

Town of Wilbraham
Zoning Board of Appeals
240 Springfield Street
Wilbraham, Massachusetts 01095

Edward Kivari Jr., Chairman
Mark Albano
Charles Pelouze
Jamil Eyvazzadeh, Associate
Sarah Fila, Associate



Michelle R. Buck, Planning Director
Heidi Burnham, Admin. Assistant

Phone: (413) 596-2800, Ext. 203
Fax: (413) 596-9256

WILBRAHAM ZONING BOARD OF APPEALS MEETING MINUTES
THURSDAY, MARCH 9, 2023

In attendance: Mark Albano, Acting Chair
Charles Pelouze
Jamil Eyvazzadeh, Associate
Sarah Fila, Associate

Staff: Michelle R. Buck, Planning Director
John J. Walsh Jr, Building Inspector
Heidi Burnham, Administrative Assistant

Acting Chair Mark Albano called the meeting to order at 5:36 PM.

1. **Public Hearing – Special Permit (ZBA23-01)**
To Allow a Food Service Establishment (Starbucks) in a Proposed 2,400 +/- Square Foot Building
(existing building to be demolished)
2005 Boston Road, Wilbraham, LLC – 2005 Boston Road

Acting Chair Mark Albano opened the public hearing at 5:36 PM and read the legal notice into the record. Attorney Thomas R. Reidy and Richard Korris, Developer, appeared before the Board. Attorney Reidy addressed the Board sharing a recap of events since the last meeting on July 16, 2022. Last year both the Planning Board and the Zoning Board of Appeals approved reuse of the existing bank building located at 2005 Boston Road for a Starbucks. Home Depot had an issue with the number of parking spaces in this design because it did not address the 24 parking spaces required in a restrictive covenants and easement agreement. As a result, Mr. Korris had to redesign the site, requiring knocking down the existing building and constructing a new 2,400 +/- square foot building with 25 parking spaces proposed and room for 16 vehicles in the drive-through queue. The three parking spaces on the westerly side of the building are designated for employee parking. The existing curb cuts on the property will be maintained; right-hand turn only onto Route 20; right-hand turn only exiting the site from the western and northern access drives. The Planning Board approved the special permit for the drive through on March, 1 2023.

Mr. Albano asked Attorney Reidy if he is comfortable with all of the conditions that were in the original ZBA special permit issued in June 2022 and if he is comfortable with the comments from both the Wilbraham Police (WPD) and Fire Department (WFD). Attorney Reidy confirmed that he is comfortable

with the conditions in the original special permit and with the recent WPD and WFD comments. Attorney Reidy shared that the WFD has no issues with the new site design and the WPD was pleased with the site circulation and the fact that in this design patrons do not have to cross the drive through traffic to enter the building. A right turn only out of the western access exit will satisfy another WPD comment.

Board member Charles Pelouze asked Attorney Reidy if a stop sign could be added to the southern side exiting Starbucks to Home Depot. Attorney Reidy agreed to the addition of the stop sign.

Board member Sarah Fila asked what provisions if any have been made to enable foot traffic to the establishment particularly from the Wilbraham Motel next door on Boston Road. Both Mr. Albano and Attorney Reidy commented that there is not a lot of foot traffic on Boston Road (Route 20) and there are no sidewalks anywhere on Route 20; it is not pedestrian friendly.

MOTION (PELOUZE, EYVAZZADEH): I move that we the Wilbraham Zoning Board of Appeals grant the application of 2005 Boston Road, Wilbraham, LLC for a special permit under sections 3.4.5.17 and 3.9.3.3 of the Wilbraham Zoning By-Law to allow a food service establishment (Starbucks) with outdoor dining in a proposed 2,400± square foot building (existing building to be demolished) on property owned by Kahn-Wilbraham LLC located at 2005 Boston Road as further specified in the applications and plans that are on file in the Planning Office and posted for public viewing on the Zoning Board of Appeals page of the Town of Wilbraham website. Include all of the conditions and findings that the Planning Board concluded on March 1, 2023 to the recommendation for approval.

DISCUSSION: Mr. Albano recommended that the Board incorporate by reference the conditions and findings that the ZBA made back in 2022, together with the Planning Board's findings.

Mr. Albano asked Attorney Reidy how the proposal addresses the protection of the customers on the outdoor patio. Attorney Reidy replied that the outdoor patio will be enclosed with a wrought iron fence for safety and referenced Condition #6 in the original special permit that addressed the outdoor patio. Mr. Albano expressed that he feels this project will be a benefit to the town and it fits nicely within the zoning district.

Mr. Pelouze shared that he feels this is a much better plan and he likes that the customer parking is in the front of the building inside the queuing of the drive through cars; safer for patrons parking and entering the building.

Planning Director Michelle Buck advised the Board that the Planning Board's decision is still a draft and suggested incorporating a condition into the ZBA decision that says, "subject to all conditions contained in the Planning Board's decision" [instead of including the full text of the current draft Planning Board conditions in the ZBA decision]. The Board members were in agreement. **Approved, as modified during discussion, by roll call vote (4-0).**

2. **Approval of Minutes – October 20, 2022**

Mr. Albano called for a motion to approve the minutes of the October 20, 2022 Zoning Board of Appeals meeting and asked if there were any comments or revisions.

MOTION (PELOUZE, EYVAZZADEH): I move that the Board approve the minutes of the October 20, 2022 Zoning Board of Appeals meeting. Approved by unanimous consent (4-0).

3. **Zoning By-Law Amendments for Discussion**

Mr. Albano asked John McCloskey, Planning Board Chair, to come to the table to discuss the Zoning by-law amendments with the Board. Mr. McCloskey presented the Board with a brief overview of the changes that the Planning Board is proposing and asked for the Board's feedback.

A. Location and Size of Accessory Buildings – Sections 1.3, 3.9.2 & 4.4.8

The Board members agreed that the accessory building by-law needs to be updated with the times and the size of sheds. Mr. Albano shared that he sees the purpose and the intent of the by-law amendment but needs some time to absorb the size and setbacks before extending feedback at the public hearing. Mr. Albano's initial thought is that maybe the answer is to seek a variance to handle the difficult setback requirements for example in the R-26, R-34 and the R-40 districts.

B. Truck Parking Restrictions in Residential Districts – Sections 1.3 & 4.5.2

Mr. Albano thanked Mr. McCloskey and the Planning Board for all their work on the truck amendment. Mr. Albano shared that the Zoning Board has gone round and round about trucks parking in residential neighborhoods and defining the Gross Vehicle Weight Rating (GVWR). It appears that the Planning Board's work has clarified this. Mr. Albano asked if GVWR is defined anywhere in DOT regulations. Mr. McCloskey replied that he is not sure if GVWR is defined in state regulations but it is an industry standard rating.

Mr. Pelouze asked how this relates to battery powered electric vehicles and if the batteries are heavier than a gasoline engine. Planning Director Michelle Buck and Mr. McCloskey responded that this is a good question and it needs to be researched.

Board member Jamil Eyvazzadeh shared his thoughts that going by GVWR alone the town is not putting a limitation on the size of the vehicle. For example, some of the small box trucks are larger in size than a Ford F350 truck. Building Inspector, John Walsh and Mr. McCloskey advised that the GVWR is a point of reference across the industry and this is a starting point to address some of the violations in town.

Mr. Albano asked for clarification on the change to the section regarding lettering on vehicles, pointing out now the only limitation to lettering on vehicles is that it cannot be illuminated. Mr. McCloskey commented that Wilbraham is the only local town in the area to have any kind of limitation on lettering on vehicles. The Planning Board decided to remove the regulations on the lettering so as not to exclude the new vehicle wrap capability that is very popular now.

Mr. Albano shared that he is in favor of clarifying the truck by-law but needs some time to absorb the changes to gauge if they are appropriate before extending feedback. As a citizen, Mr. Albano said he will personally review the proposed amendments and try to virtually attend the March 15, 2023, public hearing to provide feedback.

Having no further business, the meeting was adjourned by unanimous consent at 6:51 PM.

Submitted:

Heidi Burnham
Heidi Burnham, Admin. Assistant

Date: 5/3/23

Approved As To Form And Content:

Mark Albano
Mark Albano, Acting Chair

Date: 5/15/23