

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

Wednesday, January 11, 2012

Present: Elizabeth Banks, Chair
Joel Casaubon
Marge Cooney
Thomas Creeden, Vice-Chair/Clerk
Chris Mattioli
Maryann Thorpe
Michael Young

Also Present: Diane Trapasso, Administrative Assistant
Jean Bubon, Town Planner

Ms. Banks opened the meeting at 6:30 PM.

The Board introduced themselves.

Ms. Banks read the agenda.

APPROVAL OF MINUTES

Motion: Made by Mr. Mattioli to approve the minutes of December 14, 2011
2nd: Mr. Casaubon
Discussion: None
Vote: 4 – 0 – 3 (Mr. Creeden, Ms. Thorpe & Mr. Young)

SPECIAL PERMIT – RANDALL CHINNOCK IS REQUESTING A SPECIAL PERMIT PURSUANT CHAPTER 24, SECTION 24.09 AND CHAPTER 20 SECTION 20.05 OF ZONING BYLAW TO ALLOW THE CHANGE OF A PRE-EXISTING NON-CONFORMING USE FROM RETAIL, OFFICE AND FOOD SERVICE USE TO PROFESSIONAL SPACE. THE PROPERTY IS LOCATED AT 1 RIVER ROAD.

Materials Presented:

Application for Special Permit – Randall Chinnock – received 12/15/2011

Site Plan – Randall B. Chinnock – 243 South Street, Southbridge MA 01550 – 1 River Road, Sturbridge – prepared by Bertin Engineering – date 12/14/2011 – project # 11-749 – received 12/15/2011

Site Plan – Randall B. Chinnock – 243 South Street, Southbridge MA 01550 – 1 River Road
– prepared by Bertin Engineering – dated 12/14/2011 – project # 11-749 – received
1/10/2012 – revised 1/9/2012

Mr. Creeden read the legal notice.

Ms. Banks read the following department memos:

- Ms. Jacque, Conservation Agent
- Ms. Bubon, Town Planner
- Mr. Ford, Police Chief
- Mr. Morse, DPW Director
- Ms. Rusiecki, BOH Agent
- Mr. Lindberg, Building Inspector/Zoning Enforcement Officer
- Mr. T. Chamberland, Tree Warden
- Mr. Senecal, Fire Chief

Mr. Chinnock stated that he intends to purchase the property and renovate the interior of the buildings to accommodate professional office space and prototype development space for his business as well as to sublet portions of the property for other professional office uses. The final interior layout is still being finalized but the intent is to use the space in the following:

- Main Level – Main Building – this space will contain engineering labs, office cubicles, prototyping areas and a maintenance area.
- Upper Level – Main Building – this space will contain offices, two kitchens, two bathrooms, break room and conference room. It is anticipated that 80% will be sublet.
- Basement Level – Main Building – this space will contain engineering labs, office cubicles, prototyping areas and a maintenance area.
- Two Smaller Buildings – this space will be sublet for other professional office use.

The Board had the following questions :

- Will there be medical waste – Mr. Chinnock stated no – his company just makes the devices
- Parking – Mr. Chinnock stated that there will be 3 handicap parking – adding curbing – will be addressing all the concerns of the DPW Director.
- Sprinkler system and alarm system – Mr. Chinnock stated that the concerns of the Fire Chief will be addressed.

Motion:	Made by Mr. Creeden to close the Public Hearing.
2nd:	Mr. Mattioli
Discussion:	None
Vote:	7 - 0

Motion: Made by Mr. Creeden to grant the Special Permit requested by Randall Chinnock or Trust Designee for the property located at 1 River Road to allow the applicant to change the pre-existing non-conforming use of the property to accommodate the corporate office space, engineering labs, prototyping areas and professional office space as outlined in the application and supported documentation provided and as shown on a plan entitled "Site Plan Location – One River Road, Sturbridge MA prepared by Bertin Engineering, dated 12/14/2011, project # 11-749, revision date 1/9/2012. Approval is subject to the condition that any further change in use, significant or minor shall require further approval of the ZBA.

2nd: Mr. Mattioli

Discussion: None

Vote: 7 – 0

The Board informed the applicant that construction may not start until after the twenty day appeal period has elapsed after the decision is filed with the Town Clerk.

SPECIAL PERMIT – CENTER AT HOBBS BROOK, LLC IS REQUESTING A SPECIAL PERMIT PURSUANT TO CHAPTER 7, SECTION 7.02 (a) AND CHAPTER 24, SECTION 24.09 OF ZONING BYLAW TO ALLOW A MOTION PICTURE THEATER USE WITHIN THE EXISTING VACANT SPACE FORMERLY OCCUPIED BY LINEN & THINGS. THE PROPERTY IS LOCATED AT 110 CHARLTON ROAD.

Materials Presented:

Application for Special Permit – Center at Hobbs Brook, LLC – received 12/20/2011

Site Plan – The Center at Hobbs Brook, Sturbridge MA

Land Title Survey – prepared for Kimco Realty Corporation – Center at Hobbs Brook, LLC – prepared by Beals & Thomas, Inc. – dated 5/3/1995 – job # 015420

Floor Plan – Cinemagic, Sturbridge – prepared by Y. Nahikian & Associates Architects, LLC, 286 Hackett Hill Road, Hookset NH

Mr. Creeden read the legal notice.

Ms. Banks read the following department memos:

- Mr. Suhoski, Town Administrator
- Ms. Bubon, Town Planner
- Ms. Jacque, Conservation Agent
- Mr. Senecal, Fire Chief
- Mr. Ford, Police Chief
- Mr. Morse, DPW Director
- Mr. Lindberg, Building Inspector/Zoning Enforcement Officer
- Mr. T. Chamberland, Tree Warden

- Mr. Suhoski, Town Administrator

Mr. Brown of Kimco Realty spoke on behalf of the applicant. Mr. Brown stated that they request a Special Permit to allow the operation of a motion picture theater within the former Linen and Things. They plan to renovate the existing space to accommodate this new movie theater. There will be no changes to the site, parking, building footprint or building elevation as proposed, apart from signage which will be addressed in a separate application.

Mr. Brown stated that the proposed theater includes eight screens and 1210 seats. The theater is prepared to commence construction immediately upon issuance of required approvals. The anticipated opening date for the theater is June 2012. Mr. Brown stated that it is important to have a grand opening just prior to the Summer blockbuster film release period.

The Board informed the applicant that construction may not start until after the twenty day appeal period has elapsed after the decision is filed with the Town Clerk.

The Board had the following questions and concerns:

- Signage – Mr. Adams of Cinemagic stated that there will only be signage on the front of the building and a small sign at the front
- How many seats
- Drop off section
- Misuse in the parking lot – vehicles and equipment being parked – Attorney Neal, who is representing Cinemagic, stated that because the building has been vacant for so long – the parking lot has been misused

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

2nd: Ms. Thorpe

Discussion: None

Vote: 7 – 0

Motion: Made by Mr. Creeden to grant the Special Permit to the Center at Hobbs Brook, LLC for the property located at 110 Charlton Road to allow the operation of a motion picture theater in the former Linens and Things retail space as allowed by Chapter 7, Section 7.02 (a) and Chapter 24, Section 24.09 of the Zoning Bylaw as proposed in the application and supporting documentation submitted on December 20, 2011 with the condition of Site Plan Approval.

2nd: Mr. Mattioli

Discussion: None

Vote: 7 – 0

DETERMINATION – JOHN ARGITIS IS REQUESTING A DETERMINATION FOR THE CONSTRUCTION OF A ROOF OVER THE EXISTING DECKS AND PROPOSED STEPS. THE PROPERTY IS LOCATED AT 146 LAKE ROAD.

Materials Presented:

Application for Determination – John Argitis – 146 Lake Road – 146 Lake Road – received 12/20/2011

Proposed Site Plan for John Argitis – 146 Lake Road – prepared by Jalbert Engineering – plan date 11/29/11 – DWG # 10123 – revision 3

Building Elevations and 2nd Floor Plan for John Argitis – 146 Lake Road – prepared by Jalbert Engineering – plan date 11/29/2011 – DWG # 10140 – revision 2

Ms. Banks read the following department memos:

- Ms. Jacque, Conservation Agent
- Ms. Bubon, Town Planner
- Mr. Morse, DPW Director
- Mr. Senecal, Fire Chief
- Mr. Ford, Police Chief
- Mr. Lindberg, Building Inspector/Zoning Enforcement Officer

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. He stated that Mr. Argitis is requesting a Determination for the construction of a roof over the proposed steps. Mr. Jalbert stated that the Board had previously approved to add a second floor over the existing footprint and to construct a roof over the existing deck.

The Board had the following questions and concerns:

- Concern with the property line – Mr. Jalbert stated that the property has been resurveyed and bounds have been placed
- Will the deck remain open – Mr. Jalbert stated it would

Motion: Made by Ms. Cooney to grant the Determination to John Argitis – 146 Lake Road – for 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 as shown on the attached survey forthwith.

2nd: Mr. Mattioli

Discussion: None

Vote: 7 - 0

CORRESPONDENCE

None

OLD/NEW BUSINESS

None

NEXT MEETING

February 8, 2012 at 6:30 PM at the Center Office Building

On a motion made by Mr. Mattioli, seconded by Mr. Casaubon and voted unanimously, the meeting adjourned at 7:45 PM.