

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

Wednesday, July 18, 2012

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

Also Present: Diane Trapasso, Administrative Assistant

Absent: Elizabeth Banks

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

The Board introduced themselves.

Mr. Creeden read the agenda.

APPROVAL OF MINUTES

Motion: Made by Ms. Cooney to approve the minutes of June 20, 2012.

2nd: Mr. Fairbrother

Discussion: None

Vote: 6 – 0

Mr. Creeden thanked the Planning Department for a good job preparing the procedure guidelines binders for the ZBA members. The binders were handed out to each Board member.

PUBLIC HEARING – ALLEN J. & CHRISTINE M. FALKE ARE REQUESTING A SPECIAL PERMIT TO RELOCATE AN EXISTING SHED AND CONSTRUCT A SINGLE BARN WITH ASSOCIATED SITE WORK. THE PROPERTY IS LOCATED AT 19 WALLACE ROAD.

Materials Presented:

Application for a Special Permit – Allen J. & Christine M. Falke – received 6/15/2012

Plan of Property surveyed for Walter Regep – prepared by Jalbert Engineering – 54 Main Street, Sturbridge MA – DWG #84096R

Plot Plan for Allen J. & Christine M. Falke – located at 19 Wallace Road, Sturbridge MA – prepared by Jalbert Engineering, 54 Main Street, Sturbridge MA – plan date 6/8/2012 – DWG #12115

Mr. Young read the legal notice.

Mr. Fairbrother stated that even though he lives on Wallace Road, he is not an abutter and is going to take part in the hearing. The only contact Mr. Fairbrother has had with the applicant is that Mr. Falke received a donation for the March of Dimes from Mr. Fairbrother.

Mr. Creeden acknowledged receipt of the following department memos:

- Ms. Bubon, Town Planner
- Ms. Rusiecki, BOH Agent
- Mr. Lindberg, Building Inspector/Zoning Enforcement Officer
- Mr. Morse, DPW Director

Mr. Jalbert spoke on behalf of the applicant. Mr. Jalbert stated that the applicant is requesting a Special Permit to relocate an existing shed and construct a single story barn on 19 Wallace Road with associated site work. The property is subject to a power line easement. However, no work will take place in the easement area. There are no known wetland resource areas within 200 feet of the proposed work. Most, if not the entire disturbance to the site will be beyond 200' of Wallace Road and will not be visible from the road.

Mr. Jalbert stated that the existing lot does not conform to the current zoning bylaw in Lot Frontage (125' required, 97.27' existing). The current residence and pool with deck system will remain. The existing shed is to be relocated onsite. The proposed barn will be 20' X 22' (440 sq.ft.) for a total area of 3,297 sq. ft. which equates to 5.22% lot coverage. The existing and proposed structures all conform to the required building setbacks. The proposal does not create any new non-conformities on the lot.

Mr. Jalbert also stated that based upon legal opinion received from Kopelman & Paige, it has been determined that it is “reasonable and consistent with case law and your bylaws to treat accessory residential structures located on the same lot as the residences they serve an extension of those residences for the purposes of applying the protections in G.L. c. 40A, s.6 and Section 20.05.1 of your bylaws. By definition an accessory structure is treated conceptually for zoning purposes as part of the primary use.”

The Board had the following concerns and questions:

- Any commercial use with the new structure – Mr. Falke, the applicant, stated that the barn will be used as storage and personal use, the only electricity will be for lighting
- Why not apply for Request of Determination – Mr. Falke stated he didn't want to take the risk of not getting approved and then have to apply for a Special Permit
- Are sona tubes being used – Mr. Jalbert stated there will be a full slab poured

Mr. Creeden read the Special Permit criteria for approval.

Motion: Made by Ms. Cooney to close the Public Hearing.
2nd: Ms. Thorpe
Discussion: None
Vote: 6 – 0

Motion: Made by Ms. Cooney to find that the proposal by the applicant to relocate an existing shed and to construct a barn (garage) accessory residential structure, will not be more detrimental to the neighborhood than the existing residential structure in accordance with Section 20.05 and the Special Permit criteria specified in Section 24.09 (a) through (f) of the Zoning Bylaw.
2nd: Mr. Fairbrother
Discussion: None
Vote: 6 - 0

Motion: Made by Ms. Cooney to grant the Special Permit requested to construct an accessory residential structure as outlined in the application and supporting documentation provided and as shown on the plan submitted “Plot Plan for Allen J. & Christine M. Falke – Located at: 19 Wallace Road, Sturbridge, MA. The plans are prepared by Jalbert Engineering, Inc. 54 Main Street, Sturbridge MA. The plans are dated June 6, 2012 – DWG # 12115. There are no revisions listed.
2nd: Mr. Young
Discussion: None
Vote: 6 - 0

CORRESPONDENCE

None

OLD/NEW BUSINESS

None

NEXT MEETING

August 15, 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 6:56PM.

