

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, October 17, 2012

Present: Elizabeth Banks
Joel Casaubon
Margaret Cooney
Thomas Creeden, Chair
Donald Fairbrother
Maryann Thorpe
Michael Young, Vice Chair/Clerk

Also Present: Jean Bubon, Town Planner

Absent: Diane Trapasso, Administrative Assistant

Mr. Creeden opened the meeting at 6:45 PM.

The Board introduced themselves.

Mr. Creeden read the agenda.

APPROVAL OF MINUTES

Motion: Made by Ms. Cooney to approve the minutes of September 19, 2012.

2nd: Mr. Fairbrother

Discussion: None

Vote: 6 – 0 – 1 (Ms. Thorpe)

Motion: Made by Ms. Cooney to approve the minutes of September 26, 2012

2nd: Mr. Fairbrother

Discussion: None

Vote: 7 – 0

Letter from R. Curran Designs Inc. requesting “Withdraw Without Prejudice” on the application for Matthew S. Kibbe & Mary Wilson Kibbe – 324 The Trail – dated 10/8/2012 for a Determination – received 10/9/2012. No action required.

PUBLIC HEARING – PORCHLIGHT INVESTMENT I, LLC IS REQUESTING A SPECIAL PERMIT TO ALLOW A NEW PARKING LOT IN A PRE-EXISTING NON-COFORMING LOT. ALSO, REQUESTING A VARIANCE TO ALLOW CONSTRUCTION WITHIN THE FRONT SETBACK. THE PROPERTY IS LOCATED AT 8 HINMAN STREET.

Materials Presented:

Application for a Special Permit & Variance – Porchlight Investment I, LLC – received 9/17/2012.

Existing Conditions Plan – 8 Hinman Street – prepared by Bertin Engineering – 39 Elm Street, Southbridge MA – dated 2/25/2012 – project # 12-635 – received 9/17/2012 – revised through October 11, 2012

Mr. Young read the legal notice.

Mr. Creeden acknowledged receipt of the following department memos:

- Ms. Bubon, Town Planner
- Mr. Ford, Police Chief
- Mr. Morse, DPW Director
- Mr. Colburn, Conservation Agent
- Captain Marinelli, Fire Inspector
- Ms. Rusiecki, BOH Agent
- Mr. Suhoski, Acting ZEO
- Mr. Meskus, Interim Building Inspector

Mr. Loin of Bertin Engineering spoke on behalf of the applicant. Mr. Loin stated that a plan was submitted by the applicant and approved by the Board in April of this year. That plan showed the parking lot connection to the existing Whistling Swan parking lot. After approval it was determined that the project was not financially feasible for the amount of additional parking that would be provided. Before you now, are revised plans that show the parking lot without the vehicle connection; instead the parking lot is only connected for pedestrian access.

Mr. Loin also stated that the lot is designed to be utilized by employees and valet parking, and self park. The proposed lot will be landscaped to fit into the existing neighborhood. A new stormwater structure will be added.

The Board had the following concerns and questions:

- How will the public access the second lot – Mr. Loin stated that there will be a stairway
- If the applicant can remove two spaces then a variance would not be needed – if Hinman Street is considered a side set-back or rear set-back
- What is the hardship – Mr. Loin stated that cars will be parked all over Town and public safety issue is having the public crossing Route 20
- Conservation concerns on stormwater – Mr. Loin stated that the applicant will file with Conservation Commission
- Some Board members felt that the applicant is a victim of poor timing – 6 months ago the applicant was given three variances and now with a revised plan some members are not supporting one variance. Mr. Creeden stated that gave our word 6 months ago

- Concerns about trips to and from the Main Street address and to and from Hinman Street for valet parking

Mr. Brown of 275 Cedar Street was concerned with drainage.

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

2nd: Ms. Thorpe

Discussion: None

Vote: 7 – 0

Mr. Creeden read the Special Permit criteria for approval; the Board voted on each of the criteria for Special Permit Approval.

(a) Such use is not detrimental to the permitted uses in the zone in which it is located.

The use is not detrimental to the permitted uses in the zone in which it is located. Restaurants and associated facilities are permitted within the District.

Motion made by Mr. Casaubon and seconded by Mr. Fairbrother and voted 7 – 0, such use is not detrimental to the permitted uses in the zone in which it is located.

(b) The nature of the operations shall be such that it will not be hazardous or create any danger to public health and safety.

Motion made by Mr. Casaubon and seconded by Ms. Thorpe and voted 7 – 0, the proposal for the additional parking will not create any danger to public health and safety. Additional parking will enhance patron safety by providing more on-site parking options. The Police Chief has indicated that he has no public safety concerns with this proposal and the plans have been revised to address Town Planner and DPW Director concerns. Additionally, standard construction practices shall be employed throughout the construction process and all required permits will be obtained and nothing hazardous is proposed to be stored or used on site.

(c) The use shall be consistent, insofar as practicable, with the Comprehensive Plan for the future development of the area.

Motion made by Ms. Thorpe and seconded by Mr. Casaubon and voted 7 – 0, the proposed use is consistent with the uses permitted in the zoning bylaw. Both the Commercial Tourist District Plan and the Master Plan also state the need to provide additional parking opportunities to serve businesses within the District.

(d) Provision for roads and parking areas shall be laid out so as to prevent traffic hazards and nuisances.

Motion made by Ms. Cooney and seconded by Mr. Young and voted 7 – 0, the parking lot and connecting driveways have been reviewed by staff and the plans have been revised in a manner that addresses staff concerns.

(e) The location, nature and height of buildings, walls, fences, and landscaping shall be such that the use will not hinder or discourage the appropriate development of adjacent land or adversely affect the character of the zone in which it is located.

Motion made Mr. Young and seconded by Mr. Casaubon and voted 7 – 0, it does not appear that this proposal will in any way hinder or discourage appropriate development of adjacent land, nor will it affect the character of the zone in which it is located.

Motion: Made by Mr. Casaubon to grant the Special Permit requested to allow the construction of the parking lot as outlined in the application and supporting documentation provided and as shown on the plan submitted “A plan entitled “proposed Site Plan – Site Address: 8 Hinman Street, Sturbridge, MA 01566. Plan prepared by Bertin Engineering – 39 Elm Street, Southbridge MA 01550. The Plan is dated February 25, 2012. The plan is now revised through October 11, 2012 with the following conditions:

1. The parking lot must be at minimum graded annually.
2. A representative of the DPW of Water Department must be on site when the Town utilities are abandoned by the contractor. A sketch/drawing showing utility ties must be provided for the Department records once completed.
3. An ANR combining the subject property with the property located at 502 Main Street, Fiskdale shall be submitted at the conclusion of purchase, and shall be recorded within thirty days of conclusion of purchase. A copy of recording shall be filed with the Planning Department prior to the start of construction. The combination of these lots shall be deem Hinman Street a side setback for the purpose of this permit. This permit may not be constructed without combining the lots.
4. All other necessary permits and approvals must be obtained.

2nd: Mr. Young

Discussion: None

Vote: 7 - 0

Motion: Made by Mr. Young to grant the Variance to Porchlight Investment I, LLC to construct a parking lot as proposed within the 1.6’ front setback.

2nd: Ms. Thorpe

Discussion: None

Vote: 4 – 3 (Mr. Fairbrother, Ms. Banks & Ms. Cooney) Motion Failed.

PUBLIC HEARING – JOHN G. & SUZANNE STAGIAS ARE REQUESTING A SPECIAL PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING RESIDENTIAL STRUCTURE AND EXISTING CARPORT AND CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE AND DETACHED ACCESSORY BUILDING (GARAGE). THE PROPERTY IS LOCATED AT 36 MT. DAN ROAD.

Materials Presented:

Application for a Special Permit – John G. & Suzanne Stagias – received 9/17/2012

Plan of Land in Sturbridge Mass – surveyed for Samuel J. & Martha P. Fearing – dated 7/12/1976 – prepared by Robert F. Para Land Surveyor, Southbridge Mass – received 9/17/2012

Stagias Residence – 36 Mt. Dan Road Sturbridge MA – prepared by Wadsworth & Associates, Architects 11 Pleasant Street, Suite 130 Worcester MA – dated 8/28/2012 job # 146012 – revision date 9/11/2012 – received 9/17 2012

Site Plan prepared for John G. & Suzanne Stagias located at 36 Mt. Dan Road, Sturbridge MA – prepared by Jalbert Engineering 54 Main Street, Sturbridge MA – plan date 10/5/2012 DWG #12171 – revision 3 – received 10/5/2012

Mr. Young read the legal notice.

Mr. Creeden acknowledged receipt of the following department memos:

- Ms. Bubon, Town Planner
- Mr. Ford, Police Chief
- Mr. Colburn, Conservation Agent
- Captain Marinelli, Fire Inspector

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert stated that the property is non-conforming with regards to lot size and current side and rear yard requirements. Zoning requires the lot to be a minimum of .75 acre (32,670 sq. ft.) in area and to have a minimum frontage of 125 feet. The property has 22,100 sq. ft. of area and 97 ft. of frontage, which met zoning requirements at the time the lot was created in July of 1976. The structure was built in 1938, according to Assessors records, which predates any zoning and/or dimensional requirements.

Mr. Jalbert stated that the new residential structure is proposed to encompass the foot print of the existing residence and carport with minor variations. First, an area seven feet in width which separates the house and carport is to be included in the footprint of the new residence. Second, the entire footprint of the existing carport is not being utilized. Third, a covered entry of 60 sq. ft. is proposed outside the existing footprint. The detached garage will not be built, Conservation Commission denied the permit. The redevelopment of the site, as proposed will not create any new non-conformities.

The Board had the following concerns and questions:

- Will Mt. Dan Road be closed during construction – Mr. Jalbert stated that there was no need to close the road – in the event the road was not passable they will notify Public Safety
- Will there be a garage – Mr. Jalbert stated that the garage is being eliminated – Conservation Commission denied the garage

- Construction close to the lake – Mr. Jalbert stated that erosion controls will be in place to protect the lake
- Where is the parking – Mr. Jalbert stated that the parking will be on the existing paved driveway

Motion: Made by Ms. Cooney to close the Public Hearing.

2nd: Ms. Bank

Discussion: None

Vote: 7 – 0

Mr. Creeden read the Special Permit criteria for approval and the Board voted on each of the criteria for Special Permit Approval.

a) Such use is not detrimental to the permitted uses in the zone in which it is located.

The use is not detrimental to the permitted uses in the zone in which it is located. The property is located in a Suburban Residential Zoning District and single family homes and accessory structures are permitted uses within this District.

On a motion by Mr. Casaubon and seconded by Ms. Cooney and voted 7 – 0, such use is not detrimental to the permitted uses in the zone in which it is located.

(b) The nature of the operations shall be such that it will not be hazardous or create any danger to public health and safety.

On a motion by Mr. Casaubon and seconded Ms. Banks and voted 7 – 0, the nature of the operations shall be such that it will not be hazardous or create any danger to public health and safety.

(c) The use shall be consistent, insofar as practicable, with the Comprehensive Plan for the future development of the area.

On a motion by Mr. Young and seconded by Mr. Casaubon and voted 7 – 0, the use shall be consistent, insofar as practicable, with the Comprehensive Plan for the future development of the area.

(d) Provision for roads and parking areas shall be laid out so as to prevent traffic hazards and nuisances.

On a motion made by Ms. Thorpe and seconded by Ms. Banks and voted 7 – 0, provision for roads and parking areas shall be laid out so as to prevent traffic hazards and nuisances.

(e) The location, nature and height of buildings, walls, fences, and landscaping shall be such that the use will not hinder or discourage the appropriate development of adjacent land or adversely affect the character of the zone in which it is located.

On a motion made by Ms. Cooney and seconded by Ms. Banks and voted 7 – 0, the location, nature and height of buildings, walls, fences, and landscaping shall be such that the

use will not hinder or discourage the appropriate development of adjacent land or adversely affect the character of the zone in which it is located.

Motion: Made by Mr. Casaubon to find that the proposal by the applicant to reconstruct a single family home as proposed will not be detrimental to the neighborhood than the existing residential structure.

2nd: Ms. Cooney

Discussion: None

Vote: 7 – 0

Motion: Made by Mr. Casaubon to grant the Special Permit requested to allow the demolition and reconstruction of a non-conforming single family home and the construction of a detached garage as outlined in the application and supported documentation provided and as shown on the plan submitted entitled “Site Plan prepared for John G. & Suzanne Stagias located at 36 Mt. Dan Road, Sturbridge, MA.” The plan was prepared by Jalbert Engineering, Inc. 54 Main Street, Sturbridge MA 01566. The plans are dated September 14, 2012, DWG # 12171, Revision 1 and are now revised through October 5, 2012 to remove the detached garage with the condition that all other necessary permits and approvals are obtained.

2nd: Ms. Banks

Discussion: None

Vote: 7 - 0

CORRESPONDENCE

None

OLD/NEW BUSINESS

None

NEXT MEETING

November 14, 2012

On a motion made by Ms. Cooney, seconded by Mr. Casaubon and voted unanimously, the meeting adjourned at 8:35 PM.