

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

Wednesday, May 21, 2014

Present: Elizabeth Banks
Thomas Creeden, Chair
Donald Fairbrother, Vice-Chair/Clerk
Chris Mattioli
Maryann Thorpe
Michael Young

Also Present: Diane M. Trapasso, Administrative Assistant

Absent: Margaret Cooney

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

Mr. Creeden thanked Mr. Casaubon for his service on the Board and welcomed Mr. Mattioli to the Board.

The Board introduced themselves.

Mr. Creeden read the agenda.

APPROVAL OF MINUTES

Motion: Made by Mr. Fairbrother to accept the amended minutes of January 15, 2014.
2nd: Ms. Thorpe
Discussion: None
Vote: 4 – 0 – 1 (Mr. Mattioli)

PUBLIC HEARING – SPECIAL PERMIT – CHARLES & BARBARA ARE REQUESTING A SPECIAL PERMIT TO ALLOW THE DEMOLITION OF THE EXISTING HOUSE AND THE CONSTRUCTION OF A TWO CAR GARAGE WITH ONE BEDROOM COTTAGE ABOVE. THE PROPERTY IS LOCATED AT 152 LAKE ROAD.

Materials presented:

Application for Special Permit – Charles & Barbara Callahan – 152 Lake Road – received 4/30/ 2014

Proposed Residence for Charles & Barbara Callahan – “Big Alum Pond” – 152 Lake Road – prepared by Bertin Engineering - project #14.612 – plan date 4/2014 – received 4/30/2014

Zoning Board of Appeals Plan – Charles & Barbara Callahan – prepared by Bertin Engineering – project #14-612 – plan date 1/13/2014 – received 4/30/2014

Mr. Fairbrother read the legal notice.

Mr. Creeden acknowledged the following department memos:

- Ms. Bubon, Town Planner
- Lt. John Marinelli, Fire Inspector
- Mr. Ford, Police Chief
- Mr. Morse, DPW Director
- Mr. Burlingame, Building Inspector

Mr. Perron of Bertin Engineering spoke on behalf of the applicant. Mr. Perron stated that the applicant request a Special Permit to allow the extension, change or alteration of a pre-existing non-conforming structure by allowing the demolition of the existing 22.4'X34.4' wood framed cottage and the construction of a 24'X24' two car garage with a one bedroom cottage above. The existing home encroaches over the property line in one area and the closest corner of that home is 3.8'. The home will be shifted slightly to align better with the driveway and to be further from the well. The northerly side will meet the required setbacks. The new structure will be more conforming with respect to setback requirements overall and will comply with coverage requirements at 9.63% There are two homes built in 1940 existing on one parcel and this will not change by this proposal.

The Board had the following concerns and questions:

- Is the balcony included in the coverage – Mr. Perron stated that the balcony is not included in the lot coverage – Ms. Trapasso stated that balconies and stairs are not included in lot coverage – they are projections
- The application has the 152 Lake Road address – why 150 Lake Road information from the assessor's office – Mr. Perron did not know why the information for 150 was in the packet – it probably should not have been in the packet
- Who is Jeremy S. Croteau that stamped the plan – Mr. Perron stated that Mr. Croteau is a licensed landscape engineering for Bertin Engineering
- Will this be rental property – Mr. Callahan, the property owner, stated that the structure is for family

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

2nd: Mr. Young

Discussion: None

Vote: 6 – 0

Motion: Made by Mr. Fairbrother to find that the proposal for a Special Permit by Bertin Engineering on behalf of Charles and Barbara Callahan of 152 Lake Road,

Sturbridge MA for demolition of an existing, non-conforming 22' by 34' wood framed cottage and construction of a 24' by 34' two car garage with a one bedroom cottage above would not be more detrimental to the neighborhood in the Suburban Residential Zone than the existing structure and would decrease the non-conformity by improving the side setback and the lot coverage. Additionally, the mass of the structure is very similar to other structures in the neighborhood, the square footage is comparable to other homes in the neighborhood and the second floor does not appear that it will be detrimental to the adjoining properties due to the position of the home and the proposed addition.

2nd: Ms. Thorpe

Discussion: None

Vote: 6 - 0

Motion: Made by Mr Fairbrother to grant the Special Permit requested by Bertin Engineering on behalf of Charles and Barbara Callahan for demolition of an existing, non-conforming 22' by 34' wood framed cottage and construction of a 24' by 34' two car garage with a one bedroom cottage above. This Special Permit application fully complies with section 20.05 and section 24.09 subsections (a) through (f) of the zoning bylaws and would not be more detrimental to the neighborhood in the Suburban Residential Zone. This structure is located at 152 Lake Road, Sturbridge MA and will be altered in accordance with the plans entitled "Special Permit Application, Charles and Barbara Callahan, 152 Lake Road, Big Alum Pond, Sturbridge MA 01566, BEA Project ID: 14-612, Dated April 30, 2014" submitted by Bertin Engineering of 39 Elm Street, Southbridge MA 01550. Approval is contingent on meeting the following conditions:

- 1.) A demolition permit will be obtained for the removal of the existing cottage. Debris shall be removed from the site and disposed of in an approved facility and shall not be buried on site.
- 2.) The E-1 pump controls shall be salvaged prior to the demolition for reuse or the owner will be charged for any replacement parts needed to reactivate the unit.
- 3.) Even though there will be limited excavation on site, a silt fence should be utilized to protect abutters and Big Alum Lake from construction run off.
- 4.) The new connection to the existing E-1 sewer pump needs to be inspected by the Town or Veolia Water personnel before the piping is backfilled and pump start up is initiated.

2nd: Mr. Mattioli

Discussion: None

Vote: 6 - 0

**DETERMINATION – JANE NEERGHEEN IS REQUESTING A
DETERMINATION TO CONSTRUCT A TWO CAR UNATTACHED GARAGE.
THE PROPERTY IS LOCATED AT 67 BEACH AVENUE**

Materials presented:

Application for Determination – Jane Neergheen – 67 Beach Avenue – received 5/9/2014

Site Plan for Jane L. Neergheen – 67 Beach Avenue – prepared by Robert G. Murphy & Assoc., Inc., Environmental Consultants, - plan # S-14-12 – revisions 5/6/2014 – revisions 5/8/2014 – received 5/9/2014

Mr. Creeden acknowledged the following department memos:

- Mr. Ford, Police Chief
- Ms. Bubon, Town Planner
- Lt. Marinelli, Fire Inspector
- Mr. Burlingame, Building Inspector
- Mr. Colburn, Conservation Agent

Mr. Murphy of Robert Murphy and Associates spoke on behalf of the applicant. Mr. Murphy stated that the proposal by the applicant is to construct a 24'X30' garage that will comply with all setbacks and lot coverage requirements.

The Board had the following concerns and questions:

- Does the proposal meet the lot coverage requirement – Mr. Murphy stated that the lot coverage for the project is 14.8%
- Will the concerns from the Conservation Agent be addressed – Mr. Murphy stated that they have filed a NOI with Conservation and are on the agenda for June
- When was the shed put in that is on the property – Mr. Murphy stated that the shed has been there about 25 years and is on blocks
- The view of the lake from across the street will be blocked - Mr. Murphy stated that the property across the street is higher in elevation and the view of the lake will not be obstructed
- How will the proposed garage be built – Mr. Murphy stated that the garage will be stick built
- How do you get from the garage to the house - Mr. Murphy stated that there will be a walkway with patio blocks to the front deck

Motion: Made by Mr. Fairbrother to move to find the application submitted by Jane Neergheen to allow for the construction of new proposed two car garage up to 24'X30' on the property located at 67 Beach Avenue, Sturbridge MA and as shown on the plan submitted by Robert Murphy and Associates, Incorporated entitled "Site Plan for Jane Neergheen, 67 Beach Avenue, Sturbridge MA" and identified as plan number S-14-12 dated 5-1-2014 revised on 5/6/2014 for buffer zones, zoning chart and well and further revised on 5/8/2014 for revised zoning chart does not intensify the existing non-conformity or create additional non-conformity and the owner may apply for a building permit for the described activities on the above cited plan. Subject to Conservation and Building Permit Approval

2nd: Mr. Young

Discussion: None

Vote: 6 - 0

APPROVAL OF MINUTES

Motion: Made by Ms. Banks to accept the amended minutes of December 11, 2013.
2nd: Mr. Fairbrother
Discussion: None
Vote: 3 – 0 – 3 (Mr. Mattioli, Ms. Thorpe & Mr. Young)

CORRESPONDENCE

None

OLD/NEW BUSINESS

None

NEXT MEETING

June 18, 2014 at the Center Office Building

On a motion made by Mr. Mattioli, seconded by Mr. Fairbrother, and voted unanimously, the meeting adjourned at 7:45 PM.