

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, February 9, 2011

Present: Elizabeth Banks
Marge Cooney
Thomas Creeden
Pat Jeffries, Vice-Chair
Chris Mattioli
Maryann Thorpe
Michael Young

Also Present: Diane Trapasso, Administrative Assistant

Mr. Mattioli, Acting-Chair, opened the meeting at 6:30 PM.

Mr. Mattioli read the agenda.

The Board introduced themselves.

Ms. Jeffries arrived late at 6:45 PM.

APPROVAL OF MINUTES

Motion: Made by Ms. Cooney to approve the minutes of January 19, 2011.

2nd: Ms. Banks

Discussion: None

Vote: 6 – 0

PUBLIC HEARING FOR A SPECIAL PERMIT – MEGHAN & DANIEL THOMPSON ARE REQUESTING A SPECIAL PERMIT FOR AN IN-LAW APARTMENT THAT WAS CONSTRUCTED BEFORE THE ADOPTION OF THE ACCESSORY DWELLING UNIT BYLAW. THEY WERE ISSUED A BUILDING PERMIT FOR THE APARTMENT IN 2004. THE PROPERTY IS LOCATED AT 362 NEW BOSTON ROAD.

Materials Reviewed:

Special Permit Application for Meghan & Daniel Thompson received dated 1/10/2011

Existing Conditions Plan for Daniel & Meghan Thompson by Para Land Surveying, Inc. received 1/10/2011

Certificate of Mailing receipts

Legal Notice from the Southbridge Evening News

Title 5 Deed Restriction – property located at 362 New Boston Road

Ms. Banks read the legal notice.

Ms. Banks recused herself from the hearing.

Mr. Mattioli read the following department memos:

- Mr. Lindberg, Building Commissioner/Zoning Enforcement Officer
- Ms. Rusiecki, BOH Agent
- Ms. Jacque, Conservation Commission Agent
- Mr. Ford, Chief of Police
- Ms. Bubon, Town Planner

Mr. Thompson spoke on his own behalf. He stated that this Board legalize through the issuance of a Special Permit, an in-law apartment that was constructed in 2004 after the issuance of a building permit from the Town. Mr. Thompson also stated that the building permits issued by the Town allowed the in-law apartment to be constructed. The home is not very visible from New Boston Road and the appearance as you enter the driveway is that of a single family home with an attached garage. The zoning district allows single family, two family and accessory dwelling units.

Mr. Thompson stated that he didn't realize he was in violation until he was inquiring about refinancing. They stated that he did not have a permit for the accessory dwelling unit.

The Board had no problems with this request.

Motion: Made by Mr. Creeden to close the Public Hearing.

2nd: Ms. Thorpe

Discussion: None

Vote: 5 – 0

Motion: Made by Mr. Creeden to grant the Special Permit requested by Meghan and Daniel Thompson for an accessory dwelling unit located above the garage at 362 New Boston Road with the following conditions:

1. The Title 5 Deed Restriction required by the Board of Health that would restrict the number of bedrooms for this property to four must be executed and recorded.
2. The property must remain owner occupied.
3. The owner shall file a Declaration of Covenants at the Worcester District Registry of Deeds which shall state that the right to rent a temporary accessory unit ceases upon transfer of title. Such Declaration shall be provided to the applicant by the Planning Department.

2nd: Mr. Young

Discussion: None

Vote: 5 – 0

Ms. Banks resumed her seat on the Board.

Ms. Jeffries arrived

REQUEST FOR A DETERMINATION – THOMAS & DIANE CLARK ARE REQUESTING A DETERMINATION FOR A 18X25 ADDITION TO THE EXISTING FIRST FLOOR OF THE HOME; WITH AN ADDITION OF AN UNATTACHED 16X22 GARAGE AND AN ADDITION TO THE SECOND FLOOR. THE PROPERTY IS LOCATED AT 148 LAKE ROAD.

Materials Reviewed

Determination Application for Thomas and Diane Clark received January 19, 2011

Proposed Site Plan for Thomas & Diane Clark by Jalbert Engineering Plan date 11/17/2010 DWG # 10235 received 1/19/2011

148 Lake Rd. Property – Diane & Thomas Clark – House 18X25 Kitchen & Laundry Addition with Uattached 16X22 Garage – Existing Second Floor Plan with Bath Addition received 1/25/2011

Revised Proposed Site Plan for Thomas & Diane Clark by Jalbert Engineering - plan date 2/8/2011 – DWG # 10235 – received 2/8/2011

148 Lake Rd. Property – Diane & Thomas Clark – House 18X25 Kitchen & Laundry Addition, Second floor Bath in Main house and Attached 16X22 Garage with Breezeway – received 2/8/2011

Ms. Jeffries read the following department memos:

- Ms. Jacque, Conservation Commission Agent
- Ms. Rusiecki, BOH Agent
- Mr. Ford, Chief of Police
- Mr. Lindberg, Building Commissioner/Zoning Enforcement Officer
- Ms. Bubon, Town Planner

Mr. Clark spoke on his own behalf. He stated that he is looking at an addition to the existing first floor of the home with a 25X18 kitchen and laundry and an additional bath on the second floor and changing the pitch of the roof on the north side and an addition of an attached breezeway with garage.

Mr. Clark stated that originally the garage was to be unattached but after talking with the Town Planner, he realized that he would be better off with the attached breezeway with garage.

The Board had the following questions:

- Would the breezeway be enclosed – Mr. Clark stated it would
- Was the property on Town sewer – Mr. Clark stated it was
- Was he approved by Conservation Commission – Mr. Clark stated that he was

Motion: Made by Ms. Cooney to grant the Determination to Thomas & Diane Clark for the 18X25 addition to the existing first floor of the home with the addition of an attached breezeway with a 16X22 garage and an addition to the second floor; according to the revised plans by Jalbert Engineering – Plan date 2/8/11 – DWG # 10235 with the Conservation comments – 11/17 2010. The Determination 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: Mr. Mattioli

Discussion: None

Vote: 7 - 0

CORRESPONDENCE

Letter from CHAPA dated January 21, 2011

CPTC – 2011 Conference Schedule

OLD/NEW BUSINESS

Habitat for Humanity - taken out building permit

Town elections are April 11, 2011

CONTINUATION OF THE PUBLIC HEARING FOR A SPECIAL PERMIT – DOMENICO & ALICE LOMBARDI REQUEST A SPECIAL PERMIT TO DEMOLISH THE EXISTING COTTAGE AND REBUILD A NEW HOME ON A NON-CONFORMING LOT. THE PROPERTY IS LOCATED AT 190 LAKE ROAD.

Mr. Cormier stated that on February 3, 2011, he presented revised plans to the Conservation Commission because they required drainage information, those plans were the same plans he presented to ZBA on January 19, 2011. On February 3, 2011, there were only three Conservation Commission members present and none objected to the placement of the home as shown on the revised plans, however, the plan still requires a vote of the Commission. The meeting has once again been continued until February 17, 2011.

Mr. Cormier stated that if this Board is not comfortable making a decision now and wants to wait until they have the permits from Conservation, he understands and is willing to continue this hearing.

The Board stated that they would like to have the permit from Conservation in place before they approve this plan.

Motion: Made by Ms. Cooney to continue the Public Hearing for Domenico and Alice Lombardi for the property located at 190 Lake Road to March 16, 2011 at 6:35 PM

2nd: Mr. Young

Discussion: None

Vote: 7 - 0

NEXT MEETING

March 16, 2011 at 6:30 PM at the Center Office Building

On a motion made by Ms. Cooney, seconded by Ms. Thorpe and voted unanimously, the meeting adjourned at 7:25 PM.