

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, June 10, 2009

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

Also Present : Diane Trapasso, Administrative Assistant

A. Gaudette opened the meeting at 7:00 PM.

The Board introduced themselves.

A. Gaudette read the agenda.

APPROVAL OF MINUTES

Motion: to approve the draft meeting minutes of May 13, 2009 by G. Peabody.
2nd: P. Jeffries
Discussion: None
Vote: 7 – 0

Motion: Made by G. Peabody to approve the executive minutes of May 13, 2009.
2nd: C. Mattioli
Discussion: None
Vote: 7 - 0

CORRESPONDENCE

Memo from E. Jacques, Conservation Agent: Re: Amended Order of Conditions: 36 & 38 Goodrich Road

A.Gaudette stated that Mr. Gunn may be in violation of the setback requirements of the Special Permit. Ms. Jacques suggest that he did not follow the plan according to the Special Permit. The house foundation appears to be closer to the property line than permitted. The Building Inspector is waiting to see as-builts of the foundation before he makes a decision.

The Board agreed to send a letter to the Building Inspector requesting him to enforce a Cease and Desist Order and require the submission of the as-builts to determine, if Mr. Gunn is in violation of the Special Permit.

Motion: Made by G. Peabody to send a letter to the Building Inspector requesting that he send a Cease and Desist Order to Mr. Gunn for the property located at 36 & 38 Goodrich Road for possible violation of the Special Permit.

2nd: P. Jeffries

Discussion: None

Vote: 7 - 0

CONTINUATION FOR 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.

Ms. Vizard, owner of the property, spoke on her own behalf. She explained to the Board that her and her husband took the Board's advice and scaled down the garage from 28'X28' to 24'X24'. The angle of the garage is due to the setbacks of the well, septic tanks, leeching field and line pipe that runs from the tanks to the leeching field.

K. Kelley stated that the Board is not an advisory board, they can make suggestions to applicants but do not give "advice".

The Board discussed that the hardship is caused by the land, not personal, and felt that this application does meet all three criteria for a Variance:

- The lot's unusual shape and topography – in that steep slopes prevent the proposed garage from being built outside the setback. The garage can only be placed in the proposed location as it is the only level and feasible spot for construction on the lot. These topographical conditions specifically affect this land and this proposed construction causes;
- Hardship to the applicant.
- Public good – it does no harm to the neighborhood

Motion: Made by P. Jeffries to close the Public Hearing for Julie Vizard requesting a Variance and Special Permit for the property at 114 Lane Ten.

2nd: C. Mattioli

Discussion: None

Vote: 7 - 0

Motion: Made by G. Peabody to grant a Variance to Julie Vizard for the property at 114 Lane Ten for a 24'X24' garage on a non-conforming lot in the only area where it is feasible to place the garage which is within approximately 10 feet of the lot's boundary line.

2nd: P. Jeffries

Discussion: None

Vote: 6 – 1 (K. Kelley)

Motion: Made by C. Mattioli to grant a Special Permit to Julie Vizard for the property at 114 Lane Ten for a 24' X24' garage according to the revised plans of June 1, 2009 on the non-conforming lot in the only area where feasible taking into account the existing slope and topography of the lot.

2nd: P. Arndt

Discussion: None

Vote: 6 – 1 (K. Kelley)

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 representing the Predellas for property located at 160 Lake Road, stated that he submitted revised plans scaling down the house plans from 3387 sq. ft. to 2214 sq. ft.

He stated that on May 20, 2009, there was a round table discussion with J. Bubon, Town Planner, G. Peabody, Mr. Ugino, Kopelman & Paige, the Predellas, himself and Mr. Cormier, the builder. The discussion was trying to make the house better fit the surrounding abutters.

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 reconvene in open session. The time was 7:35 PM

2nd: P. Jeffries

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

The Board reconvened from executive session at 8:19 PM.

Motion: Made by G. Peabody to allow a remand of the Board's decision to hear a modified/new application from the Predellas for property at 160 Lake Road.

2nd: E. Banks

Discussion: The Board agreed that progress has been made but still have concerns with gross area. The Board feels the house is still too large for the neighborhood.

Vote: 5 – 0 – 2 (P. Arndt & C. Mattioli)

OLD/NEW BUSINESS

None

NEXT MEETING

July 8, 2009

On a motion made by G. Peabody, seconded by P. Jeffries and voted unanimously, the meeting adjourned at 8:22 PM.