

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
Wednesday, May 13, 2009

**Present:** Prescott Arndt  
Elizabeth Banks  
Adam Gaudette  
Pat Jeffries  
Kevin Kelley  
Chris Mattioli  
Ginger Peabody, Chairman

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

G. Peabody opened the meeting at 7:00 PM. G. Peabody welcomed the two new members, Prescott Arndt and Chris Mattioli.

The Board introduced themselves.

G. Peabody read the agenda.

**APPROVAL OF MINUTES**

**Motion:** to approve the draft meeting minutes of April 8, 2009 by E. Banks  
**2<sup>nd</sup>:** P. Jeffries  
**Discussion:** None  
**Vote:** 5 – 0 – 2 (P. Arndt & C. Mattioli)

**CORRESPONDENCE**

Letters from Kopelman & Paige dated April 9, 2009, April 10, 2009 & April 15, 2009

A copy of a letter from the Building Inspector – Re: Sharon Moshier

**JULIE ANN VIZARD IS REQUESTING A SPECIAL PERMIT & VARIANCE TO CONSTRUCT A 28' BY 28' DETACHED GARAGE ON A NON-CONFORMING LOT IN THE ONLY AREA WHERE FEASIBLE TAKING INTO ACCOUNT EXISTING SLOPE AND TOPOGRAPHY OF THE LOT. THE PROPERTY IS LOCATED AT 114 LANE TEN.**

A. Gaudette read the legal notice.

G. Peabody read the memos from the following departments:

- J. Bubon, Town Planner
- E. Wight, Building Inspector

- E. Jacques, Conservation Agent
- T. Ford, Police Chief

Ms. Vizard, owner of the property, spoke on her own behalf. She stated that they would like to build a garage on their non-conforming lot and this is the only area where it is feasible taking into account the existing slope and topography of the lot. She also stated that the proposed construction would not affect the neighborhood properties and would actually improve drainage and run-off from the lot.

Ms. Vizard felt that that they should be granted a Variance in this situation because of the shape and topography of the lot, it presents an extremely limited option for placement of additional structures on the property, and hardship would result if a variance is not granted.

The Board stated from all the Variances they had received, this one met most of the criteria. The Board still had concerns and stated that not having a garage is not a hardship, the Board is not denying the use of the property.

The Board would like the applicant to revise the plans showing a smaller garage or maybe turning the garage slightly and information from the Board of Health giving required dimensions from the septic tank.

The Board also suggested downsizing the garage to see if it could be placed on the property without the need for a Variance.

**Motion:** Made by A. Gaudette to continue the Public Hearing to June 10, 2009 @ 7:05 PM  
**2<sup>nd</sup>:** C. Mattioli  
**Discussion:** None  
**Vote:** 7 – 0

**JOHN MCCARTHY IS REQUESTING A DETERMINATION TO ATTACH A NEW 14' X 25' DECK TO AN EXISTING NON-CONFORMING STRUCTURE. THE PROPERTY IS LOCATED AT 104 SOUTH SHORE DRIVE.**

G. Peabody read the department notices from the following:

- J. Bubon, Town Planner
- G. Morse, DPW Director
- E. Jacques, Conservation Agent

Mr. McCarthy, owner of the property, spoke on his own behalf. He stated that he would like attach a new deck to the front of his house, to an existing non-conforming structure.

**Motion:** Made by P. Jeffries to grant the Determination, it does not intensify 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 for the property located at 104 South Shore Drive.

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

**Discussion:** None

**Vote:** 7 - 0

**ALLEN & KATHLEEN LAVOIE ARE REQUESTING A DETERMINATION TO CONSTRUCT A 24' X 26' TWO STALL GARAGE WITH A 5' X 13' OPEN BREEZEWAY. THE PROPERTY IS LOCATED AT 22 NORTH DRIVE.**

G. Peabody read the following department memos:

- J. Bubon, Town Planner
- E. Jacque, Conservation Agent
- E. Wight, Building Inspector
- G. Morse, DPW Director

Mr. LaVoie, owner of the property, spoke on his own behalf. He stated that they want to construct a two stall garage with an open breezeway.

The Board's only question was the use of the upper part of the garage.

Mr. LaVoie stated that the upper level will be used for storage only and be unfinished, also there would be no electricity in the upper level.

**Motion:** Made by A. Gaudette to grant the Determination, 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 for the property located at 22 North Street.

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

**Discussion:** None

**Vote:** 7 - 0

**LUKE & REBECCA ROBINSON ARE REQUESTING A DETERMINATION TO REMOVE A 6' X 4' LANDING AND REPLACE IT WITH A 10' X 20' DECK. THE PROPERTY IS LOCATED AT 21 WHITTEMORE ROAD.**

G. Peabody read the department memo from J. Bubon, Town Planner.

Mr. Robinson, owner of the property, spoke on his own behalf. He stated that they would like to remove the landing and replace it with a deck.

**Motion:** Made by P. Jeffries to grant the Determination, 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 for the located at 21 Whittemore Road.

**2<sup>nd</sup>:** C. Mattioli

**Discussion:** None

**Vote:** 7 – 0

**ATTORNEY NEAL REPRESENTING PREDELLA IS REQUESTING THE BOARD TO CONSIDER A REMAND OF THIS APPLICATION. THE PROPERTY IS LOCATED AT 160 LAKE ROAD.**

Attorney Neal stated the total inside square footage of the house is 5860 sq. ft. of that 1532 sq. ft. is unfinished basement. 720 sq. ft. is unfinished garage. 544 sq. ft. is unfinished recreation room over the garage, that leaves 3064 sq. ft. as finished living area.

The proposal is as follows:

- Remove the recreation room over the garage which would lower the roof height to lower the profile of the structure and eliminate 544 sq. ft. of inside space while reducing the impact of the structure over the garage.
- They would propose to reduce the width of the garage to 24 ft. The garage would become a two car garage. This would eliminate an additional 144 sq. ft. of inside space while reducing the impact of the garage. The roof of option 1 would remain the same essentially creating an outside porch (entry way) where the inside garage space used to be.
- They would propose to remove “bumps outs” on the lake side of the structure. This would eliminate an additional 96 sq. ft. of inside space.

If all these were adopted they would reduce the inside sq. footage of the house by 784 sq. ft. 13.37% and substantially reduce the profile of the house.

The Board decided to enter into Executive Session to discuss the options.

**Motion:** Made by G. Peabody to enter into executive session under Mass General Law Chapter 39, Section 23B, Paragraph 3 to discuss strategy with respect to collective bargaining or litigation and to convene in open session.

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

**Vote:** E. Banks – yes  
C. Mattioli – yes  
P. Jeffries – yes  
G. Peabody – yes  
A. Gaudette – yes  
P. Arndt – yes  
K. Kelley – yes

Back in open session @ 8:15 PM

Attorney Neal and the applicant returned to the room.

**Motion:** Made by G. Peabody to accept a remand of the Board's decision to hear a modified/new application from Ms. Predella.  
**2<sup>nd</sup>:** K. Kelley  
**Discussion:** P. Jeffries felt that there was not enough substantial change.  
**Vote:** 0 – 5 – 2 (P. Arndt & C. Mattioli)

### **REORGANIZATION OF THE BOARD**

**Motion:** Made by P. Jeffries to nominate A. Gaudette as Chair.  
**2<sup>nd</sup>:** E. Banks  
**Discussion:** None  
**Vote:** 6 – 0 – 1 (A. Gaudette)  
A. Gaudette accepted.

**Motion:** Made by P. Jeffries to nominate K. Kelley as Vice-Chair.  
K. Kelley had to deny because of his work status.

**Motion:** Made by K. Kelley to nominate P. Jeffries as Vice-Chair.  
**2<sup>nd</sup>:** E. Banks  
**Discussion:** None  
**Vote:** 7 - 0  
P. Jeffries accepted.

**Motion:** Made by A. Gaudette to nominate E. Banks as Clerk.  
**2<sup>nd</sup>:** P. Jeffries  
**Discussion:** None  
**Vote:** 7 – 0  
E. Banks accepted.

### **OLD/NEW BUSINESS**

None

### **NEXT MEETING**

June 10, 2009

On a motion made by C. Mattioli, seconded by P. Jeffries and voted unanimously, the meeting adjourned at 8:25 PM.

