

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, April 13, 2011

Present: Elizabeth Banks
Thomas Creeden
Marge Cooney
Chris Mattioli
Maryann Thorpe
Michael Young

Also Present: Diane Trapasso, Administrative Assistant

Ms. Banks, Clerk, opened the meeting at 7:05 PM.

Ms. Banks read the agenda.

**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 of Escape Estates spoke on behalf of the applicant. He stated that the revised plan he submitted at the meeting tonight (4/13/2011) showed the house being moved back and out of the buffer zone. Mr. Cormier stated that he spoke to Ms. Jacques, Conservation Agent and she stated that she felt the Conservation Commission Board would not have a problem with the change. They would only have to amend the Orders of Conditions.

The Board questioned why the house could not be centered on the lot.

Mr Vaill of 192 Lake Road had the same question.

Mr. Cormier stated that to save the trees and not to be in more violation of zoning regulations, the house needed to be located where it is on the plan.

Motion: Made by Mr. Creeden to close the Public Hearing.
2nd: Mr. Mattioli
Discussion: None
Vote: 6 - 0

Motion: Made by Ms. Cooney to approve the Special Permit for Domenico & Alice Lombardi for the property located at 190 Lake Road with the condition that Conservation

Commission approve the revised plan submitted 4/13/2011 at the ZBA Public Hearing of 4/13/2011 by Green Hill Engineering signed by Mr. Farrell.

2nd: Mr. Mattioli

Discussion: None

Vote: 6 - 0

PUBLIC HEARING FOR SPECIAL PERMIT – DANIEL J. MOLTA, JR. IS REQUESTING A SPECIAL PERMIT TO DEMOLISH AND REMOVE AN EXISTING RESIDENCE AND TO CONSTRUCT A SINGLE-FAMILY HOME. THE PROPERTY IS LOCATED AT 94 PARADISE LANE.

Ms. Banks read the legal notice.

Materials Reviewed:

Application for the Special Permit – prepared for Daniel J. Molta, Jr. – by Jalbert Engineering – received 3/11/2011

Architectural Drawings for Daniel J. Molta, Jr. – 94 Paradise Lane, Sturbridge, MA by Escape Estates, Inc. P.O. Box 154, Sturbridge, MA received 3/11/2011

Proposed Site Plan for Daniel J. Molta, Jr. – located at 94 Paradise Lane, Sturbridge, MA – by Jalbert Engineering – 54 Main Street, Sturbridge, MA – File # 300-TBD – DWG #10250 – plan date 3/8/2011 – received 3/11/2011

Revised plans by Escape Estates received 4/13/2011 showing Right Side & Left Side Elevations

Department memos from the following:

- Mr. Ford – Police Chief
- Ms. Jacque – Conservation Agent
- Ms. Bubon – Town Planner
- Mr. Morse – DPW Director
- Mr. Lindberg – Building Commissioner/Zoning Enforcement Officer

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. He stated that the applicant wants to demolish and remove the existing residence and deck to construct a single-family home. The property is located within the 100-foot buffer zone to Big Alum Pond. The existing lot and structure do not conform to current zoning bylaw in Lot Area (3/4 ac. Required, 15,601 sq. ft. Existing), in Front Yard Setback (30 ft. Required, 13.5 ft. Existing) or Side Yard Setback (15 ft. Required, 13.5 ft. Existing). The current 2,278 sq. ft. non-conforming building and attached garage slab are to be removed. The applicant is proposing to construct a 2,339 sq. ft. single-family residence with an attached garage utilizing the alteration of the existing foundation and site improvements on the site. The proposed improvements do not create additional non-conformities.

The Board had the following questions and concerns:

- What is the height of the building – Mr. Cormier stated that the height is 34 ft.
- The forms – Mr. Jalbert stated that will be the foundation for the garage
- Why six trees being removed – Mr. Jalbert stated for accessibility to the site

Mr. Kinloh of 89 Paradise Lane stated that his view of the lake will be obstructed because of the house being built and his property value will suffer.

There is a lack of Massachusetts regulations and Zoning Bylaws regarding the protection of views of abutters. Ms. Cooney stated that she had a previous discussion about this matter with Ms. Bubon, Town Planner in the past.

Motion: Made by Mr. Creeden to continue the Public Hearing to May 11, 2011 @ 6:40 PM.

2nd: Ms. Banks

Vote: 2 – 4 (Ms. Cooney, Ms. Thorpe, Mr. Mattioli & Mr. Young)

Discussion: Mr. Young stated that the Board should approve the application and Mr. Creeden should withdraw his motion to continue.

Mr. Mattioli agreed not to continue the Public Hearing and approve the application.

Mr. Cormier stated that this is not an unreasonable project. People have a right to build. Areas change with growth and sometimes people's views of property change sometimes not for the good.

Mr. Jalbert asked Mr. Creeden to withdraw motion to vote because if they vote to deny the application, the applicant cannot file again for two years (five votes are needed for a Special Permit).

The Board withdrew the vote on the proceeding motion.

Motion: Made by Mr. Creeden to continue the Public Hearing to May 11, 2011 at 6:40 PM.

2nd: Ms. Banks

Discussion: None

Vote: 5 – 1 (Mr. Mattioli)

CORRESPONDENCE

- Correspondence from Kopelman & Paige – New Notable Regulations from the State Ethics Commission

OLD/NEW BUSINESS

Mr. Creeden wanted to know if there was any progress on the soccer fields on Route 15.
Answer – not at this time

REORGANIZATION OF THE BOARD

Motion: Made by Ms. Cooney to nominate Ms. Banks as Chair.

2nd: Mr. Mattioli

Discussion: None

Vote: 6 – 0

Ms. Banks accepted.

Motion: Made by Mr. Young to nominate Ms. Thorpe as Vice-Chair/Clerk

2nd: Mr. Mattioli

Ms. Thorpe declined

Motion: Made by Ms. Cooney to nominate Mr. Creeden as Vice-Chair/Clerk

2nd: Ms. Thorpe

Discussion: None

Vote: 6 – 0

Mr. Creeden accepted.

APPROVAL OF MINUTES

Motion: Made by Mr. Mattioli to approve the minutes of March 16, 2011.

2nd: Mr. Creeden

Discussion: None

Vote: 4 – 0 -2 (Ms. Cooney & Ms Thorpe)

APPROVAL OF THE EXECUTIVE MINUTES

Motion: Made by Mr. Creeden to approve the Executive minutes of March 16, 2011.

2nd: Mr. Mattioli

Discussion: None

Vote: 4 – 0 -2 (Ms. Cooney & Ms. Thorpe)

NEXT MEETING

May 11, 2011 at 6:30 PM at the Center Office Building

On a motion made by Mr. Young , seconded by Ms. Cooney and voted unanimously, the meeting adjourned at 8:15 PM.