

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

Wednesday, September 15, 2010

Present: Elizabeth Banks
Marge Cooney
Thomas Creeden
Pat Jeffries
Chris Mattioli
Maryann Thorpe

Also Present: Diane Trapasso, Administrative Assistant

Absent: Adam Gaudette, Chairman

Ms. Jeffries, Vice-Chair, opened the meeting at 6:30 PM.

Ms. Jeffries read the agenda.

APPROVAL OF MINUTES

Motion: Made by Mr. Creeden to approve the amended minutes of August 18, 2010.
2nd: Ms. Thorpe
Discussion: None
Vote: 5 – 0 – 1 (Mr. Mattioli)

CORRESPONDENCE

Personal & Confidential letter from Robinson & Donovan, Attorneys at Law

PUBLIC HEARING FOR SPECIAL PERMIT – KATHLEEN J. DALEY – 22 MT. DAN ROAD – THE EXISTING BUILDING ON THE SITE WILL BE REMOVED AND WILL BE REPLACED WITH A NEW HOME.

Ms. Banks read the legal notice.

Materials Reviewed:

Application for Special Permit submitted 8/3/2010

Plans for Kathleen J. Daley – Notice of Intent – 22 Mt. Dan Road – dated 8/13/2010 from Sherman & Frydryk – Land Surveying & Engineering – 3 Converse Street, Suite 203, Palmer MA

A New Residence Custom Designed for Kathy Daley – Sturbridge MA – The Pecoy Companies – dated 7/28/2010 & 8/1/2010

Revised plans submitted 9/15/2010 with cover letter

Department memos from the following:

- Ms. Bubon, Town Planner
- Mr. Morse, DPW Director
- Ms. Rusiecki, BOH
- Ms. Jacque, Conservation Commission

Mr. Geary of Pecoy Companies spoke on behalf of the applicant. He explained the design of the house. The existing building on the site will be removed and will be replaced with a new three-bedroom home.

Mr. Frydryk of Sherman & Frydryk also spoke on behalf of the applicant. He stated the Special Permit application has been submitted in accordance with the Town's Bylaw Section 20.05 for the change of a non-conforming structure.

He stated that the proposed building will be in conformance with the existing setback requirements on the parcel and the proposed residential use will be in harmony with the surrounding properties in this district. The existing lot is not in conformance with the required lot size for the district, however, no change on lot sized is proposed and therefore this project will be no more non-conforming than the current site.

The Board had the following questions:

The height of the proposed house and will it hinder the view or cause shadows on the abutters home.

The steps counted as coverage

Mr. Frydryk stated that steps are exempt from coverage. The proposed location of the home will not hinder development of adjacent properties and the adjacent properties are developed with single family homes.

Motion: Made by Mr. Creeden to close the Public Hearing

2nd: Mr. Mattioli

Discussion: None

Vote: 6 – 0

Motion: Made by Mr. Mattioli to grant the Special Permit to Kathleen J. Daley for the property located at 22 Mt. Dan Road, pursuant to Article/Section 20.05 of the Zoning Bylaw to permit change in a non-conforming structure with the following two conditions:

1. To meet all the requirements set by the Conservation Commission
2. Any road damage made by the contractor on either Public or Private Roads must be addressed to the Towns satisfaction

With the set plans numbered #10058 with the revision date of 9/13/2010

2nd: Ms. Banks

Discussion: None

Vote: 6 - 0

CONTINUATION OF THE PUBLIC HEARING OF METROPCS, LLC IS REQUESTING A VARIANCE AND SPECIAL PERMIT TO ERECT A TELECOMMUNICATIONS TOWER. THE PROPERTY IS LOCATED AT 67 ROUTE 84 (DPW PROPERTY).

Materials Reviewed:

Report from Anderson & Kreiger – dated 8/30/2010

Report from Mark F. Hutchins – Radiofrequency Engineer – dated 9/9/2010

Memo from Mr. Morse – DPW Director – dated 8/25/2010

Letter from Mr. Heywood, Treasurer, Board of Trustees, Sturbridge Hills Condominium Association – dated 8/24/2010

Revised Alternative Site Plans – C-2 & A-1 – dated and stamp by a certified engineer

Mr. Kreiger of Anderson & Kreiger went through the report of August 30, 2010, answering the concerns from the August 18, 2010 meeting:

1. Privately-Owned Alternative Sites
 - MetroPCS identified 117 privately-owned parcels within the Facility search ring by superimposing the ring on Town of Sturbridge Official Property Tax Maps 24, 25, 29, 34, 37 and 38
 - MetroPCS eliminated most of those parcels
 - Based on this process, MetroPCS identified six privately owned parcels within the search ring as potential alternative locations for the Facility
 - None of these locations would enable MetroPCS to serve the Targeted Coverage Area at these heights
2. Additional ZBA Questions
 - Three questions asked were answered
 - Revised Alternative Plan sheets C-2 and A-1 with revision date April 9, 2010 with the new elevation of 115' monopole and stamped

Mr. Kreiger stated that even the consultant for the ZBA, Mr. Hutchins agreed with this site being the best.

The Board thanked all involved for their patience through this whole process.

Mr. Mattioli apologized for missing the August 18, 2010.

Mr. Heywood of 95 Colonial Drive stated that he received material from MetroPCS marketing that coverage in Sturbridge is good. He also stated that the Town has the right to make a decision with the best interest of the Town.

Mr. Fontaine of 109 Colonial Drive stated why is there a need, when coverage is available according to MetroPCS marketing information.

The Board asked why and how do you know there is a gap in coverage.

Mr. Nester and Mr. Orichi stated that through computer showings and phone usage, it shows that there is a gap.

Mr. Kreiger stated that he would prefer to have a full Board present for closing summary.

Motion: Made by Mr. Creeden to continue the Public Hearing for MetroPCS to September 29, 2010 @ 6:35 PM.

2nd: Ms. Banks

Discussion: None

Vote: 5 – 0 – 1 (Ms. Cooney)

PUBLIC HEARING FOR A SPECIAL PERMIT & VARIANCE – THE STURBRIDGE ARENA, LLC TO DEVELOP A DOMED INDOOR SPORTING COMPLEX WITH ADJACENT OUTDOOR FIELDS & ADJACENT BUILDING TO ACCOMADATE CONCESSIONS, RETAIL & RESTROOMS. THE PROPERTY IS LOCATED AT 17 KELLY & 90 RIVER ROAD.

Ms. Banks read the legal notice.

Material Reviewed:

Application for the Special Permit & Variance for Sturbridge Arena, LLC

Plans dated 6/23/2010

Narrative with views

Department memos from the following:

Ms. Bubon, Town Planner

Mr. Morse, DPW Director

Ms. Jacque, Conservation Commission

Mr. Loin of Bertin Engineering spoke on behalf of the applicant. He stated that the Special Permit is for the deduction of minimum lot to 28.39 ac instead of 50 ac as allowed for in 15.09 of Sturbridge Zoning Bylaws. This PUBD Development will be Commercial Recreation Sports Arena. A Variance is requested for a proposed building 28' above the zoning limit height in a PUBD Special Use zone. The total height of the proposed soccer dome is 78'.

Mr. Lundwall, part owner, stated the initial plan calls for the dome to be used for soccer, lacrosse, field hockey, flag football, baseball, softball and potentially any other sport that can be played indoors. The outdoor field or fields will be lined for soccer, lacrosse and field hockey and other similarly lined fields. We also intend to offer a limited variety of concession as well as a retail items particular to the various sports contemplated. The disc golf course may potentially serve as a trail site for Nordic sports.

The dome is intended to be heavily utilized from October to March with games from after school time until around midnight on weekdays and from the morning until around midnight on weekends. The dome is intended to attract all age ranges from kids' leagues to adults' leagues.

The Board had the concerns and questions:

- Lighting – Mr. Loin stated that lighting will be addressed in Site Plan Approval with the Planning Board
- Noise level and parking – again Mr. Loin stated that is will be addressed with the Planning Board
- Why just using 28.39ac and not the whole 50+ - Mr. Galonek, owner of the property, & Mr. Cimini, who is part owner of Sturbridge Arena,LLC, just pure economical reasons
- Noise of the compressor – Mr. Loin stated it will be buried – noise will not be a factor
- Height of the dome affecting abutters – Mr. Loin stated that the Public will benefit from its multi uses and because of location and scale they will not notice the increased height
- Safety issues with the dome – Mr. Lundwall stated that the whole structure and material is all according to State regulations
- Height Variance – Mr. Loin stated that because of the high ground water table(topography of the area) limits how deep they can go

Motion: Made by Mr. Creeden to close the Public Hearing.

2nd: Mr. Mattioli

Discussion: None

Vote: 6 – 0

Motion: Made by Mr. Creeden to grant the Variance from Chapter 19 which requires the ZBA to permit a structure greater than 60' in height in a PUBD; to Sturbridge Arena LLC for the proposed air supported dome of 80', revised to 75'. The property is located at 17 Kelly Road & 90 River Road. To include material specs to the Planning Department.

2nd: Mr. Mattioli

Discussion: None

Vote: 6 – 0

Motion: Made by Mr. Creeden to grant a reduction in lot size from 50ac to 28.39ac as allowed under Section 15.09 of the Sturbridge Zoning Bylaws to permit a PUBD as proposed by the Sturbridge Arena LLC; the PUBD shall at minimum contain the following

elements as proposed by the applicant: Indoor Sports Complex, Outdoor soccer Fields and Disc Golf Course. Retail and concessions shall not exceed 10% of gross indoor area. Improvements made to Kelly Road approved by the DPW Director.

2nd: Mr. Mattioli

Discussion: None

Vote: 6 – 0

REQUEST FOR DETERMINATION – BRYAN TRIFONE – TO DEMOLISH THE EXISTING STRUCTURE TO THE FOUNDATION AND REBUILD USING THE SAME FOOTPRINT ONLY ALTERING THE ENVELOPE WITH A HIGHER ROOF LINE TO ACCOMDATE A LOFT. THE PROPERTY IS LOCATED AT 16 EASTERN AVENUE.

Material Reviewed:

Application for Determination submitted August 26, 2010 by Bryan Trifone

Department memos from the following:

Mr. Lindberg, Building Commissioner/Zoning Enforcement Officer

Ms. Jacque, Conservation Agent

Mr. Morse, DPW Director

Ms. Bubon, Town Planner

Mr. Trifone spoke on his own behalf. He plans to demolish the existing home down to the foundation and the rebuild the home using the same footprint, but with an altered roofline to accommodate a loft.

He also stated that he has a shared driveway and with 15' frontage.

Motion: Made by Mr. Mattioli to grant the Determination to Bryan Trifone for the property located at 16 Eastern Avenue. It does not intensify the existing or create additional non-conforming, and the owner may apply for a building permit for the described activities as shown on the attached survey forthwith, plans dated 6/16/05.

2nd: Ms. Banks

Discussion: None

Vote: 6 – 0

OLD/NEW BUSINESS

None

NEXT MEETING

September 29, 2010 @ 6:30 PM @ Center Office Building

On a motion made by Mr. Mattioli, seconded by Ms. Thorpe and voted unanimously, the meeting adjourned at 8:45 PM.

