

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
Wednesday, March 10, 2010

**Present:** Elizabeth Banks  
Adam Gaudette, Chairman  
Kevin Kelley  
Pat Jeffries  
Ginger Peabody  
Chris Mattioli

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

Mr. Gaudette opened the meeting at 7:00 PM.

Ms. Peabody extended the Board's deepest sympathy and condolences to the Beaudry family in the passing of Theophile (Pee Wee) Beaudry, who served more than 20 years on the ZBA.

The Board introduced themselves.

Mr. Gaudette read the agenda.

**APPROVAL OF MINUTES**

**Motion:** Made by Mr. Gaudette to approve the amended minutes of December 9, 2009.

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

**Discussion:** None

**Vote:** 5 – 0 – 1 (Ms. Jeffries abstained)

**KATHRYN GILHA – REQUEST A DETERMINATION TO CONSTRUCT A 537 SQ. FT. ADDITION TO THE EXISTING HOME. THE PROPERTY IS LOCATED AT 96 SOUTH SHORE DRIVE.**

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. He stated that the applicant is proposing to construct a building addition totaling 537 sq. ft. The proposed improvements are proposed to be located away from South Pond or within an area already occupied by a driveway, retaining wall or an existing landscape area thus minimizing the disturbance to the site. The building addition is to be constructed along the northwesterly side of the existing building.

Mr. Gaudette read the department memos from the following:

- Ms. Bubon, Town Planner

- Ms. Jacque, Conservation Agent
- Mr. Wight, Building Inspector
- Mr. Morse, DPW Director

Ms. Peabody asked if the envelop was remaining the same and it was.

**Motion:** Made by Ms. Jeffries to grant the Determination to Kathryn Gliha of 96 South Shore Drive. 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 on the attached survey plan forthwith date of December 15, 2009.

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

**Discussion:** None

**Vote:** 6 – 0

**JULIE MORRILL – REQUEST A DETERMINATION TO DEMOLISH THE EXISTING RESIDENCE AND CONSTRUCT A YEAR ROUND RESIDENCE. THE PROPERTY IS LOCATED AT 272 BIG ALUM ROAD.**

Mr. Gaudette read the department memos from the following:

- Ms. Bubon, Town Planner
- Ms. Jacque, Conservation Agent

Mr. Jalbert from Jalbert Engineering spoke on behalf of the applicant. He stated that the applicant is proposing to demolish the existing residence and construct a year-round residence. The applicant also proposes to install a new artesian well and expand the off-street parking area on the southeast side of Big Alum Road.

He also stated that due to the proximity and slope of the lot to Alum Pond several measures have been taken to minimize the erosion and runoff to be generated by the proposed work. First, the proposed improvements have been located as far from Alum Pond as possible given the required setback from Big Alum Road. This results in a 26.3% reduction in coverage within the 100' Buffer Zone. Second, all proposed work including grading has been located outside of the 50-foot buffer zone. Third, an erosion control barrier consisting of siltfence and haybales is to be installed prior to any disturbance onsite. The erosion control barrier defines the limit of work on the plans. The erosion control barrier will be maintained until all disturbance has been stabilized. Finally, in addition to the erosion control blanket, all disturbed areas are to be covered with 4" of loam, seeded with perennial grass mixture and supplemented with native plantings.

Some Board members had concerns with a big house on a small lot which occurs a lot around the Lakes.

Ms. Peabody had a concern with the calculations of the area underneath the deck increasing the non-conformities.

Mr. Jalbert stated that the area under the deck is already in the calculations.

**Motion:** Made by Mr. Mattioli to grant the Determination to Julie Morrill & Joseph Candelaria of 272 Big Alum Road. 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 on the attached survey plan forthwith plan date of February 9, 2010.

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

**Discussion:** None

**Vote:** 6 – 0

**JAYESH PATEL, c/o OMSHRI AMBIKA, LLC – REQUEST A VARIANCE TO CONSTRUCT A 3-STORY HOTEL WITH A PITCHED ROOF THAT WOULD EXCEED THE MAXIMUM BUILDING HEIGHT. THE PROPERTY IS LOCATED AT 21 NEW BOSTON ROAD.**

Ms. Banks read the legal notice.

Mr. Gaudette read the department memos from the following:

- Ms. Bubon, Town Planner
- Mr. Senecal, Fire Chief
- Ms. Jacque, Conservation Agent
- Mr. Wight, Building Inspector
- Mr. Ford, Chief of Police

Mr. Dufresne of VHB spoke on behalf of the applicant, he stated the Zoning Bylaw allows construction of a 3-story hotel in the Commercial District by Special Permit, however the bylaw also stipulates a maximum average building height of 35'. The applicant desires to construct a 3-story hotel with a pitched roof that would exceed the maximum building height.

The relatively narrow depth of the lot and the need to provide for the potential future building on the site require the proposed hotel to be 3 stories in height. The desire to provide a pitched roof to keep the “style” of Sturbridge necessitates the additional height above 35' maximum.

Mr. Patel, the property owner, stated that the 3-story hotel with a pitched roof is more in keeping with the Town of Sturbridge style of building architecture.

He also stated that the intent of the 3-story structure is being met and that the architecture of the building roof, with no usable space, will not derogate from the intent of the bylaws.

Mr. Kelley stated that he likes the plan and agrees with Mr. Patel with keeping with the style of Sturbridge and the proposed hotel will look great on the property especially being the “Gateway to Sturbridge”.

Mr. Kelley also stated that this Board historically has been very strict with the interpretation of the requirements for a Variance and hardly ever grants them. He feels that this application does not have the criteria to allow this Board to grant a Variance.

The Board wanted to see the actual architectural plans.

Mr. Patel stated that he did not have any because he wanted to be granted the Variance first before he went any further. He did state that the hotel will have the same architectural style as the Holiday Inn Express in Hadley.

Ms. Peabody stated that when the height restriction of 35' was written in the bylaw, the Fire Department did not have the equipment to reach that high. Now, the Fire Department's equipment can reach up to 100'.

She also stated that in a PUBD a height of 60' is allowed. Also, this piece of property is the "Gateway to Sturbridge" if we deny this Variance we deny on the design for Sturbridge. Plus, a flat roof is not as safe in New England because of our weather.

She even stated that in the process of working on the Master Plan, it has come up as making that piece of property the "Gateway to Sturbridge", so therefore it should be revitalized as the Town wants it to be, quaint New England.

Ms. Peabody read from Chapter 40A section 10 - hardship from regulatory controls – a unique situation – Variance could be granted.

Most of the Board had a hard time with this application because they felt the plan and design was a good one and in the character of Sturbridge but granting a Variance based on a hardship was tough.

The Board asked Mr. Patel if the pitch roof could be less. He stated that he could make the pitch a little less but not too much because of the solar panels that would be placed on the roof. Mr. Patel stated that he could lower the height to 44'.

Ms. Sagerian of 36 New Boston Road was in favor of the new design of the hotel. Her only concern was with traffic because of the new placement of the driveway on New Boston Road.

Mr. & Mrs. Rosenbloom of 5 Old Brook Circle were in favor of the plan and believed it would be a good investment for Sturbridge.

Ms. Scheurich of 4 Old Brook Circle was also in favor of the plan. She stated it would probably bring in more activity to the area.

Mr Chamberland of Caron Road stated that when driving on Route 20, the difference of 4' in the height would not make a difference. Plus, he stated that if the Variance was denied the Town would be missing a golden opportunity to make this the "Gateway".

Ms. Peabody felt strongly about supporting this project, it would be the first green building in the Town. The hardship would be for the people of Sturbridge missing the opportunity to see such a great design entering Sturbridge.

The Board felt a little more comfortable with the height being 44' and with the staff and residents in favor of the plan.

**Motion:** Made by Ms. Peabody to close the Public Hearing.  
**2<sup>nd</sup>:** Ms. Jeffries  
**Discussion:** Ms. Banks wanted to see the maximum height of 44'  
**Vote:** 6 – 0

**Motion:** Made by Ms. Peabody to grant the Variance to exceed the maximum height requirement to a maximum of 44' height to Jayesh Patel, c/o Omshri Ambika, LLC for the property located at 21 New Boston Road, Assessor's Map #25, Lot # 42/21.  
**2<sup>nd</sup>:** Ms. Jeffries  
**Discussion:** None  
**Vote:** 5 – 1 (Mr. Kelley)

**JAYESH PATEL, c/o OMSHRI AMBIKA, LLC – REQUEST FOR ASPECIAL TO PERMIT A HOTEL IN A COMMERCIAL ZONE. THE PROPERTY IS LOCATED AT 21 NEW BOSTON ROAD.**

Ms. Banks read the legal notice.

Mr. Gaudette read the department memos from the following:

- Ms. Bubon, Town Planner
- Ms. Jacque, Conservation Agent
- Mr. Ford, Chief of Police
- Mr. Morse, DPW Director dated 2/8/2010 & 2/19/2010

Mr. Dufresne of VHB spoke on behalf of the applicant. He stated that the applicant owns the subject parcel of land that is in two zoning districts. The applicant is proposing to redevelop the portion of the parcel within the Commercial District and replace the existing hotel with a new hotel.

Ms. Peabody stated that the applicant will have Site Plan Review with the Planning Board. The use was for a hotel and will remain a hotel because they are going to tear down and rebuild with a new hotel. A wooden carved sign would strongly be recommended and would be extremely and attractive.

The Board agreed that the project meets all the requirements and would benefit the Town.

**Motion:** Made by Ms. Peabody to close the Public Hearing  
**2<sup>nd</sup>:** Ms. Jeffries  
**Discussion:** None  
**Vote:** 6 – 0

**Motion:** Made by Ms. Peabody to grant the Special Permit to Jayesh Patel, c/o Omshri Ambika, LLC for the property located at 21 New Boston Road to construct a new

hotel and related site improvements shown on the plan dated December 28, 2009 and revised through February 12, 2010 with 5 Conditions.

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

**Discussion:** None

**Vote:** 6 - 0

### **CORRESPONDENCE**

Letter from Kopelman & Paige – Re: FCC Establishes Time Limits for Wireless Siting Decisions

Letter from Ms. Thorpe to Mr. Racicot – Re: Appointment to the Board – not advertised – time to be placed on the ballot for the Town election

Letter from CHAPA – Crescent Gate

CPTC – Annual Conference – March 20, 2010

Letter from Mr. Johnson – Re: Syles Auto Sales Inc.

### **OLD BUSINESS/NEW BUSINESS**

Mr. Gaudette thanked Mr. Prescott for serving on the Board and wished him well on the Finance Committee.

Mr. Gaudette also thanked Ms. Peabody who is not seeking re-election to the Board and is retiring after serving nine years. He thanked her for her time and dedication, and presented to her a bouquet of flowers.

Ms. Peabody thanked the Board and the residents of Sturbridge for the honor to serve on the ZBA. She stated that she is a firm believer in term limits.

### **NEXT MEETING**

April 14, 2010

On a motion made by Ms. Jeffries, seconded by Ms. Peabody and voted unanimously, the meeting adjourned at 9:40 PM