

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF
WEDNESDAY, JULY 18, 2018

Present: Margaret Cooney
Thomas Earls
Fidelis Onwubueke
Diane Trapasso
Michael Young
Bill Zelenak

Also Present: Jean Bubon, Town Planner
Rebekah DeCoursey, Administrative Assistant

Absent: Elizabeth Banks

Mr. Young opened the meeting at 6:30 PM, introducing the two new Board members, Diane Trapasso and Bill Zelenak. Mr. Young read the agenda and the Board introduced themselves.

APPROVAL OF MINUTES

Postponed until the next meeting, pending appropriate quorum.

REQUEST FOR DETERMINATION – DANIAL J. & MARCIA WILDGRUBE – 112 WESTWOOD DRIVE. APPLICANT IS SEEKING APPROVAL FOR A 2' X 12' BUMP OUT ON THE FRONT OF THE HOUSE AND A ROOF OVER THE FRONT STEPS.

Materials presented:

Application for a Request for Determination

Floor plans and elevations of proposed changes

A plan entitled "Tape Survey" prepared by Jalbert Engineering (54 Main Street, Sturbridge MA 01566) Job No. 93699 Dated December 1, 1993 showing proposed changes. Received June 19, 2018.

Mr. Young acknowledged the correspondence from the following departments with no major concerns noted:

- Jean Bubon, Town Planner
- Bri Eichstaedt, Health Agent
- John Marinelli, Fire Inspector
- Rebecca Gendreau, Conservation Agent
- Tom Ford, Chief of Police
- Nelson Burlingame, Building Commissioner

Mr. Wildgrube stated that this small addition to their house is mainly for curb appeal; it will add a little more room in the master bedroom, as well as give them shelter over the front stoop.

The Board had the following questions, comments or concerns:

- The application states the zoning is Rural Residential but is Suburban Residential. The application was corrected and initialed.
- The application had an incorrect calculation. The application was corrected and initialed.
- The property still remains under the maximum 15% lot coverage.

Motion: Made by Ms. Trapasso to grant the Determination to Danial and Marcia Wildgrube of 112 Westwood Drive to construct a 2' x 12' bump out on the front of the house and a small roof over the front steps as shown on the plan by Jalbert Engineer "Tape Survey" Job No. 93699, received June 19, 2018 and shown on a plan by The Drawing Board, Inc. page 1 of 1, received June 19, 2018 as the proposed changes to the property do not increase the non-conforming as described by Town Bylaws.

2nd: Ms. Cooney

Discussion: None

Vote: 6 – 0

TOWN PLANNER UPDATE OF FIVE LEAVES STURBRIDGE 152 & 158 MAIN STREET

As a brief overview, the update on the 40B project approved by the Board two years ago is going to begin construction. Five Leaves was approved in 2016 and the permit was good for three years. At the time of approval, Judi Barrett, a consultant, was assisting the Planning Department due to Ms. Bubon, Town Planner, being out on medical leave. In the Comprehensive Permit conditions for Five Leaves, Ms. Barrett included some conditions to protect the Town in the case that Ms. Bubon was not able to return from her medical leave. One of the conditions requires that an outside consultant is hired to review the plans. Ms. Bubon has received one quote at \$3,000 to review the plans. Due to the fact that this review is a process that is typically done in house as a standard practice by the Town Planner, Ms. Bubon felt it is not necessary to put the financial burden on the applicant to pay this fee for a procedure that can be done by herself and the Building Commissioner. At this time, Ms. Bubon is requesting approval from the Board to approve this minor modification to the conditions.

The Board had the following questions, comments or concerns:

- Ms. Bubon confirmed that yes – her review of the plan is something that occurs during normal work hours and is something she regularly does for projects.
- She has discussed this with the Building Commissioner as well as the applicant. The Building Commissioner may request outside consultation as the project moves forward. The applicant is aware of this.
- Ms. Bubon also made it clear that this project will be controlled construction and reports will regularly be submitted. Engineering reports will go to the Conservation

Department, Planning Department, Building Department, and the ZBA at regular intervals throughout construction.

- Two separate motions will need to be voted on at this time.

Motion: Made by Ms. Cooney to approve the request for minor modification of site plan.

2nd: Ms. Trapasso

Discussion: None

Vote: 6 – 0

Motion: Made by Ms. Cooney to accept the change of conditions on pages three and four for the Comprehensive Permit granted for 152 & 158 Main Street as noted, and authorizing the Town Planner and Building Commissioner to conduct normal departmental reviews of the plans and construction.

2nd: Ms. Trapasso

Discussion: None

Vote: 6 – 0

PUBLIC HEARING – VARIANCE AND SPECIAL PERMIT – 114 LANE TEN – JULIE & WAYNE ZUIDEMA. APPLICANT IS REQUESTING A VARIANCE AND SPECIAL PERMIT FOR A 20’ X 24’ ADDITION ONTO AN EXISTING HOUSE AND A 12’ X 16’ DECK WITHIN THE SETBACK.

Mr. Young opened the public hearing and Ms. Trapasso read the legal notice.

Materials presented:

- Application Special Permit
- Application for Variance
- A certified list of abutters
- Existing conditions shown on plan entitled “Proposed Siteplan for Additions in Sturbridge, Mass for Julie Ann Zuidema and Wayne Zuidema” dated September 22, 2015 prepared by Para Land Surveying, Inc. (349 Ashland Avenue Southbridge, Mass).
- Proposed conditions shown on plan entitled “Site Plan for Julie & Wayne Zuidema Lane Ten Sturbridge, Massachusetts” prepared by Robert G. Murphy & Assoc., Inc. Environmental Consultants (214 Worcester Street, North Grafton, MA 01536) Plan No. C-18-19 dated 6-04-2018.

A representative from the environmental consulting firm presented on behalf of the applicant. This property and owner came before the Board previously and was issued a variance back in 2009 for a garage. This is a site that has serious constrictions in regards to soil, topography, and the shape of the site. Ms. Bubon provided details of these constrictions in her report to the Board and the applicant.

Mr. Young acknowledged the correspondence from the following departments with no major concerns or objections from any:

- Jean Bubon, Town Planner
- John Marinelli, Fire Inspector
- Rebecca Gendreau, Conservation Agent
- Tom Ford, Chief of Police
- Nelson Burlingame, Building Commissioner

The Board had the following questions, comments or concerns:

- While typically a variance is often hard to receive due to the strict qualifications a lot must require, in this situation all three: soil, topography, and shape were proven to the Board in 2009 by the applicant.
- There was an email from the closest neighbor submitted stated she did not have any problems or concerns with the Zuidema addition.
- The proposed addition does not increase the encroachment on the side setback of the property.
- It is outside the 100' Conservation Commission buffer. An email from Robert Murphy that they will be filing with Conservation to determine the applicability of the site.

Motion: Made by Ms. Trapasso close the public hearing

2nd: Mr. Earls

Discussion: None

Vote: 6 – 0

Motion: Made by Ms. Cooney to grant the variance to Julie and Wayne Zuidema at 114 Lane Ten to construct a 20' x 24' addition with a 16' x 12' deck on an existing home within the side setback due to constraints of slope, shape, and topography of the site.

2nd: Mr. Onwubueke

Discussion: None

Vote: 6 – 0

Motion: Made by Ms. Trapasso to grant the special permit requested by Julie and Wayne Zuidema at 114 Lane Ten to approve the change in non-conformity as presented in the plan by Robert G. Murphy & Associates Inc., Environmental Consultants, Plan Number: C-18-16 dated 6-04-2018.

2nd: Mr. Onwubueke

Discussion: None

Vote: 6 – 0

OLD/NEW BUSINESS

- A reminder that there is a 20 day appeal period for all special permits. Discussion on if this would be specific on applications was had. The appeal period is 20 calendar days.
- The next meeting date is August 15th at 6:30.

PUBLIC HEARING – SPECIAL PERMIT – 40 MAIN STREET – EDY WAHIB. APPLICANT IS REQUESTING A SPECIAL PERMIT FOR THE EXTENSION, CHANGE OR ALTERATION OF NON-CONFORMING USE AND STRUCTURE. APPLICANT IS PROPOSING TO RELOCATE THE GAS PUMP CANOPY FURTHER TO THE SOUTH ON THE PROPERTY AND FURTHER FROM THE ROAD AND MOVE THE GAS TANKS TO THE OLD CANOPY LOCATION.

Mr. Young opened the public hearing and Ms. Trapasso read the legal notice.

Materials presented:

- Application for Special Permit;
- Filing fee;
- A Certified List of Abutters;
- A plan entitled “Site Plan Showing the existing conditions at an existing service station – Location: 40 Main Street, Sturbridge, Massachusetts – Sheet 1 of 3”. The plan was prepared by Ashkar Engineering – 70 Washington Street, Suite 306, Haverhill, MA 01832 for Edy Wahib – 333 East Main Street, Sturbridge, MA 01550;
- A plan entitled “Site Plan Showing improvements at an existing service station – Location: 40 Main Street, Sturbridge, Massachusetts – Sheet 2 of 3”. The plan was prepared by Ashkar Engineering – 70 Washington Street, Suite 306, Haverhill, MA 01832 for Edy Wahib – 333 East Main Street, Sturbridge, MA 01550;
- A plan entitled “Site Plan Showing Landscape and Traffic Flow – Location: 40 Main Street, Sturbridge, Massachusetts – Sheet 3 of 3”. The plan was prepared by Ashkar Engineering – 70 Washington Street, Suite 306, Haverhill, MA 01832 for Edy Wahib – 333 East Main Street, Sturbridge, MA 01550;

Attorney Henry Simonelli presented the project on behalf of the applicant. There have been significant changes to the project site. The single wall underground storage tanks had to be removed due to end of life. Due to state regulations, new tanks will be installed. During this change, Mr. Wahib decided instead of replacing the tanks in the same location, he wanted to make larger improvements to the site. He also was able to acquire the blighted building behind the property and tear it down. The property is an existing commercial business and automotive shop and is permitted in the Commercial District, as well as having adequate size and frontage. However, the setbacks are non-conforming. The proposed changes to the site include moving the pumps to the side of the building, which will decrease the non-conforming. Other improvements include additional parking, including handicap, landscaping and overall general site improvements. The business is on town sewer and water. Mr. Wahib stated the soil has been tested and is clean. He is looking forward to making the business bigger and better than what was there before he took over ownership.

The Board had the following questions, comments or concerns:

- Ms. Cooney made the statement that she uses Edward’s Automotive, and also used the business when the previous owner resided. She known Mr. Wahib has a good

reputation in Southbridge and is glad to see the house come down and the other improvements at the site.

- The plans show a much better flow of traffic and overall use of the site.
- Mr. Wahib clarified that there will be six new gas pumps, replacing the four there previously, and there will remain the same number (2) of underground storage tanks.
- What are the proposed hours? Currently they are 7am to 10pm. With the changes, he may make them 6am – 10pm.
- Mr. Wahib stated that yes, the gas canopy will be lit during business hours but shut off when the business is closed.
- Mr. Young stated that four memos had been submitted at the time of the public hearing. All four were in support of Mr. Wahib, his proposed project, and the improvements to the site. Mr. Young also stated that upon review of departmental memos issued to the Board, there were no major concerns beyond following all town, state, and federal rules and regulations.

Motion: Made by Ms. Cooney close the public hearing
2nd: Ms. Trapasso
Discussion: None
Vote: 6 – 0

Motion: Made by Ms. Cooney to find that the proposal submitted by Edy Wahib D/B/A Edward's Gas at 40 Main Street, in accordance with Chapter 20.05 and Chapter 24 (a-e), the project does not increase the non-conformity of the lot.
2nd: Ms. Trapasso
Discussion: None
Vote: 6 – 0

Motion: Made by Ms. Cooney to grant the special permit per the plan prepared by Ashkar Engineering, Plan No. 18-02-10, totaling three sheets, no revisions. If approved all permits shall be acquired before commencement of construction.
2nd: Ms. Onwubueke
Discussion: None
Vote: 6 – 0

CORRESPONDENCE

None

NEXT MEETING

August 15, 2018

On a motion made by Ms. Trapasso seconded by Mr. Onwubueke, and voted 6 - 0 the meeting adjourned at 7:45 PM.