

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, FEBRUARY 21, 2018

Present: Elizabeth Banks
Margaret Cooney
Fidelis Onwubueke
Kevin Kelley
Michael Young

Also Present: Jean Bubon, Town Planner
Ruth Fitzgerald, Applicant
Jeff Linnell, Contractor

Absent: Thomas Earls
Maryann Thorpe

Ms. Banks opened the meeting at 6:30 PM.

The Board introduced themselves.

APPROVAL OF MINUTES

Motion: Made by Mr. Young to approve the draft minutes of January 17, 2018.
2nd: Ms. Banks
Discussion: None
Vote: 3 – 0 – 2 (Ms. Cooney, Mr. Kelley)

OLD/NEW BUSINESS

- ✓ CPTC – Citizen Planner Training Collaborative annual conference is 3/17/18. Members are invited to register and attend.
- ✓ Coming up at the next meeting 3/21/18, there expected to be applications for a Paw Palaza – a Pet Care Facility, Apple Green – Petrogas site on Route 15, and a special permit for Clarke Road Extension.

PUBLIC HEARING – RUTH FITZGERALD IS REQUESTING A SPECIAL PERMIT FOR A 6' HOUSE ADDITION AND A 9' PORCH ONTO A HOUSE CURRENTLY UNDER CONSTRUCTION. THE PROPERTY IS LOCATED AT 26 LONG AVENUE.

Materials presented:

Application for Determination – Ruth Fitzgerald – received 12/27/17

A narrative of the project.

A sketch of the proposed addition on the approved building plan.

Site Plan of property owned by Ruth Fitzgerald – 26 Long Avenue, Sturbridge, MA – “Building Permit Mohawk Unlimited” Plan Date 11/30/17. Prepared by Sherman & Frydryk, LLC (3 Converse Street, Suite 203, Palmer, MA 01069. – Project Number 17001A.

Mr. Kelley acknowledged the following department memos:

- Ms. Bubon, Town Planner dated 2/14/18
- Ms. Gendreau, Conservation Agent dated 2/8/18
- Mr. Colburn, Former Conservation Agent dated 2/3/17
- Jamie Terry, Interim Health Agent dated 1/31/18
- John Marinelli, Fire Inspector dated 1/30/18

Jeff Linnell spoke on behalf of the applicant. The ZBA had previously granted a Determination (6-0) to the applicant for the raze and rebuild of a single family home on the property. At that time, the building proposal reduced the lot coverage. This new house is currently under construction.

When the demolition was completed, the site was very wet. The construction used technopoles for the foundation. The elevation of the lot could not be raised to mitigate the excess water. Mr. Linnell stated that he installed 12” of stone underneath the home, and 2’ around the perimeter of the home. The proposed addition is 15’. This includes 6’ of additional house space, and 9’ of a screened in porch. Mr. Linnell would add all new drainage in the same manner he did with the rest of the house. Current conditions are that which have led to an excess of water in the backyard, making the yard unusable. The proposed addition would extend into the backyard, creating a useable built space.

The Board had the following questions, comments, and concerns:

- There is a paper road noted on the sketch, where is that in relationship to the project? Mr. Linnell clarified the location of the paper road, which is 11.5’ back from the property line. He informed the Board that this addition will not block any views or be too close to the neighbors because there is no house behind the property.
- Ms. Fitzgerald stated the paper street had turned up in the title search and was placed there by the previous owner.
- Ms. Cooney stated that the addition is a 10% increase in lot coverage on a 3,000 square foot lot and is detrimental to the site. She explained that the Zoning Bylaw requirements for Suburban Residential are $\frac{3}{4}$ acre, much larger than the .07 acres Ms. Fitzgerald owns. The Board previously approved the Request for Determination because it decreased total lot coverage by 1%, making it more in conformity with the Bylaws. This new addition will increase lot coverage, therefor increasing the non-conformity.
- Mr. Linnell There will be an additional 400 s. f. of drainage. There is a drip guard, the entire house is set on technopoles, and the drainage total is 1400 s.f.. This was all done to mitigate the water problem. Roughly 50% of the lot is currently covered with drainage.

- There was concern among the Board that any intensification of non-conformity is more or less detrimental to the surrounding neighborhood. In this case, the lot coverage is going to increase 10%, bringing the total up to roughly 50%
- Mr. Young stated that while this proposal increases the non-conformity, all the lots in this neighborhood are small, cute cottage-like structures. While it may be an increase in non-conformity, it will not hurt the neighborhood, the paper road behind the house creates a buffer, and therefore the addition shouldn't be a problem as it is proposed.
- There is an 8'x10' shed observed on the paper road (the paper road has not been documented at this time). However, this shed was not used in the calculations.
- There is some concern among the Board with the fact that this increase in non-conformity is being added for personal convenience and that this will set a precedent for future projects within the town. Ms. Cooney stated to Mr. Kelley's question of regarding the component of requiring a variance instead of a special permit: this does not meet the criteria for a variance: soil shape, topography, and being unique to the district/zone the project is located.

Motion: Made by Ms. Cooney to continue the hearing at a later date, either March 14th or March 28th at 6:35pm, for the Special Permit request of Ruth Fitzgerald of 26 Long Avenue.

2nd: Mr. Young

Discussion: None

Vote: 5 – 0 – 0

CORRESPONDENCE

None

NEXT MEETING

March 14, 2018

March 21, 2018 (regular meeting)

On a motion made by Mr. Young, seconded by Mr. Onwubueke, and voted 5 - 0 the meeting adjourned at 7:50 PM.