

**Sturbridge Zoning Board of Appeals
Meeting Minutes
Wednesday, May 19, 2021
Virtual**

Present:

Thomas Earls
Diane Trapasso
Elizabeth Banks
Fidelis Onwubueke
Michael Young
Margaret Cooney
David Zonia
Jean Bubon, Town Planner
Jeneé Lacy, Administrative Assistant

Also Present:

Lenny Jalbert, Jalbert Engineering
Dale Perry, 59 Bennetts Road

Chair Banks called the meeting to order at 6:30pm and read the agenda.

J. Bubon read the Covid notice.

Approval of Minutes

April 21, 2021

Motion: To approve the minutes as amended. By: M. Cooney

2nd: D. Trapasso

Roll Call Vote: (6-0-1)

- T. Earls – Yes
- D. Trapasso – Yes
- E. Banks – Yes
- F. Onwubueke – Yes
- M. Young – Yes
- M. Cooney – Yes
- D. Zonia – Abstained

Public Hearing – Special Permit – 59 Bennetts Road – Dale Perry

The applicant is requesting a Special Permit pursuant to Chapter 20, Section 20.05 and Chapter 24, Section 24.09(a-e) of the Zoning Bylaw to expand, change or alter a pre-existing non-conforming structure or use for the property located at 59 Bennetts Road. The applicant is proposing to raze and rebuild the existing residential structure. The proposed new single

family home will be placed at the same rear and side setbacks, however, the front setback will become more non-conforming with an 11.3' front setback proposed vs. the existing 14.7' setback.

M. Young read the Public Hearing Legal Notice.

E. Banks discussed the Town Planner report and comments by Town Departments.

L. Jalbert presented the proposed project and stated that the project had already been before the Conservation Commission and there were no concerns since they would be moving the house away from the lake but their applicant had been continued because they didn't have a dep number yet. L. Jalbert stated that there were some issues concerning a neighbor's well and the applicants septic system positioning and they would be going before the Board of Health for a variance.

M. Cooney asked when the continuation with the Conservation Commission would be. L. Jalbert stated that it was scheduled for June 19th.

M. Cooney brought up that the site plan showed that the property was zoned agricultural when it should show rural residential, the Board discussed.

J. Bubon discussed comments made by an abutter in regards to their well-being close to the applicants septic system and stated that she suggested the abutter go to the Board of Health public hearing for the property once it is scheduled.

Motion: To close the public hearing. By: D. Trapasso

2nd: M. Young

Roll Call Vote: All in Favor (7-0)

- T. Earls – Yes
- D. Trapasso – Yes
- E. Banks – Yes
- F. Onwubueke – Yes
- M. Young – Yes
- M. Cooney – Yes
- D. Zonia – Yes

Motion: To find that the proposal by the applicant, Dale A. Perry, for the property located at 59 Bennetts Road, to raze and rebuild the single family existing home as shown on house plans dated 2/19/21 by Trifone Design Associates Inc. of Sturbridge, MA. There is no change in the rear and side setbacks, the front setback however will go from 14.7 feet to 11.3 feet, which will make it a little more non-conforming but will not be substantially more detrimental to the neighborhood than the existing in accordance with Chapter 24 Section 24.09 a-e and Chapter 20 Section 20.05 of the Sturbridge Zoning Bylaws.

By: M. Cooney

2nd: D. Trapasso

Roll Call Vote: All in Favor (7-0)

- T. Earls – Yes
- D. Trapasso – Yes
- E. Banks – Yes
- M. Cooney – Yes
- F. Onwubueke – Yes
- M. Young – Yes
- D. Zonia – Yes

Motion: To grant the Special permit requested to allow as outlined in the application and documentation provided as shown on plan titled “Soil Absorption System Upgrade for Dale Perry” prepared by Jalbert Engineering, Sturbridge, MA. Dated March 2, 2021. Plan Number 21001, revision number three dated April 15, 2021. All Necessary permits must be obtained and all concerns must be addressed prior to any construction, including the Conservation Commission and the Board of Health.

By: M. Cooney

2nd: T. Earls

Roll Call Vote: All in Favor (7-0)

- T. Earls – Yes
- D. Trapasso – Yes
- E. Banks – Yes
- M. Cooney – Yes
- F. Onwubueke – Yes
- M. Young – Yes
- D. Zonia – Yes

Documents Reviewed:

- *Application for Special Permit;*
- *Filing fee;*
- *Property Deed;*
- *A Certified List of Abutters;*
- *Department Head Memos;*
- *Town Planner Report;*
- *A plan entitled “Soil Absorption System – “Upgrade” Located at 59 Bennets Road Sturbridge, Massachusetts for Dale Perry”. The plan was prepared by Jalbert Engineering, Inc. – 54 Main Street, Sturbridge, MA 01566. The plan date is March 2, 2021 and revised April 1, 2021 to add flags to the east, April 13, 2021 to add North Arrow, Well Dim. And April 15, 2021 to add well, revise sas;*
- *A plan entitled “Proposed Site Plan Dale A. Perry 59 Bennets Road Sturbridge, Massachusetts”. The plan was prepared by Jalbert Engineering, Inc. – 54 Main Street, Sturbridge, MA 01566. The plan date is March 3, 2021 and revised April 1, 2021 to add flags to the east, April 13, 2021 to add North Arrow, Well Dim. And April 15, 2021 to add well, revise sas;*

- A plan entitled "The Perry Residence 59 Bennetts Road Sturbridge, MA, Sheet Number: A-2, Sheet Title: Floor Plans" The plan was prepared by Trifone Design Associates, Inc. – 103 Shore Road Sturbridge, MA 01566. The plan date is February 19, 2021.

NBM Realty – Request for extension of Comprehensive Permit granted for 152 Main Street

J. Bubon explained that the applicant is requesting an extension of time to commence construction for a one year period until June 9, 2022 for the previously approved Comprehensive Permit granted for 152 Main Street (Five Leaves). The applicant has been trying to work through water and sewer fee issues so that they can move forward and has plans to reduce the number of units. She stated that she recommends the Board approve the extension of the Comprehensive Permit until June 9, 2022.

The Board discussed the following:

- The reduction of units from 103 to 20
- The amount of units that will be affordable housing
 - o 8 units – affordable including the additional 12 units already on site
- The 2 buildings already onsite will be updated
- The percentage of affordable housing currently in Town
 - o 5.63%
- The process going forward in regards to the permitting process
- The number of total buildings once complete
 - o 2 existing buildings and 1 new building
- Parking plan will need to be updated

Motion: To grant an extension of time to commence construction for a one-year period until June 9th, 2022, to NBM for the Comprehensive Permit at 152 Main Street.

By: D. Trapasso

2nd: T. Earls

Roll Call Vote: All in Favor (7-0)

- T. Earls – Yes
- D. Trapasso – Yes
- E. Banks – Yes
- M. Cooney – Yes
- F. Onwubueke – Yes
- M. Young – Yes
- D. Zonia – Yes

Documents Reviewed:

- Correspondence from Andre St. Laurent of NBM Realty dated May 7, 2021, requesting extension of time to commence construction for a one year period until June 9, 2022;
- Town Planner Report;

Reorganization of the Board

J. Bubon asked for a nomination for Chair of the Board.

T. Earls nominated Elizabeth Banks for Chair of the Board.

The nomination was seconded by F. Onwubueke.

M. Cooney nominated Diane Trapasso for Chair of the Board.

The nomination was not seconded.

A roll call vote was taken for the nomination of Elizabeth Banks for Chair.

- T. Earls – Yes
- D. Trapasso – Yes
- E. Banks – Yes
- M. Cooney – Yes
- F. Onwubueke – Yes
- M. Young – Yes
- D. Zonia – Yes

All in Favor (7-0)

J. Bubon asked for a nomination for Vice-Chair/Clerk of the Board.

T. Earls nominated Diane Trapasso for Vice-Chair/Clerk of the Board.

The nomination was seconded by M. Young.

A roll call vote was taken for the nomination of Diane Trapasso for Vice-Chair/Clerk.

- T. Earls – Yes
- D. Trapasso – Yes
- E. Banks – Yes
- M. Cooney – Yes
- F. Onwubueke – Yes
- M. Young – Yes
- D. Zonia – Yes

All in Favor (7-0)

Old/New Business

- None

Adjournment

Motion: To adjourn. By: D. Trapasso

2nd: M. Cooney

Roll Call Vote: All in Favor (7-0)

- T. Earls – Yes
- D. Trapasso – Yes
- E. Banks – Yes
- M. Cooney – Yes
- F. Onwubueke – Yes

- M. Young – Yes
- D. Zonia – Yes

The meeting adjourned at 7:10 PM

Minutes prepared by: Jeneé Lacy

Chair of the Board: Elyse E. Babin

Date signed: 8-18-2021