

STURBRIDGE CONSERVATION COMMISSION

Minutes for Friday October 31, 2003

Public Hearing - NoI cont – New England Environmental, for Swiacki, for Whittemore Woods Subdivision Infrastructure.

Public Hearing – NoI cont.– New England Environmental, for Swiacki, for Whittemore Woods Subdivision for single family homes and related.

L. Adams opened the public hearing/joint meeting with the Planning Board and Applicants. Present were J. Hoffman, D. Mitchell, N. Ryder, L. Adams, G. Morse, P. Thompson, W. Belec, Atty. M. Donahue, E. Goodwin, D. Barnicle. 9:00 AM.

Submitted information-

- o None at this meeting.

Topics Discussed -

- o Atty. M. Donahue noted that he and the Waterman Design reps were present to discuss some of the details regarding the through road and the double barrel entrance.
- o D. Mitchell noted that the SCC had understood the meeting to be a discussion of broader issues with the Planning Board members, not a focus on the details of the plan.
- o L. Adams stated no planning members would be present; he expressed concern with the miscommunication and noted that he appreciated the commissioner's attendance. He felt issues could still be discussed and resolved and that the meeting could be productive. He outlined the process the applicant had been through with the Planning Board.

Issues Concerns –

- o M. Donahue noted that the plan on the table was an approved subdivision plan; he believed with minor modifications that the issues regarding details of the through road between Planning and Conservation could be resolved.

SCC Comments –

- o N. Ryder summarized the SCC actions and comments on the crossing and through road to date noting that there was no consensus to date that the through road would be approved, in fact a similar plan had already been rejected.
- o E. Goodwin noted that he was not present to negotiate terms with the applicant's attorney.
- o E. Goodwin corrected M. Donahue and stated that the Planning Board had approved a subdivision plan with no concern for environmental issues.
- o He stated emphatically that no plan had been approved by the commission.

Applicant Responses-

- o W. Belec outlined the major issues on the site plan with those present, as the information is available on the plans submitted and previous SCC minutes, it is not included here.

SCC Responses-

- o E. Goodwin noted that W. Belec was still assuming that the SCC would approve the through road.
- o He noted that the applicant was playing the town boards against each other in an effort to maximize use and overdevelop an environmentally sensitive property.

- o E. Goodwin noted that the SCC had voted no on the original through road already, early on in this process. He noted that no serious effort had been made to submit a reasonable plan that addressed environmental issues equally with other issues. He stated that there was no doubt in his mind that the developer could have created a less impact development that would have been highly successful for the developer if they had not started off with maximum buildout in mind at the expense of the town regulations.

Discussions (abbreviated)-

- o Would a through road with no through traffic other than emergency and utilities be considered? G. Morse initially said he would not be in favor for safety reasons. He noted you could not move people in emergency situations with dead-ends. He outlined the maintenance issues. The issue was readdressed later in the course of discussion and G. Morse noted that a non-paved through road with a gate may be negotiable but would still be a maintenance issue especially in the winter so emergency access could be available when needed. M. Donahue noted that when it came to maintenance and safety issues, DPW limitations became requirements. G. Morse noted that 50 years down the road, if DPW neglected to maintain the easement and trees grew up, then there would be emergency access issues and it would take days to cut through. He expressed concern for weighing the risk and maintenance issues for future generations.
- o J. Hoffman asked if any options for no through road had been considered or would be. L. Adams noted a very long cul-de-sac had been presented initially. The normal length is 500 feet. He noted that the PB would likely consider a 600-650 foot long dead-end, but not one close to 1000 feet. J. Hoffman and L. Adams discussed Planning regulations and cul-de-sac options. L. Adams noted that the PB was open to alternatives. M. Donahue stated that 500-foot or even 600-foot cul-de-sacs did not work economically for the developer.
- o E. Goodwin asked if a horseshoe off Fairview was considered. G. Morse noted that there would be grading and slope issues. W. Belec stated that a through road would require steep grades. N. Ryder noted that there were many other areas in town with steeper grades, the developers had simply blasted through ledge, why was it suddenly an obstacle here.
- o 3 cul-de-sacs as an option were discussed. G. Morse noted that while it may be better environmentally, it was not from safety and maintenance. N. Ryder questioned how safety would be an issue if, in emergencies, through access could be had.
- o M. Donahue noted that he needed to know if the adjustments shown would be acceptable to the Planning Board. He noted that he would like Sturbridge to lead the design changes in the process. E. Goodwin expressed frustration that the attorney was attempting to address issues that would not solve the bigger issues. He used the example of having a car that would not run. You can dress it up all you want, but in the end it still won't run unless you fix the engine. He stated that the applicants can dress the through road up with adjustments and details, but it's still not going anywhere unless the basic issues are addressed and fixed.
- o L. Adams discussed the statutory limitations, which inhibit cooperation between boards. He noted that the PB did not want to get into turf issues and say what was environmentally significant and what was not. He stated that the PB actions were actually to the credit of the SCC, as Planning simply assumed and were completely confident that the Commission would battle the environmental issues. He noted that it appears the SCC was handed a damaged project from the start. He noted that the town boards and administrator were working to adjust and improve the process for all parties involved. He noted that there should be a comprehensive plan from the start. SCC should not be at the tail end when the raw land is the first issue in any development.
- o G. Morse and L. Adams noted that they would re-look at the details of the project. L. Adams noted that the issue of the trails was a big Planning issue. D. Barnicle noted that the trails were

not a major issue with SCC; they were nice and helped create a sense of belonging to the environment which was not a regulatory issue.

- o G. Morse and D. Barnicle discussed protecting the viability of the detention basins. It was discussed that with the removal of one house from the basin area, the slopes went from 3:1 to 2:1. M. Donahue noted that density at this point was not defined, that would not be done until the roadway and infrastructure was finalized. N. Ryder questioned how you could finalize infrastructure without knowing the density. She noted that a very clear lot line plan had been submitted with homes packed into tight places.
- o G. Morse noted that if the through road was not going through then many other issues didn't matter, such as visibility onto Whittemore. A double barrel there is not negotiable if there is a through road. G. Morse noted that another issue was the slopes; some pipes were under the spillway with no connection to the basin. He noted that the plans needed work. In some areas, access to utilities for repair would be extremely difficult.
- o G. Morse discussed the shift in the ROW boundary. He noted that he would accept the shift as long as additional ROW was added. L. Adams noted that lot changes within a subdivision was not a big issue. D. Barnicle noted that the SCC 25-foot and 50-foot buffers impacted locations where homes and disturbances could occur.
- o J. Hoffman noted that at the Planning meeting, a statement that, too many houses were being planned on Whittemore, was made. He asked what the basis and standard being used was. L. Adams and J. Hoffman discussed various subdivision design tools both noting that full buildout did not have to be the only option.

Final SCC Comments-

M. Donahue noted the meeting should be wrapped up and asked where the roadway, lot, and house issues were.

- o E. Goodwin noted that this property was environmentally unusual and very sensitive. Hydrological connections were found across the entire length of the road and even with the study done, could not be explained clearly. There are streams and wetlands all connecting wildlife areas. He noted that the developer's only plan to the SCC was to blow a road through and add as many house lots as possible. He noted that there are limitations and to blow the entire place out to rationalize the developers desire to make more money was not OK. He stated that the expectations should have been based on the environmental restrictions on site.
- o D. Barnicle noted that the entrance from Whittemore would result in crossing a unique and healthy wetland. He noted that most good developable land in Sturbridge was gone, so this developer was going after a connective piece of land with tremendous slopes to a tremendous wetland with unique hydrology. He noted that it was the SCC's job and charter to protect these resource areas. He stated that he had not heard these issues being resolved. He noted that the reality of the situation was that the developer needed to consider protection of the environment as part of the plan. He noted that creating ones own economic hardship was not an issue of the SCC, it was self-imposed by the developer.
- o D. Mitchell noted that the points made were all good. He acknowledged that the Planning Board had put substantial time in to the project and had their own issues that sometimes were counter to SCC issues. He noted that the majority of the SCC impacts would occur within the first 3-4 months of a project. Making sure the project was good to start with could mitigate the long-term single family home impacts. He noted that the known, likely, potential for immediate impact to the environment needed to be weighed against the future unknown potential for impact.
- o J. Hoffman noted that W. Swiacki's economic desires were not a concern of the SCC. He stated that not every lot or every square foot of land was buildable. He noted that ensuring the project would make a good profit was not an issue of the SCC. J. Hoffman noted that based on what he

had heard to date, the applicant did not reasonably address and exhaust all possibilities to create a better environmentally feasible project before coming to the commission.

Continuation-

- o To November 20 at 6:45 PM
- o To December 11 at 7:50 PM

Adjourned, 10:45 AM