

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, JULY 15, 2015

Present: Margaret Cooney, Chair
Kevin Kelley, Clerk/Vice/Chair
Thomas Earls
Chris Mattioli
Maryann Thorpe
Michael Young

Absent: Elizabeth Banks

Ms. Cooney expressed the Board's condolences and deepest sympathy to Mr. Gaumond, Town Administrator and his family on the loss of his grandson.

Ms. Cooney opened the meeting at 6:30 PM and read the agenda.

The Board introduced themselves.

APPROVAL OF MINUTES

Motion: Made by Mr. Mattioli to accept the minutes of June 17, 2015.
2nd: Ms. Thorpe
Discussion: None
Vote: 6 – 0

**DETERMINATION – FREDERICK B. & SUSAN M. SHEA ARE REQUESTING
A DETERMINATION TO DEMOLISH AN EXISTING SINGLE FAMILY
RESIDENCE AND EXISTING GARAGE AND CONSTRUCT A NEW TWO
STORY RESIDENCE WITH ATTACHED GARAGE. THE PROPERTY IS
LOCATED AT 170 LAKE ROAD.**

Materials presented:

Application for Determination – Frederick B. Susan M. Shea – received 4/16/2015

Proposed Site Plan for Fredrick B. & Susan M. Shea - 170 Lake Road – prepared Jalbert Engineering – plan date 3/17/2015 – DWG #13253 – Revision 1 – received 4/16/2015

Architectural Plans Fred & Susan Shea – 170 Lake Road – prepared by Escape Estates P.O. Box 154 Sturbridge MA

Letter from Mr. Jalbert, Jalbert Engineering – Dated May 12, 2015 – Re: Continuation to the ZBA meeting of June 17, 2015

Letter from Mr. Jalbert, Jalbert Engineering – Dated June 11, 2015 – Re: Continuation to the ZBA meeting of July 15, 2015

Letter from Mr. Jalbert, Jalbert Engineering – Dated June 26, 2015 – Re: Continuation to the ZBA meeting of August 19, 2015

Ms. Cooney read the letter from Mr. Jalbert requesting a continuation of the Determination for Frederick B. & Susan M. Shea for the property located at 170 Lake Road. The letter was dated June 26, 2015.

Motion: Made by Mr. Young to continue the Determination requested by Frederick B. & Susan M. Shea for the property located at 170 Lake Road to August 19, 2015.

2nd: Mr. Mattioli

Discussion: None

Vote: 6 – 0

CORRESPONDENCE

The Board received informational materials on 40Bs.

PUBLIC HEARING – DAVID ZONIA & LINDA JOWETT ARE REQUESTING A SPECIAL PERMIT TO CONSTRUCT A 30.6'X10' DECK AND THE ADDITION OF A SECOND STORY, A VARIANCE FOR SETBACK AND LOT COVERAGE. THE PROPERTY IS LOCATED AT 21 BENNETTS ROAD.

Materials presented:

Application for Variance & Special Permit – David Zonia & Linda Jowett – received 6/22/2015

Conservation and Zoning Plan – 21 Bennetts Road – prepared by Bertin Engineering – plan date 6/18/2015 – project #15-622 – client: Linda L. Jowett & David M. Zonia – 53 Forest Avenue, Southbridge MA 01550 – revision #1 dated 7/1/2015

Architectural drawings prepared by the owner – received 7/15/2015

Letter from David Zonia to Mr. Lohnes – dated July 13, 2015 – Re: Encroachment on property during construction

Mr. Kelley read the legal notice.

Mr. Loin stated that from a zoning lot coverage and setback standpoint, this proposal will not be any more detrimental to the neighborhood than the proposed addition and will not encroach outside further on the property lines. Mr. Loin referenced the Gale case requesting

to Withdraw without Prejudice the application for Variances for David Zonia & Linda Jowett for the property 21 Bennetts Road.

Ms. Cooney acknowledged the following department memos:

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

Mr. Loin of Bertin Engineering spoke on behalf of the applicant. Mr. Loin stated that the applicant is proposing to demolish the existing roof and construct a second story on the existing first floor footprint. The existing first floor is 1.3' from the right side of the property line. Additionally, proposing construction for a 30.6'X8' rear deck with a 4' wide deck on the left side of the existing house. The rear deck with stairs will be 1.7' from the right property line.

The present 1950 cottage is located on a legal non-conforming lot. By demolishing the roof, adding the second story and construction of a new deck, the new structure will be consistent with other houses in the neighborhood.

The Board had the following concerns and questions:

- The existing bedroom on the first floor will it be removed – Mr. Zonia stated “yes” and two bedrooms will be on the second floor
- Will this residence be year round – Mr. Zonia stated they plan to be full time residents
- BOH is still waiting for some requirements that must be met for deed restrictions and pumping contracts – Mr. Zonia stated that he has the paperwork and will bring them into the BOH office on July 16, 2015
- How will this not be more detrimental to the neighborhood – Mr. Loin stated that most of the homes around the lake have second stories – not causing any issues with visibility to the lake
- Was a letter sent to the abutters because of the possible encroachment to their property during construction – Mr. Zonia stated that on July 13, 2015, he mailed a letter to Mr. Lohnes at 23 Bennetts Road, requesting permission to encroach on his property during construction – there is a letter from Ms. Mason at 19 Bennetts granting permission for encroachment during construction
- Is the bulkhead the only entrance to the basement – Mr. Zonia stated “yes”

Motion: Made by Mr. Mattioli to accept the letter from Mr. Loin of Bertin Engineering requesting the Variances for David Zonia & Linda Jowett at 21 Bennetts Road to Withdraw without Prejudice.

2nd: Ms. Thorpe

Discussion: None

Vote: 6 – 0

Ms. Kritzman, whose mother is the owner at 17 Bennetts Road, stated that she was present at the meeting just to see the whole process.

Motion: Made by Mr. Young to close the Public Hearing.
2nd: Mr. Kelley
Discussion: None
Vote: 6 - 0

Motion: Made by Mr. Mattioli to find that the proposal for Special Permit by David Zonia & Linda Jowett for 21 Bennetts Road to allow construction of an addition of a second story to a pre-existing non-conforming single story home within the same footprint. Additionally, construction of a new deck and stairs, equal to 323 sq.ft. The proposal will not be any more detrimental to the neighborhood and will stay within the present setbacks. Proposal is in accordance with section 24.09 (a) thru (e) and section 20.05 of the Sturbridge Zoning Bylaws.

2nd: Mr. Kelley
Discussion: None
Vote: 6 - 0

Motion: Made by Ms. Cooney to grant the Special Permit pursuant to 20.05.1(b) of the Sturbridge Zoning Bylaws which authorizes alteration of pre-existing non-conforming single family building to David Zonia & Linda Jowett for the property 21 Bennetts Road to construct a 30.6'X8' deck and the addition of a second story according to the plans prepared by Bertin Engineering – plan date 6/18/2015 – project #15-622 – revision #1 – date 7/1/2015 – Architectural drawings by the owner – received 7/15/2015. Approval is granted provided all issues, concerns and permits deemed necessary by any Board, Departments, etc. be in compliance adhered to prior to construction.

2nd: Mr. Mattioli
Discussion: None
Vote: 6 - 0

OLD/NEW BUSINESS

None

NEXT MEETING

August 19, 2015 at the Center of Building

On a motion made by Mr. Mattioli, seconded by Ms. Thorpe, and voted unanimously, the meeting adjourned at 7:30 PM.