

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
Wednesday, January 16, 2013

**Present:** Elizabeth Banks  
Joel Casaubon  
Margaret Cooney  
Thomas Creeden, Chair  
Donald Fairbrother  
Maryann Thorpe

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

**Absent:** Michael Young, Vice Chair/Clerk

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

The Board introduced themselves.

Mr. Creeden read the agenda.

**APPROVAL OF MINUTES**

After discussion on the number of parking spaces at BT's Smokehouse, the Board decided to hold the minutes to the February 20, 2013 meeting. This will give the Board time to check the plans.

**PUBLIC HEARING – TIMOTHY R. & EVELYN HUTCHINSON  
REQUESTING A SPECIAL PERMIT TO ALLOW THE DEMOLITION OF THE  
EXISTING RESIDENTIAL STRUCTURE AND CONSTRUCTION OF A NEW  
TWO STORY FAMILY RESIDENCE WITH AN ATTACHED GARAGE. THE  
PROPERTY IS LOCATED AT 168 LAKE ROAD.**

**Materials Presented:**

Application for a Special Permit – Timothy R. & Evelyn Hutchinson – 168 Lake Road – received 12/4/2012

Existing Site Plan for Timothy & Evelyn Hutchinson located at 168 Lake Road – prepared by Jalbert Engineering – plan date 1/3/2013 – DWG #12064 – revision #2 date 1/3/2013

Private Lakefront Residence - Hutchinson Residence – 168 Lake Road – AI Proj. #1216 – date 12/5/2012 – prepared by Architectural Insights – 3 Converse Street Palmer MA

Mr. Casaubon 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. Colburn, Conservation Agent

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert stated that the applicant is proposing to demolish an existing single family residence and construct a new two story single family residence. Most, if not the entire disturbance to the site will be contained within areas of previous development or improvement on the site.

Mr. Jalbert stated they will be preparing new house plans because the Conservation Commission are requiring to move the house further away from the Lake. Mr. Jalbert stated that he will have revised plans drawn up after their meeting with the Conservation Commission which is scheduled for January 17, 2013.

Mr. Tuttle of Architectural Insights explained that the new house plans are still just preliminary.

The Board had the following concerns and questions:

- Pine trees - will they be moved – Mr. Jalbert stated that the pine trees may be removed
- Lot Coverage with the new plans – Mr. Jalbert stated that lot coverage will be the same at 15%

**Motion:** Made by Ms. Cooney to continue the Public Hearing to February 20, 2013 @ 6:35 PM.

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

**Discussion:** None

**Vote:** 6 – 0

Mr. Creeden asked Ms. Cooney to provide information on the hand-outs she provided to the Board. Ms. Cooney gave a brief description of the following handouts:

- Rules of Necessity
- Who Holds the Public Hearing
- Flow Chart for Processing a Special Permit
- A Hypothetical Variance Time Line

**PUBLIC HEARING – ALAN S. & ELIZABETH H. PEPPEL REQUESTING A SPECIAL PERMIT TO PERMIT THE DEMOLITION OF AN EXISTING RESIDENTIAL STRUCTURE AND DECK AND TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE. THE PROPERTY IS LOCATED AT 94 PARADISE LANE.**

**Materials presented:**

Application for Special permit – Alan S. & Elizabeth H. Peppel – 94 Paradise Lane – received 12/13/2012

Proposed Site Plan for: Alan S. Peppel – located at 94 Paradise Lane – prepared by Jalbert Engineering

Mr. Casaubon read the legal notice.

Mr. Creeden acknowledged receipt of the following department memos:

- Mr. Ford, Chief of Police
- Mr. Colburn, Conservation Agent
- Ms. Rusiecki, BOH Agent
- Ms. Bubon, Town Planner

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert stated that the applicant is requesting a Special Permit to demolish and remove an existing residence and deck to construct a new single-family home on 94 Paradise Lane with associated site work. There exists a valid Special Permit Decision, file #2011-3SP, for this property which was issued to Daniel Molta, Jr. on June 9, 2011 and is recorded with the Worcester Registry of Deeds. The Peppels however wish to construct a different house than that approved which affects the proposed site improvements, in particularly, the driveway. The current 2,278 sq. ft. non-conforming building will be removed and reconstructed. The applicant is proposing to construct a 2,340 sq. ft. single-family residence with an attached garage utilizing the alteration of the existing foundation and site improvements on the subject site. The proposed improvements do not create additional non-conformities.

Mr. Haveles of Architectural Insights explained the house plans.

The Board had the following questions and concerns:

- Have the BOH issues been resolved – Mr. Jalbert stated that the BOH has all the paperwork from Charlton Well
- New retaining wall – Mr. Jalbert stated that the retaining wall is on the side of the house, next to the garage
- Trees coming down – Mr. Jalbert stated that the small pines will be coming down for the driveway
- Do you have a meeting with the Conservation Commission – Mr. Jalbert stated that the meeting is scheduled for January 17, 2013
- Easement for the E 1 pump – Mr. Jalbert stated that there is access for service
- Running water in the garage – Mr. Haveles stated no running water in the garage

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

**2<sup>nd</sup>:** Ms. Thorpe  
**Discussion:** None  
**Vote:** 6 - 0

Mr. Creeden stated that according to Chapter 20, the Zoning Board needs to review the following to make the Findings:

1.) The extent to which the proposal would increase the non-conformity with respect to each of the dimensional controls listed in the Town's Zoning Bylaws Chapter Nineteen, Intensity Regulations.

**Motion:** Made by Mr. Casaubon that the proposal by the applicant will comply with lot coverage requirements, but the home will still be non-conforming with respect to front and side setback. However, the proposed structure will be slightly more in compliance with the front and side yard setback. The existing front yard setback is 13.5' and the proposed is 14.5', the current side yard setback is 13.3' and the proposed is 14.1'.

**2<sup>nd</sup>:** Ms. Thorpe  
**Vote:** 6 - 0

2.) The extent to which the proposal would increase the non-conformity with respect to the Town's Zoning Bylaws, Chapter Twenty, Sections 20.22 and 20.23 required parking and loading.

**Motion:** Made by Mr. Fairbrother that there are no non-conformities with respect to parking for this single family home.

**2<sup>nd</sup>:** Mr. Casaubon  
**Vote:** 6 - 0

3.) Whether the proposal would intensify the existing non-conformities or result in additional ones.

**Motion:** Made by Mr. Casaubon that there will be no new non-conformities or intensification of existing non-conformities.

**2<sup>nd</sup>:** Mr. Fairbrother  
**Vote:** 6 - 0

Mr. Creeden stated that the proposal also must comply with Special Permit criteria noted in the next section of this document.

Mr. Creeden read the Special Permit criteria for approval the Board voted on each of the criteria for Special Permit Approval. The Board voted on each of the following:

a) *Such use is not detrimental to the permitted uses in the zone in which it is located.*

**Motion:** Made by Mr. Casaubon that the use is not detrimental to the permitted uses in the zone in which it is located. The property is located in a

Suburban Residential Zoning District and single family homes and accessory structures are permitted uses within this District.

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

**Vote:** 6 - 0

- (b) *The nature of the operations shall be such that it will not be hazardous or create any danger to public health and safety.*

**Motion:** Made by Ms. Thorpe that the operations will not be hazardous or create any danger to public health and safety. Nothing hazardous is proposed to be stored or used on site.

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

**Vote:** 6 - 0

- (c) *The use shall be consistent, insofar as practicable, with the Comprehensive Plan for the future development of the area.*

**Motion:** Made by Mr. Casaubon that the proposed use is consistent with the recently adopted Master Plan. The property is located in a residential district and the Master Plan does not recommend any changes to the zoning requirements for this District that would not permit residential structures and uses.

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

**Vote:** 6 - 0

- (d) *Provision for roads and parking areas shall be laid out so as to prevent traffic hazards and nuisances.*

**Motion:** Made by Ms. Thorpe that the existing driveway and parking area for the house will not be utilized and a new driveway will be constructed as shown on the plan submitted. No staff members have expressed concerns with the proposed location of the driveway and there will be no known traffic hazards or nuisances caused by this proposal.

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

**Vote:** 6 - 0

- (e) *The location, nature and height of buildings, walls, fences, and landscaping shall be such that the use will not hinder or discourage the appropriate development of adjacent land or adversely affect the character of the zone in which it is located.*

**Motion:** Made by Mr. Casaubon that it does not appear that this proposal will in any way hinder or discourage appropriate development of adjacent land, nor will it affect the character of the zone in which it is located.

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

**Vote:** 5 - 1 (Ms. Banks)

**Motion:** Made by Mr. Casaubon to grant the Special Permit requested to allow the demolition and reconstruction of a single family home as outlined in the application and supporting documentation provided and as shown on the plan submitted entitled "Proposed Site Plan for Alan S. Peppel Located at 94 Paradise Lane, Sturbridge, Ma." The plan was prepared by Jalbert Engineering, Inc. 54 Main Street, Sturbridge, MA 01566. The plans are dated November 29, 2012, DWG Number 12278.

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

**Discussion:** None

**Vote:** 6 - 0

### **CORRESPONDENCE**

None

### **OLD/NEW BUSINESS**

None

### **NEXT MEETING**

February 20, 2013

On a motion made by Mr. Casaubon, seconded by Ms. Thorpe and voted unanimously, the meeting adjourned at 7:40PM.