

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, August 21, 2013

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

Also Present: Diane M. 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

Motion: Made by Ms. Cooney to approve the amended minutes of June 19, 2013.

2nd: Ms. Thorpe

Discussion: None

Vote: 5 – 0 – 1(Mr. Casaubon)

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:

The Giroux House – 89 Shore Road – prepared by Trifone Design Associates, Inc.- plan date 1/10/2012 – job #287-050 – revision – reduce garage size date – 5/1/2012 – received 7/22/2013

Email from Attorney Neal dated August 20, 2013 requesting a continuation of the Public Hearing for Gerald A. & Cynthia J. Giroux for the property located at 89 Shore Road to September 18, 2013 @ 7:05 PM

Motion: Made by Ms. Cooney to continue the Public Hearing for a Special Permit for Gerald A. & Cynthia J. Giroux for the property at 89 Shore Road to September 18, 2013 @ 7:05 PM.

2nd: Ms. Thorpe

Discussion: None

Vote: 6 – 0

DETERMINATION – DAVID & ADA FITZGERALD ARE PROPOSING TO DEMOLISH AND REMOVE AN EXISTING SINGLE STORY THREE STALL GARAGE AND RECONSTRUCT A NEW THREE STALL GARAGE WITH ASSOCIATED SITE WORK. THE PROPERTY IS LOCATED AT 9 COVE DRIVE.

Materials presented:

Determination Application for David & Ada Fitzgerald – received 7/30/2013

Existing Site Plan – David S. Fitzgerald – 9 Cove Road – prepared by Jalbert Engineering – plan date – 7/9/2013 – DWG #13138 – received 7/30/2013

Mr. Creeden acknowledged the following department memos:

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

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert stated that the applicant is proposing to demolish and remove an existing single story two stall garage with associated site work. Upon removal of the existing garage a new three stall garage will be constructed in the vicinity of the old garage. All site work, construction and rebuilding will be conducted outside of the one hundred setback to the Lake.

Mr. Jalbert discussed and submitted a revised plan, revision #1 dated August 20, 2013, to show the proposed three foot stone drip strip to facilitate infiltration of the roof run-off, that was a concern of the Conservation Agent.

The Board had the following concerns and questions:

- Are you pouring a new foundation – Mr. Jalbert stated that there will be a concrete slab and garage doors will be installed

- Will trees be taken down – Mr. Jalbert stated that six trees will be taken down
- The driveway has a dirt island in the middle – is it going to stay – Mr. Jalbert stated that the driveway will be redone after construction with the dirt island remaining

Motion: Made by Ms. Thorpe to grant the Determination to David and Ada Fitzgerald of 9 Cove Road to demolish the existing garage and to replace that with a new garage that complies with zoning does not intensify the existing or create additional non-conformities and the owner may apply for a building permit for the described activities as shown on the plan submitted entitled "Existing Site Plan – David S. Fitzgerald – 9 Cove Drive, Sturbridge, Massachusetts, Plan Date 07/09/13, DWG Number 13138, Revision 1 dated 8/20/2013.

2nd: Mr. Casaubon

Discussion: None

Vote: 6 – 0

OLD/NEW BUSINESS

None

CORRESPONDENCE

Letter from Mark Donahue - Fletcher Tilton PC Attorneys at Law – Re: Withdrawing the application of G.B. England (CVS) dated July 31, 2013 - received August 1, 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 – received 7/31/2013

The Board had a discussion on lot coverage.

The Board recessed at 6:50 PM.

The Board reconvened at 7:40 PM.

PUBLIC HEARING – JOSEPH & LISA MOONEY ARE REQUESTING A SPECIAL PERMIT TO TEAR DOWN THE EXISTING STRUCTURE AND CONSTRUCT A NEW SINGLE FAMILY RESIDENCE WITH ASSOCIATED SITE WORK. THE PROPERTY IS LOCATED AT 84A PARADISE LANE.

Materials presented:

Special Permit Application for Joseph S. Mooney & Lisa Byam-Mooney – received July 11, 2013

Existing Conditions & Demolition Plan for Joseph S. Mooney & Lisa Anne Byam-Mooney - prepared by Para Land Surveying, Inc. – plan date 7/8/2013 – received 7/11/2013

Proposed Site Plan 84A Paradise Lane – Joseph S. Mooney & Lisa Anne Byam-Mooney – plan date 7/8/2013 – prepared by Para Land Surveying, Inc. – received 7/11/2013

Mr. Fairbrother read the legal notice.

Mr. Creeden acknowledged the following department memos:

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

Mr. Para of Para Land Surveying, Inc. spoke on behalf of the applicant. Mr. Para stated that the applicant is proposing to demolish and remove debris from the current cottage and deck, leaving the existing foundation. Install appropriate drainage in and around the cellar floor/foundation. Replace existing fire pit facing the lake with grass; replace existing paver walkway with grass. Build a two feet wooden knee wall on top of the existing foundation and construct a new cottage with deck.

The Board had the following concerns and questions:

- Does the applicant have a permit with Conservation Commission – Mr. Para stated that the applicant has filed a NOI and is on the September 9th meeting
- Will the electric and cable wires be underground – Mr. Para stated that the wires will be underground
- Will the cottage be insulated – Mr. Para stated that the cottage will be winterized
- What is the size of the porch – Mr. Para stated that the porch is 90 sq.ft.(9'X10')
- What is the height – Mr. Para stated that the height is the mean, and the proposed is 33.6ft.
- Concern that the new structure will cause more shading to abutters – Mr. Para stated that the trees have more of an impact than the new structure will
- Discharge to the lake is always a concern and the Board wants to ensure that all erosion control elements will be properly installed

Motion: Made by Mr. Casaubon to close the Public Hearing.
2nd: Ms. Thorpe
Discussion: None
Vote: 6 - 0

Motion: Made by Ms. Cooney to Find that the proposal by Joseph and Lisa Mooney for the property at 84A Paradise Lane to demolish an existing non-conforming home with deck and to construct a new single family home with deck on an existing foundation will not be more detrimental to the neighborhood than the existing structure; in accordance with Chapter 24.09 (a) thru (f) and Chapter 25.05 of the Sturbridge Zoning Bylaws.

2nd: Mr. Casaubon

Discussion: None

Vote: 6 - 0

Motion: Made by Ms. Cooney to grant the Special Permit requested by Joseph and Lisa Mooney to allow the demolition of an existing non-conforming home with deck and to allow the construction of a new home with deck as outlined in the application and documentation provided. Property located at 84A Paradise Lane as shown on the plan titled: Existing Conditions and Demolition Plan-Sheet 1 of 2 and plan titled: Proposed Site Plan-Sheet 2 of 2 dated 7/08/2013 both prepared by Para Land Surveying, Inc. 349 Ashland Avenue, Southbridge MA 01550 for Joseph S. Mooney & Lisa Anne Byam-Mooney. Plan showing Revision #1 with notes added 8/15/13 on Sheet 2 of 2 of Proposed Site Plan. All permits must be received prior to construction.

2nd: Mr. Fairbrother

Discussion: None

Vote: 6 - 0

NEXT MEETING

September 18, 2013 at the Center Office Building

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