

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, May 12, 2010

Present: Elizabeth Banks
Thomas Creeden
Adam Gaudette, Chairman
Pat Jeffries
Kevin Kelley
Chris Mattioli
Maryann Thorpe

Also Present: Diane Trapasso, Administrative Assistant

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

The Board introduced themselves.

Mr. Gaudette read the agenda.

APPROVAL OF MINUTES

Motion: Made by Mr. Kelley to approve the minutes of April 14, 2010.
2nd: Ms. Banks
Discussion: None
Vote: 6 – 0 – 1 (Ms. Jeffries abstained)

DANIEL CHARETTE IS REQUESTING A SPECIAL PERMIT TO ADD A SECOND FLOOR ON THE EXISTING HOUSE. THE PROPERTY IS LOCATED IS LOCATED AT 8 CEDAR LAKE DRIVE.

Ms. Banks read the legal notice.

Mr. Gaudette read the department memos from the following:

- Mr. Morse, DPW Director
- Ms. Jacque, Conservation Agent
- Mr. Lindberg, Building Commissioner/ZEO
- Ms. Bubon, Town Planner
- Mr. Ford, Police Chief

Mr. Loin of Bertin Engineering spoke on behalf of the applicant. He stated that the application is for an addition of a second floor on the existing house. The footprint of the second floor is within the footprint of the existing first floor. The lot is pre-existing, non-conforming in size and frontage.

The Board had the following concerns and questions:

- Mr. Morse's concern with the driveway rights
- Height of the roof
- Total square footage of the house after the addition
- Wanted to see elevation measurements on the plan

Mr. Loin stated that the Charettes have deeded rights to the driveway right of way, total square footage is about 2400 to 2500 square feet and height of the roof will not exceed 30 ft.

Mr. Jeznach of 12 Cedar Lake Dive stated that he is in favor of the addition and didn't understand why Mr. Charette had to file for a Special Permit. He is staying within the footprint of the existing first floor.

Motion: Made by Ms. Jeffries to close the Public Hearing.

2nd: Mr. Mattioli

Discussion: None

Vote: 7 – 0

Motion: Made by Mr. Mattioli to grant the Special Permit to Daniel Charette to allow construction of a second floor on the existing home at 8 Cedar Lake Drive with the condition the roof height may not exceed 35 ft.

2nd: Ms. Jeffries

Discussion: Mr. Creeden stated that when abutters are involved, the sun will be a factor in his decision.

Vote: 7 – 0

WILLIAM NEMEROFF – CEDAR STREET RESTAURANT – IS REQUESTING TWO VARIANCES. THE FIRST VARIANCE IS REQUESTING TO CONSTRUCT A 28'X26' BUILDING ADDITION WITHIN 8.5' FROM THE SIDE PROPERTY LINE. THE SECOND VARIANCE IS TO ALLOW THE CONSTRUCTION OF AN ADDITION FOR A COVERED ENTRY WITHIN 2.5' OF THE SIDE PROPERTY LINE. THE PROPERTY IS LOCATED AT 12 CEDAR STREET.

Ms. Banks read the legal notice.

Mr. Gaudette read the department memos from the following:

- Mr. Ford, Police Chief
- Mr. Lindberg, Building Commissioner/ZEO
- Ms. Jacque, Conservation Agent
- Ms. Bubon, Town Planner

Mr. Loin of Bertin Engineering and Mr. Masiello of William J. Masiello Architect, Inc. spoke on behalf of the applicant. The proposed addition has to be placed at the front of the building in the existing patio area because an addition to the rear is not possible due to the existing kitchen location. The proposed addition is consistent with neighboring buildings

regarding front setback. The addition is needed in order to accommodate will-call patrons; presently there is only a foyer for waiting that fits four people. The side entrance addition helps eliminate a safety concern during winter months by protecting the existing steps that are located on a blind corner of the building from the weather. Design of the building will be in harmony with neighborhood. Lounge waiting would help this restaurant compete with other restaurants in the area.

The Board had the following questions, concerns and comments:

- Shared parking agreements – Mr. Gonya stated he has agreements from Sturbridge Veterinary Hospital and Wild Bird Crossing
- Walkway enclosed for safety issues
- Make business more viable and more competitive
- Shape of the lot difficult
- Seating will be for 80. There is no increase to the number of seats, only making current seasonal seating available year round.

Motion: Made by Ms. Jeffries to close the Public Hearing.

2nd: Mr. Mattioli

Discussion: None

Vote: 7 – 0

Motion: Made by Ms. Jeffries to grant a Variance to William Nemeroff for the property located at 12 Cedar Street to allow the construction of an addition for a covered entry within 2.5' of side property line.

2nd: Mr. Mattioli

Discussion: None

Vote: 6 – 1 (Ms. Banks)

Motion: Made by Ms. Jeffries to grant a Variance to William Nemeroff for the property located at 12 Cedar Street to construct a 28'X26' building addition within 8.5' from the side property line.

2nd: Ms. Banks

Discussion: None

Vote: 6 – 1 (Mr. Kelley)

WILLIAM NEMEROFF – CEDAR STREET RESTAURANT – IS REQUESTING A SPECIAL PERMIT TO PERMIT EXPANSION OF A PRE-EXISTING NON-CONFORMING STRUCTURE. THE APPLICANT PROPOSES TO CONSTRUCT AN ADDITION TO THE EXISTING RESTAURANT. THE PROPERTY IS LOCATED AT 12 CEDAR STREET.

Ms. Banks read the legal notice.

Mr. Gaudette read Ms. Bubon's memo for the Special Permit.

The Board felt that the applicant met all the criteria for the Special Permit.

Motion: Made by Mr. Creeden to close the Public Hearing.
2nd: Ms. Jeffries
Discussion: None
Vote: 7 – 0

Motion: Made by Mr. Mattioli to grant the Special Permit to William Nemeroff for the property at 12 Cedar Street to permit expansion of a pre-existing non-conforming structure.
2nd: Ms. Jeffries
Discussion: None
Vote: 6 – 1 (Ms. Banks)

METROPCS, LLC IS REQUESTING A VARIANCE AND SPECIAL PERMIT TO ERECT A TELECOMMUNICATIONS TOWER. THE PROPERTY IS LOCATED AT 67 ROUTE 84 (DPW PROPERTY).

Ms. Bank read the legal notice.

Mr. Gaudette read the memos from the following departments:

- Ms. Rusiecki, BOH Agent
- Mr. Morse, DPW Director
- Mr. Lindberg, Building Commissioner/ZEO
- Ms. Jacque, Conservation Agent
- Ms. Bubon, Town Planner

Mr. Kreiger of Anderson & Kreiger, LLP spoke on behalf of MetroPCS. He stated that MetroPCS is requesting a special permit and several variances to allow the installation of a new monopole and associated equipment at 67 Route 84. The Town would lease the property at 67 Route 84.

He also went through the whole application process.

Mr. Orichi, MetroPCS Radio Frequency Engineer, stated that there is approximately a ¾ mile coverage gap on Main Street (Route 131) east of I-84. There also is approximately one-mile coverage gaps on Old Sturbridge Village Road, Haynes Street (Route 15) and River Road.

Mr. Orichi made a presentation to the Board concerning the Radio Frequency and the best place to put the tower.

The Board had the following concerns, questions and comments:

- Why not be placed in the Overlay District?
- Will it be visible at OSV?
- Why a use variance?
- What is the definition of “significant gap”?
- Board would like to see a list of the other areas looked

- The Board would like to engage in a third party review of the radio frequency report
- The Board would like to set up a date and time for a view test (balloon test)

Mr. Heywood of 95 Colonial Drive and Treasurer of the Sturbridge Hills Condominium Association submitted a letter strongly opposing the erection of the cell tower.

Other letters opposing the erection of the cell tower at 67 Route 84 were the following:

- Patrick & Shannon Manning – 113 Colonial Drive
- Martin Astri & Martin Carlson – 120 Colonial Drive
- James & Bonniejean Diggins – 116 Colonial Drive

Other residents speaking in opposition saying the tower is unhealthy, unsafe, a noise factor and ruin the view of the landscape were the following:

- Ms. Ferron – 74 Colonial Drive
- Mr. Boduch – 108 Colonial Drive
- Mr. Knowlton – 103 Colonial Drive
- Mr Rotty – 62 Shattuck Road

All the residents thanked the Board for listening and being very understanding to their issue with the cell tower.

Motion: Made by Ms. Jeffries to engage Mark Hutchins to review the radio frequency report.

2nd: Ms. Thorpe

Discussion: Send draft minutes of this meeting to Mr. Hutchins

Vote: 7 – 0

The following dates were discussed for the balloon test:

Wednesday, May 26, 2010 @ 4:00 PM

Wednesday, June 2, 2010 @ 4:00 PM

Mr. Nester will notify the Planning Office with a final date.

Motion: Made by Mr. Creeden to continue the Public Hearing for MetroPCS to June 9, 2010 @7:15 PM.

2nd: Ms. Banks

Discussion: None

Vote: 7 - 0

CORRESPONDENCE

Memo Mr. Suhoski, Town Administrator – Changes to Open Meeting Law/Administrator’s Report

OLD BUSINESS/NEW BUSINESS

None

NEXT MEETING

June 9, 2010

On a motion made by Ms. Jeffries, seconded by Ms. Banks and voted unanimously, the meeting adjourned at 11:10 PM