

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, SEPTEMBER 21, 2016

Present: Elizabeth Banks
Margaret Cooney, Chair
Thomas Earls
Kevin Kelley, Clerk/Vice/Chair
Fidelis Onwubueke
Maryann Thorpe
Michael Young

Also Present: Diane M. Trapasso, Administrative Assistant

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

The Board introduced themselves.

APPROVAL OF MINUTES

Motion: Made by Ms. Banks to approve the draft minutes of August 17, 2016.

2nd: Mr. Kelley

Discussion: None

Vote: 5 – 0 – 2(Ms. Thorpe & Mr. Young)

CONTINUATION OF THE DETERMINATION – LEANNE MCCARTHY IS REQUESTING A DETERMINATION TO EXTEND THE SIDE DECK (12'X5') TO MEET THE BACK DECK. THE PROPERTY IS LOCATED AT 48 BROOKFIELD ROAD.

Materials presented:

Application for Determination – Leanne McCarthy & Michael Avedian – received 7/27/2016

Mortgage Inspection Plot Plan – Brookfield Road – deed ref. 7898-16

Pencil sketches

Email from Patricia Ricciuti – an abutter – in favor of the project – received 9/2/2016

Letter from Suzanne L. Moulton – a neighbor – in favor of the project – received 9/13/2016

Plot Plan Leanne McCarthy & Michael Avedian located at 48 Brookfield Road – prepared by Jalbert Engineering – plan date 9/16/2016 – DWG #16174 – received 9/20/2016

Ms. Cooney acknowledged the following department memos:

- Lt. Marinelli, Fire Inspector
- Mr. Burlingame, Building Commissioner

Ms. McCarthy spoke on her own behalf. Ms. McCarthy stated that she is proposing to add to the existing deck. The deck addition (12'X5') will square off the existing structure and will cover the existing retaining wall. Ms. McCarthy stated that she had a certified plot plan prepared by Jalbert Engineering.

Ms. McCarthy stated that she is still trying to find the owners of the unbuildable property abutting her property. She is not having good luck in the research.

The Board had the following concerns, questions and comments:

- What about the fence – Ms. McCarthy stated that metal fence on the unbuildable strip was put there by the previous owners
- Quick deed – different name on it – Ms. McCarthy stated that she refinanced and added her boyfriend to the mortgage
- Is the concrete around the pool added in the existing lot coverage – Mr. Jalbert stated “yes”
- The stone wall is 5’ in several areas – is it added in the coverage – Mr. Jalbert stated that this is a unique situation – the retaining wall is under the deck – no negative change to the land
- Not making the expansion of the deck more detrimental to the neighborhood – improving the home
- The shed is actually larger than previously stated
- Request to change the existing and proposed lot coverage on the plan to include the concrete apron – Mr. Jalbert revised the plan to show the difference and both Mr. Jalbert and Ms. McCarthy initialed the plan for the office record

Motion: Made by Mr. Kelley to grant the Determination requested by Leanne McCarthy for the property located at 48 Brookfield Road, as requested to extend the side deck to meet the back deck; according to the drawing sketched on the Mortgage Inspection Plot Plan – Brookfield Road – deed ref. 7898-16 and Plot Plan Leanne McCarthy & Michael Avedian located at 48 Brookfield Road – prepared by Jalbert Engineering – plan date 9/16/2016 – DWG #16174 – received 9/20/2016 and revised with the initials of Mr. Jalbert and Ms. McCarthy dated 9/21/2016. The Determination does not intensify the existing or create additional non-conformities and the owner may apply for a building permit for the described activities. All necessary permits must be obtained prior to the start of construction.

2nd: Ms. Banks

Discussion: None

Vote: 6 – 0 – 1(Ms. Thorpe)

DETERMINATION – JOSHUA ROY IS REQUESTING A DETERMINATION TO DEMOLISH THE EXISTING SINGLE FAMILY RESIDENCE AND

CONSTRUCT A NEW TWO-STORY SINGLE FAMILY RESIDENCE. THE PROPERTY IS LOCATED AT 226 ROY ROAD.

Materials presented:

Application for Determination – Joshua Roy – received 8/29/2016

Proposed Site Plan – Joshua Roy – prepared by Green Hill Engineering – project 2016-074 – plan date 7/6/2016

Ms. Cooney acknowledged the following department memos:

- Ms. Terry, Interim BOH Agent
- Lt. Marinelli, Fire Inspector
- Ms. Bubon, Town Planner

Mr. Farrell of Green Hill Engineering spoke on behalf of the applicant. Mr. Farrell stated that the applicant is proposing to demolish and remove the old house and rebuild a new single family home.

Mr. Farrell stated that the project lacks acreage but conforms in all the other requirements. They already have Conservation approval.

The Board had the following questions, concerns and comments:

- What about water – Mr. Farrell stated that there is a well on the property to the north – a deeded easement
- Is the project in the same footprint – Mr. Farrell stated “no” the building is sifted over from the original footprint
- Two sheds on the property – Mr. Farrell stated that they are in the lot coverage and still under the allowed coverage

Motion: Made by Mr. Earls to grant the Determination to Joshua Roy to demolish the existing single family residence and construct a new two-story single family residence at 226 Roy Road according to the plans; Proposed Site Plan – Joshua Roy – prepared by Green Hill Engineering – project 2016-074 – plan date 7/6/2016. The Determination does not intensify the existing or create additional non-conformities and the owner may apply for a building permit for the described activities. All necessary permits must be obtained prior to the start of construction.

2nd: Mr. Young

Discussion: None

Vote: 7 – 0

DETERMINATION – GAYLE A. SMITH IS REQUESTING A DETERMINATION TO RAZE THE EXISTING SINGLE FAMILY COTTAGE AND REPLACE IT WITH A NEW TWO STORY YEAR ROUND HOME. THE PROPERTY IS LOCATED AT 55-56 BENNETTS ROAD.

Materials presented:

Application for Determination – Gayle A. Smith – received 9/1/2016

Soil Absorption System – “Repair” – located at 55-56 Bennetts Road for Gayle Smith – prepared by Jalbert Engineering = plan d 6/8/16 – Revision #3 date 8/31/2016 – plan #16092

Architectural Drawings – Gayle Smith - prepared by Patrick Ferro – 77 Allen Road, Brookfield MA – A O

Ms. Cooney acknowledged the following department memos:

- Lt. Marinelli, Fire Inspector
- Ms. Bubon, Town Planner

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert stated that the applicant is proposing to raze the existing single family cottage and replace it with a new two story year round home. A new septic system and well will be installed. All work will be within the property and will be completed under the Wetland Regulations for Sturbridge and the State. No date yet for Conservation.

The Board had the following questions, concerns and comments:

- Deed listed one parcel – Mr. Jalbert stated that the parcels are adjacent to each other – make one
- What number parcel will the house be on – Mr. Jalbert stated that the house will be on #55 – septic on #56
- One bedroom – Mr. Jalbert stated that the it will be deed restricted for a one bedroom

Motion: Made by Mr. Kelley to grant the Determination to Gayle A. Smith to raze the existing single family cottage and replace it with a new two-story year round home for the property located at 55/56 Bennetts Road, according to the plans entitled Soil Absorption System – “Repair” – located at 55-56 Bennetts Road for Gayle Smith – prepared by Jalbert Engineering - plan dated 6/8/16 – Revision #3 date 8/31/2016 – plan #16092 and Architectural Drawings – Gayle Smith - prepared by Patrick Ferro – 77 Allen Road, Brookfield MA – A O. The Determination does not intensify the existing or create additional non-conformities and the owner may apply for a building permit for the described activities. All necessary permits must be obtained prior to the start of construction.

2nd: Ms. Thorpe

Discussion: None

Vote: 7 - 0

PUBLIC HEARING – NICHOLAS A. SALVADORE IS REQUESTING A SPECIAL PERMIT TO REMOVE THE EXISTING DECK, MAINTAIN EXISTING SIDE SETBACK WITH NEW DECK, WRAP DECK AROUND THE REAR OF THE HOUSE TO EXTEND 10’X6” FROM THE BUILDING. THE PROPERTY IS LOCATED AT 106 WESTWOOD DRIVE.

Materials presented:

Application for Special Permit – Nicholas Salvadore – received 8/23/2016

Drawings of the plan – prepared by Peter Gariepy – G & O Construction, Inc. – for Salvadore – 106 Westwood Drive – received 7/27/ 2016

Plot Plan for Nicholas A. Salvadore located at 106 Westwood Drive – prepared by Jalbert Engineering – plan date 9/19/2016 – DWG #16188 – received 9/19/2016

Mr. Kelley read the legal notice.

Ms. Cooney acknowledged the following department memos:

- Lt. Marinelli, Fire Inspector
- Ms. Bubon, Town Planner

Mr. Gariepy of G & O Construction, Inc. spoke on behalf of the applicant. Mr. Gariepy stated that the applicant is proposing to remove the existing deck. Maintain the existing side setback with a new deck. Wrap the deck around the rear of the house to extend 9'X5" from the building.

Mr. Salvadore, the property owner, stated that he had a certified plot plan done by Jalbert Engineering. The neighbors are happy that he is making improvements to the property. He stated that Conservation may make them reduce the deck by a foot. Mr. Salvadore stated that he is fine with that.

The Board had the following concerns, questions and comments:

- Why is the carport in lot coverage – Mr. Jalbert stated that it is an existing structure already in lot coverage
- What is the carport structure – Mr. Jalbert stated that it has tubular metal posts with a tarp over it
- Can it be taken apart – Mr. Salvadore stated “yes” but it wouldn’t be easy – it has a plywood floor – it would take six individuals to remove the structure

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

2nd: Ms. Banks

Discussion: None

Vote: 7 – 0

Motion: Made by Mr. Earls to find that the proposal for a Special Permit by Nicholas Salvadore, 106 Westwood Drive, Sturbridge MA to allow removal of the existing deck, maintain the existing side setback with a new deck, wrapped around the rear of the house . Granting this Special Permit would not be more detrimental to the neighborhood since the increase in coverage is negligible and because the proposed addition will not encroach further on the property lines; according to the Sturbridge Zoning Bylaws Chapter 24.09 (a – e) and Chapter 20.05.

2nd: Ms. Thorpe

Discussion: None

Vote: 7 – 0

Motion: Made by Mr. Young to grant the Special Permit requested by Nicholas A. Salvadore for the property located at 106 Westwood Drive to remove the existing deck, maintain existing side setback with new wrap deck around the rear of the house to extend 9'X5" from the building; according to the Drawings of the plan – prepared by Peter Gariepy – G & O Construction, Inc. – for Salvadore – 106 Westwood Drive – received 7/27/ 2016 and Plot Plan for Nicholas A. Salvadore located at 106 Westwood Drive – prepared by Jalbert Engineering – plan date 9/19/2016 – DWG #16188 – received 9/19/2016; with the following conditions:

1. The applicant shall file the plot plan with the Conservation Commission as the certified plan shows encroachment into the 50' no structure zone. Final approved plans shall be provided to the Planning Department.
2. All necessary permits must be obtained prior to the start of construction.

2nd: Mr. Earls

Discussion: None

Vote: 7 – 0

**DETERMINATION – ELLEN H. WELCH IS REQUESTING A
DETERMINATION TO CONSTRUCT A TWO STALL TWO STORY GARAGE.
THE PROPERTY IS LOCATED AT 90 PARADISE LANE.**

Materials presented:

Application for Determination – Ellen H. Welch – received 9/6/2016

Proposed Site Plan – Ellen H. Welch – prepared by Jalbert Engineering – plan date 8/30/2016 – DWG #16167

Ms. Cooney acknowledged the following department memos:

- Ms. Terry, Interim, BOH Agent
- Lt. Marinelli, Fire Inspector
- Ms. Bubon, Town Planner

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert stated that the applicant is proposing to construct a two stall two story garage.

The Board had the following questions, concerns and comments:

- Is the boat house included in coverage – Mr. Jalbert stated “yes”
- Will there be heat or plumbing in the garage – Mr. Jalbert state “no” – storage only
- Do you need Conservation approval – Mr. Jalbert stated just for local Town Bylaw – Order of Conditions for construction

Motion: Made by Ms. Banks to grant the Determination to Ellen H. Welch to construct a two stall two story garage for the property located at 90 Paradise Lane according

to the plans entitled Proposed Site Plan – Ellen H. Welch – prepared by Jalbert Engineering – plan date 8/30/2016 – DWG #16167. The Determination does not intensify the existing or create additional non-conformities and the owner may apply for a building permit for the described activities. All necessary permits must be obtained prior to the start of construction.

2nd: Mr. Young

Discussion: None

Vote: 7 - 0

Mr. Earls recused himself from the Board. Mr. Earls stated that he is an abutting neighbor to Tim & Juliana O'Brien.

DETERMINATION – TIM & JULIANA O'BRIEN ARE REQUESTING A DETERMINATION FOR AN ADDITION TO THE EXISTING HOUSE. THE PROPERTY IS LOCATED AT 1 HAWTHORNE ROAD.

Materials presented:

Application for Determination – Tim O'Brien – received 9/19/2016

Plot Plan of Land in Sturbridge MA for Richard A. Washburn & Ruth J. Washburn – prepared by Robert F. Para – dated 1/23/1985

Plot Plan – annotated by the applicants representative (9/21/2016) with respect to the side setback dimension

Project: O'Brien Addition – owners: Tim & Juliana – 1 Hawthorne Road – prepared by Susan Powers – Architectural Planning & Design – 14 Shore Road, North Brookfield MA

Ms. Cooney acknowledged the following department memos:

- Ms. Bubon, Town Planner
- Ms. Terry, Interim BOH Agent

Mr. Soper of Soper Construction spoke on behalf of the applicant. Mr. Soper stated that the applicant is proposing a small addition to the existing house. The only reason they are before ZBA is the lack of acreage.

The Board had the following questions, concerns and comments:

- Is the patio concrete – Mr. O'Brien – property owner stated pavers – pavers are exempted from lot coverage – it was corrected on the office plan

Motion: Made by Ms. Banks to grant the Determination to Tim O'Brien to add a 16'X24" addition to the existing house for the property located at 1 Hawthorne Road according to the plans entitled Plot Plan of Land in Sturbridge MA for Richard A. Washburn & Ruth J. Washburn – prepared by Robert F. Para – dated 1/23/1985 and Project: O'Brien Addition – owners: Tim & Juliana – 1 Hawthorne Road – prepared by Susan Powers – Architectural Planning & Design – 14 Shore Road, North Brookfield MA. The Determination does not intensify the existing or create additional non-conformities and the

owner may apply for a building permit for the described activities. All necessary permits must be obtained prior to the start of construction.

2nd: Ms. Thorpe

Discussion: None

Vote: 6 – 0

Mr. Earls returned to his seat on the Board.

RE-ORGANIZATION OF THE BOARD

Motion: Made by Ms. Thorpe to nominate Ms. Cooney as Chair.
Ms. Cooney stated she would be happy to defer to anyone else.

2nd: Ms. Banks

Motion: Made by Mr. Earls to nominate Mr. Kelley as Chair.

Mr. Kelly declined

Discussion: Mr. Earls asked Ms. Banks if she would be interested in being Chair.

Ms. Banks thanked Mr. Earls and declined.

Vote: 7 – 0 to elect Ms. Cooney as Chair

Ms. Cooney accepted.

Motion: Made by Ms. Cooney to nominate Mr. Kelley as Clerk/Vice Chair.

2nd: Ms. Thorpe

Vote: 7 – 0

Mr. Kelley accepted.

CORRESPONDENCE

Memo from Kopelman & Paige – Grandfathered Lots – dated 11/19/2001

Work Sheet on Lot coverage – included/excluded

OLD/NEW BUSINESS

None

NEXT MEETING

October 12, 2016

On a motion made by Ms. Banks, seconded by Mr. Onwubueke, and voted unanimously, the meeting adjourned at 9:00PM.