

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
Wednesday, January 15, 2014

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

Also Present: Diane M. Trapasso, Administrative Assistant

Absent: Elizabeth Banks

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

The Board introduced themselves.

Mr. Creeden read the agenda.

APPROVAL OF MINUTES

The Board did not vote to approve the minutes of December 11, 2013, because there was not a quorum of who was present at the December meeting.

REQUEST FOR AN EXTENSION OF TIME FOR SPECIAL PERMIT ISSUED TO THAI ORCHID LOCATED AT 505 MAIN STREET

Materials presented:

Letter from Trifone Design Associates, Inc. – Re: 505 Main Street – dated 12/26/2013 – requesting an extension of the Special Permit

Motion: Made by Mr. Fairbrother to extend the time for the Special Permit issued to Thai Orchid to January 15, 2015.

2nd: Ms. Thorpe

Discussion: None

Vote: 6 - 0

PUBLIC HEARING – SPECIAL PERMIT – DAVID SWEETMAN IS REQUESTING A SPECIAL PERMIT TO CONVERT THE EXISTING SINGLE FAMILY INTO A MEDICAL OFFICE ON A NON-CONFORMING LOT. THE PROPERTY IS LOCATED AT 214 CHARLTON ROAD.

Materials presented:

Application for Special Permit – David Sweetman – received 12/5/2013

Proposed Floor Plan – David Sweetman – 214 Charlton Road – DWG #108

David Sweetmen Site Improvements 214 Charlton Road – prepared by Sherman & Frydryk Land Surveying & Engineering 3 Converse Street, Suite 203, Palmer MA – project #13144 plan date 12/3/2013 – received 12/5/2013 –revised plans received 1/13/2014 – revision 1 dated 1/10/2014

Revision narrative from Sherman & Frydryk – dated January 13, 2014

Mr. Fairbrother read the legal notice.

Mr. Frydryk of Sherman & Frydryk, LLC Land Surveying & Engineering spoke on behalf of the applicant. Mr. Frydryk stated that the existing parcel is occupied by an existing single family residential home, has only 183 feet of roadway frontage, and is within the Industrial Park District. The residential use is a pre-existing non-conforming use. The Industrial Park District requires a minimum of 300 feet of roadway frontage.

Mr. Frydryk stated that the proposed building will maintain the existing setbacks on the parcel and the proposed medical office use will be in harmony with the property to the east of the parcel and is allowed in the Industrial Park District. The existing lot is not in conformance with the required lot frontage for the district. However, no change on lot size is proposed and therefore this project will be no more non-conforming than the current site.

Mr. Creeden acknowledged the following department memos:

- Ms. Bubon, Town Planner
- Mr. Marinelli, Fire Inspector
- Mr. Colburn, Conservation Agent
- Ms. Rusiecki, BOH Agent
- Mr. Morse, DPW Director

Ms. Lamoureux, the applicant, stated that she is a nurse practitioner that will be seeing patients along with an aesthetician. There will only be a Medical Director and only two employees to start.

The Board had the following concerns and questions:

- How much water flow will there be – Mr. Frydryk stated that information has been submitted to DEP for a determination of whether or not the well on the site will need to be permitted as a public water supply well. Based on information provided by the owner, anticipated loading for the well will include up to three employees and sixteen patients per day. Once a determination has been received from DEP regarding the status of the well they will notify the Planning Department.
- How will you dispose of medical waste – Ms Lamoureux stated that there will be special containers and special pick-ups for the medical waste
- Will there be a doctor in the facility – Ms Lamoureux stated that there will be a Medical Director associated with the facility
- Will the garage remain on the parcel – Ms. Lamoureux stated the garage remains and will be used as storage
- The four spaces on the east side are erected where there is a drop in the elevation. For safety issues there should be some sort of barrier – Mr. Frydryk stated they will probably be putting in a guardrail
- What will the second floor of the house be used for – Ms. Lamoureux stated the second floor will be used for storage and an office

Motion: Made by Ms. Cooney to close the Public Hearing.
2nd: Mr. Fairbrother
Discussion: None
Vote: 6 - 0

Motion: Made by Mr. Fairbrother to find that the proposal for a Special Permit by Sherman & Frydryk on behalf of David Sweetman of 13 St. Claire Road, Brimfield MA for alteration of a pre-existing, non-conforming structure and use. This Special Permit application fully complies with Section 20.05 and Section 24.09 subsections (a) through (f) of the zoning bylaws and would not be more detrimental to the Industrial Park District than the existing structure. The proposed use is a permitted use and is allowed in the Industrial Park District. A parking plan has been submitted that complies with the existing zoning bylaws and with additional signage recommended by the DPW Director shall prevent traffic hazards and nuisances. This proposal will not hinder or discourage appropriate development of adjacent land, nor will it alter the character of the zone in which it is located.

2nd: Ms. Cooney
Discussion: None
Vote: 6 – 0

Motion: Made by Mr. Fairbrother to grant the Special Permit requested by David Sweetman to allow a change in use of a pre-existing structure on a non-conforming lot and use in the Industrial Park District from a single family residence to that of medical office. This structure is located at 214 Charlton Road, Sturbridge and will be altered in accordance with the plans submitted entitled “Site Improvements, 214 Charlton Road, Sturbridge MA”. Plans are further identified as project number 13144, dated 12/3/2013, Revision 1 dated 1/10/2014 by Sherman & Frydryk, 3 Converse Street, Suite 203, Palmer MA. Approval shall be subject to the following conditions:

1. Approval of the sewer allocation by the sewer commission.

2. BOH and /or DEP approval of public water supply, if required
3. Inclusion of the recommendations of the DPW Director be incorporated into the site plans. These items include:
 - The existing drives shall be overlaid with 1.5 "of new pavement to establish a clean, continuous traffic corridor.
 - Two bollards shall be placed near the E-1 pump as additional snow clearing area will be generated due to the new parking spaces and the enhanced driveway in that area.
 - Additional signs shall be place at the inlet drive facing the property stating "No Exit" or "Wrong Way". An additional sign shall be placed at the exit drive facing the property stating "Right Turn Only".
4. All other state and local permits and approvals required shall be obtained prior to the start of any construction.

2nd: Ms. Cooney
Discussion: None
Vote: 6 - 0

CONTINUATION OF THE PUBLIC HEARING – SPECIAL PERMIT – PORCHLIGHT INVESTMENT IS REQUESTING A SPECIAL PERMIT TO ENCLOSE THE EXISTING FRONT PORCH. THE PROPERTY IS LOCATED AT 502 MAIN STREET.

Materials presented:

Application for Special permit – Porchlight Investment – Daniel Gonya – received 10/24/2013

Alta/ACSM – Land Title Survey – Whistling Swan Restaurant – 502 Main Street – received 10/24/2013

Site Plan & Demolition Plan – Whstling Swan – 502 Main Street – prepared by Williams J. Masiello Architect, Inc. – received 10/24/2013

Mr. Creeden acknowledged the following department memos:

- Mr. Ford, Police Chief
- Mr. Colburn, Conservation Agent
- Lt. Marinelli, Fire Inspector
- Mr. Morse, DPW Director
- Ms. Rusiecki, BOH Agent
- Ms. Bubon, Town Planner

Mr. Gonya, General Manager of Porchlight Investment spoke. He stated that he is seeking a Special Permit to allow the existing porch to be enclosed. The reason for the enclosure is to make the restaurant more visible from the street.

Mr. Gonya stated that the enclosure of the porch and the large windows being proposed to be installed will open to the outside and is keeping with the conceptual plan for the Commercial Tourist District Plan.

The Board had the following questions and concerns:

- Was there thought of enclosing the patio – Mr. Gonya stated that it would not be cost efficient
- Are you increasing the seating in the restaurant – Mr. Gonya stated the seating in the restaurant will not change
- Will the enclosure structure be sufficiently supported from beneath – Mr. Gonya stated that footings will be poured and support the structure
- Three parking areas – only one written agreement

Mr. Treitman, owner of BT’s Smokehouse, stated that the proposal will make the building more attractive and is keeping with the design of the Commercial Tourist District Plan.

Ms. Tieri, of Smith & Jones stated the design is high level and will be an asset to the area.

Ms. McNitt, Executive Director of the Southern Chamber of Commerce, stated that Porchlight Investment is a first class operation and the Chamber fully supports the project.

Motion: Made by Ms. Cooney to close the Public Hearing.
2nd: Mr. Young
Discussion: None
Vote: 6 - 0

Motion: Made by Mr. Fairbrother to find that the proposal by Daniel Gonya on behalf of Porchlight Investment I, LLC for a Special Permit for alteration of a pre-existing structure on a non-conforming lot by enclosing the front porch. This Special Permit application fully complies with Section 20.05 and Section 24.09 subsections (a) through (f) of the zoning bylaws and would not be more detrimental to the Commercial Tourist District than the existing structure. The lot frontage on Main Street will remain non-conforming at 100 feet as opposed to 150 foot requirement. All other dimensional controls, parking, loading, traffic, noise, intensity of use and abutting uses are compliant with zoning bylaws and will not intensify or create new non-conformities. The proposed use is not detrimental to the permitted use and is allowed in the Commercial Tourist District. This proposal will not hinder or discourage appropriate development of adjacent land, nor will it alter the character of the zone in which it is located.
2nd: Ms. Cooney
Discussion: None
Vote: 6 – 0

Motion: Made by Mr. Fairbrother to grant the Special Permit requested by Daniel Gonya to allow a change of a pre-existing structure on a non-conforming lot in the Commercial Tourist District by enclosing the front porch. This structure is located at 502 Main Street, Sturbridge and will be altered in accordance with the plans submitted entitled "Whistling Swan, 502 Main Street, Sturbridge MA: submitted by William J. Masiello Architect Inc., 389 Central Street, Boyston MA, dated 10/16/2013. Approval shall be subject to the following conditions:

1. Inclusion of the recommendation of the Fire Inspector be incorporated into the site plans and subsequent construction. These items include:
 - a. Fire sprinkler system shall be extended into the enclosed porch area.
 - b. Emergency lighting shall be included in the enclosed porch area.
 - c. Fire Department shall have an opportunity to review the blue prints and fire sprinkler system when plans are finalized.
2. All other necessary permits and approvals shall be obtained prior to the start of any construction.

2nd: Ms. Thorpe

Discussion: None

Vote: 6 – 0

Mr. Fairbrother stated that the job of Board is to make their decisions according to the zoning bylaws. The DRC have their own guidelines to follow.

CORRESPONDENCE

Guidelines from Ms. Bubon on appropriate plans to reference

OLD/NEW BUSINESS

None

NEXT MEETING

February 19, 2014 at the Center Office Building

On a motion made by Mr. Casaubon, seconded by Ms. Thorpe, and voted unanimously, the meeting adjourned at 7:30 PM.