Froio
Discussion: None
Vote: 5 – 0 – 1(K. Kelley)

CONTINUATION OF A SPECIAL PERMIT. PAMELA DAOUST OF 85-H-FOOTE ROAD, CHARLTON MA IS REQUESTING A SPECIAL PERMIT TO PERMIT THE OPERATION OF A ONE PERSON BEAUTY SALON AND PLAN TO LIVE ON THE OTHER SIDE OF THE TWO FAMILY HOME. THE PROPERTY IS LOCATED AT 588 MAIN STREET.

G. Peabody read the memos from the following departments:

G. Morse, DPW Director
J. Bubon, Town Planner

Mr. McClure of McClure Engineering spoke on behalf of the applicant. He submitted a revised plan showing the parking and the recommendations of the DPW Director.

G. Peabody asked if there were any concerns from any abutters.

Mr. Tryba of 6 High Street stated he wanted to make sure that the water and sewer lines were marked.

Motion: Made by E. Banks to close the Public Hearing.
2nd: K. Kelley
Discussion: None
Vote: 6 – 0

Motion: Made by A. Gaudette to grant the Special Permit pursuant to Article 20.05 and 24.09 a – f to permit the operation of a beauty salon to Pamela Daoust for the property located at 588 Main Street with the following conditions:

1. The travel way and parking spaces shall be constructed of bank run gravel to a minimum depth of eight inches.
2. Modified riprap (6-12') shall be the minimum specification on the slope.
3. Lighting shall be directed downward from the building so that neighbors are not inconvenienced.
4. The salon be limited to one employee only based upon the current parking configuration.
5. Staking out of the property lines.

2nd: K. Kelley

Discussion: None

Vote: 6 – 0

G. Peabody read a letter from Linda DeVine requesting an extension of six months to the Variance and Special Permit. The aforementioned permits were granted on June 13, 2007 and were valid thru June 2008. A subsequent extension was granted on May 15, 2008 and it is valid thru May 14, 2009. Due to the sub prime loan financial crisis, real estate continues to be stagnant. We are hopeful to sell our primary home soon.

Motion: Made by K. Kelley to grant an extension for the Special Permit File # 2007-1SP and the Variance Permit File # 207-1V for six months, expiring November 14, 2009.

2nd: R. Cornoni

Discussion: None

Vote: 6 – 0

G. Peabody stated that the Town Hall will be closed at noon on April 16th, for the move to OSV (temporary quarters) and reopen on April 21st. She also stated the ZBA meeting will be at the Senior Center. Town elections will be Monday, April 13, 2009.

P. Jeffries arrived at 7:25 PM

F. Froio excused himself from the Board @ 7:25 PM

REQUEST FOR A SPECIAL PERMIT. METROPCS MASSACHUSETTS LLC ARE REQUESTING A SPECIAL PERMIT FOR THE PLACEMENT OF EQUIPMENT AND ADDITION OF A NEW ANTENNA ON AN EXISTING TOWER. LOCATED AT 174 CHARLTON ROAD.

A. Gaudette read the legal notice.

G. Peabody read the department notices from the following:

- T. Ford, Police Chief, dated 3/12/2009
- G. Morse, DPW Director, dated 3/23/2009
- E. Jacque, Conservation Agent, dated 3/16/2009
- J. Bubon, Town Planner, dated 3/27/2009

- E. Wight, Building Inspector, dated 4/2/2009

Attorney Hall spoke on behalf of the applicant. He stated that this is a modification of an existing wireless communications facility by the addition of the applicant's wireless communications equipment consisting of six panel antennas on existing tower structures. Applicant's associated radio equipment and backup battery cabinets will be installed on a concrete pad located within the existing fenced compound. Antennas will be connected to cabinets by coaxial cable. There will be no extension of tower structure or equipment compound.

Mr. Coupet, Radio Frequency Engineer explained the need to locate a wireless communications facility in Sturbridge.

The Board had concerned if there were any conditions in the original permit.

J. Bubon stated that no conditions were issued.

A. Gaudette stated that a waiver of a Balloon Study was okay because the Tower is already there.

Motion: Made by P. Jeffries to close the public hearing.
2nd: K. Kelley
Discussion: None
Vote: 6- 0

Motion: Made by A. Gaudette to grant the Special Permit pursuant to Section 12.07 of the Zoning Bylaw which authorizes the ZBA to permit MetroPCS Massachusetts LLC proposed wireless communications facility at the existing facility at 174 Charlton Road and Chapter 24.09 a – e with the following condition:

1. The applicant meet with the Conservation Agent for a determination of any required permits and that they must also meet with the Building Inspector to discuss and review any structural issues prior to the issuance of the Building permit.

2nd: P. Jeffries
Discussion: None
Vote: 6 – 0

F. Froio returned back to the Board @ 7:35 PM

REQUEST FOR A SPECIAL PERMIT. THE TOWN OF STURBRIDGE IS REQUESTING A SPECIAL PERMIT TO PERMIT THE ALTERATION/EXPANSION OF A PRE-EXISTING NON-CONFORMING USE, STRUCTURE AND RELATED PARKING AREA FOR THE CENTER OFFICE BUILDING LOCATED AT 301 MAIN STREET.

REQUEST FOR A SPECIAL PERMIT. THE TOWN OF STURBRIDGE IS REQUESTING A SPECIAL PERMIT TO PERMIT THE

ALTERATION/EXPANSION OF A PRE-EXISTING NON-CONFORMING USE, STRUCTURE AND REALATED PARKING AREA FOR THE TOWN HALL LOCATED AT 308 MAIN STREET.

A. Gaudette read the legal notice for both applications.

G. Peabody read the following department memos:

- E. Jacque, Conservation Agent, dated 3/25,2009
- J. Bubon, Town Planner, dated 4/8/2009
- G. Morse, DPW Director, dated 4/7/2009
- E. Wight, Building Inspector, dated4/7/2009
- T. Ford, Chief of Police, dated 3/24/2009
- L. Senecal, Fire Chief, dated 4/8/2009

Mr. Murray of Places Site Consultants spoke on behalf of the Town. He stated that expansion and renovation to the Community Office Building is principally to permit the construction of new entrances for accessibility purposes, the elevator and stair towers. The net effect of the renovation of Town Hall and the Center Office Building is the division of municipal functions from one building to two. These municipal functions will not be greatly expanded, but will be providing more suitable and secure work spaces by this renovation. In conjunction with the scope of these renovations, the buildings will be updated to current standards with structural reinforcements of the buildings, historical renovations and other improvements to increase the lifespan and functionally of the buildings.

Mr. Murray also stated that all the technical issues addressed by the DPW Director and Town Planner will be addressed by the Project Manager. The Project Architect, who works independently from the Project Manager is also required to track, review and sign-off on jobs.

The Board had a concern on parking at the Center Office Building between employees and the Public, not being enough.

Mr. Malloy stated that if there was a problem with employee parking, it would be required to park in the back parking lot behind Town Hall.

Motion: Made by A. Gaudette to the waiver of the Filing Fee and Review Fee for the Special Permit, per Sections 6.01, 6.02 & 6.03

2nd: P. Jeffries

Discussion: None

Vote: 7 – 0

Motion: Made by P. Jeffries to the waiver from Section5.03, items 19 & 20: Notification of Abutters and coordination of legal advertisement.

2nd: E. Banks

Discussion: None

Vote: 7 – 0

Motion: Made by F. Froio to the waiver from Section 10.00 – Performance Guarantee
2nd: P. Jeffries
Discussion: None
Vote: 7 – 0

Motion: Made by A. Gaudette to grant the Special Permit to the Center Office Building pursuant to Article 20.05 of the Zoning Ordinance Bylaw which authorizes the ZBA to permit alteration/expansion of a pre-existing non-conforming use, structure and related parking and section 24.09(a-f), located at 301 Main Street

1. All concerns noted in staff reports as provided shall be addressed through the site plan approval process and/or shall be addressed as stated within the construction documents submitted to the Board.

2nd: P. Jeffries
Discussion: None
Vote: 7 – 0

Motion: Made by A. Gaudette to grant the Special Permit to the Town Hall pursuant to Article 20.05 of the Zoning Ordinance Bylaw which authorizes the ZBA to permit alteration/expansion of a pre-existing non-conforming use, structure and related parking and section 24.09(a-f), located at 301 Main Street

1. All concerns noted in staff reports as provided shall be addressed through the site plan approval process and/or shall be addressed as stated within the construction documents submitted to the Board.

2nd: F. Froio
Discussion: None
Vote: 7 – 0

PETITION FOR AN ADMINISTRATIVE APPEAL. ANDREW BROUSSEAU OF 36 WALES ROAD, HOLLAND MA IS SEEKING RELIEF FROM THE DECISION OF THE ZONING ENFORCEMENT OFFICER DATED FEBRUARY 20, 2009, WHICH DENIED AN APPLICATION FOR A BUSINESS CERTIFICATE TO OPERATE A SHOP AT 521 MAIN STREET.

A. Gaudette read the legal notice.

G. Peabody read the letter from the E. Wight, Zoning Official denying the building certificate dated 2/20.2009. She also read a letter from the applicant stating their request and why they should be able to operate a antique/turn of the century flooring, rugs, hardwood crafts, candle holders, pottery, network and general flooring needs shop. They believe that their business is allowed in the Commercial/Tourist District.

E. Wight stated that upon review of the Town of Sturbridge, Zoning Bylaws, Chapter 8 section 8.01, Permitted Uses(c) they would not be able to have this type of business at this location since he felt that it does not meet the intent of the bylaw.

The Board felt that the bylaw is confusing, both sides could be right. This bylaw needs to be more defined.

The Board felt that the use was not changing from what was there previous and that it was offering a professional service to the community.

G. Peabody read the definition of a business from the bylaws and stated that according to the definition the proposed business would be allowed.

Mr.Cormier, a neighbor, of the proposed business welcomes the business and stated that the bylaw is very confusing.

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

Motion: A. Gaudette to overturn the decision of the Zoning Enforcement Officer and to grant the requested relief of the administrative appeal according to Section 240.8 Chapter 8 section 8.01.
2nd: P. Jeffries
Discussion: None
Vote: 7 – 0

**REQUEST FOR A DETERMINATION. ALICE & GERARD MARTINI
REQUEST A DETERMINATION TO DEMOLISH THE EXISTING REAR
DECK AND CONSTRUCT A ONE CAR GARAGE, FAMILY ROOM AND
EXPAND THE KITCHEN. THE PROPERTY IS LOCATED AT 13 WALLACE
ROAD.**

G. Peabody read the following department memos:

- J. Bubon, Town Planner, dated 4/2/2009
- E. Wight, Building Inspector, dated 4/7/2009
- G. Morse, DPW Director, dated 4/7/2009
- E. Jacque, Conservation Agent, dated 4/8/2009

Mr. Melick an Architectural Designer spoke on behalf of the applicant. He stated the applicant has revised the plans downsizing the whole project. Demolishing the existing deck at the rear and construct a one car garage, family room and expand the kitchen.

Motion: Made by A. Gaudette to grant the Determination to Alice & Gerard Martini for the property located at 13 Wallace Road; it 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 with the following conditions:

- The sanitary sewer line enters the northerly side of the house. use extreme care when digging around the pipe and notify DPW if changes to the line are proposed.

- Drainage surface water shall not flow easterly onto 11 Wallace nor northerly onto Wallace Road proper. Grass sumps, swales and berms shall be provided to prevent water from flowing/flooding offsite

2nd: P. Jeffries

Discussion: None

Vote: 7- 0

OLD/NEW BUSINESS

G. Peabody thanked R. Cornoni for his seven years as a Board member. It was his last meeting.

NEXT MEETING

May 13, 2009

On a motion made by P. Jeffries, seconded by E. Banks and voted unanimously, the meeting adjourned at 9:30 PM.