

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, February 20, 2013

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. Creeden to approve the amended minutes of December 12, 2012 after a discussion of the parking spaces at BT Smokehouse.

2nd: Ms. Banks

Discussion: None

Vote: 7 – 0

Motion: Made by Mr. Fairbrother to approve the amended minutes of January 16, 2013

2nd: Ms. Thorpe

Discussion: None

Vote: 6 – 0 – 1 Mr. Young)

CONTINUATION OF THE 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 #4- dated 1/17/2013

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. Creeden acknowledged receipt of the following department memos:

- Ms. Bubon, Town Planner (1/25/2013 & 2/5/2013)
- 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 plan had been revised to reflect the approval of the Conservation Commission granted on January 17, 2013. The overall size of the home has been reduced slightly and is now proposed to be 2,096 square feet instead of the 2,106 previously proposed. The proposed patio is now more centered on the home as well. Lot coverage is proposed at 14.92, again a slight reduction from the 15% coverage originally. The side setback remains the same at 12’.

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. Tuttle stated that the pine trees will be removed
- Usage of the second floor of the garage – Mr. Tuttle stated that the use will be for recreation only
- Concern with the DPW Director memo – will make his concerns conditions on the approval

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

2nd: Ms. Banks

Discussion: None

Vote: 7 – 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 side

setback. However, the proposed structure will be more in compliance with the side setback and will be in compliance with the rear yard setback. The existing side yard setback is 7.9' and the proposed is 12', the current rear yard setback is 10.6' and the proposed is 47'.

2nd: Mr. Fairbrother

Vote: 7 - 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. Young that there are no non-conformities with respect to parking for this single family home.

2nd: Ms. Thorpe

Vote: 7 - 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.

2nd: Ms. Thorpe

Vote: 7 - 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. Young 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.

2nd: Mr. Casaubon

Vote: 7 - 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 Mr. Fairbrother 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.

2nd: Ms. Thorpe

Vote: 7 - 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. Fairbrother 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.

2nd: Mr. Casaubon

Vote: 7 - 0

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

Motion: Made by Mr. Casaubon that the existing driveway and parking area for the house will remain. There will be no known traffic hazards or nuisances caused by this proposal.

2nd: Ms. Thorpe

Vote: 7 - 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.

2nd: Mr. Fairbrother

Vote: 7 - 0

Motion: Made by Ms. Cooney to grant the Special Permit requested to allow the demolition and reconstruction of a single family house and garage as outlined in the application and supporting documentation provided and as shown on the plan submitted entitled "Site Plan prepared for Timothy & Evelyn Hutchinson located at 168 Lake Road, Sturbridge, MA". The plan was prepared by Jalbert Engineering, Inc. 54 Main Street, Sturbridge, MA 01566. The plans are dated January 17, 2013, DWG Number 12064, Revision 4; with the following two conditions:

1. The new sewer connection to the E1 pump must be inspected by the Town of Sturbridge
2. The existing control panel must be removed before demolition by a licensed electrical technician and save for reuse.

2nd: Ms. Banks

Discussion: None

Vote: 7 - 0

DETERMINATION – MICHAEL GIONFRIDDO IS REQUESTING A DETERMINATION TO ALLOW A NEW SECOND STORY ABOVE THE EXISTING SUN ROOM AND GARAGE. THE PRPOERTY IS LOCATED AT 332 THE TRAIL.

Materials presented:

Application for Determination – Michael Gionfriddo – 332 The Trail – received 1/22/2013

Proposed Site Plan for: Proerty at 332 The Trail – prepared by Trifone Design Associates, Inc. –Date: 12/1/2012 – Project # 287-052 – DWG sitereva

The Gionfroddo Addition – 332 The Trail – Sturbridge MA – prepared by Trifone Design Associates, Inc. Architectural Designers – date 11/8/2012 – job # 278-052

Mr. Creeden acknowledged receipt of the following department memos:

- Mr. Ford, Chief of Police
- Mr. Colburn, Conservation Agent
- Mr. Morse, DPW Director
- Ms. Bubon, Town Planner

Mr. Trifone of Trifone Design Associates, Inc. spoke on behalf of the applicant. Mr. Trifone stated that the applicant is proposing to add a second floor over the existing footprint with no new non-conforming being created. Mr. Trifone stated that they are staying within the same envelope. All setbacks and lot coverage requirements will be met by this proposal.

The Board had the following questions and concerns:

- Did Conservation Commission have any concerns – Mr. Trifone stated that at their February 7, 2013 meeting the applicant received a Letter Permit and had no issues
- On the mortgage plan and proposed site plan the shed shown on the property is part on the abutting property – Mr. Trifone stated that the shed could be moved because, it's on pillars
- Making the applicant move their shed could be a hardship
- Make relocating the shed on the property to be outside the 15' of the side setback or the option to remove the shed, be a condition

Motion: Made by Ms. Banks to grant the Determination to Michael Gionfriddo for the property located at 332 The Trail to allow a new second story above the existing sun room and garage; does not intensity the existing or create additional non-conformities and the owner may apply for a building permit for the described activities as shown on the attached survey forthwith: Proposed Site Plan for the property at 332 The Trail, Sturbridge prepared by Trifone Design Associates, Inc. plan date 12/1/2012 project number 287-052; with the following two conditions;

1. The plan should show erosion control due to the second floor construction activity.
2. Relocate the shed on the property to be outside the 15' of the side setback or remove the shed entirely.

2nd: Mr. Fairbrother

Discussion: None

Vote: 7 - 0

CORRESPONDENCE

CPTC – Annual Conference & Workshops – March 16, 2013

Letter from Kopelman & Paige – Re; Kevin Mongeon v. Sturbridge Zoning Board of Appeals, et al. Worcester Superior Court C.A. No. WOCV2010-02603-B – dated January 9, 2013

Letter from CHAPA – dated January 24, 2013 – update on Crescent Gate

OLD/NEW BUSINESS

None

NEXT MEETING

March 20, 2013

On a motion made by Ms. Thorpe, seconded by Mr. Fairbrother and voted unanimously, the meeting adjourned at 7:50 PM.