

**Sturbridge Zoning Board of Appeals
Meeting Minutes
Wednesday, July 20, 2022
Center Office Building**

Present:

Fidelis Onwubueke
Michael Young
Tom Welch
Diane Trapasso
David Zonia
Jeneé Lacy, Administrative Assistant
Jean Bubon, Town Planner

Absent:

Elizabeth Banks
Marge Cooney

Also Present:

Mark Farrell, 28 Goodrich Road
Joshua Roy, Cruise Control Transportation, LLC
Chase Kaitbenski, Stan Kaitbenski, Inc.
Nelson Burlingame, Building Inspector
Thomas Bingham, 103 Brookfield Road
Rona Tsantinis Roy, 226 Roy Road
Joan Abusamra, 28 South Road
Francis Demerski, 104 Brookfield Road
Elizabeth Prager, 107 Brookfield Road
Sarah Prager, 107 Brookfield Road
Patricia Martin, 97 Brookfield Road

Vice Chair Trapasso called the meeting to order at 6:30pm and read the agenda.

Approval of Minutes

June 15, 2022

Motion: To approve the minutes of June 15, 2022 as written.

By: F. Onwubueke

2nd: T. Welsh

Vote: 4-0-1 (M. Young - Abstained)

Old/New Business

APPROVED

AUG 17 2022

ZONING BOARD
OF APPEALS

None

Town Planner Update

J. Bubon discussed the following:

- Next meeting dates:
 - August 17th – Variance for 25 Westwood Drive
 - September 21st – Possible training for members from Town Council

Special Permit - 26 Goodrich Road - Christina Partridge

M. Young read the public hearing legal noticed that was posted in the Southbridge Evening News.

Mark Farrell came forward and stated that he is requesting a special permit to construct an addition and a deck on an existing single-family home within the required setbacks, on a pre-existing non-conforming lot with an increase in lot coverage from 17.2% to 18.5%. He stated he had already been approved through Conservation Commission and will be adding rain gardens.

D. Trapasso read through the Departmental comments.

F. Onwubueke asked for clarification in regards to the applicant squaring off the foundation and adding a deck, he asked how far the deck would be from the edge of the lot. M. Farrell discussed the foundation and the deck and stated that the deck would be about ½ feet away from the edge of the lot.

Motion: To close the public hearing.

By: M. Young

2nd: F. Onwubueke

Vote: All in Favor (5-0)

Motion: To find that the proposal by the applicant Christian Partridge pursuant to Article XV §300-15.2A of the Zoning Bylaw, to allow the expansion and alteration of a pre-existing non-conforming structure on the property located at 26 Goodrich Road will not be more detrimental to the neighborhood than the existing non-conforming structure.

By: M. Young

2nd: F. Onwubueke

Vote: All in Favor (5-0)

Motion: To grant the Special Permit requested pursuant to XVIII §300-18.2 (2) of the Zoning Bylaw, to construct an addition and a deck onto the existing single family home within the required setbacks and with an increase in lot coverage as shown on the plans entitled: "Plot Plan of Map 4424, Lot 26 Prepared for Mark R. Farrell 26 Goodrich Road Town of Sturbridge Worcester County Commonwealth of Massachusetts" Prepared by Levesque Geomatics, Inc. - 43 Glendale Road Sturbridge, MA 01518; Dated: May 12, 2022; Project #: GH-008PP, and an un-titled,

un-dated elevation plan submitted as part of the application packet. The proposal as shown on the plan application and supporting documents meet the requirements set forth in §300-18.2 (2) (a) (1)-(6) of the bylaw. With the following conditions:

- **All construction and site improvements shall be in conformance with the plans submitted and approved by the Zoning Board of Appeals;**
- **All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to;**
- **All other necessary permits must be obtained prior to the start of construction;**
- **An as-built must be provided to the Planning Department;**

By: M. Young

2nd: T. Welch

Vote: All in Favor (5-0)

Documents Reviewed:

- *Application for Determination;*
- *Legal Notice;*
- *Abutters List;*
- *Departmental Memos;*
- *Town Planner Report;*
- *Plans entitled: "Plot Plan of Map 4424, Lot 26 Prepared for Mark R. Farrell 26 Goodrich Road Town of Sturbridge Worcester County Commonwealth of Massachusetts" Prepared by Levesque Geomatics, Inc. – 43 Glendale Road Sturbridge, MA 01518; Dated: May 12, 2022; Project #: GH-008PP;*
- *an un-titled, un-dated elevation plan;*

Special Permit – 28 Goodrich Road – Mark Farrell

M. Young read the legal notice posted in the Southbridge Evening News.

Mark Farrell came forward and stated that he is requesting a special permit to raze the existing camp and rebuild a single family home within the required side setbacks on a pre-existing non-conforming lot and that the project had been approved by the Conservation Commission.

D. Trapasso discussed the departmental memos.

M. Farrell discussed that a previous owner had put up and taken down an illegal addition and that he planned on taking out the old out house and turning it into a pump house, he also discussed the placement of the well and septic.

Motion: To Close the public hearing.

By: M. Young

2nd: D. Zonia

Vote: All in Favor (5-0)

Motion: To find that the proposal by the applicant Mark Farrell for the property located at 28 Goodrich Road pursuant to Article XV §300-15.2A of the Zoning Bylaw, to allow the expansion and alteration of the pre-existing non-conforming structure on the property located at 28 Goodrich Road will not be more detrimental to the neighborhood than the existing non-conforming structure.

By: F. Onwubueke

2nd: M. Young

Vote: All in Favor (5-0)

Motion: To grant the Special Permit requested pursuant to Article XVIII §300-18.2 (2) to the Zoning Bylaw, to allow the existing single family home to be razed and rebuilt within the required setbacks as shown on the plans entitled: "Plot Plan of Map 4424, Lot 28 Prepared for Mark R. Farrell 28 Goodrich Road Town of Sturbridge Worcester County Commonwealth of Massachusetts" Prepared by Levesque Geomatics, Inc. – 43 Glendale Road Sturbridge, MA 01518; Dated: May 12, 2022; Project #: GH-008PP, and an un-titled, un-dated elevation plan submitted as part of the application packet. The proposal as shown on the plan, application and supporting documents meet the requirements set forth in §300-18.2 (2) (a) (1)-(6) of the bylaw. With the following conditions:

- All construction and site improvements shall be in conformance with the plans submitted and approved by the Zoning Board of Appeals;
- All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to;
- All other necessary permits must be obtained prior to the start of construction;
- An as-built must be provided to the Planning Department;

By: F. Onwubueke

2nd: T. Welch

Vote: All in Favor (5-0)

Documents Reviewed:

- *Application for Determination;*
- *Legal Notice;*
- *Abutters List;*
- *Departmental Memos;*
- *Town Planner Report;*
- *Plans entitled: "Plot Plan of Map 4424, Lot 28 Prepared for Mark R. Farrell 28 Goodrich Road Town of Sturbridge Worcester County Commonwealth of Massachusetts" Prepared by Levesque Geomatics, Inc. – 43 Glendale Road Sturbridge, MA 01518; Dated: May 12, 2022; Project #: GH-008PP;*
- *an un-titled, un-dated elevation plan;*

Special Permit – 110 Brookfield Road – Cruise Control Transportation, Inc.

M. Young read the legal notice posted in the Southbridge Evening News.

Joshua Roy, owner of Cruise Control Transportation, and Chase Kaitbenski, representative of Stan Kaitbenski, Inc., came before the Board. J. Roy stated that he is requesting a special permit to add the use of towing and the storage of vehicles to the existing non-conforming use of a trucking and construction operation. He stated that he is planning on buying the property and that he has been working construction out of the property for a year. He discussed the details of what the towing business would entail including the storage of 6 to 8 towed vehicles at a time in the original salt shed, the pickup times for people to pick up their towed cars, and the cleanup they have been doing and plan to do around the site.

C. Kaitbenski discussed the history of the property.

D. Trapasso discussed the departmental memos. J. Roy stated that nothing he is currently doing would trigger the need to get permitted by the Conservation Commission.

J. Bubon gave more information regarding the project and history of the property and stated that she has met with the owner of the property and the applicant and done a site visit of the property.

F. Onwubueke asked what the current use of the property was. J. Roy stated that it is currently trucking/construction and storage of the associated equipment, he added the details of the addition of towing and storage of towed vehicles and the process of removing the towed vehicles to a salvage yard after 30 days of not being claimed. C. Kaitbenski added that the salt shed, that the impounded cars will be stored, is completely enclosed and not visible from the street.

D. Zonia asked how far away from the new Amazon facility this location is. The location of 110 Brookfield Road was discussed, J. Roy also added that moving to this location from his current location will help with traffic on Charlton Road.

The Board and the applicant discussed cleaning up the site and the details of the towing business.

D. Trapasso asked if there was anyone from the public that had any comments or questions. Francis Demerski, of 104 Brookfield Road, stated that currently the trucks on the property start up very early in the morning and wake up the neighborhood, the construction business did not start as early and the towing vehicles are loud.

Sarah Prager, of 107 Brookfield Road, stated that she lives directly across from the business and that the towing truck drivers blare their music and smoke and she is concerned about her children. She said that the site is loud at night and wakes up her children and that she is concerned with strangers in the neighborhood, picking up their towed vehicles. Other neighbors are also concerned about the noise and the previous business didn't have the same movement of noise.

J. Roy stated that he is willing to put into place more employee conduct rules to make sure there is not as much disruption to the neighborhood. The abutter and applicant discussed behavior of employees.

F. Onwubueke asked how many trucks would be on the site and is there a max. J. Roy stated that there are 40 and there isn't a max but the site cannot support more than they have now so it would not be increasing. The Board discussed traffic on Brookfield Road

The abutters discussed that they called the Board of Selectmen about the noise but nothing

has changed, but did stated that vehicles were removed for a while. J. Roy stated that the vehicles were removed because a sale of the property was pending but the sale fell through and so they brought their business back to the site.

J. Bubon stated that the Zoning Enforcement Officer went to the site and did not note any zoning issues. N. Burlingame, Building Inspector/Zoning Enforcement, discussed the pre-existing non-conforming business.

Thomas Bingham, of 103 Brookfield Road, stated that he has a disabled son and he is concerned with the noise in the early hours or the morning, and stated that he believed the markers put between his property and 110 Brookfield road were passive aggressive. J. Bubon stated that the markers were put there because the property had to be surveyed to make a site plan as a requirement for the Special Permit application.

Patricia Martin, of 97 Brookfield Road, stated that she was also concerned with the noise of the trucks early in the morning.

D. Zonia stated that he had concerns over safety in the neighborhood.

J. Roy stated that regardless of the addition of towing the site is currently construction so the coming and going of trucks will not be stopping, he is willing to work with neighborhood to make the least about of impact possible.

P. Martin, 97 Brookfield Road, asked if the business has ever had anything criminal happen at their other towing location. J. Roy stated that only once, they had to call the Police to deal with a disorderly person.

The Board discussed safety of the location. J. Bubon stated that the Chief of Police had no concerns with the request.

D. Zonia stated that he is concerned with traffic and possible accidents. D. Trapasso stated that the Zoning Board is only able to make motions in regards to zoning.

J. Bubon stated that if the Board is split she suggests to continue the hearing until the whole Board is present, and if D. Zonia needs more information to make a decision, he needs to let J. Bubon know what information he needs. J. Roy stated that if the Board is split he would like to request a continuation until the whole Board is present.

M. Young stated that their decision at the current meeting is to determine if the zoning will allow for the addition of towing not if they can shut down the trucking operation.

D. Zonia stated that he would like to see a safety study or if the Police could take a look at the property.

The Board discussed taking a straw vote or continuing the public hearing to September 21st. The Board decided to take a motion.

Motion: To Close the public hearing.

By: M. Young

2nd: T. Welch

Vote: All in Favor (5-0)

Motion: To Find that the proposal by the applicant Cruise Control Transportation, Inc. pursuant to Article XV §300-15.2A of the Zoning Bylaw, to allow the expansion and alteration of a pre-existing non-conforming use on the property located at 110

Brookfield Road will not be more detrimental to the neighborhood than the existing non-conforming use. The Board Finds that the property has continually housed a commercial or industrial operation since the early 1950's with many aspects of the construction business including snow-plowing and construction work operating 24 hours a day, seven days per week. The proposal to continue this operation and add towing on this site is not a significant change given the current uses and the fact that there are no changes proposed to the building or the parking lot.

By: D. Trapasso

2nd: T. Welch

Vote: All in Favor (5-0)

Motion: To grant the Special permit requested pursuant to Article XVIII §300-18.2 (2) of the Zoning Bylaw, to allow the change in pre-existing non-conforming use as proposed by Cruise Control Transportation, Inc. as described in the application and narrative and as shown on the plans entitled: "Plot Plan of Map 1936, Lot 110 Prepared for Cruise Control Transportation 110 Brookfield Road Town of Sturbridge Worcester County Commonwealth of Massachusetts" Prepared by Levesque Geomatics, Inc. - 43 Glendale Road Sturbridge, MA 01518; Dated: June 22, 2022; Project #: JR05-002. The proposal as shown on the plan, application and supporting documents meet the requirements set forth in §300-18.2 (2) (a) (1)-(6) of the bylaw. With the following conditions:

- All construction and site improvements shall be in conformance with the plans submitted and approved by the Zoning Board of Appeals;
- All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to;
- All other necessary permits must be obtained prior to the start of construction;
- An as-built must be provided to the Planning Department;

By: F. Onwubueke

2nd: M. Young

Vote: All in Favor (5-0)

Documents Reviewed:

- Application for Special Permit;
- Legal Notice;
- Abutters List;
- Departmental Memos;
- Town Planner Report;
- A plan entitled "Plot Plan of Map 1936, Lot 110 Prepared for Cruise Control Transportation - 110 Brookfield Road; Town of Sturbridge, Worcester County, Commonwealth of Massachusetts." The plan was prepared by Levesque Geomatics, Inc - 43 Glendale Road, Sturbridge, MA 01518. Plan date June 22, 2022;
- Site photographs.

Adjournment

Motion: To adjourn.

By: M. Young

2nd: F. Onwubueke

Vote: All in Favor (5-0)

The meeting adjourned at 8:18 PM

Minutes prepared by: Jeneé Lacy