

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF
MONDAY, MARCH 26, 2018

Present: Elizabeth Banks
Thomas Earls
Kevin Kelley
Fidelis Onwubueke
Michael Young

Also Present: Jean Bubon, Town Planner
Rebekah DeCoursey, Administrative Assistant
Lenny Jalbert, Jalbert Engineering
Peter Vogliazzo, Applicant
Josuha Lee Smith, Bowditch & Dewey
Huseyin Sevincgil, MHF Design Consultants
Hadley Zabinski, Applicant
Jay Gallant, Architect

Absent: Margaret Cooney
Maryann Thorpe

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

The Board introduced themselves.

APPROVAL OF MINUTES

Motion: Made by Mr. Young to approve the draft minutes of March 14, 2018, as amended.
2nd: Mr. Earls
Discussion: None
Vote: 5 – 0 – 0

PUBLIC HEARING CONTINUATION– PETER O. VOGLIAZZO IS REQUESTING A SPECIAL PERMIT FOR A 12' X 8' ADDITION ON AN EXISTING SINGLE FAMILY DWELLING. THE PROJECT IS LOCATED AT 300 CLARKE ROAD EXTENSION.

Mr. Kelley opened the public hearing and Ms. Banks read the legal notice.

Materials presented:

Application and Narrative

Natural Heritage Data and National Flood Insurance Program Maps

Certified list of abutters

STURBRIDGE ZONING BOARD OF APPEALS MINUTES OF MARCH 26, 2018

Plan entitled “Proposed Site Plan for Peter Vogliazzo 300 Clarke Road Ext Sturbridge, MA” prepared by Jalbert Engineering. Plan Date 2/8/18. Drawing Number 18021.

Lenny Jalbert from Jalbert Engineering spoke on behalf of the applicant. The project is proposed at 300 Clarke Road Extension. The proposed addition is on the eastern side of the building. The proposed addition consists of a bedroom and a closet, totaling 96 sq. ft. The current dwelling on the property is only a total of 584 sq. ft., thus with the addition will total 670 sq. ft. The minimum footprint for a structure in Sturbridge is 750 sq. ft.; this proposal will bring the building more into conformity by increasing the square footage of the building footprint. The current lot coverage is roughly 16.86%; with the addition it increase to 18.93%.

The house is on town sewer and has a private well. There will be no other changes to the building other than the addition. The addition will not require a foundation; it will be added onto the house using two piers for support. The roofline of the building and elevation will remain the same and the siding will remain consistent with what currently exists. When viewing from the lake, the addition will be minimally visible. On the side of the house where the addition would be, there are currently two windows. These windows will be pushed out to the new exterior wall.

This is a pre-existing non-conforming structure. The proposed project is only increasing the lot coverage by 2%. There are no other conflicts that arise with this proposal – the electric, sewer, and well water all remain the same. The existing house is 5’ from the abutting property line; the addition will be 11’ from the property line. There have been no objections voiced from abutters.

Mr. Kelley acknowledged the correspondence from the following departments:

- Jean Bubon, Town Planner dated March 14, 2018
- Bri Eichstaedt, Health Agent memo dated March 12, 2018
- John Marinelli, Fire Inspector memo dated February 28, 2018
- Gregory Morse, DPW Director memo dated March 6, 2018
- Rebecca Gendreau, Conservation Agent memo dated March 8, 2018

The Board had the following questions, comments or concerns:

- The application states the size of the building to be 512 sq. ft. Mr. Jalbert corrected the application at the meeting. It should read to be 584 sq. ft., as is indicated on the plan.
- It was noted there were no major concerns from any of the Boards, Departments or the Town Planner.
- The addition seems carefully planned in congruity with the site.
- The project will go before the Conservation Commission on April 5th.

Motion: Made by Mr. Young to close the Public Hearing for 300 Clarke Extension

2nd: Mr. Earls

Discussion: None

Vote: 5 – 0 – 0

Motion: Made by Mr. Earls in the matter of the request for Special Permit by Peter O. Vogliazzo of Longmeadow at the property located at 300 Clarke Road Extension, to add an 8'x12' addition to the house according to the plan by Jalbert Engineering dated 2/8/18, Drawing Number 18021, the Board finds that in accordance with the Town Zoning Bylaw section 20.05 the addition will not be more detrimental to the neighborhood.

2nd: Ms. Banks

Discussion: None

Vote: 5 – 0 – 0

Motion: Made by Mr. Earls, in view of the finding, to grant a Special Permit to Peter O. Vogliazzo for construction of a 8'x12' addition onto an existing dwelling as presented in the plan "Proposed Site Plan for Peter Vogliazzo 300 Clarke Road Ext Sturbridge, MA" by Jalbert Engineering dated 2/8/18 in accordance with Town Zoning Bylaw 24.09 A-E with regard to health, safety and conservation. Project will subject to all requests and appropriate permits by Town Boards and Departments.

2nd: Mr. Young

Discussion: None

Vote: 5 – 0 – 0

PUBLIC HEARING CONTINUATION– HADLEY ZABINSKI IS REQUESTING A SPECIAL PERMIT FOR A CHANGE IN USE FOR THE PROPERTY AT FROM EXISTING RETAIL INTO A LUXURY FULL-SERVICE PET DAYCARE, LODGING, TRAINING AND GROOMING FACILITY. THE PROPERTY IS LOCATED AT 1 RIVER ROAD.

Mr. Kelley opened the public hearing and Ms. Banks read the legal notice.

Materials presented:

Application and narrative for Special Permit

A certified list of abutters

A plan entitled "Proposed Dog Daycare "Paw Plaza" Redevelopment located at #1 River Road, Sturbridge, Massachusetts 01566." Plans are prepared by Bertin Engineering, Associates Inc. 39 Elm Street, Southbridge, Ma 01550. The plans are dated 2-21-18 and contain sheets C-1 through C-8

Plan prepared by Gallant Architecture entitled "Paw Plaza 1 River Road, Sturbridge, MA" and dated February 20, 2018. Plan contains three sheets.

Hadley Zabinski presented the project on behalf of herself, with the project architect, Jay Gallant also present. Ms. Zabinski noted that she is in the process of purchasing the building at 1 River Road; both her realtor and the property manager/realtor for 1 River Road were present.

Ms. Zabinski gave an overview of her proposal. The exterior of the main building will remain the same, while the interior of the building will be renovated for high end boarding, grooming, and day care. Ms. Zabinski will bring the building up to code, upgrades including the installation of a sprinkler system. There will be in and out traffic from River Road, Haynes Street and Route 84 as people drop off/ pick up their dogs at day care before and after work. The maximum will be 40 dogs a day with room to board an additional 40 dogs (typical stay would be 1-2 days). There will be grooming appointments throughout the day, as well as training sessions. Ms. Zabinski stated that the size of her business will be smaller than the Barkington Inn in Charlton – the closest competitor.

Ms. Zabinski's business philosophy is "low ratio – high touch" that will include:

- A 1 to 10 employee to dog ratio, which will increase one-on-one time with the dogs.
- Lots of play time. Mr. Gallant stated there are two day care play areas over 2,000 sq. ft.. There are also individual play areas at 12'x30' (for dogs that don't play well with others).

The Board had the following questions, comments and concerns:

- Where is the closest abutter? Across the street. A berm near the road at the business already creates a visual and sound buffer between that house and 1 River Road. There really aren't any other neighbors.
- Regarding relief of dogs, how will this be addressed? There numerous relief areas, all within a fenced in area. Ms. Zabinski will utilize ZeoFill (described in the application narrative) on Astroturf areas. These areas will be developed with 4"-6" of crushed stone under an AstroTurf surface, with regular soil below the stone. Zeofill absorbs the urine, preventing the smell from being released into the air. It then is either washed off by hand or during a rain storm.
- Regarding solid waste, staff will be trained to pick it up immediately for 1) safety and health of dogs 2) containing waste.
- The round building on site currently has no direct plans for use. Hopefully down the road it will provide a use compatible with the business. General repairs and maintenance will be done on the building.
- Regarding traffic flow, the reception desk will be open from 7am to 7pm. This is when the peak traffic flow is predicted for day care drop off. Ms. Zabinski had designed the floor plan specifically with the day customer in mind, making drop off as quick as 1 to 2 minutes. If it turns out this doesn't work as planned, Ms. Zabinski is open to a valet type of service. Ease of drop off is a high priority for her business.
- The type of fencing used will be vinyl, or wood stockade depending on costs. The solid fence will enclose the entire outdoor area.
- Will there be breed restrictions? No, not at this time. There will be restrictions on male and female intact dogs at the facility at this time. All dogs will go through an intake procedure to be sure both the dog and employees will be safe. Ms. Zabinski pointed out that not all dogs are meant for dog day care, while some also need 1-on-1 training before they can socialize with others – similar to an I.E.P. for a child in school. The business will consistently evaluate the best needs for each dog.
- How will sound be mitigated? Not all the dogs will be outside at one time. A happy dog is a quiet dog. Ms. Zabinski stated that her business philosophy puts a dog's day

into third equal parts: organized physical play, mental play (skills, manners, training) and rest. When a dog is entertained, playing, and/or socializing it does not tend to bark nearly as much. Dogs will be on a 45 minutes cycle.

Mr. Kelley acknowledged the following departmental memos that were provided to the applicant, her architects, as well as the Board and Town Planner.

- Jean Bubon, Town Planner dated March 19, 2018
- Jean Bubon, Town Planner dated March 21, 2018
- Gregory Morse, DPW Director dated March 13, 2018
- Nelson Burlingame, Building Commissioner dated February 26, 2018 & March 8, 2018
- Kevin Filchak, Economic Development/Tourism dated March 8, 2018
- Rebecca Gendreau, Conservation Agent dated March 8, 2018
- Bri Eichstaedt, Health Agent dated March 2, 2018
- John Marinelli, Fire Inspector dated February 28, 2018

DPW had 8 items that needed to be address – Ms. Bubon stated all of them have since been resolved with the applicant. All other issues have been addressed as well.

Motion: Made by Mr. Earls to close the Public Hearing for 1 River Road
2nd: Mr. Kelley
Discussion: None
Vote: 5 – 0 – 0

Motion: Made by Mr. Earls in the matter of the request for Special Permit by Hadley Zabinski of Charlton to allow the change of use for the property at 1 River Road to accommodate Paw Plaza, a dog day care facility, according to the plans and application provided by Bertin Engineering dated 2/21/18, the Board finds that per Zoning Bylaws and 20.05 the change in use is not detrimental to the health, safety or conservation of the neighborhood.
2nd: Mr. Young
Discussion: None
Vote: 5 – 0 – 0

Motion: Made by Mr. Earls, in view of the finding, to grant a Special Permit to Hadley Zabinski for a change in use redevelopment from existing retail to a dog day care as presented in the plan by Bertin Engineering dated 2/21/18 project number 18-106 in accordance with Town Zoning Bylaw 24.09 a-e and 20.05 with regard to health, safety and conservation. All necessary permits must be acquired and all other state and local approvals must be granted before construction begins.
2nd: Mr. Young
Discussion: None
Vote: 5 – 0 – 0

PUBLIC HEARING CONTINUATION– PETROGAS GROUP NEW ENGLAND INC. IS REQUESTING SPECIAL PERMIT APPROVAL FOR THE EXTENSION OF A PRE-EXISTING NON-CONFORMING STRUCTURE AND USE. THE APPLICANT IS ALSO REQUESTING A SPECIAL PERMIT FOR SIGN RELIEF.

Mr. Kelley opened the public hearing and Ms. Banks read the legal notice.

Materials presented:

Application for Special Permit

A certified list of abutters

A plan entitled “234 & 236 Haynes Street, Prepared for: Petrogas Group New England, Inc. – 168 North Main Street, Andover, MA 01810” prepared by MHF Design Consultants, Inc. – 44 Stiles Road, Suite One, Salem, New Hampshire 03079 dated 2-20-18 Sheet No 5 of 14.

Photographs of the existing facilities

Existing Conditions Plan – Site Address – Route 15, Sturbridge, MA 01550; prepared by Bertin Engineering, 39 Elm Street, Southbridge, MA 01550 dated March 4, 2016.

A plan entitled – applegreen Sturbridge, MA – Mashapaug Road, Sturbridge, MA 01566. Existing Floor Plan. The Plan was prepared by Upland Architects, 250 E. Main Street, Suite 13, Norton, Massachusetts 02766 (undated)

A document entitled – applegreen Sturbridge, MA – Mashapaug Road, Sturbridge, MA 01566. Proposed Shell Plan. The Plan was prepared by Upland Architects, 250 E. Main Street, Suite 13, Norton, Massachusetts 02766 (undated)

A plan entitled – applegreen Sturbridge, MA – Mashapaug Road, Sturbridge, MA 01566. Proposed Exterior Elevations Sheets A 200 and A 201. The Plan was prepared by Upland Architects, 250 E. Main Street, Suite 13, Norton, 02766 Massachusetts.

Representing the client were Joshua Lee Smith, outside council for Petrogas, and Huseyin Sevincgil, Project Engineer with MHF Design Consultants, Inc. Their client, Petrogas Group New England, Inc., is looking to revitalize property at the intersection of Route 15 /Haynes Street and Mashapaug Road. The property at 234 & 236 Haynes Street is currently occupied by a Mobile Convenience store building of 2,200 sq. ft. and a single canopy with gas pumps, as well as a 6,400 sq. ft. building which previously held a Sbarro and Roy Rogers. The entire site is located within the Special Use District and is 16.5 acres in size.

Mr. Smith presented the proposed project. The existing convenient store and gas canopy will be demolished. In its place are proposed two new gas canopies, one on the right for diesel and one on the left for regular gas with two diesel pumps. The Roy Rogers building footprint will remain the same. There are significant improvements proposed both internally and externally to revitalize the building. It will hold a convenience store, gas service station

uses, and two fast food establishments, one with a drive thru. There will be outdoor seating and a play area.

The request for Special Permit is an extension of a pre-existing non-conforming use. The existing structural non-conformities are the existing canopy, and the Roy Rogers building. The canopy is proposed to be demolished, and the building footprint will not change. Mr. Smith presented to the Board that these will be enhanced uses at the properties. The proposed design for the Roy Rogers building is designed to be in harmony with other new buildings that have been built or approved in town, such as CVS and the multi-tenant building at 21 New Boston Road.

The Board had the following questions, comments or concerns:

- Mr. Smith clarified that the developer is not the title owner to the property but possesses property rights by lease.
- There are 5 parking spots for tractor trailers, where the trucks will back in. The parking complies with the Zoning Bylaws. This site is not intended as a rest area/truck stop, there are other locations in town that fit need. It is intended as a mixed use site – a place you stop to get gas and a cup of coffee.
- During presentation Mr. Smith expressed the change of the egress on Mashapaug Road from 2-way traffic to 1-way traffic in an effort to control traffic flow. The Board suggested to keep this 2-way, because this strategy had been tried in previous projects and had a negative impact on local traffic on Mashapaug Road. Mr. Smith and Mr. Sevincgil agreed.
- Concerns over the amount of parking spaces. The proposal does meet Zoning Bylaws, and has more parking than other gas stations (such as the newer Cumberland Farms on Route 20).
- A suggestion was made to post a time limit on the tractor trailer spots to avoid overnight or extended parking.
- Mr. Smith assured there has been a traffic study done for the Site Plan Review, which will be presented on March 27th by the Planning Board. The entrance is designed to keep traffic moving slowly into the site the safety both trucks and cars.

Motion: Made by Mr. Young to close the Public Hearing for 234 & 236 Haynes Street
2nd: Mr. Earls

Discussion: None

Vote: 5 – 0 – 0

Motion: Made by Mr. Earls in the matter of the request for Special Permit by Petrogas Group New England, Inc. to allow extension of Special Permit for a pre-existing non-conforming use at 234 & 236 Haynes Street to demolish the existing convenience store building and gas canopy, and redevelop the existing building into a convenience store, gas service station, two fast food restaurants and install two new gas canopies the Board finds that per Zoning Bylaws 20.05 the change in use is not detrimental to the health, safety or conservation of the neighborhood. All necessary permits must be acquired and all other state and local approvals must be granted.

2nd: Mr. Young

Discussion: None
Vote: 5 – 0 – 0

Motion: Made by Mr. Earls in the matter of the request for Special Permit by Petrogas Group New England, Inc. to allow extension of Special Permit for a pre-existing non-conforming use at 234 & 236 Haynes Street to demolish the existing convenience store building and gas canopy, and redevelop the existing building into a convenience store, gas service station, two fast food restaurants and install two new gas canopies the Board approves the Special Permit per Zoning Bylaws 20.05 and 24.09 A-E finding that the change in use is not detrimental to the health, safety or conservation of the neighborhood. All necessary permits must be acquired and all other state and local approvals must be granted.

2nd: Mr. Young

Discussion: None
Vote: 5 – 0 – 0

DETERMINATION – GEORGE & REBECCA KONDYLIS ARE REQUESTING A DETERMINATION TO RAZE THE EXISTING HOUSE AND GARAGE AND REBUILT ON THE EXISTING FOOTPRINT ON A NEW FOUNDATION. THE PROPERTY IS LOCATED AT 47 SENECA LANE.

Materials presented:

Application for a Request for Determination

Floor plans and elevations of proposed house

A plan entitled “Proposed Site Plan for 47 Seneca Lane Sturbridge, Massachusetts 01566” prepared by Existing Grade Inc. Surveyors & Civil Engineers (62 Riedell Road, Douglas, MA 01516) Project No. 1749 Dated 10/27/17.

George Kondylis presented the project on behalf of himself and his wife. The project site current consists of an existing older home and garage. They are proposing to demolish both and rebuilt on the same footprint. Their plan includes repairing retaining walls around the property. There is an existing old shallow well that is non-functioning. They plan to fill in the old well and drill a new one. There is currently a concrete pad on the rear of the property on the lake side. They are proposing to remove this concrete pad, install a pervious patio with a deck above it. The stairs that come off this deck will encroach 18” into the side setback at the very bottom of the stairs, but begin and are mostly outside the setback.

The Board had the following questions, comments, and concerns:

- Mr. Kondylis explained to the Board that, yes, it is a shared driveway with a parking area large enough for both parties to utilize it.
- The home will be built as a year-round home but only used as a summer home at this time.
- The small bump out on the north side of the house plan has been since changed and is no longer proposed. The structure will be rectangular.

- Mr. and Mrs. Kondylis have already presented their project to the Conservation Commission at a March 1st meeting

Mr. Kelley acknowledged the following correspondence:

- Rebecca Gendreau, Conservation Agent memo dated March 8, 2018
- Bri Eichstaedt, Health Agent memo dated March 8, 2018
- Gregory Morse, DPW Director memo dated March 6, 2018
- John Marinelli, Fire Inspector memo dated February 28, 2018
- Tomas Ford, Chief of Police memo dated March 5, 2018
- Jean Bubon, Town Planner dated March 14, 2018

OLD/NEW BUSINESS

Ms. Banks thanks Kevin Kelley for his service with the Zoning Board of Appeals. His term will end next month and his dedication and hard work on the Board is noted and will be missed. Thank you, Mr. Kelley for your time on the Board.

Ms. Thorpe was not able to make this meeting, but her term is also ending next month. The Board thanks her for her time. She also has been an asset to the Board and will be missed. The Board wishes both of them luck in the future.

CORRESPONDENCE

None

NEXT MEETING

April 18, 2018

On a motion made by Mr. Earls seconded by Mr. Onwubueke, and voted 5 - 0 the meeting adjourned at 8:55 PM.