

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, JULY 19, 2017

Present: Margaret Cooney
Thomas Earls
Kevin Kelley, Acting Chair
Fidelis Onwubueke
Maryann Thorpe
Michael Young

Also Present: Diane M. Trapasso, Administrator Assistant

Absent: Elizabeth Banks

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

The Board introduced themselves.

APPROVAL OF MINUTES

Motion: Made by Mr. Earls to approve the amended draft minutes of June 21, 2017.
2nd: Ms. Cooney
Discussion: None
Vote: 4 – 0 - 2 (Ms. Thorpe & Mr. Young)

Motion: Made by Ms. Cooney to approve the draft minutes of July 5, 2017.
2nd: Mr. Earls
Discussion: None
Vote: 5 – 0 – 1(Mr. Young)

PUBLIC HEARING – CHRISTOPHER PARENT IS REQUESTING A SPECIAL PERMIT TO RECONSTRUCT THE BUILDING DESTROYED BY FIRE. THE PROPERTY IS LOCATED AT 126 RIVER ROAD.

Materials presented:

Application for Special Permit - Christopher Parent - received 5/18/2017

Building Permit Plan – Christopher Parent – 126 River Road – prepared by Sherman & Frydryk, LLC - plan date 10/3/2016 – project #16089 – revised 5/15/2017

Mr. Kelley read the legal notice.

Mr. Kelley acknowledged the following department memos:

- Ms. Bubon, Town Planner
- Mr. Colburn, Conservation Agent

- Mr. Burlingame, Building Commissioner
- Ms. Terry, Interim BOH Agent
- Lt. Marinelli, Fire Inspector

Mr. Morin, the builder spoke on behalf of the applicant. Mr. Morin stated that the building was destroyed by a fire in December of 2015. The applicant is now proposing to reconstruct the building. The applicant proposes to somewhat change the footprint of the buildings so that all setbacks are met by the proposal buildings and the square footage and envelope of the main building and proposed equipment building are different than the existing, a Special Permit is required.

The Board had the following questions, concerns and comments:

- Will the building be the same size as the original – Mr. Morin the building will be the same size – it is a metal structure – would like to place the structure back to the original location of 84' back from the property line
- What is the lot coverage – Mr. Morin stated 16%
- What will the foundation be placed on – Mr. Morin stated that the foundation will be placed on a concrete slab that will be sealed – the parking area will be gravel – most vehicles will be parked inside the building
- Why keep the location at 84' – Mr. Morin stated so that many of the vehicles can be parked in the back of the building

Motion: Made by Mr. Young to close the Public Hearing for Christopher Parent requesting a Special Permit.

2nd: Mr. Earls

Discussion: None

Vote: 6 – 0

Motion: Made by Mr. Kelley to find that the proposal for a Special Permit by Christopher Parent, 126 River Road, Sturbridge MA, to allow the reconstruction of the building destroyed by a fire. Finding that the use has been in existence for many years, there is no danger to public health and safety, it is a permitted use in the district, parking lot and driveway are in existence and the proposal will not hinder or discourage appropriate development of adjacent land; according to the Sturbridge Zoning Bylaws Chapter 20.05 and Chapter 24.09 (a – e).

2nd: Mr. Onwubueke

Discussion: None

Vote: 6 – 0

Motion: Made by Mr. Kelley to grant the Special Permit requested by Christopher Parent to reconstruct the building destroyed by fire for the property located at 126 River Road; 84' from the street line where the original building was; according to the Building Permit Plan – Christopher Parent – 126 River Road – prepared by Sherman & Frydryk, LLC - plan date 10/3/2016 – project #16089 – revised 5/15/2017.

2nd: Mr. Earls

Discussion: None

Vote: 6 – 0

DETERMINATION – RAUL & PAMELA CURBELO ARE REQUESTING A DETERMINATION TO ENLARGE THE EXISTING DECK BY 10'X24'. THE PROPERTY IS LOCATED 110 SOUTH SHORE DRIVE.

Materials presented:

Application for Determination – Raul & Pamela Curbelo - received 6/19/2017

Proposed Plot Plan – Raul H. & Pamela J. Curbelo – 110 South Shore Drive – prepared by Jalbert Engineering – plan date 6/22/2017 – DWG #17095 - revision 1 – dated 6/22/2017

Mr. Kelley acknowledged the following department memos:

- Lt. Marinelli, Fire Inspector
- Ms. Bubon, Town Planner
- Mr. Burlingame, Builder Commissioner

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert stated that the applicant is proposing to expand the deck on the lakeside of the existing residence. The residence was constructed in 1985 and is serviced by a private well and private septic system. The entire disturbance to the site will be within the area of previous development and improvement.

The Board had the following questions, concerns and comments:

- Why are you before the Board – Mr. Jalbert stated that the property is non-conforming – it lacks area and frontage
- You are extending the deck by 10' – Mr. Jalbert stated correct

Motion: Made by Mr. Young to grant the Determination to Raul & Pamela Curbelo to enlarge the existing deck by 10'X24', according to the plans entitled; Proposed Plot Plan – Raul H. & Pamela J. Curbelo – 110 South Shore Drive – prepared by Jalbert Engineering – plan date 6/22/2017 – DWG #17095 - revision 1 – dated 6/22/2017. The Determination does not intensify the existing or create additional non-conformities and the owner may apply for a building permit for the described activities. All necessary permits must be obtained prior to the start of construction.

2nd: Mr. Earls

Discussion: None

Vote: 6 – 0

CONTINUATION OF THE PUBLIC HEARING – OTIS LAND MANAGEMENT, LLC IS REQUESTING A SPECIAL PERMIT FOR THE ALTERATION OF PRE-EXISTING NON-CONFORMING STRUCTURES TO ALLOW THE REPLACEMENT OF 7 EXISTING MOBILE HOMES AND THE INSTALLATION OF AN 8TH MOBILE HOME ON THE VACANT MOBILE HOME SITE. THE PROPERTY LOCATION IS 8 BIRCH STREET.

Materials presented:

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Application for Special Permit – Otis Land Management, LLC – Ralph Nicholas – received 10/18/2016

Narrative by DC Engineering & Survey Inc. – dated 10/17/2016 – received 10/18/2016

Existing & Proposed Site Plan – Otis Land Management – 8 Birch Street – prepared by DC Engineering & Survey, Inc. – plan date 10/12/2016 – project #13-201 – DWG # EX – received 10/18/2016– revision #6 – dated 7/5/2017

Photos of the site

Letter from Otis Land Management, LLC – Re: Continuation of the Public Hearing to January 18, 2017 – dated December 6, 2016 & continue to 2/15/2017 dated January 13, 2017 – continue to April 19, 2017 – dated 2/14/2017 & continue to June 21, 2017 – dated 4/13/2017

Building Coverage Calculations of formerly pre-existing mobile homes and proposed 8 mobile homes – Otis Management, 8 Birch Street – dated 7/05/2017

Ms. Thorpe, who was absent from the June 21, 2017 meeting, was able to participate in the meeting because she reviewed the material and watched the video of that meeting and signed the form Certification Pursuant to G.L.c.39 , Section 23D of Participation in a Session of an Adjudicatory where the undersigned member missed a single hearing session. The form is on file in the office dated 7/19/2017

The Board had the following comments, concerns and questions:

- Happy to see the breakdown calculations of the sheds and decks
- Is the dumpster located on the plan – Mr. Nichols stated it is – will be on a pad with a fence around it

The abutter at 10 Birch Street, Cindy Fugere had questions about setbacks and being able to erect a fence on her property adjacent to the shared way. She was advised it must be installed at least one foot inside the property line.

Mr. Kelley stated that her questions could be better answered by the Building Commissioner.

Motion: Made by Ms. Cooney to close the Public Hearing for Otis Land Management, LLC on the application for Special Permit for the property located at 8 Birch Street.

2nd: Mr. Earls

Discussion: None

Vote: 5 – 0 – 1(Mr. Young)

Motion: Made by Ms. Cooney to find that the proposal by the applicant, Otis Land Management, LLC – 8 Birch Street for the alteration or replacement of two existing

structures and the installation of an eight mobile home structure on the vacant mobile home site will not be substantially more detrimental to the neighborhood than the existing, in accordance with section 24.09 a-e and Chapter 20.05 of the Sturbridge Zoning Bylaws.

2nd: Mr. Earls

Discussion: None

Vote: 5 – 0 – 1(Mr. Young)

Motion: Made by Ms. Cooney to grant the Special Permit to Otis Land Management, LLC for the replacement of two dilapidated pre-existing non-conforming mobile homes that were destroyed by fire and to add an eight unit on the vacant mobile home site # 4 as well as related site improvements for the property located at 8 Birch Street according to the plans entitled; Existing Site Plan & Proposed Site Plan – Otis Land Management – 8 Birch Street – prepared by DC Engineering & Survey, Inc. – Plan dated 10/12/2016 – project #16-173 and – revision #6 – dated 7/05/2017; subject to the following conditions:

1. Any revised, amended, or modified plan must come before ZBA for review and approval.
2. The replacement of any remaining mobile homes on the site shall not exceed previous existing footprint when replaced.
3. All necessary permits must be obtained prior to the start of construction.

2nd: Mr. Onwbueke

Discussion: Ms. Thorpe asked the question why ConCom denied the project. Mr. Nichols stated that Conservation Commission didn't like double wide trailers only think additions belong on homes– appealing to Superior Court

Vote: 5 – 0 – 1(Mr. Young)

DETERMINATION – MICHELLE & MICHAEL SULLIVAN ARE REQUESTING A DETERMINATION TO CONSTRUCT A GARAGE. THE PROPERTY IS LOCATED AT 27 WALLACE ROAD.

Mr. Kelley recused himself from the Board. He stated that he is a neighbor and good friend of the Sullivans'

Materials presented:

Application for Determination – Michelle & Michael Sullivan – received 6/27/2017

Zoning Board of Appeals Site Plan – Owned by Michelle D. & Michael S. Sullivan – 27 Wallace Road – prepared by Morse Engineering & Construction Industries, LLC – plan date 6/26/2017 – job #MA287-F109 – revision #1 – dated 7/18/2017

Architectural plans – 24'X24' Two Car Garage with Loft – prepared by Custom Home Design – 22685 SW Conifer Drive, Sherwood OR

Mr. Morse of Morse Engineering and Construction Industries, LLC spoke on behalf of the applicant. Mr. Morse stated that they are proposing to build a 24'X24' garage with a loft. There will be electricity but no plumbing. The small shed will be removed and one tree will be taken down. The property is short on frontage.

Ms. Cooney acknowledged the following department memos:

- Lt. Marinelli, Fire Inspector
- Ms. Bubon, Town Planner
- Mr. Colburn, Conservation Agent
- Mr. Burlingame, Building Commissioner

The Board had the following questions, concerns and comments:

- Is there a garage now – Mr. Morse stated that there is a one stall garage under the house – not very usable
- Question lot #2 on the plan – Mr. Morse stated that lot #2 was referenced that way when the subdivision was established – it is now the house #27
- The project is being done by the vocational school district – Mr. Sullivan stated correct

Motion: Made by Mr. Young to grant the Determination to Michelle & Michael Sullivan to construct a garage, according to the plans entitled; Zoning Board of Appeals Site Plan – Owned by Michelle D. & Michael S. Sullivan – 27 Wallace Road – prepared by Morse Engineering & Construction Industries, LLC – plan date 6/26/2017 – job #MA287-F109 – revision #1 – dated 7/18/2017 and Architectural plans – 24'X24' Two Car Garage with Loft – prepared by Custom Home Design – 22685 SW Conifer Drive, Sherwood OR. The Determination does not intensify the existing or create additional non-conformities and the owner may apply for a building permit for the described activities. All necessary permits must be obtained prior to the start of construction.

2nd: Ms. Thorpe

Discussion: None

Vote: 6 - 0

CORRESPONDENCE

None

OLD/NEW BUSINESS

None

NEXT MEETING

August 16, 2017

On a motion made by Ms. Thorpe, seconded by Mr. Earls, and voted unanimously, the meeting adjourned at 8:00 PM.