

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

WEDNESDAY, APRIL 19, 2017

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

Also Present: Diane M. Trapasso, Administrator Assistant

Absent: Margaret Cooney, Chair

Mr. Kelley opened the meeting at 6:30 PM and read the agenda.

The Board introduced themselves.

APPROVAL OF MINUTES

Motion: Made by Mr. Earls, to approve the draft minutes of December 14, 2016.

2nd: Mr. Onwubueke

Discussion: None

Vote: 4 – 0 - 2 (Ms. Banks & Ms. Thorpe)

CONTINUATION OF THE PUBLIC HEARING – OTIS LAND MANAGEMENT, LLC IS REQUESTING A SPECIAL PERMIT FOR THE ALTERATION OF PRE-EXISTING NON-CONFORMING STRUCTURES TO ALLOW THE REPLACEMENT OF 7 EXISTING MOBILE HOMES AND THE INSTALLATION OF AN 8TH MOBILE HOME ON THE VACANT MOBILE HOME SITE. THE PROPERTY LOCATION IS 8 BIRCH STREET.

Materials presented:

Application for Special Permit – Otis Land Management, LLC – Ralph Nicholas – received 10/18/2016

Narrative by DC Engineering & Survey Inc. – dated 10/17/2016 – received 10/18/2016
Existing & Proposed Site Plan – Otis Land Management – 8 Birch Street – prepared by DC Engineering & Survey, Inc. – plan date 10/12/2016 – project #13-201 – DWG # EX – received 10/18/2016

Photos of the site

Letter from Otis Land Management, LLC – Re: Continuation of the Public Hearing to January 18, 2017 – dated December 6, 2016 & continue to 2/15/2017 dated January 13,

2017 – continue to April 19, 2017 – dated 2/14/2017 & continue to June 21, 2017 – dated 4/13/2017

Mr. Kelley read the letter from Otis Land Management, LLC Requesting to continue the Public Hearing to June 21, 2017.

Motion: Made by Mr. Earls to continue the Public Hearing for Otis Land Management, LLC on the application for Special Permit for the property located at 8 Birch Street to June 21, 2017 @ 6:35 PM.

2nd: Ms. Thorpe

Discussion: None

Vote: 6 - 0

DETERMINATION – ROBERT L. & MICHELLE A. AUDINO ARE REQUESTING A DETERMINATION TO ADD A 12'X25' ADDITION TO THE NORTH SIDE OF THE EXISTING HOUSE. THE PROPERTY IS LOCATED AT 33 MOUNTAIN BROOK ROAD.

Materials presented:

Application for Determination – Robert L. & Michelle A. Audino - received 1/22/2017

Site Plan of Mountain Brook Road in Sturbridge MA owned by Robert & Michelle Audino – prepared by ASE Andrews Survey & Engineering Inc. – plan date 3/21/2017 – plan #M-2578 – received 1/22/2017

Mr. Kelley acknowledged the following department memos:

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

Mr. Andrews of Andrews Survey & Engineering, Inc. spoke on behalf of the applicant. Mr. Andrews stated that the applicant is proposing to add a 12'X25' addition to the north side of the existing house. Mr. Andrews stated that there was an error in the recorded plan of the property. After correcting for this, the calculations indicated that the side setback for the proposed addition would not be a zoning violation. The corrected side setback is exactly 15.0 ft. The lot area was also revised slightly, from 23,123 sq.ft. to 23,175 sq.ft. That is still only 2/3 of an acre, so the property area is still below the required area of $\frac{3}{4}$ acre for the zone.

The Board had the following questions, concerns and comments:

- The building setback is shown on the line – Mr. Andrews stated that the line is to the left and is 15'

Ms. Audino, the property owner, stated that the shrubs will be moved and replanted.

Motion: Made by Ms. Banks to grant the Determination to Robert L. & Michelle A. Audino to construct a 12'X25' addition to the north side of the existing house, according to the plans entitled; Site Plan of 33 Mountain Brook Road in Sturbridge MA owned by Robert & Michelle; prepared by ASE Andrews Survey & Engineering, Inc. – plan date 3/21/2017 – plan # M-2578 - revision #1- dated 4/12/2017 . 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. Earls

Discussion: None

Vote: 6 – 0

REVIEW & DISCUSS THE DRAFT COMPREHENSIVE PERMIT RULES & REGULATIONS

The Board had the following edits and comments:

- Page 5 – All consultants selected by the Board. – (a) – add accredited to recognized public or private college or university

PUBLIC HEARING – ROBERT VERSCHURE IS REQUESTING A SPECIAL PERMIT FOR AN ADDITION TO THE EXISTING HOUSE, ENCLOSE THE EXISTING DECK AND AN ADDITION TO THE EXISTING GARAGE. THE PROPERTY IS LOCATED AT 104 SOUTH SHORE DRIVE.

Materials presented:

Application for Special Permit – Robert Verschure – received 3/23/2017

Existing & Proposed Site Plan drawn for Robert & Carol Verschure located at 104 South Shore Road – prepared by Trifone Design Associates – plan date 3/15/2017 – DWG #287-069 – stamped by Christopher McClure, certified engineer

Elevations – Floor Plans & Garage – prepared by Trifone Design Associates, Inc. – plan date 3/10/2017

Mr. Kelley read the legal notice.

Mr. Kelley acknowledged the following department memos:

- Mr. Colburn, Conservation Agent
- Lt. Marinelli, Fire Inspector
- Ms. Bubon, Town Planner

Mr. Trifone of Trifone Design Associates, Inc. spoke on behalf of the applicant. Mr. Trifone stated that the existing house does not meet the current setback in the side yard. He stated that the proposed change does not increase or intensify the non-conformities. The finished house will be similar to other lake properties in the area.

The Board had the following concerns, questions and comments:

- Will the paver stones under the patio remain – Mr. Trifone stated yes
- The driveway is over the property line by six feet – can it be moved – Mr. Trifone can't move the driveway – the grade would be too steep causing a hazard – there was never a concerns with previous owners
- Is there a basement – Mr. Trifone stated that the basement is a full walkout
- How many stories – Mr. Trifone stated that the front is one and because of the elevation the back is two story

Motion: Made by Mr. Young to close the Public Hearing for Robert Verschure for the property located at 104 South Shore Drive.

2nd: Ms. Thorpe

Discussion: None

Vote: 6 – 0

Motion: Made by Ms. Banks to find that the proposal for a Special Permit by Robert Verschure, 104 South Shore Drive, Sturbridge MA to allow the addition to the existing house, enclose the existing deck and an addition to the existing garage. Granting this Special Permit would not be more detrimental to the neighborhood since it will not increase the existing non conformities, with respect to dimensional control; according to the Sturbridge Zoning Bylaws Chapter 20.05 and Chapter 24.09 (a – e).

2nd: Ms. Thorpe

Discussion: None

Vote: 6 – 0

Motion: Made by Ms. Banks to grant the Special Permit requested by Robert Verschure for the property located at 104 South Shore Drive to allow the addition to the existing house, enclose the existing deck and an addition to the existing garage; according to the Drawings of the plan Existing & Proposed Site Plan drawn for Robert & Carol Verschure located at 104 South Shore Road – prepared by Trifone Design Associates – plan date 3/15/2017 – DWG #287-069 – stamped by Christopher McClure, certified engineer - Elevations – Floor Plans & Garage – prepared by Trifone Design Associates, Inc. – plan date 3/10/2017 - with the following conditions:

1. All necessary permits must be obtained prior to the start of construction.

2nd: Ms. Thorpe

Discussion: None

Vote: 6 – 0

RE-ORGANIZATION OF THE BOARD

RESCHEDULED

CORRESPONDENCE

None

OLD/NEW BUSINESS

None

NEXT MEETING

May 17, 2017

On a motion made by Mr. Young, seconded by Mr. Earls, and voted unanimously, the meeting adjourned at 7:55PM.