

## **STURBRIDGE ZONING BOARD OF APPEALS**

### **MINUTES OF**

**WEDNESDAY, OCTOBER 24, 2018**

**Present:** Elizabeth Banks  
Margaret Cooney  
Thomas Earls  
Fidelis Onwubueke  
Michael Young  
William Zelenak

**Absent:** Diane Trapasso

**Also Present:** Rebekah DeCourcey, Administrative Assistant  
Leonard Jalbert, Jalbert Engineering  
Arthur and Beverly Sikes, applicants

Ms. Banks opened the meeting at 6:30 PM read the agenda and the Board introduced themselves.

### **APPROVAL OF MINUTES**

**Motion:** Made by Mr. Young to approve the draft minutes of March 26, 2018.  
**2<sup>nd</sup>:** Mr. Earls  
**Discussion:** None  
**Vote:** 4 – 0 – 0 (Ms. Cooney, Mr. Zelenak)

**Motion:** Made by Mr. Young to approve the draft minutes of July 18, 2018.  
**2<sup>nd</sup>:** Mr. Earls  
**Discussion:** None  
**Vote:** 5 – 0 – 1 (Ms. Banks)

**Motion:** Made by Mr. Earls to approve the draft minutes of August 15, 2018.  
**2<sup>nd</sup>:** Mr. Onwubueke  
**Discussion:** None  
**Vote:** 5 – 0 – 1 (Ms. Banks)

**Motion:** Made by Mr. Onwubueke to approve the draft minutes of October 17, 2018  
as amended.  
**2<sup>nd</sup>:** Mr. Zelenak  
**Discussion:** None  
**Vote:** 3 – 0 – 3 (Ms. Cooney, Mr. Earls, Mr. Young)

**CONTINUATION – PUBLIC HEARING: SPECIAL PERMIT – 84 McGARGLE ROAD – ARTHUR M. JR AND BEVERLY J. SIKES. APPLICANT IS REQUESTING SPECIAL PERMIT TO RAZE AND RECONSTRUCT A SINGLE FAMILY HOME.**

Lenny Jalbert, of Jalbert Engineering, and both applicants were present.

Ms. Banks acknowledged correspondence from:

- Jean Bubon, Town Planner
- Jamie Terry, Interim Board of Health Agent
- John Marinelli, Fire Inspector
- Rebecca Gendreau, Conservation Agent
- Shirley and Gary Edbrooke, 82 McGargle Road

Mr. Jalbert reviewed the permitting for the project thus far. On May 30, 2018 the Board of Health issued a permit for the relocation of the tight tank septic system. On September 18, 2018 the Conservation Commission approved the construction project and an Order of Conditions has been issued for the project. Due to a conflict with town regulations and the Conservation Commission, the house foundation was moved; the unknown outcome of Conservation Commission was the reason this project did not come for a Determination and instead came for a Special Permit.

The project involves the raze and rebuild of a single family seasonal residence on Leadmine Pond. It will be going from one-story to two. The existing house is 532 sq. ft. and the proposed new footprint will be 700 sq. ft. The total lot coverage is increasing from 6.29% to 7.94%, still within the regulations requirements. The non-conforming setbacks of the house are less encroaching with the proposed residence than the existing.

Mr. Jalbert acknowledged the correspondence from the Edbrooke's of 83 McGargle Road who were unable to attend the meeting. The Edbrooke's concern of having access to their home blocked during construction – because they are at the end of the dead end private way – the Town Planner suggested some conditions to ensure this request is met and Mr. Jalbert and the applicants had no concerns with those conditions.

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

- Ms. Cooney pointed out that there seemed to be an inconsistency in the original deed recorded in 1932 and last record on 10/17/75 showing 2 tracks of land. Ms. Cooney suggested that the applicants might want to get the Assessor's records corrected as it shows property being .45 acres where it is actually approximately 1/4 acre. Mrs. Sikes stated that she had questioned the assessment previously as she had been assessed \$210,000 for the land, but the house was only assessed for \$10,000. Mrs. Sikes verified that she should go back to the Town Assessor and inquire about abatement because it appears that they are being taxed on more land than they may own.
- Mr. Jalbert discussed the Massachusetts Law that a seasonal home cannot be occupied for more than 6 months.

- The foundation will be just a crawl space. The water table is very high here.
- A condition of the Board of Health permit is that the house will only be seasonal; it cannot be more than 2 bedrooms and cannot be lived in for more than 6 months of the year.

**Motion:** Made by Mr. Earls in the matter of Special Permit application of 84 McGargle Road to close the public hearing.

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

**Discussion:** None

**Vote:** 6 – 0

**Motion:** Made by Ms. Cooney to find that the proposal by Arthur and Beverly Sikes for property located at 84 McGargle Road to demolish an existing non-conforming home and to permit the construction of a new seasonal residence on a pre-existing non-conforming lot will not be more substantially detrimental to the existing, in accordance with Section 24.09 a-e and Chapter 20.05 of the Sturbridge Zoning Bylaws.

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

**Discussion:** None

**Vote:** 6 – 0

**Motion:** Made by Ms. Cooney to grant the Special Permit requested as outlined in the application and documentation provided as shown on plan titled “Existing Plot Plan for Arthur M. Jr. & Beverly J. Sikes” prepared by Jalbert Engineering and Surveyors, 54 Main Street Sturbridge, Mass plan dated 8/03/17 project plan Number 17134 no revisions shown. Approval is granted subject to the following:

1. Any damage caused to McGargle Road as a result of this construction project must be repaired after completion by the owner.
2. At no time shall construction or other vehicles block property access to 82 McGargle Road or park on any other properties without expressed permission.

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

**Discussion:** Mr. Zelenak asked who could decide on the condition of the road before and after construction. It is a private road and the town will not monitor this project. The Board suggested the applicants take photographs before construction commences for documentation of the current condition of the road.

**Vote:** 6 – 0

### **OLD/NEW BUSINESS**

None

### **CORRESPONDENCE**

None

On a motion made by Mr. Cooney seconded by Mr. Earls, and voted 6 - 0 the meeting adjourned at 7:10 PM.