

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, DECEMBER 13, 2017

Present: Elizabeth Banks
Margaret Cooney
Thomas Earls
Kevin Kelley, Acting Chair
Fidelis Onwubueke
Michael Young
Maryann Thorpe

Also Present: Jean Bubon, Town Planner
Rebekah L. DeCoursey, Administrative Assistant

Mr. Kelley opened the meeting at 6:30 PM and read the agenda.

The Board introduced themselves.

APPROVAL OF MINUTES

Motion: Made by Mr. Earls to approve the draft minutes of November 15, 2017.
2nd: Mr. Young
Discussion: None
Vote: 5 – 0 – 2 (Ms. Thorpe, Mr. Onwubueke)

SPECIAL PERMIT – RAPSCALLION BREWERY IS REQUESTING A SPECIAL PERMIT PROPOSING A 480 S.F. BUILDING ADDITION FOR THE STORAGE OF BREWING PROCESS MATERIAL WITH A PROPOSED FRONT YARD SETBACK OF 26 FT +/- . THE SETBACK WILL BE GREATER THAN THE PRE-EXISTING BUILDING FRONT YARD SETBACK OF 16.6 FT. THE PROPERTY IS LOCATED AT 195 ARNOLD ROAD.

Materials presented:

Application Special Permit – RapsCALLion Brewing - received 11/13/17

A Certified List of Abutters

Deeds for land

“Existing Storage Space” photographs received at Public Meeting 12/13/17 of the current storage space used by RapsCALLion Brewery.

A plan entitled “Site Plan – Building Addition #195 Arnold Road Sturbridge, MA 01566” – containing seven sheets – prepared for Rapsallion Brewery by McClure Engineering (119 Worcester Road, Charlton, MA) project # 287-1682-I. Plan dated November 10, 2017.

A memo from McClure Engineering, Inc. Re: Special Permit Application dated November 9, 2017.

Mr. Kelley acknowledged a letter from the Big Alum Lake Association dated 12/7/17. Mr. Kelley thanked the Lake Association for demonstrating care for the property and public safety concerns. The concerns have been documented and the Town Planner is preparing a response that will be reviewed by the Zoning Board and returned to the Lake Association. The representatives of the Lake Association were able to review the drafted responses to their concerns. Ms. Bubon wanted to bring to attention that the Brewery is an ancillary use, a small use on a property mainly used for agriculture. Hyland Orchard is the business that holds outdoor events, not specifically Rapsallion Brewery, and microbreweries are permitted by right per the Town Bylaws on this property.

Mr. Kelley read the legal notice and then acknowledged the following department memos:

- Lt. Marinelli, Fire Inspector – no major concerns. The building will require all permits to be obtained in accordance to Massachusetts Fire Regulations and NFPA Standards. 11/28/17
- Mr. Thomas Ford, Chief of Police – no concerns. 11/29/17
- Mr. Burlingame, Building Commissioner – no major concerns. Building regulations from Chapter 34 will apply to construction. 11/28/17
- Ms. Bubon, Town Planner – no new concerns, however it is strongly recommended that the applicant and property owner consider the concerns raised by abutters. 12/11/17
- Ms. Gendreau, Conservation Agent – no major concerns. A portion of the building and proposed rain garden will occur within the 100’ buffer zone and the Sturbridge Wetlands Bylaw 200’ local jurisdictional buffer zone. Applicant has submitted a Request for Determination of Applicability to the Sturbridge Conservation Commission. A notice of Intent will most likely be required by the Commission. 11/22/17
- Mr. Filchak, Economic Development/Tourism Coordinator – no major concerns. 11/21/17

Mr. Kelley noted that the Zoning Board of Appeals is a judicial board that will determine if this project will increase non-conformity. He asked that Cedric Daniel (co-owner of Rapsallion Brewery) and Christopher McClure (from McClure Engineering) please address the pre-existing non-conforming issues in their presentation to the Board.

Mr. McClure presented the 20 acre parcel, noting the existing building where the current brewing operation is located, as well as the pavilion used for Hyland Orchard events. The footprint of the existing building is such that the front of the building is closer to the road than the rear of the building. The rear of the building is where the proposed addition will be.

Current conditions are such that there is a steep slope behind the barn. When brewing materials are delivered to the loading dock, they are then loaded onto a forklift to transport them up the hill to the current storage area. During winter months and inclement weather, this hill becomes slippery and treacherous. This area is shared with the landlord and is not the most secure area. The proposed addition will allow access closer to the loading dock, with easier and safer access to supplies at all times of year, as well as keeping the brewing supplies secure.

Renderings presented show the proposed storage area will use the same materials and match colors to the existing building, integrating the addition into the façade as much as possible. The existing footpath will be maintained, and a proposed rain garden will help with stormwater infiltration mitigation.

The Board had the following questions, concerns and comments:

- What will the addition look like from Lake Road (the road in close proximity to the building)? Mr. McClure presented the West Elevation of the building, showing the consistency in color and architectural design. He also noted that a local landscape architect has been hired to design the rain garden that is proposed adjacent to the project. Over time the plants in the rain garden will grow and buffer some of the building.
- What is the setback of the addition? A total of 26' from the road. The loading dock is currently 16' from Lake Road. The proposed storage area will be an additional 10' further back from the front of the building. This will actually be more in conformity to the setback requirements than the existing conditions.
- Will traffic be impacted? No, this addition is just for storage and will not increase traffic.
- Will it create any sort of public nuisance, including but not limited to: noise, lighting, drainage, air quality, intensity of use, abutting uses, environmental quality, or cause any other foreseeable problems for violations of the Town Of Sturbridge Zoning Bylaws? No.
- How tall will the rain garden be? Approximately 4' above the ground with a stone retaining wall to keep with the character of the farm. How wide will the rain garden be? Approximately 8' wide and in line with the existing plantings. A planting list has been provided by the landscape architect with appropriate species for the planting location, as well as a maintenance plan.
- Do you need to go before the Sturbridge Conservation Commission? Yes, for a Request for Determination of Applicability (RDA) and Notice of Intent (NOI). Contact. That meeting will be held January 4, 2018.
- Was the survey completed done by tape or with instruments? Instruments. The surveyor will return to stake out the foundation with instruments when it is time to start construction.
- Regarding the surveyor's signature and stamp – it is hard to read. Mr. McClure assured the Board that is the surveyor's signature on the recorded plan.
- Please clarify why the building is shown on Lake Road but the application address of the brewery is Arnold Road. The original Hyland Farm address was on Arnold Road.

The property does have frontage on Arnold Road, even though the building is closer to Lake Road.

- What will the interior of the addition look like? Mr. Daniel responded that it will be bare minimum, just used for cold, dry storage of brewing material. No heat, no water, but probably a little electricity.
- Could this addition be put somewhere else on the building? No, there is another tenant and the orchard that uses the building and as well as a residence. Bruce LaRochelle, the contractor for the project and present at the meeting, verified that the proposed location was really the only option for the addition and directly addresses the safety concerns of moving supplies up the hill.
- This project still needs a Waiver of Site Plan Review from the Planning Board, and that meeting will be held on January 9, 2018 at 6:35pm in the Center Office Building. The applicant will then have one year to commence the project.

Mr. Kelley opened the meeting to public questions, comments, and concerns:

- Rob Lawrenson, son-in-law to Ginnie Roscioli (member of the Lake Association) and a frequent visitor to the area asked if the addition will be the landlord's or the tenant's. Mr. Daniel said this is still up for discussion as the permitting process moves forward. The brewery is five years into a ten year lease.
- What will happen if the ownership or tenant of this space changes at that five year mark? If at that time it is to be used for something other than storage, the tenant will it need to go before the ZBA.
- When is the plan to start and finish construction? Ideally before May.
- Addressing the safety concerns brought up by the Lake Association: Ms. Bubon has spoken to the applicant and both are willing to sit down with the chief of police to address the issues of parking and lighting. Ms. Bubon noted that many of the events held at Hyland Orchard are not associated with the brewery, thus the brewery is not the cause of increased traffic. Also, the road is posted 'No Parking' so it may just be an enforcement issue.
- Has the landlord given permission for this project? Yes, his signature is on the original application. Mr. Daniel will ask him about putting up additional lighting on the property near the road to improve visibility.

Motion: Made by Ms. Cooney to find that the proposal submitted by Rapscaillon Brewery for the property at 195 Arnold Road to construct a 480 s.f. addition for storage of brewing materials that will not be substantially more non-conforming and not be more detrimental to the neighborhood since it will not increase the existing non conformities per Section 20.05 and Section 24.09 (a-e) of the Town Of Sturbridge Zoning Bylaws.

2nd: Mr. Young

Discussion: None

Vote: 7 – 0

Motion: Made by Ms. Cooney to grant the special permit request submitted by Rapscaillon Brewery for the property at 195 Arnold Road to construct a 480 s.f. addition for storage of brewing materials as outlined in the application and plan entitled "Site Plan – Building Addition #195 Arnold Road Sturbridge, MA 01566" – containing seven sheets –

prepared for Rapsallion Brewery by McClure Engineering (119 Worcester Road, Charlton, MA) project # 287-1682-I. No revisions. Plan dated November 10, 2017. Any modifications of this site plan will need to come back before the Board.

2nd: Ms. Banks

Discussion: None

Vote: 7 – 0

Motion: Made by Mr. Kelley to close the Public Hearing for Rapsallion Brewery requesting a Special Permit.

2nd: Ms. Cooney

Discussion: None

Vote: 7 – 0

Motion: Made by Mr. Kelley to permit the Town Planner to send completed responses to Big Alum Lake Association regarding their concerns of the project.

2nd: Ms. Cooney

Discussion: None

Vote: 6 – 0 – 1 (Elizabeth Banks)

OLD/NEW BUSINESS

Conflict of Interest memos were received by all ZBA members – please sign and return. Also address the online training if required. Complete and return as soon as possible.

RE-ORGANIZATION OF THE BOARD

Tom Earls nominated for Kevin Kelley as Chair. MaryAnn Thorpe seconded the nomination.

Vote: 6 – 0 – 1 (Kevin Kelley)

Kevin Kelley nominated Elizabeth Banks for Vice Chair/Clerk. MaryAnn Thorpe seconded the nominations.

Vote: 6 – 0 – 1 (Elizabeth Banks)

CORRESPONDENCE

None

NEXT MEETING

January 17, 2018

On a motion made by Ms. Cooney, seconded by Ms. Bank, and voted 6 -0 -1 (Mr. Earls had left the room), the meeting adjourned at 7:29 PM.