

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

Wednesday, September 19, 2012

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

Also Present: Diane Trapasso, Administrative Assistant

Absent: Maryann Thorpe

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 July 18, 2012.

2nd: Mr. Fairbrother

Discussion: None

Vote: 5 – 0 – 1 (Ms. Banks)

PUBLIC HEARING – DANIEL G. JR. & SHANNON M. ST. ONGE ARE REQUESTING A SPECIAL PERMIT TO DEMOLISH THE EXISTING SINGLE FAMILY HOME AND REPLACE THAT WITH A NEW HOME AND A GARAGE TO BE CONSTRUCTED ON THE WESTERLY SIDE OF MT. DAN ROAD. THE PROPERTY IS LOCATED AT 62 MT. DAN ROAD.

Materials Presented:

Application for a Special Permit – Daniel G. Jr. & Shannon M. St. Onge – received 8/20/2012

Project Narrative – Daniel G. Jr. & Shannon M. St. Onge – 62 Mt. Dan Road – received 8/20/2012 & 9/12/2012

Plan of Land in Sturbridge prepared for The Pecoy Companies – 62 Mt. Dan Road – Special Permit Plan – prepared by Sherman & Frydryk Land Surveying & Engineering – 3 Converse Street, Suite 203, Palmer MA 01069 – Project # 12120 – Plan date – 8/17/2012 – Revision 1 – date 9/12/2012

Custom Design for Dan & Shannon St. Onge, Mount Dan Road, Sturbridge MA – prepared by The Pecoy Design Build Remodel Maintain - issue dates 8/17/2012 – 8/28/2012 – received 9/12/2012

Mr. Young read the legal notice.

Mr. Creeden acknowledged receipt of the following department memos:

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

Mr. Frydryk of Sherman & Frydryk Land Surveying and Engineering spoke on behalf of the applicant. Mr. Frydryk stated that the applicant requests a Special Permit to allow the extension, change or alteration to a pre-existing non-conforming structure by allowing for the demolition and reconstruction of the existing non-conforming single family home and the construction of a detached garage. The applicant recently acquired additional land from a neighbor and the two lots will be consolidated to create one conforming lot with respect to lot size. The existing single family structure is non-conforming with respect to side setback with the existing setback at 3'. The proposed single family home will comply with zoning in all respects, except that the side setback will remain non-conforming at 11'. The proposed garage is an accessory to the residential use and will comply with all zoning requirements. Therefore, despite the additional land, the applicant's structure will still be non-conforming with respect to side setback which is why a Special Permit is required. The applicant has filed an ANR with the Planning Board for endorsement and after endorsement will be recorded at the Worcester Registry of Deeds.

The Board had the following concerns and questions:

- Why so many trees are numbered and flagged – Mr. Frydryk stated that the trees are numbered for identification only – the hemlocks are diseased and need to be cut down – there will be rain gardens and stormwater gardens and plenty of vegetation
- Two stall garage is just for cars and storage – non-habitable – no running water
- Height of the house has little or no impact on the neighbors
- Any changes to the plan from Conservation Commission – the applicant will have to return to the ZBA
- Will the height of the house impact the abutters sunlight – Mr. Frydryk stated that there would be no change in the amount of shadows cast by the height of the house.

Motion: Made by Ms. Cooney to close the Public Hearing.
2nd: Ms. Banks

Discussion: None

Vote: 6 – 0

Mr. Creeden read the Special Permit criteria for approval.

Motion: Made by Ms. Cooney to find that the proposal by the applicant to reconstruct a single family home and to construct a residential accessory structure as proposed 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 Sturbridge Zoning Bylaw.

2nd: Mr. Fairbrother

Discussion: None

Vote: 5 – 0 – 1 (Ms. Banks)

Motion: Made by Mr. Young to grant the Special Permit requested to allow the demolition and reconstruction of a single family home and the construction of a detached garage as outlined in the application and supporting documentation provided and as shown on the plan submitted entitled “Plan of Land in Sturbridge, MA prepared for The Pecoy Companies – 62 MT. Dan Road, Special Permit Plan”. Plans are prepared by Sherman & Frydryk – 3 Converse Street, Palmer, MA. The plans are dated August 17, 2012 – Project Number 12120 and are now revised through September 12, 2012. Approval is granted subject to the following conditions:

1. No building permit shall be issued until an ANR is submitted to the Planning Board for endorsement and the plan has been endorsed and recorded at the Worcester District Registry of Deeds.
2. The DPW shall be contacted for an on-site pre-construction meeting to review sewer line and E-1 Pump locations prior to the start of site work.

2nd: Ms. Cooney

Discussion: None

Vote: 5 – 0 – 1 (Ms. Banks)

CORRESPONDENCE

Memo from Mirick O’Connell Attorneys at Law – Introduction to the Massachusetts Open Meeting Law – Re: Executive Session

OLD/NEW BUSINESS

None

NEXT MEETING

September 26, 2012 at 6:30 PM at the Center Office Building – Work Session with Kopelman & Paige

On a motion made by Mr. Casaubon, seconded by Mr. Young and voted unanimously, the meeting adjourned at 7:10 PM.