

## **STURBRIDGE ZONING BOARD OF APPEALS**

### **MINUTES OF**

Wednesday, June 20, 2012

**Present:** Elizabeth Banks  
Joel Casaubon  
Margaret Cooney  
Thomas Creeden, Chair  
Donald Fairbrother  
Maryann Thorpe  
Michael Young, Vice Chair/Clerk

**Also Present:** Diane Trapasso, Administrative Assistant

Mr. Creeden opened the meeting at 6:30 PM.

The Board introduced themselves.

Mr. Creeden read the agenda.

### **APPROVAL OF MINUTES**

**Motion:** Made by Mr. Fairbrother to approve the amended minutes of May 9, 2012  
**2<sup>nd</sup>:** Mr. Casaubon  
**Discussion:** None  
**Vote:** 7 – 0

**PUBLIC HEARING – K. DUNCAN STROM & CHARLES BOSSE ARE REQUESTING A SPECIAL PERMIT TO ALLOW THE ALTERNATION OF A PRE-EXISTING NON-CONFORMING RESIDENTIAL STRUCTURE BY ALLOWING THE REPLACEMENT OF AN EXISTING SHED WITH A SMALLER SHED. THE PROPERTY IS LOCATED AT 47 CARON ROAD.**

### **Materials Presented:**

Application for a Special Permit – K. Duncan Strom & Charles Bosse – received 5/11/2012

Proposed New Shed Location Plan – K. Duncan Strom & Charles C. Bosse – 47 Caron Road – prepared by Jalbert Engineering – 54 Main Street, Sturbridge MA – plan date 4/26/12 – DWG #08328 – revision 1

Mr. Young read the legal notice.

Ms. Creeden acknowledged receipt of the following department memos:

- Ms. Bubon, Town Planner
- Mr. Ford, Police Chief
- Mr. Morse, DPW Director

Mr. Jalbert spoke on behalf of the applicant. He stated that the applicant is proposing to demolish the existing shed and to replace it with a new smaller shed (240sq.ft.) on the property. Mr. Jalbert stated that the lot was created prior to 1964 and the existing structures were built around 1909; both conditions predate current zoning. The existing lot does not conform to current zoning bylaw in Lot Area (3/4 ac. Required, 16,640 sq.ft. Existing). The current 1,450 sq.ft. building and deck are to remain. The applicant is proposing to raze an existing 396 sq.ft. barn/shed and construct a 240 sq.ft. shed conforming to the required building setbacks. The proposed improvements decrease the non-conformity on the lot and do not create additional non-conformities.

The Board had the following concerns and questions:

- Will the shed be installed on cinder blocks – Mr. Jalbert stated that according to the building code the shed will be installed on sona-tube supports
- Because of the existing wall the road is very narrow and unsafe – Mr. Jalbert stated that the wall in the vicinity of the shed will be relocated 3' westerly and the roadway will be patched. The road will have a width of 13' throughout the property line.
- Does the applicant need permit from Conservation Commission – Mr. Jalbert stated that the applicant has a meeting with Conservation Commission on June 21, 2012
- How long will the road be closed during the repair – Mr. Jalbert stated that the road would be closed approximately 4 to 6 hours.

Mr. Russ Chamberland of 55 Caron Road asked that when they are to close the road, that 24 hour notice be given to the families affected and also that the dispatcher be notified.

Mr. Creeden read the Special Permit criteria for approval.

The Board would approve with the following conditions:

1. The wall in the vicinity of the shed to be located 3' westerly and the roadway to be patched. Roadway 13' wide for the length of the property.
2. 24 hour notification of the road closing to the neighbors and to dispatch
3. Approval contingent on Conservation Commission approval

**Motion:** Made by Mr. Casaubon to close the Public Hearing.

**2<sup>nd</sup>:** Ms. Thorpe

**Discussion:** None

**Vote:** 7 – 0

**Motion:** Made by Ms. Cooney to find that the proposal by the applicant to demolish the existing shed/barn and to replace it with a smaller 240 sq.ft.shed that will not be more detrimental to the neighborhood than the existing non-conforming structure in accordance with Section 20.05 and Section 24.09 (a) through (f) of the Zoning Bylaw.

**2<sup>nd</sup>:** Ms. Banks

**Discussion:** None

**Vote:** 7 -0

**Motion:** Made by Mr. Fairbrother to grant the Special Permit requested to allow the demolition of the existing shed and the replacement of that with a new smaller shed as outlined in the application and supporting documentation provided and as shown on the plan submitted entitled "Proposed New Shed Location Plan, K. Duncan Strom and Charles C. Bosse – 47 Caron Road, Sturbridge, MA" Plans are prepared by Jalbert Engineering, Inc. 54 Main Street, Sturbridge, MA. The plans are dated 4/26/2012 Revision 1. DWG #08328 with the following Conditions:

1. The wall in the vicinity of the shed will be located 3' westerly and the roadway to be patched. Roadway 13' wide for the length of the property.
2. Twenty-four hour notification of the road closing to the neighbors and to the dispatcher at the Safety Complex.
3. Approval is subject to the condition that if any changes are made to the plan based upon the Conservation Commission approval, the modification must be provided to the ZBA for review and approval.

**2<sup>nd</sup>:** Mr. Casaubon

**Discussion:** None

**Vote:** 7 - 0

**ESCAPE ESTATES INC. IS REQUESTING AN EXTENSION OF TIME FOR A SPECIAL PERMIT TO DANIEL MOLTA, JR. THAT WAS ISSUED ON JUNE 9, 2011. THE PROPERTY IS LOCATED AT 94 PARADISE LANE.**

**Materials Presented:**

A letter from Escape Estates Inc. requesting and extension of time – Molta – 94 Paradise Lane – Special Permit – dated May 9, 2012 – received May 9, 2012

There was no one from Escape Estates to represent Daniel Molta, Jr. for the property at 94 Paradise Lane.

**Motion:** Made by Ms. Cooney to grant an extension of the Special Permit #2011-3SP granted to Daniel J. Molta, Jr. for the property located at 94 Paradise Lane for a period of one year. The new expiration date shall be June 8, 2013.

**2<sup>nd</sup>:** Mr. Young

**Discussion:** None

**Vote:** 7 – 0

**OLD/NEW BUSINESS**

Mr. Creeden - Public Hearings – are questions still allowed once closed – some say yes – others no – what is the right answer.

**PUBLIC HEARING – BICHOP J. & LINDA L. NAWROT ARE REQUESTING A SPECIAL PERMIT TO ALLOW THE CONSTRUCTION OF AN ATTACHED GARAGE. THE PROPERTY IS LOCATED AT 88 WESTWOOD DRIVE.**

**Materials Presented:**

Application for a Special Permit – Bichop J. & Linda L. Nawrot – received 6/12/2012

Supplemental Plan to Amend O.O.C. – Bichop J. & Linda L. Nawrot – 88 Westwood Drive – prepared by Jalbert Engineering – 54 Main Street, Sturbridge MA – plan date 2/21/2012 – DWG # 12034 revision 1 – received 6/12/2012

Nawrot Residence – 88 Westwood Drive – prepared by Stephen Fleshman Architect, 99 Apple Road, Brimfield MA 01010 – drawing # A10-

Mr. Young read the legal notice.

Mr. Creeden read the following department memos:

- Mr. Ford, Police Chief
- Mr. Morse,
- DPW Director
- Ms. Bubon, Town Planner

Mr. Jalbert spoke on behalf of the applicant. Mr. Jalbert stated that the applicants, at this time, not only want to complete the work allowed by a previous Special Permit, but now, with the additional land purchased, would also like to construct an attached garage. The garage will conform to current zoning with regards to height, setback and lot coverage. However, the lot still lacks adequate land area to comply with current zoning and therefore a Special Permit from ZBA is required. An amended Order of Conditions from the Conservation Commission is being required and being sought at their June 21, 2012 meeting.

The Board had the following questions and concerns:

- Will there be changes to the landscape – Mr. Jalbert stated that the proposed garage will have no effect on the landscape
- The garage will not be used for housing – Mr. Jalbert stated that the garage will provide sheltered parking and covered storage of residential items only.
- The site is serviced by Town sewer (sewer pump) and a private well – no bathroom facilities will be provided in the garage

**Motion:** Made by Ms. Cooney to close the Public Hearing.

**2<sup>nd</sup>:** Mr. Casaubon

**Discussion:** None

**Vote:** 7 – 0

**Motion:** Made by Mr. Casaubon to find that the proposal by the applicant to construct an attached deck and garage onto the existing single family will not be more detrimental to the neighborhood than the existing non-conforming structure.

**2<sup>nd</sup>:** Mr. Fairbrother  
**Discussion:** None  
**Vote:** 7 – 0

**Motion:** Made by Mr. Casaubon to grant the Special Permit requested to construct an attached deck and garage as outlined in the application and supporting documentation provided and as shown on the plan submitted entitled “Supplemental Plan to Amend O.O. C. Bichop J. & Linda L. Nawrot, 88 Westwood Drive, Sturbridge, MA” Plans are prepared by Jalbert Engineering, Inc. 54 Main Street, Sturbridge MA. The plans are dated 2/21/2012 and are revised through 6/2/2012 Revision 1 – DWG #12034.

**2<sup>nd</sup>:** Mr. Fairbrother  
**Discussion:** Mr. Creeden amended the motion to add the Condition: that there shall not be installed a bathroom in the proposed garage  
**2<sup>nd</sup>:** Mr. Fairbrother  
**Vote:** 7 - 0

### **CORRESPONDENCE**

Kopelman & Paige – Re: Kevein Mongeon v. Sturbridge Zoning Board of Appeals, et al.  
Worcester Superior Court C.A. No. WOCV2010-02603-B

### **OLD/NEW BUSINESS**

The Board had received a copy handout from CPTC entitled Variances and Special Permit to review.

Mr. Creeden stated that after the Board members review the material, if they have any questions to email Ms. Bubon for answers.

Mr. Creeden stated that in the Fall, there will be a training session from Kopelman & Paige.

### **NEXT MEETING**

July 18, 2012 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 7:40 PM.