

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
WEDNESDAY, MARCH 14, 2018

**Present:** Elizabeth Banks  
Thomas Earls  
Maryann Thorpe  
Fidelis Onwubueke  
Kevin Kelley  
Michael Young (arrived 6:35)

**Also Present:** Rebekah DeCoursey, Administrative Assistant  
Ruth Fitzgerald, Applicant  
Jeff Linnell, Contractor

**Absent:** Margaret Cooney

Mr. Kelley opened the meeting at 6:33 PM and read the agenda.

The Board introduced themselves.

**APPROVAL OF MINUTES**

**Motion:** Made by Ms. Banks to approve the draft minutes of February 21, 2018, as amended.

**2<sup>nd</sup>:** Mr. Onwubueke

**Discussion:** None

**Vote:** 4 – 0 – 2 (Ms. Thorpe, Mr. Earls)

**PUBLIC HEARING CONTINUATION– 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.

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

Mr Kelley read an email submitted by the contractor originally dated October 19, 2016 with a forward date of March 2, 2018 from Nancy Coderre, the applicant's lawyer, pertaining to the paper road behind the property. The email was submitted to the Planning Department March 6, 2018

Mr Kelley stated that the previous meeting on February 21, 2018 there were only five out of seven Board members present and the Board wanted some clarification on some issues. Tonight with only six members present, and not the full Board of seven, Mr. Kelley confirmed that the applicant wanted to continue the public hearing and not continue to a later date.

Mr. Linnell summarized the project covered at the previous meeting, which involved the raze and rebuild of a single family home at 26 Long Avenue. Ms. Fitzgerald explained that the reason they are back before the Board after their original Request for Determination was because, as a first time home builder, she had no idea how large or small the home was going to be. As building progressed, she realized that the back portion of the home to be used as her workspace and art studio was much smaller than she intended it to be. Mr. Linnell confirmed that due to building stairs to the loft and laundry facilities, the back area of useable house space had decreased.

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

- The plan presented proposed approximately a 10% increase of lot coverage, bringing the total coverage almost to 50%.
- Is this proposal increasing the non-conformity? If so, then is it more detrimental to the neighborhood.
- When the Request for Determination was granted last July, the project proposed a decrease in lot coverage from 40% to 39%. With the proposed addition, it will increase it roughly 11%.
- It was noted there has been no feedback from abutters opposed to the project.
- The discussion regarding the paper road eventually led to the fact that it is not a part of Ms. Fitzgerald's property and thus not incorporated into lot coverage calculations, and with unknown exact ownership, also cannot be clearly defined as a separation buffer between Ms. Fitzgerald's property and 16 Eastern Avenue, behind her property.
- There is only an 11' setback from the proposed addition to the rear property line.

Ms. Fitzgerald asked the Board if they felt that the project was too non-conforming, could they give her an example of what might work for them. She was willing to remove the back porch entirely, putting the rear set back in conformity with the Bylaws and decreasing the proposed lot coverage. While the Board understood where Ms. Fitzgerald was coming from

trying to find a compromise, the Board did not feel comfortable agreeing verbally to changing and approving the project without site plans and precisely calculated setback and coverage numbers to make their decision on. Each application and project is different in nature and constraints and there was not a magic number so to speak they could provide Ms. Fitzgerald. They would need to see new plans and evaluate them on their non-conformity in order to grant a special permit for the application.

Mr. Kelley informed the applicant of her options: she could go ahead and have the Board vote. If denied she would have to wait two years to reapply for this project. She could also decide to “Withdraw Without Prejudice” and return with a revised plan at a later time. Mr. Kelley informed the applicant that due to timing Town elections next month, there will be two new members added to the ZBA (two Board members have their terms ending), and this project would have to start all over with the new Board members. Ms. Fitzgerald decided to Withdraw Without Prejudice, with the thought that she could make some proposed changes that might better suit the new Board and address her needs.

**Motion:** Made by Mr. Earls to accept Ms. Fitzgerald’s request to Withdraw Without Prejudice her application for a Special Permit at 26 Long Avenue.

**2<sup>nd</sup>:** Ms. Thorpe

**Discussion:** None

**Vote:** 6 – 0 – 0

**Motion:** Made by Ms. Banks to close the public hearing for a Special Permit at 26 Long Avenue.

**2<sup>nd</sup>:** Ms. Thorpe

**Discussion:** None

**Vote:** 6 – 0 – 0

### **OLD/NEW BUSINESS**

None

### **CORRESPONDENCE**

None

### **NEXT MEETING**

March 21, 2018

On a motion made by Ms. Thorpe seconded by Ms. Banks, and voted 6 - 0 the meeting adjourned at 8:15 PM.