



# TOWN OF STURBRIDGE

*Zoning Board of Appeals*

## **SPECIAL PERMIT DECISION/DETAILED RECORD**

**THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF STURBRIDGE  
March 22, 2021**

**File # ZB-2021-000001**

The members of the Permit Granting Authority hereby certify that the following is a detailed record of all the Board's proceedings regarding the petition of Swaminarayan Realty, LLC regarding property located at 122 Main Street, Sturbridge, MA 01566 which is the property affected by this Special Permit request.

The application to the Board is dated January 4, 2021 and was received by the Board and the Town Clerk on February 5, 2021. The applicant proposes the relocation of the canopy for fuel islands in order to reposition parking adjacent to the convenience store. The new proposed canopy and fuel island will be 5' from the front property line.

The application requests a Special Permit from Section 24.09 (a-e) of the Zoning Bylaw.

A notice of the public hearing on this Special Permit was:

1. Published in the Southbridge Evening News, a newspaper of general circulation in the Town of Sturbridge on February 25, 2021 and March 4, 2021.
2. Posted in a conspicuous place in the town hall at least fourteen days before the hearing was held on February 9, 2021, and;
3. Mailed on February 9, 2021 postage prepaid (certificate of mailing), at least fourteen days before the hearing to the petitioner, abutters to the property in question, owners of land directly opposite from the property in question on any private or public street or way, abutters to abutters whose property is located within three hundred feet of the property line of the property in question, the Planning Board of the Town of Sturbridge and the Planning Board of abutting cities and towns including the Towns of Brimfield, Brookfield, Charlton, East Brookfield, Holland, Southbridge, and Union. The notice was mailed to the names of persons and at the addresses as provided by the most recent tax list kept by the Town Assessors, with the Assessors certifying such names and addresses.

The applicant submitted the following documents:

1. Application for Special Permit;
2. Filing fee;
3. A Certified List of Abutters;

4. A plan entitled "Project: Gas Station/Convenience Store Modifications – 122 Main Street Sturbridge, MA 01566." The plan was prepared by Sitec. Inc. – 449 Faunce Corner Road, Dartmouth, MA 02747. The plan date is November 18, 2020 and revised February 11, 2021 to add passenger vehicle turning movements.

The Public Hearing on this application was held on March 17, 2021 at 6:35 PM there were no abutters or interested parties present to speak in favor or opposition of the Special Permit requested. The following regular members of the Board present were: Thomas Earls, Diane Trapasso, Liz Banks, Fidelis Onwubueke, Michael Young, and Bill Zelenak.

At the close of the Public Hearing on March 17, 2021, a motion was made by Ms. Trapasso, seconded by Mr. Earls and voted 5-1 to find that the proposal by Swaminarayan Realty, LLC, for the property located at 122 Main Street, will not be more detrimental to the neighborhood than the existing non-conforming use since the change in canopy location will allow for better ADA parking spaces and pedestrian flow into the building. In addition, it does not appear that the new location of the canopy will create any safety concerns. Lastly, the proposed construction will actually result in a slight decrease in impervious surface and additional mitigation plantings will be installed.

Second, a motion was made by Ms. Trapasso and seconded by Mr. Young and voted 5-1, to grant the Special permit pursuant to Chapter 20, Section 20.05 and Chapter 24, Section 24.09(a-e) of the Zoning Bylaw to expand, change or alter a pre-existing non-conforming structure of uses for the property located at 122 Main Street, for the relocation of the canopy for the fuel islands to that the parking can be repositioned adjacent to the convenience store as shown on the plan entitled "Project Gas Station/Convenience Store Modifications – 122 Main Street, Sturbridge, MA 01566." Prepared by Sitec, Inc. – 449 Faunce Corner Road, Dartmouth, MA, 02747. Dated November 18, 2020, File Number: 20-7594, revision date: February 11, 2021; with the following conditions:

1. All requirements of the Conservation Commission must be adhered to.
2. Design Review approval and Planning Board Site Plan Approval must be obtained prior to start of construction.
3. Any substantial modification to this plan must be submitted to the ZBA for review and approval.
4. All other state and local permits and approvals shall be obtained prior to the start of any construction.

The following members were present and voting as follows with respect to the requested Special Permit:

Member Thomas Earls voting to grant the special permit requested.

Member Diane Trapasso voting to grant the special permit requested.

Member Liz Banks voting to grant the special permit requested.

Member Fidelis Onwubueke voting to grant the special permit requested.

Member Michael Young voting to grant the special permit requested.

Member Bill Zelenak, voting to not grant the special permit requested.

Copies of this decision have been filed with the Zoning Board of Appeals Office, the Town Clerk's Office and the Office of the Planning Board as required by M.G.L. Ch. 40A, § 11.

Any appeal of this decision of the Zoning Board of Appeals must be made to a court of competent jurisdiction within twenty days from the date this decision was filed with the Sturbridge Town Clerk, pursuant to Section 17, Chapter 40A of the general laws of the Commonwealth of Massachusetts as amended.

If the rights authorized by this Special Permit are not exercised within one (1) year of the date of grant, such Special Permit shall lapse; provided however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed one year; and provided further that the application for such extension is filed with such permit granting authority prior to the expiration of the one year period. Otherwise such rights may only be re-established after a new notice and public hearing in accordance with the provisions of Section 9, Chapter 40A of the general laws of the Commonwealth of Massachusetts as amended.

Elizabeth Banks (smb)  
Elizabeth Banks, Chair  
Zoning Board of Appeals

Copy to:  
Applicant  
Town Clerk  
Building Inspector