

**STURBRIDGE ZONING BOARD OF APPEALS**  
**MINUTES OF**  
**WEDNESDAY, FEBRUARY 20, 2019**

**Present:** Elizabeth Banks (arrived during recess)  
Margaret Cooney  
Thomas Earls  
Diane Trapasso  
Fidelis Onwubueke  
Michael Young  
William Zelenak

**Also Present:** Rebekah DeCoursey, Administrative Assistant  
Leonard Jalbert, Jalbert Engineering

Mr. Young opened the meeting at 6:30 PM and read the agenda.

**APPROVAL OF MINUTES**

**Motion:** Made by Ms. Cooney to approve the minutes of January 16, 2019, as amended.  
**2<sup>nd</sup>:** Ms. Trapasso  
**Discussion:** None  
**Vote:** 5 – 0 – 1 (William Zelenak)

**PUBLIC HEARING – ADMINISTRATIVE APPEAL – ROBERT CASSIM – 33 MAIN STREET. APPLICANT IS REQUESTING RELIEF FROM A CEASE AND DESIST ORDER FROM THE BUILDING COMMISSIONER & ZONING ENFORCEMENT OFFICER. THE CEASE AND DESIST INDICATES TAT THE ONLY CURRENT BUSINESS ALLOWED ON SITE IS THE AUTO SALES BUSINESS AND THAT OPERATION OF ALL OTHER BUSINESSES MUST CEASE AND DESIST**

Applicant has requested an extension of time to hold the public hearing because the legal notice was not placed in advertisement. The lawyer will be taking responsibility for placing the legal notice for the next meeting. The public hearing for the Administrative Appeal will be postponed until March 20<sup>th</sup>, 2019 at 7:05 PM. The Board voted in favor of accepting the extension.

On a motion from Ms. Cooney and seconded by Ms. Trapasso to recess until the next public hearing at 7:05.

The Board reconvened at 7:05. Ms. Banks arrived during the recess. Mr. Young read the legal notice.

**PUBLIC HEARING – SPECIAL PERMIT – CARL NIELSEN – 158 LANE EIGHT. APPLICANT IS REQUESTING A SPECIAL PERMIT FOR THE CONSTRUCTION OF A POST AND BEAM GARAGE WITHIN THE AREA PRESENTLY USED FOR PARKING. IT IS PARTIALLY WITHIN THE SETBACK, AND 13.01’ FROM THE PROPERTY LINE.**

Leonard Jalbert presented the project on behalf of the applicant. The project is roughly 4,000’ from New Boston Road. The closest neighbor has visited Mr. Jalbert in his office and reviewed the plans for the post and beam structure without any concerns.

The proposed project is a post and beam garage for Mrs. Nielsen to park her car under. The area is currently used for parking – the structure will be built over this parking area. The floor will remain dirt. The structure will be built on sono tubes. The structure will be 13.01’ from the property line. The existing house is 4.75’ from the property line. The lot size is just over 1 acre and has 134’ of frontage.

Ms. Banks noted memos from the following:

- Rebecca Gendreau, Conservation Agent
- John Marinelli, Fire Inspector
- Nelson Burlingame, Building Commissioner
- Jean Bubon, Town Planner

The Board had the following questions, comment, or concerns:

- Are there any abutters concerned with the project? Mr. Jalbert stated that all the abutter notifications were sent out. One abutter visited his office to view the plans and did not have concerns.
- Sturbridge Conservation Commission approved the project without any orders of conditions – the project has minimal disturbance to the existing area.
- Ms. Banks wanted to confirm that the additional garage and shed seen during a site visit are located on the Nielsen property. Mr. Jalbert confirmed this. The proposed structure will be a one stall garage.
- Ms. Cooney raised the history of the Gale v Gloucester case dealing with pre-existing non-conforming lots, as this one is. The proposed structure does not increase the non-conformity, as the house is closer to the setback than the proposed garage, and is not detrimental to the character of the neighborhood. Thus, the Board has the right to grant approval.

**Motion:** Made by Mr. Young to close the public hearing.  
**2<sup>nd</sup>:** Mr. Earls  
**Discussion:** None  
**Vote:** 7 – 0

**Motion:** Made by Mr. Earls to find the proposed project defined on Drawing 18111 by Jalbert Engineering (54 Main Street, Sturbridge, MA 01566) for applicant Carl Nielsen of 158 Lane Eight to construct a 12' x 20' post and beam garage will not be substantially detrimental to the neighborhood as defined in Chapter 24, Section 24.09(a-e).

**2<sup>nd</sup>:** Mr. Trapasso, as amended

**Discussion:** None

**Vote:** 7 – 0

**Motion:** Made by Ms. Cooney to grant the Special Permit requested outlined in the application and documentation as shown on plan titled “Existing Condition Plan prepared for Carl F. Jr & Judith L. Nielsen, 158 Lane Eight, Sturbridge, Ma 01566” prepared by Jalbert Engineering (54 Main Street, Sturbridge, MA 01566), dated June 26, 2018 Drawing Number 18111 no revisions, with the following condition:

1. Approval is granted subject to the conditions that all other necessary state and local approvals be obtained prior to beginning any work on the project.

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

**Discussion:** None

**Vote:** 7 – 0

On a motion by Ms. Trapasso, and seconded by Ms. Banks the meeting adjourned at 7:25 PM.