

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, March 16, 2016

Present: Margaret Cooney, Chair
Thomas Earls
Kevin Kelley, Clerk/Vice/Chair
Fidelis Onwubueke (**arrived @ 6:50 PM**)
Michael Young

Also Present: Diane M. Trapasso, Administrative Assistant

Absent: Elizabeth Banks
Maryann Thorpe

Ms. Cooney opened the meeting at 6:30 PM and read the agenda.

The Board introduced themselves.

APPROVAL OF MINUTES

Motion: Made by Mr. Kelley to approve the draft minutes of November 18, 2015.
2nd: Mr. Young
Discussion: None
Vote: 4 – 0

Motion: Made by Mr. Young to approve the amended draft minutes of January 6, 2016.
2nd: Mr. Kelley
Discussion: None
Vote: 3 – 0 – 1(Ms. Cooney)

Motion: Made by Mr. Kelley to approve the draft minutes of February 10, 2016.
2nd: Mr. Young
Discussion: None
Vote: 4 - 0

DETERMINATION – JOSH & CORY COTTONE ARE REQUESTING A DETERMINATION TO REMOVE THE OLD ROOF AND REPLACE WITH A NEW PITCH ROOF RESULTING IN A CHANGE IN BUILDING ENVELOP. THE PROPERTY IS LOCATED AT 4 CEDAR POND ROAD.

Materials presented:

Application for Determination – Josh & Cory Cottone– received 2/1/2016

Mortgage Inspection Plot Plan – prepared by Jalbert Engineering – job #15166
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Roof sketches – side & front
Photos of the home

Ms. Cooney acknowledged the following department memos:

- Ms. Bubon, Town Planner
- Mr. Colburn, Conservation Agent
- Ms. Terry, Interim Health Agent
- Mr. Burlingame, Building Commissioner

Mr. Cottone, the property owner, stated that they are removing the old roof on the structure and replacing it with a new pitched roof. The proposal will modify the envelop of the structure but not the footprint.

The Board had no concerns with the project.

Motion: Made by Mr. Kelley to grant the Determination requested by Josh & Cory Cottone for the property located at 4 Cedar Pond Road, as requested, to remove the old roof and replace with a new pitch roof resulting in a change in the building envelop. The Determination does not intensify the existing or create additional non-conformities and the owner may apply for a building permit for the described activities. All necessary permits must be obtained prior to the start of construction.

2nd: Mr. Earls

Discussion: None

Vote: 4 – 0

PUBLIC HEARING – THAI ORCHID IS REQUESTING A SPECIAL PERMIT TO DEMOLISH AND REBUILD A PORTION OF THE EXISTING BUILDING WITH ADDITIONS AND IMPROVE AND EXPAND PARKING FACILITIES. THE PROPERTY IS LOCATED AT 505 MAIN STREET.

Materials presented:

Application for Special Permit – Thai Orchid – received 1/16/2016

Thai Orchid Village Restaurant – 505 Main Street – prepared by Jalbert Engineering – plan date 11/9/2012 – revision #3 date 1/20/2016 – DWG #12023

Architectural Drawings – Thai Orchid Restaurant – 505 Main Street – prepared by Trifone Design Associates, Inc. – plan date 11/13/2012 – job #287-041

Mr. Kelley read the legal notice.

Ms. Cooney acknowledged the following department memos:

- Ms. Bubon, Town Planner
- Mr. Colburn, Conservation Agent
- Lt. Marinelli, Fire Inspector

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- Mr. Ford, Police Chief

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert stated that the applicant is proposing to demolish and rebuild a portion of the existing building with additions and improve and expand the parking facilities. Currently the existing building on-site is a vacant restaurant with two apartments. The applicant is proposing to keep the rear apartment and reconstruct the restaurant portion of the building with no apartment above.

A request for a Special Permit for this project was approved in December of 2012. At that time the applicant proposed to renovate the existing restaurant. After much consideration it has been determined that renovation of the existing restaurant structure is not feasible and the applicant wishes to demolish that portion of the building and reconstruct the restaurant. This change of plan allowed for the building footprint to be slightly smaller than that, which exists. All other aspects of the project are unchanged.

The Board had the following concerns and questions:

- Will the barn have an apartment – Mr. Jalbert stated that the apartment will be over the barn - one apartment - over the restaurant will only be storage
- What will the parking count be – Mr. Jalbert stated that now the proposal is for a 51 seat restaurant – parking required will be 23 spaces, there are 24 spaces total on the plan
- There was a parking agreement with Attorney George in 2012 which is for four spaces for four spaces – Mr. Jalbert stated that he had a letter stating the agreement with Attorney George is still in effect – Mr. Jalbert provided a
- Will the structure be the same height – Mr. Jalbert stated that it will be
- When is the project scheduled to begin – Mr. Jalbert stated hopefully soon

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

2nd: Mr. Earls

Discussion: None

Vote: 5 – 0

Motion: Made by Mr. Young to find that the proposal by the applicant: Thai Orchid for the property located at 505 Main Street: will not be more detrimental to the neighborhood; according to Chapter Twenty, Section 20.05 "A pre-existing non-conforming structure or use may be extended, changed or altered, that such extension, change or alteration shall not be substantially more detrimental to the neighborhood than the existing non-conforming use". The proposal is in accordance with section 20.05 and 24.09 (a) thru (e) of the Sturbridge Zoning Bylaws.

2nd: Mr. Onwubueke

Discussion: None

Vote: 5 - 0

Motion: Made by Mr. Young to grant the Special Permit requested by Thai Orchid, as requested, to demolish and rebuild a portion of the existing building with additions and improve and expand parking facilities for the property located at 505 Main Street as described in the plans; Thai Orchid Village Restaurant – 505 Main Street – prepared by

Jalbert Engineering – plan date 11/9/2012 – revision #3 date 1/20/2016 – DWG #12023;
Architectural Drawings – Thai Orchid Restaurant – 505 Main Street – prepared by Trifone
Design Associates, Inc. – plan date 1/30/2012 – job #287-041- progress print date
8/27/2015- with the following conditions:

1. Information regarding fats, oils and grease (FOG) including how the proponent would manage these without discharging into the sewer system must be provided for review by the DPW Director so that an appropriate determination on potential grease trap upgrades may be evaluated.
2. The increased sanitary sewer flow required must be submitted to the Board of Selectmen for approval.
3. All appropriate Board of Health permits for restaurant remodeling must be obtained.
4. Requirements of the Conservation Commission must be adhered to.
5. Planning Board Site Plan Approval must be obtained prior to start of construction.
6. All other state and local permits and approvals shall be obtained prior to the start of any construction

2nd: Mr. Earls

Discussion: None

Vote: 5 – 0

**DETERMINATION – PATRICIA KRITZMAN IS REQUESTING A
DETERMINATION TO DEMOLISH AND REBUILD AN EXISTING TWO
STORY SINGLE FAMILY RESIDENCE WITH AN ATTACHED GARAGE. THE
PROPERTY IS LOCATED AT 17 BENNETTS ROAD.**

Materials presented:

Application for Determination – Patricia Kritzman – received 2/11/2016

Existing Site Plan for Patricia H. Kritzman – 17 Bennetts Road – prepared by Jalbert
Engineering – plan date 6/4/2015 – DWG #15081

Architectural plans – submitted

Ms. Cooney acknowledged the following department memos:

- Ms. Bubon, Town Planner
- Ms. Terry, Interim BOH Agent
- Lt. Marinelli, Fire Inspector
- Mr. Burlingame, Building Commissioner

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert stated that the Conservation Commission at its meeting of March 10th required significant changes to the plan. The applicant would like to request a continuation to allow time for revised plans to be submitted.

Motion: Made by Mr. Earls to continue the Determination for Patricia Kritzman to demolish and rebuild an existing two story single family residence with an attached garage for the property located at 17 Bennetts Road to May 18, 2016 @ 6:35 PM.

2nd: Mr. Young
Discussion: None
Vote: 5 – 0

DETERMINATION – WHALER REALTY TRUST ARE REQUESTING A DETERMINATION TO DEMOLISH THE EXISTING SINGLE FAMILY HOME AND GARAGE AND REBUILD A NEW SINGLE FAMILY HOME AND GARAGE. THE PROPERTY IS LOCATED AT 92 WALLACE ROAD.

Materials presented:

Application for Determination – Whaler Realty Trust – received 2/17/2016

Plot Plan for the property at 92 Wallace Road – prepared by Trifone Design Associates – plan date 2/10/2016 – project #287-062

Ms. Cooney acknowledged the following department memos:

- Ms. Terry, Interim BOH Agent
- Lt. Marinelli, Fire Inspector
- Mr. Colburn, Conservation Agent
- Mr. Burlingame, Building Commissioner
- Ms. Bubon, Town Planner

Mr. Trifone of Trifone Design spoke on behalf of the applicant. Mr Trifone stated that the existing house will be demolished. The existing garage will be taken down to the foundation. The driveway will be re-surfaced. A new septic system will be installed.

Mr. Trifone stated that the proposal by the applicant will modify the footprint and envelope of the structure.

The Board had no concerns or questions on the project.

Motion: Made by Ms. Cooney to grant the Determination requested by Whaler Realty Trust for the property located at 92 Wallace Road: as requested to demolish the existing single family home and garage and rebuild a new single family home and garage. The Determination does not intensify the existing or create additional non-conformities and the owner may apply for a building permit for the described activities as shown on the Plot Plan for property at 92 Wallace Road, Sturbridge MA, prepared by Trifone Design Associates, Inc. – plan date 2/10/2016 – project #287-062. All necessary permits must be obtained prior to the start of construction.

2nd: Mr. Earls
Discussion: None
Vote: 5 – 0

CORRESPONDENCE

None

OLD/NEW BUSINESS

None

NEXT MEETING

April 6, 2016 – Center Office Building @ 6:30 PM - 40B Comprehensive Permit – Five Leaves at Sturbridge

On a motion made by Mr. Kelley, seconded by Mr. Earls, and voted unanimously, the meeting adjourned at 7:45 PM.