

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
WEDNESDAY, AUGUST 17, 2016

**Present:** Elizabeth Banks  
Margaret Cooney, Chair  
Thomas Earls  
Kevin Kelley, Clerk/Vice/Chair  
Fidelis Onwubueke

**Also Present:** Diane M. Trapasso, Administrative Assistant

**Absent:** Michael Young  
Maryann Thorpe

Ms. Cooney opened the meeting at 6:30 PM and read the agenda.

The Board introduced themselves.

**APPROVAL OF MINUTES**

**Motion:** Made by Mr. Kelley, to approve the amended draft minutes of July 13, 2016.  
**2<sup>nd</sup>:** Ms. Banks  
**Discussion:** None  
**Vote:** 5 - 0

**DETERMINATION – ANTHONY & COURTNEY SCARNICI ARE REQUESTING A DETERMINATION TO ADD A 4' EXTENSION TO THE WIDTH OF THE HOUSE AND ADD EXTENSION TO THE DECK. THE PROPERTY IS LOCATED AT 112 CEDAR STREET.**

**Materials presented:**

Application for Determination – Anthony & Courtney Scarnici– received 7/7/2016

Mortgage Inspection Plan – dated 11/23/2015 – prepared by DesLauriers & Associates

Proposed Deck Extension Plan for 112 Cedar Street – plan date 7/5/2016 – prepared by ARS Engineering

Ms. Cooney acknowledged the following department memos:

- Mr. Colburn, Conservation Agent
- Ms. Terry, Interim Health Agent
- Lt. Marinelli, Fire Inspector
- Mr. Burlingame, Building Commissioner
- Mr. Morse, DPW Director

Mr. Scarnici spoke on his own behalf. Mr. Scarnici stated that he is proposing to add a 4' extension to the width (front to back) of the house as shown in the drawing. Plus, add an extension to the deck as shown in the drawing.

The Board had the following concerns, comments and questions:

- Mortgage didn't show ramp - Mr. Scarnici stated that the ramp is inside
- What is the dark bump out on the mortgage plan – Mr. Scarnici stated that it is a concrete step
- Will the deck be flush with the hot tub – Mr. Scarnici stated the deck will be below by 6"
- The hot tub is 7'X7' and the existing deck abuts the hot tub, correct – Mr Scarnici stated "yes"
- Is the old deck remaining – Mr. Scarnici stated "yes" – the new deck will be extended from the existing - old stairs will be removed and rebuilt from the new deck

**Motion:** Made by Ms. Banks to grant the Determination requested by Anthony & Courtney Scarnici for the property located at 112 Cedar Street, as requested, to add a 4' extension to the width of the house and add extension to the deck. According to the Proposed Deck Extension Plan for 112 Cedar Street – prepared by ARS Engineering – plan date 7/5/2016 – Mortgage Inspection Plan – dated 11/23/2015 – prepared by DesLauriers & Associates. 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.

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

**Discussion:** None

**Vote:** 5 – 0

**DETERMINATION – LEANNE MCCARTHY IS REQUESTING A DETERMINATION TO EXTEND THE SIDE DECK (12'X5') TO MEET THE BACK DECK. THE PROPERTY IS LOCATED AT 48 BROOKFIELD ROAD.**

**Materials presented:**

Application for Determination – Leanne McCarthy & Michael Avedian – received 7/27/2016

Mortgage Inspection Plot Plan – Brookfield Road – deed ref. 7898-16

Pencil sketches

Ms. Cooney acknowledged the following department memos:

- Lt. Marinelli, Fire Inspector
- Mr. Burlingame, Building Commissioner

Ms. McCarthy spoke on her own behalf. Ms. McCarthy stated that she is proposing to add to the existing deck. The deck addition (12'X15') will square off the existing structure and will cover the existing retaining wall.

The Board had the following concerns, questions and comments:

- The Board was concerned with lot coverage – the existing is 22.49% and the applicant is proposing 24.5% which does not include the pool house
- Pool and pool house in the lot coverage – Ms. McCarthy stated “the pool is” – it was already on the property when she purchased it
- Ms. McCarthy stated that she is not taking up more green space – the deck is going over the existing retaining wall – if need be she will remove the pool house
- How large is the garage – Ms. McCarthy stated it is 25'X30' – garage with workshop – larger than the house
- The applicant has no knowledge of what necessary permits were obtained
- May need a Special Permit
- The Board requested to have the property staked out showing the deck and all – Ms. McCarthy stated she would have it staked out
- Ms. McCarthy's father stated that the retaining wall is about 5' or more
- Ms. McCarthy stated that she is looking at the abutting lot – The Board stated that that would bring her lot into conformance

**Motion:** Made by Ms. Banks to continue the Determination requested by Leanne McCarthy for the property located at 48 Brookfield Road, as requested to extend the side deck (12'X5') to meet the back deck. According to the drawing sketched on the Mortgage Inspection Plot Plan – Brookfield Road – deed ref. 7898-16 to September 21, 2016 @ 6:35 PM.

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

**Discussion:** None

**Vote:** 5 – 0

**DETERMINATION – NICHOLAS A. SALVADORE IS REQUESTING A DETERMINATION TO REMOVE THE EXISTING DECK, MAINTAIN EXISTING SIDE SETBACK WITH NEW DECK, WRAP DECK AROUND THE REAR OF THE HOUSE TO EXTEND 10'X6" FROM THE BUILDING. THE PROPERTY IS LOCATED AT 106 WESTWOOD DRIVE.**

**Materials presented:**

Application for Determination – Nicholas Salvatore – received 7/27/2016

Drawings of the plan – prepared by Peter Gariepy – G & O Construction, Inc. – for Salvatore – 106 Westwood Drive – received 7/27/ 2016

Ms. Cooney acknowledged the following department memos:

- Lt. Marinelli, Fire Inspector

- Mr. Burlingame, Building Commissioner

Mr. Gariepy of G & O Construction, Inc. spoke on behalf of the applicant. Mr. Gariepy stated that the applicant is proposing to remove the existing deck. Maintain the existing side setback with a new deck. Wrap the deck around the rear of the house to extend 10'X6" from the building.

The Board had the following concerns, questions and comments:

- How far from the abutter on the left – Mr. Gariepy stated 11'9"
- Increase in lot coverage – increase the non-conformity
- Height of the deck off the ground – Mr. Gariepy stated 2 ½ feet off the ground with one step down
- Carport – metal structure with tarp over it and completely covering all sides – Mr. Gariepy stated that "it can be removed"
- It is a small lot – why deny an applicant to make improvements and enhancing the neighborhood
- Problem with the increase in lot coverage

**Motion:** Made by Mr. Kelley to deny the Determination requested by Nicholas A. Salvadore for the property located at 106 Westwood Drive as requested to remove the existing deck, maintain existing side setback with new deck, wrap deck around the rear of the house to extend 10'X6" from the building. According to the plans drawn by Peter Gariepy – G & O Construction, Inc. – Salvadore – received 7/ 27/2016. The Determination does increase the non-conforming nature and requires a Special Permit.

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

**Discussion:** None

**Vote:** 5 – 0

## **RE-ORGANIZATION OF THE BOARD**

Rescheduled – not a full Board

## **CORRESPONDENCE**

The Board requested from Kopelman & Paige - Lots held in common ownership –review literature

## **OLD/NEW BUSINESS**

Krochmalnyckyj, Roman et al vs. Mimeault, Peter et al – Court ordered that the decision of the Sturbridge Zoning Board of Appeals is Affirmed

Conservation Commission approved Five Leaves at Sturbridge – 40B – August 11, 2016

## **NEXT MEETING**

September 21, 2016

On a motion made by Ms. Banks, seconded by Mr. Earls, and voted unanimously, the meeting adjourned at 8:50 PM.