

**Sturbridge Zoning Board of Appeals
Meeting Minutes
Wednesday, September 20, 2023
Center Office Building**

Present:

Fidelis Onwubueke
Diane Trapasso
Elizabeth Banks
Joshua Cole
Tom Welch
Jean Bubon, Town Planner
Jeneé Lacy, Administrative Assistant



Absent:

Marge Cooney

Also Present:

Jason Duquette, 139 Walker Pond Rd
Bryan Devitt, 139 Walker Pond Rd
Norm Perron, Bertin Engineering
Ashley Steppic, 60 Main Street
Michael Caplette, 30 Camp Rd
Mark Soper, 181 Pleasant Street
Lenny Jalbert, Jalbert Engineering
Tinamarie Gonzalez, 1 Pine Haven
Luis Gonzalez, 1 Pine Haven
Paul Murphy (Virtual)

Chair Trapasso called the meeting to order at 6:32pm and read the agenda.

D. Trapasso stated that Dave Zonia had resigned from the ZBA and thanked him for his service to the Board.

The Board introduced themselves.

Approval of Minutes

August 16, 2023

Motion: To approve the minutes of August 16, 2023 as written.

By: E. Banks

2nd: F. Onwubueke

Vote: 4-0-1 (T. Welch abstained)

Continuation of Public Hearing – Special Permit – 60 Main Street – Ashley Steppic

A. Steppic, M. Caplette, and L. Jalbert came before the Board in regards for the request to convert an existing structure from residential to a commercial use for the purpose of a salon and to create a non-conforming parking lot at the rear of the building.

L. Jalbert presented the project to the Board and discussed the changes to the existing building, landscaping, Conservation Commission approval and what has been changed to the plan for the non-conforming parking lot since the approval from Cons Com.

E. Banks asked where the new parking spaces were located. M. Caplette discussed the parking spaces and the easement and stated that the current owners of the abutting property were in agreement with the easement but the property is being sold and they are in negotiations with the new owners and will be getting a signed agreement soon.

J. Bubon stated that she recommends that the Board grant the Special Permit with conditions.

There were no questions or concerns raised by those in the audience.

Motion: To close the public hearing.

By: E. Banks

2nd: T. Welch

Vote: All in Favor (5-0)

Motion: To find pursuant to Article XV §300-15.2 A of the Zoning Bylaws, to expand, change or alter a pre-existing, non-conforming use or structure for the property located at 60 Main Street, the proposed non-conforming parking lot and change of use from residential to a commercial hair salon will not be more detrimental to the neighborhood.

By: F. Onwubueke

2nd: T. Welch

Vote: All in Favor (5-0)

Motion: To grant the Special Permit pursuant to Article XVIII §300-18.2 (2) to Ashley Steppic. For the property located at 60 Main Street to create a non-conforming parking lot at the rear of the building and to change the use of the existing building from residential to a commercial 2 chair hair salon according to plans entitled, "Proposed Site Plan Prepared for Ashley Steppic 60 Main Street Sturbridge, MA" Prepared by Jalbert Engineering, Inc. (54 Main Street, Sturbridge, MA 01566), dated 4-25-23, revised through 7-20-23, DWG #: 23012; and a plan entitled "Exhibit A Easement Plan" prepared by Jalbert Engineering (54 Main Street, Sturbridge, MA 01566) dated 9-12-23. With the following conditions:

- 1. The easement agreement as proposed shall be signed by all parties and recorded at the Worcester District Registry of Deeds and a copy shall be provided to the Planning Department prior to construction of the parking lot.**

2. The site plan shall be revised to reflect the new easement area the easement has been recorded and that shall be provided to the Planning Department prior to construction of the parking lot.
3. All improvements shall be in conformance with the plans submitted and approved by the Zoning Board of Appeals. If any changes are made during the Planning Board review process, updated plans shall be provided to the Zoning Board of Appeals.
4. All other necessary permits must be obtained prior to the start of construction.

By: F. Onwubueke

2nd: T. Welch

Vote: All in Favor (5-0)

Documents Reviewed:

- Narrative & Application for Special Permit;
- Filing fee;
- A Certified List of Abutters;
- Taxes paid sign off;
- Deed, Book: 69019/Page:103;
- A plan entitled "Proposed Site Plan Prepared for Ashley Steppic 60 Main Street, Sturbridge, MA" prepared by Jalbert Engineering – 54 Main Street, Sturbridge, MA 01566, dated 4-25-23, revised through 7-20-23;
- A plan entitled "Exhibit A Easement Plan" prepared by Jalbert Engineering – 54 Main Street, Sturbridge, MA 01566, dated 9-12-23;
- A document entitled "Grant of Easement" un-executed;
- Town Planner report;
- Departmental memos;
- Legal Notice;
- Certificate of mailings;

Public Hearing – Special Permit – 1 Pine Haven Road – Luis & Tinamarie Gonzalez

F. Onwubueke read the legal notice that was posted in the Southbridge Evening news. N. Perron, L. Gonzalez and T. Gonzalez came before the Board. N. Perron discussed the previously built deck that was constructed without permits. J. Bubon stated that it was discovered when the applicant applied for a pool permit. The Board inquired as to why they constructed the deck without permits. L. Gonzalez stated that they were first time homeowners and didn't know that permits were required.

There were no questions or concerns raised by those in the audience.

Motion: To close the public hearing.

By: J. Cole

2nd: E. Banks

Vote: All in Favor (5-0)

Motion: To find pursuant to Article XV §300-15.2 A of the Zoning Bylaws, to expand, change or alter a pre-existing, non-conforming use or structure for the property located at 1 Pine Haven Road, the previously built 16'x12' deck with a 28' setback where 30' is allowed, will not be more detrimental to the neighborhood.

By: F. Onwubueke

2nd: T. Welch

Vote: All in favor (5-0)

Motion: To grant the After the Fact Special Permit pursuant to Article XVIII §300-18.2 (2) to Luis and Tinamarie Gonzalez. For the property located at 1 Pine Haven Road for a previously constructed 16'x12' deck with a 28' setback where 30' is allowed according to plans entitled, "Plot Plan for Luis A. Gonzalez Tinamarie A. Gonzalez 1 Pine Haven Road, Sturbridge, MA" Prepared by Bertin Engineering, Inc. (39 Elm Street, Southbridge, MA) Dated 6-22-23. With the following conditions:

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

By: F. Onwubueke

2nd: E. Banks

Vote: All in Favor (5-0)

Documents Reviewed:

- *Application for Special Permit;*
- *Legal Notice;*
- *A Certified List of Abutters;*
- *Deed, Book: 66032/Page:227;*
- *A plan entitled "Plot Plan for Luis A. Gonzalez Tinamarie A. Gonzalez 1 Pine Haven Road, Sturbridge, MA" Prepared by Bertin Engineering, Inc. (39 Elm Street, Southbridge, MA) Dated 6-22-23;*
- *Existing conditions photos;*
- *Town Planner report;*
- *Departmental memos;*
- *Certificate of mailings;*

Determination – 139 Walker Pond Road – Jason Duquette

J. Duquette and B. Devitt came before the Board.

E. Banks stated that she is neighbors with J. Duquette but not an abutter.

J. Duquette and B. Devitt presented the proposal to construct a 28x40 detached 2 story garage in front of the existing house on the property at 139 Walker Pond Road.

Motion: To grant the Determination to Jason Duquette for the property located at 139 Walker Pond Road to construct a 28x40 detached two-story garage in the front

for the existing dwelling, it does not intensify or create additional non-conformities and the owner may apply for a building permit for the described activities as shown on the plans and documents submitted.

By: E. Banks

2nd: F. Onwubueke

Vote: All in Favor (5-0)

Documents Reviewed:

- *Determination Application;*
- *Abutters List;*
- *Untitled Architectural Plans for 139 Walker Pond Road;*
- *A site plan entitled: "Plot Plan of Map 1254, Lot 139 Prepared for Jason Duquette & Petra Gregorova, 139 Walker Pond Road Town of Sturbridge Worcester County Commonwealth of Massachusetts" Prepared by Levesque Geomatics, Inc. (43 Glendale Road) dated 7-27-23 revision 1 dated 9-13-23, Job #: BD04-001;*
- *Town Planner Report.*

Determination – 9 Cedar Pond Road – Doreen Grout

M. Soper came before the Board, representing 9 Cedar Pond Road. He stated that the request for Determination was to construct a 26'x26' detached garage on the property. He stated that they would be applying for an ANR with the Planning Department to combine the two lots and discussed an overhead power line easement.

E. Banks asked if the existing shed on the property would be relocated. M. Soper stated that it would be moved next to the house.

Motion: To grant the Determination for the applicant to build a 26'x26' detached garage at 9 Cedar Pond Road. The proposal 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 submitted survey and in accordance with plan project number 2086, dated 6-3-23, sheet 1 of 1.

By: E. Banks

2nd: F. Onwubueke

Vote: All in Favor (5-0)

Documents Reviewed:

- *Determination Application;*
- *Abutters List;*
- *A site plan entitled: "Proposed Garage and Site Modification Plan for 9 Cedar Pond Road Sturbridge, MA 01566", prepared by Existing Grade, Inc. (62 Riedell Road, Douglas, MA 01516), dated 6-3-23, project #2086;*
- *Email from Glenn Krevosky entitled: "Fwd: WR30753643 Cancelation" dated 6-2-23.*
- *Town Planner Report.*

Town Planner Update

- Next meeting date: October 18th

Old/New Business

E. Banks asked when the joint meeting with the BOS would be to appoint a new member to the ZBA. J. Bubon discussed the opening for a new ZBA member and stated that the opening had been advertised and they needed to wait for applicants. She stated that if anyone from the public was interested that they should apply with the Town Administrators office.

Adjournment

Motion: To adjourn.

By: F. Onwubueke

2nd: J. Cole

Vote: All in Favor (5-0)

The meeting adjourned at 7:18PM

Minutes prepared by: Jeneé Lacy