

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

Wednesday, August 19, 2009

Present: Prescott Arndt
Elizabeth Banks
Adam Gaudette, Chairman
Kevin Kelley
Ginger Peabody

Also Present : Diane Trapasso, Administrative Assistant

Absent: Pat Jeffries
Chris Mattioli

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

The Board introduced themselves.

A. Gaudette read the agenda.

APPROVAL OF MINUTES

Motion: Made by K. Kelley to approve the minutes of July 8, 2009.
2nd: P. Arndt
Discussion: None
Vote: 4 – 0 – 1 (G. Peabody)

CORRESPONDENCE

Letter from Kopelman & Paige – Re: - Calculating Minimum Lot Area

Two letters from Kopelman & Paige – Re: - Stipulation of Dismissal – Margaret Predella v.
Ginger Peabody, et al. Town of Sturbridge
Zoning Board of Appeals

THOMAS & SHARON MCCONNELL ARE REQUESTING A DETERMINATION TO ADD A SECOND STORY TO THE EXISTING SINGLE FAMILY HOME. THE PROPERTY IS LOCATED AT 34 CEDAR LAKE DRIVE.

Mr. McConnell owner of the property spoke. He stated that they plan to construct a second level consisting of three bedrooms and a bathroom over the existing structure. Also, construct a 6' overhang to the second level over the existing deck area and install 4 column footings for the overhang.

A. Gaudette read the following department memos:

- J. Bubon, Town Planner
- G. Morse, DPW Director
- E. Wight, Building Commissioner/Zoning Official
- E. Jacque, Conservation Agent
- A. Rusiecki, BOH Agent

The Board had the following concerns and questions:

- Concrete slab staying
- A proposed bulkhead on the south side – close to property line – not shown on the plans but mentioned by the applicant.
- Question of the overhang – extending the roof line

The Board had no concerns with the design of adding a second floor. The problem is with the overhang it is changing the envelope of the structure and not staying within the same footprint.

G. Peabody stated that the extension with the columns are not keeping in the same footprint. She quoted from the “Handbook of Massachusetts Land Use and Planning Law” and cited the Willard case also Lique v. Board of Appeals of Nahant.

Mr. McConnell stated that E. Wight and J. Bubon stated that the bulkhead would be exempt.

A.Gaudette stated that according to Chapter 20.05.1(b) of the Sturbridge Zoning Bylaws, you are increasing the structure’s existing envelope horizontally. This is the issue, not the sonnet tubes.

A.Gaudette stated to the applicant that because of the second floor overhang increasing the structure’s existing envelope a Special Permit will be required.

G. Peabody reiterated her concern with the footprint.

Motion: Made by G. Peabody that this application of Thomas & Sharon McConnell of 34 Cedar Lake Drive does increase the non-conforming nature, and requires a Special Permit based on the plans provided.

2nd: E. Banks

Discussion: None

Vote: 5 – 0

RAMKUMARE ALGOO – REQUEST CHANGE OF ROOF LINE. THE PROPERTY IS LOCATED AT 25 VALLEY ROAD.

Mr. Algoo owner of the property spoke. He stated that the previous owner had plans and a Special Permit for the roof line to have cathedral ceilings. He wants to change the roof line to accommodate a bedroom.

The Board stated that they cannot act without an application. The Board agreed that Mr. Algoo only needs to modify his building plans with the Building Inspector.

TOWN OF STURBRIDGE WASTEWATER TREATMENT FACILITY IS REQUESTING A VARIANCE FOR CONSTRUCTION OF A RETAINING WALL WITH SUFFICIENT SETBACK. THE PROPERTY IS LOCATED 69 ROUTE 84.

E. Banks read the legal notice.

Mr. Catlow of Tighe & Bond spoke on behalf of the Town. He stated that the proposed site will consist of a new process building, new gravity thickeners for sludge processing, a new tertiary system for nutrient removal, a new secondary treatment system to replace the aging and obsolete equipment and a new effluent disinfection system. There will also be a new access drive that encompasses the proposed additions and includes a stormwater network to treat and discharge stormwater.

Three retaining walls are proposed on site. The third retaining wall does not meet Chapter Nineteen – Intensity Regulations of the Sturbridge Zoning Bylaws for a suburban residential zone because it exceeds 4 feet in height and does not meet the required property line setback. A variance is requested for this wall to allow safe construction of a vital access road and a federally mandated WWTF upgrade. Several site and technological alternatives were analyzed to determine whether the retaining wall was necessary. Taking into consideration several design criteria, it was determined that the retaining wall was necessary and that it would be a hardship to design the site without this wall.

The following hardships are cited as to why the wall is necessary:

- NPDES Permit – The technology required to comply with this permit requires substantial space and must be built on the site of the existing WWTF due to federal prohibition on new wastewater discharges. As such, there is no alternate location for the new access road and the retaining wall that supports it.
- Operator Safety – The WWTF requires regular deliveries, sludge removal and access for private septage haulers. To construct a road at a slope that is safe for this type of traffic, a wall must be constructed adjacent to the proposed access road. Not being able to construct the wall and access road as shown would result in an unsafe access road.
- Treatment Technology – A number of these constraints have impacted the size, location and layout of the proposed Process Building and the adjacent access road. Not being able to build these elements of the project in the configuration shown would make it substantially more costly and impractical to construct the facility, resulting in a hardship.

The proposed retaining wall is in no way detrimental to the public good. The wall helps provide safe grades for all people operating or visiting the WWTF and helps control pollutant discharges from the site by routing them through the stormwater collection and treatment network. Appropriate safety precautions are also proposed such as curbing and guardrails.

A. Gaudette read the following department memos:

- J. Bubon, Town Planner
- E. Wight, Building Commissioner
- T. Ford, Chief of Police
- E. Jacques, Conservation Agent
- G. Morse, DPW Director

The Board had the following questions:

- What about the blasting
- What applications it has and still needs
- Time line

Mr. Morse, DPW Director stated they would probably start in the Spring – out to bid in October – award the contract in February.

Mr. Catlow stated that all blasting will be regulated through the Fire Chief's office.

Mr. Cook of 111 Colonial Drive was concerned about the blasting. He wanted to know if the building surrounding the blasting would be monitored before and after. Also, if a horn would be sounded before a blast occurs.

Mr. Catlow stated that all would be monitored and regulated by the Fire Chief's office and a horn would be sounded.

The Board agrees that the parcel is very constrained due to the existing improvements and the topography and the mandated upgrades make it necessary to find some way to accomplish the proposed construction; therefore the installation of the retaining wall appears to be the only feasible alternative. This is cause for a hardship because of the topography of the land.

Motion: Made by G. Peabody to close the Public Hearing.

2nd: E. Banks

Discussion: None

Vote: 5 – 0

Motion: Made by G. Peabody to grant a Variance to the Town of Sturbridge Wastewater Treatment Facility at 69 Route 84 , Assessor's map# 29, lot # 69.

2nd: E. Banks

Discussion: Topography – dictates the location of the treatment building and the road design

Hardship – the Town will suffer a tremendous hardship financially and could even jeopardize the treatment process

Public Good – public utility

Vote: 5 – 0

KEVIN GREENE & MARTHE REIGHARD ARE REQUESTING A DETERMINATION TO EXTEND THE EXISTING DECK WITH AN ADDITIONAL STAIRWAY. THE PROPERTY IS LOCATED AT 495 LEADMINE ROAD.

Mr. Greene owner of the property spoke on his own behalf. He stated that his property is non-conforming since it does not have the required frontage and area. The proposed addition to the deck will comply with all setbacks and coverage requirements.

Motion: Made by G. Peabody to grant the Determination to Kevin Greene & Marthe Reighard for the property at 495 Leadmine Road; 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.

2nd: A. Gaudette

Discussion: None

Vote: 5 – 0

OLD/NEW BUSINESS

A.Gaudette would like to ask staff to rewrite page 2 of the Determination application to be more specific, maybe adding the wording in Chapter 20.05 (b).

The Board agreed.

NEXT MEETING

September 9, 2009

On a motion made by G. Peabody, seconded by K. Kelley and voted unanimously, the meeting adjourned at 8:15 PM.