

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, December 5, 2012

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

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

Absent: Elizabeth Banks
Margaret Cooney

Mr. Creeden opened the meeting at 6:30 PM.

The Board introduced themselves.

Mr. Creeden read the agenda.

APPROVAL OF MINUTES

Motion: Made by Mr. Fairbrother to approve the minutes of October 17, 2012.

2nd: Ms. Thorpe

Discussion: None

Vote: 5 – 0

Motion: Made by to approve the minutes of November 14, 2012.

2nd: Mr. Creeden

Discussion: None

Vote: 5 - 0

CONTINUATION OF THE PUBLIC HEARING – CUMBERLAND FARMS, INC. IS REQUESTING A SPECIAL PERMIT TO ALLOW RAZING THE EXISTING GASOLINE STATION AND CONVENIENCE STORE LOCATED AT 506 MAIN STREET AND TO RAZE THE EXISTING TWO-FAMILY HOME AT 510 MAIN STREET, AND CONSTRUCT A NEW GASOLINE STATION AND CONVENIENCE STORE ON THE NEW COMBINED LOT.

Materials Presented:

Application for a Special Permit – Cumberland Farms, Inc. received 10/15/2012

Project Summary & Drainage Calculations for Cumberland Farms – 506 Main Street – received 10/15/2012

Stormwater Management System Operation & Maintenance Plan – prepared for Cumberland Farms – received 10/15/2012

Site Plans for Proposed Cumberland Farms situated at 506 Main Street, Sturbridge MA – prepared by Garofalo & Associates, Inc. 85 Corliss Street, Providence RI 02940 – dated 2/17/2012 – DWG # 6827-Base – revision 1 dated 6/22/2012 – received 10/15/2012

A Traffic Impact Study for the Cumberland Farms Redevelopment – 506 Main Street, Sturbridge MA prepared for Cumberland Farms, Inc. prepared by McHahon Associates, October 2012

The following were members of the Cumberland Farms team:

- Mr. Paiva, Senior Planning Project Manager – Cumberland Farms
- Mr. Meo, Sales Manager – Cumberland Farms
- Attorney Lombardo, Jr., Attorney for Cumberland Farms
- Mr. Duarte, Garafalo & Associates, Inc. – Engineer
- Mr. Lyne, ESC – Project Engineer
- Representative from McMahan Associates – Traffic Impact Study

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
- Mr. Meskus, Interim Building Inspector
- Ms. Rusiecki, BOH Agent

Mr. Lombardo, Attorney for Cumberland Farms spoke on behalf of the applicant. Mr. Lombardo stated that Cumberland Farms at 506 Main Street is proposing to acquire the adjacent property at 510 Main Street which contains a two family home. The proposal would then be to demolish the existing gasoline service station and convenience store and related site improvements on the combined lot. This property is located in the Commercial Tourist District and retail shops are permitted uses. Automobile Service Stations and Two-Family Homes are not permitted uses in this District.

Mr. Lombardo stated that the new gasoline station and convenience store decrease the non-conformity of the combined sites, eliminating a non-conforming, and will be a vast improvement over existing conditions on each site. The new store will be of state of the art construction of colonial design. The new, combined site will result in an aesthetic improvement in the Commercial Tourist District in which both parcels are located.

Improvements include: new construction with enhanced site landscaping; fewer driveway entrances and more defined curb along each street; improved storm water drainage from the site and safety features. The improvements will render the combined lots more in nature and harmony with the purpose and intent of the bylaw, including providing additional safety and convenience to the public.

Mr. Lombardo stated that the requested change – extension – alteration of the non-conformity uses at the combined properties will not be substantially more detrimental than the current uses because the new gasoline station and convenience store will be effectively, the same overall operation as the existing station. The new store will not result in significant traffic increases and will have non increased adverse impact on its surroundings. In fact, increased landscaping, improved lighting, fewer curb cuts and defined curb cuts along Hinman Street, together with state of the art technology vis a vis the underground tanks and piping will render the property more in harmony with the surroundings of this primarily business-oriented neighborhood.

The Traffic Study stated that the Cumberland Farms redevelopment is expected to result in approximately 21 “new” vehicle trips (11 entering vehicles and 10 exiting vehicles) during the weekday morning peak hour and an increase of approximately 24 “new” vehicles trips (12 entering vehicles and 12 exiting vehicles) during the weekday afternoon peak hour.

The Board had the following concerns and questions:

- How many handi-cap parking – the applicant stated that there is one
- How is the flow of traffic for fuel delivery – the applicant stated that the trucks will come in off of Hinman Street and exit on Main Street
- Amherst location has no stripe in their sign – the applicant stated that they can remove the green stripe in the sign
- How will loitering be handling – the applicant stated that they will have video cameras that will be monitored in the managers office and security will be called if needed
- Any changes to the plan will be at the discretion for the Planning Board if it needs to come back to ZBA

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

2nd: Ms. Thorpe

Discussion: None

Vote: 5 – 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. Retail shops are permitted uses within the Commercial Tourist District. Although automobile service stations are not permitted within this District the applicant has been lawfully operating on site for many years. The

proposed development site is within an area that is developed with a variety of business uses.

Motion: Made by Mr. Young and seconded by Mr. Fairbrother and voted 5 – 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.*

The proposed new building will not be hazardous or create any danger to public health and safety. The proposal is to reduce the vast curb cut openings and have those openings better defined and narrowed to better direct vehicle flow into and out of the site. Parking and pedestrian circulation on site will be greatly improved over existing conditions within the new layout. The property is located within the Groundwater Protection District and the review of fuel storage within this District falls to the purview of the Planning Board. Staff will be making appropriate recommendations to the Planning Board to insure that the amount of fuel storage on site and the method of storage of fuel on site will be such that the operation will not be hazardous or create any danger to public health and safety.

Motion: Made by Mr. Casaubon and seconded by Mr. Fairbrother and voted 5 – 0 such use 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.*

The proposed use is consistent with historic uses within the District and the plan incorporates many suggested design elements contained within the Master Plan and the Commercial Tourist District Revitalization Plan. Landscaping enhancements, pedestrian friendly design, adequate parking, architectural details and decorative lighting are just some of the plan elements incorporated in the design of this site.

Motion: Made by Mr. Young and seconded by Ms. Thorpe and voted 5 – 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 landscaping enhancements, pedestrian friendly design, adequate parking, architectural details.

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

The parking lot and connecting driveways have been reviewed by staff and we are confident that the new proposed layout will prevent parking hazards and nuisances. While we understand that the traffic situation on Route 20

will not change as a result of this proposal; we do believe that better controlled access into and out of the site, pedestrian walkways and sufficient and appropriate parking space layout will all provide for a much safer store for both vehicular and pedestrian traffic.

Motion: Made by Ms. Thorpe and seconded by Mr. Casaubon and voted 5 – 0, such use will be better controlled access into and out of the site.

- (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.*

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. This proposal is consistent with what is permitted in this zoning district and the proposed building and improvements will comply with all zoning requirements. All landscaping and other site enhancements will be reviewed as part of the Site Plan Approval process; however improvements proposed will only enhance the area and will not negatively impact the character of this area.

Motion: Made by Mr. Young and seconded by Mr. Casaubon and voted 5 – 0, such improvements will only enhance the area and will not negatively impact the character of this area.

Motion: Made by Mr. Casaubon to grant the Special Permit as requested by Cumberland Farms, Inc. for a Special Permit to allow the extension, change or alteration of a pre-existing non-conforming use at 506 and 510 Main Street Fiskdale by allowing the demolition of the existing gasoline service station and convenience store and the two family home and the construction of a new convenience store and gasoline service station on the new combined lot as shown on the plans submitted entitled “Site Plan for proposed Cumberland Farms situated at 506 Main Street, Sturbridge, MA.” Plans are dated October 2, 2012.

Approval is granted subject to the following conditions:

1. An existing water table elevation shall be provided and field verified prior to construction to confirm the infiltration system will function correctly. All data shall be provided to the Town Planner and DPW Director for review and any required modifications to the system based upon the actual water table elevation shall be provided to the Town Planner and DPW Director for review and approval.
2. The cover of Catch Basin #1 as designed lacks steel reinforcement. This should be added to the specification or the design shall be changed to a DI with cement cast cover.
3. All other state and local permits and approvals shall be obtained prior to the start of any construction.
4. All handicap accessibility and parking issues shall be reviewed and approved by the Planning Board during the site plan review process.

5. Building and canopy may be constructed with the elimination of the green stripe as discussed at the Public Hearing on 12/5/2012

2nd: Mr. Fairbrother

Discussion: None

Vote: 5 – 0

Motion: Made by Mr. Creeden to amend the approval of Special Permit to Cumberland Farms to include Conditions #4 & #5

2nd: Mr. Young

Discussion: None

Vote: 5 – 0

The Board thanked the applicant for a well prepared plan.

CORRESPONDENCE

None

OLD/NEW BUSINESS

None

NEXT MEETING

December 12, 2012

On a motion made by Mr. Casaubon, seconded by Ms. Thorpe and voted unanimously, the meeting adjourned at 8:05PM.