

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, May 15, 2013

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

Also Present: Diane M. 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 Ms. Cooney to approve the minutes of April 10, 2013.
2nd: Ms. Thorpe
Discussion: None
Vote: 6 – 0 – 1 (Ms. Banks)

Mr. Fairbrother commented in general on the poor quality of these sets of applications and on its lack of information and details to make our judgments particularly on two or three of the Determinations.

Ms. Banks, Ms. Cooney and Ms. Thorpe agreed with Mr. Fairbrother on some of the information submitted by the applicants.

Ms. Banks stated that she was going to address this matter later under New/Old Business.

**DETERMINATION – KERRY COURTNEY IS REQUESTING A
DETERMINATION TO ENCLOSE THE EXISTING DECK AND ADD A DECK
TO THE EXISTING DECK. THE PROPERTY IS LOCATED AT 127 WALKER
POND ROAD.**

Materials presented:

Application for Determination – Kerry Courtney – received 4/11/2013

Building Permit Plan – Kerry Courtney – 127 Walker Pond Road – prepared by Bertin Engineered – date 4/4/2013 – project # 13-642 – received 4/11/2013

Kerry Courtney – 127 Walker Pond Road – prepared by Patio Enclosures – date 4/3/2013 – job # 37031

Ms. Banks recused herself because she is an abutter to the applicant.

Mr. Creeden acknowledged the following department memos:

- Mr. Morse, DPW Director
- Captain Marinelli, Fire Department
- Ms. Bubon, Town Planner
- Mr. Ford, Police Chief
- Ms. Rusiecki, BOH Agent
- Mr. Colburn, Conservation Agent

Ms. Courtney, the homeowner and applicant, stated that she is enclosing the existing deck and adding a deck to the existing deck.

The Board had the following concerns and questions:

- Why is applicant's mailbox on Oaks Cove Road – but address is Walker Pond Road – Ms. Courtney stated that's just the way it is
- The existing deck will be covered – Ms. Courtney stated yes
- The added deck will be open – Ms. Courtney stated yes
- Why two different sets of plans – Ms. Courtney stated because of the BOH Agent's concern, Ms. Courtney stated that she made the new deck a little smaller but hopes the original plan will be accepted
- Location of perennial stream

Mr. Fairbrother questioned is it normal to have two different sets of plans.

Mr. Creeden stated that this is the first time and we as a Board can give a pass to Ms. Kerry.

Ms. Courtney withdrew the alternate plan with the revision of 5/8/2013 without prejudice.

Motion: Made by Mr. Fairbrother to accept the withdrawal of the alternate plan with the revision of 5/8/2013 by Ms. Courtney without prejudice.

2nd: Mr. Casaubon

Discussion: None

Vote: 5 – 1 (Ms. Cooney)

Motion: Made by Mr. Young to grant the Determination to Kerry Courtney for the property located at 127 Walker Pond Road to enclose the existing deck and add a deck to the existing deck as shown on the application with plans received by the ZBA on April 11,

2013. The plans are prepared by Bertin Engineering – dated 4/4/2013-no revision shown– project # 13-642

2nd: Mr. Casaubon

Discussion: None

Vote: 5 – 1 (Ms. Cooney)

Ms. Banks returned to her seat on the Board.

DETERMINATION - REAL J. JR. & ELIZABETH A. POIRIER ARE REQUESTING A DETERMINATION TO REMOVE A 35 SQ. FT. ENTRY AND CONSTRUCT A 392 SQ. FT. ADDITION TO THE EXISTING SINGLE-FAMILY RESIDENCE. THE PROPERTY IS LOCATED AT 172 LAKE ROAD.

Materials presented:

Application for Determination – Real J. Jr. & Elizabeth A. Poirier – received April 16, 2013

Site Plan Real J. Jr. & Elizabeth A. Poirier – 172 Lake Road – prepared by Jalbert Engineering – plan date April 11, 2013 – DWG #13047

Mr. Creeden acknowledged the following department memos:

- Mr. Ford, Police Chief
- Captain Marinelli, Fire Department
- Mr. Morse, DPW Director
- Ms. Bubon, Town Planner
- Ms. Rusiecki, BOH Agent

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert presented a revised plan showing the relocation of the overhead utility wire, placing them underground. This plan will be Revision # 2 and eliminate the concern of the DPW about the E-1 pump.

Mr. Jalbert stated that the applicant is proposing to remove a 35 sq. ft. entry and construct a 392 sq. ft. addition to the existing single-family residence. The new addition is proposed so as not to increase the existing non-conformity of the property with regards to zoning setback requirements in so far as it proposed to be no closer to the sideline than existing structure.

The Board had the following concerns and questions:

- Steps – Mr. Jalbert stated that the steps are interior
- Dock – Mr. Jalbert stated that the dock ends on the water line
- Loft – Mr. Jalbert stated that the loft on the second floor – same floor space
- 4 to 6 pine trees – Mr. Jalbert stated that no trees are coming down
- Shed – Mr. Jalbert stated that the shed has been there for a long time; it is a structure to protect the well

Motion: Made by Ms. Cooney to grant the Determination to Real J. Jr. & Elizabeth A. Poirier for the property located at 172 Lake Road to remove a 35 sq. ft. entry and construct a 392 sq. ft. addition to the existing single-family residence as shown on the plans prepared by Jalbert Engineering – Site Plan Real J. Jr. & Elizabeth A. Poirier – plan dated 5/15/2013 – DWG # 13047 – Revision #2 with the following conditions:

1. The E-1 pump must be moved by a Town of Sturbridge licensed Drain layer and inspected prior to backfill. The alarm box must be saved if relocated on the structure or the applicant will be charged for a new box and wire conversion kit. Also, Veolia Water must conduct a pump start prior to use by the applicant.
2. Conservation permits must be granted before a building permit is granted.

2nd: Mr. Fairbrother

Discussion: None

Vote: 7 – 0

DETERMINATION – JAMES M. & LINDA D’ANDREA ARE REQUESTING A DETERMINATION TO REMODEL AN EXISTING SINGLE-FAMILY WITH THE ADDITION OF A SECOND FLOOR. THE PROPERTY IS LOCATED AT 110 WESTWOOD DRIVE.

Materials presented:

Application for Determination – James M. & Linda D’Andrea – received April 18, 2013

Site Plan prepared for Lames D’Andrea – 110Westwood Drive – prepared by Jalbert Engineering – plan date 4/16/13 – DWG #12180 – revision #2

House Plans – dated 3/28/13

Mr. Creeden acknowledged the following department memos:

- Mr. Ford, Police Chief
- Captain Marinelli, Fire Department
- Mr. Morse, DPW Director
- Ms. Bubon, Town Planner
- Ms. Rusiecki, BOH Agent
- Mr. Colburn, Conservation Agent

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert stated that the applicant is proposing to remodel an existing family residence with associated work. The remodeling includes the addition of second floor, front porch and attached deck. The site work consists of removing a detached deck, brick patio with privacy wall, abandoning an existing well and drilling a new well.

Mr. Jalbert stated that the applicant is also proposing a covered front porch. The new deck and porch are proposed to conform to current zoning setbacks. Removing the detached deck and brick patio nets a decrease in lot coverage of 1.9%.

The Board had the following concerns and questions:

- Removing bricks – Mr. Jalbert stated that the existing sidewalks will be replaced with pervious pavers.
- Decommission of the well – Mr. Jalbert stated that the well has to be discontinued – removed
- Overhead feed - Mr. Jalbert stated that only Conservation has encroachment concerns
- Shadow of sun on neighbors – doesn't seem to be an issue
- Lack of space for parking

Motion: Made by Ms. Cooney to grant the Determination to James M. & Linda D'Andrea for the property located at 110 Westwood Drive to remodel an existing single-family with the addition of a second floor as shown on the plans prepared by Jalbert Engineering – Site Plan prepared for James D'Andrea – plan date 4/16/13 – DWG #12180 – Revision #2 with the following conditions:

1. DPW believes the cement block mulch planter could interfere with plowing operations or tree push back during severe storm(s) and should be reshaped behind the Right of Way.
2. Conservation permits must be granted before a building permit be issued

2nd: Ms. Banks

Discussion: None

Vote: 7 – 0

DETERMINATION – KADION & MICHELE PHILLIPS ARE REQUESTING A DETERMINATION TO CONSTRUCT A TWO CAR GARAGE AND ADD A SECOND FLOOR DECK. THE PROPERTY IS LOCATED AT 153 CEDAR STREET.

Materials presented:

Application for Determination – Kadion & Michele Phillips – received April 17, 2013

Plans prepared by Shane Structures - dated 2011

Mr. Creeden acknowledged the following department memos:

- Mr. Ford, Police Chief
- Captain Marinelli, Fire Department
- Mr. Morse, DPW Director
- Ms. Bubon, Town Planner
- Ms. Rusiecki, BOH Agent

- Mr. Colburn, Conservation Agent

Mr. Phillips, the property owner and applicant, stated that he is proposing to construct a two car garage that will comply with all setbacks and lot coverage and requirements. Also, the applicant is proposing to add a second floor deck.

The Board had the following concerns and questions:

- Where is the deck going to be located – Mr. Phillips stated off the second floor
- Size of the garage – Mr. Phillips stated it will 24'X24'
- Discussion on the percentage of grade
- There is a shed within the setback

Motion: Made by to grant Mr. Casaubon the Determination to Kadion & Michele Phillips for the property located at 153 Cedar Street to construct a two car garage and add a second floor deck as shown on the plans prepared by Alpha Omega Engineering, Inc. – plan date 4/9/2013 – plan #120

2nd: Mr. Fairbrother

Discussion: None

Vote: 7 - 0

CONTINUATION OF THE PUBLIC HEARING – GERALD A. & CYNTHIA J. GIROUX ARE REQUESTING A SPECIAL PERMIT TO ALLOW THE DEMOLITION OF THE EXISTING RESIDENTIAL STRUCTURE AND CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE WITH AN ATTACHED GARAGE. THE PROPERTY IS LOCATED AT 89 SHORE ROAD.

Materials Presented:

Email from Attorney Neal requesting a continuation of the Public Hearing to June 19, 2013 because a revised plan has not been submitted to the Planning Department, yet.

Motion: Made by Ms. Cooney to continue the Public Hearing for Gerald & Cynthia Giroux to June 19, 2013 at 6:35 PM.

2nd: Mr. Casaubon

Discussion: None

Vote: 7 – 0

CORRESPONDENCE

Kopelman & Paige – May 6, 2013 – Filing – Kevin Mongeon v. Sturbridge Zoning Board of Appeals, et al.- Worcester Superior Court C. A. No. WOCV2010-02603-B

OLD/NEW BUSINESS

Ms. Cooney presented to Ms. Bubon proposed changes for request for Determination application, which she prepared prior the meeting. Ms. Cooney offered to give her modifications to the Determination as suggestions only.

NEXT MEETING

June 19, 2013

On a motion made by Mr. Casaubon, seconded by Ms. Thorpe and voted unanimously, the meeting adjourned at 8:20 PM.