

STURBRIDGE PLANNING BOARD

MINUTES OF
TUESDAY, FEBRUARY 26, 2002

Present: Mike Beaudry
Tom Creeden
Sandra Gibson-Quigley, Chair
Deb Hill
Bill Muir
Milton Raphaelson

Absent: Marge Cooney

Also present: Lawrence Adams, Town Planner
Nancy Campbell, Clerk

The meeting was called to order by S. Gibson-Quigley at 7:00 PM and the agenda was read. The minutes for February 12, 2002 were reviewed.

Motion: to accept the minutes of February 12, 2002, by M. Beaudry

2nd: M. Raphaelson

Discussion: None

Vote: All in favor

ANR'S

Menard – Allen Road (1 lot) – Scott Menard – Approved as presented

PLANNER'S UPDATE

- SCCRI, Inc. (proposal on Route 20) traffic study was received; no reapplication has been made.
- The Highlands revised plans were received 2-26-02.
- Convergent Prima will present an information session at the March 5th meeting since the project is not complete.
- The Subdivision Control Regulations should be before the Board for next month.
- March 5th meeting – The Sanctuary/Arnold Rd. Subdivision – Public Hearing
The Preserve/New Boston Rd. Subdivision – Public Hearing cont.
Draper Woods Subdivision – Definitive Plan final decision discussion

PUBLIC HEARING FOR REVIEW OF THE PROPOSED BYLAW – RATE OF DEVELOPMENT

S. Gibson-Quigley opened the public hearing at 7:15 PM. T. Creeden read the legal notice. S. Gibson-Quigley asked to waive the reading of the bylaw.

The meeting was opened for comments for or against the proposed bylaw.

Those speaking for the proposed bylaw:

- Sam Caple, 35 McGregory Road – felt growth can take off too fast effecting the schools and infrastructure.

Those speaking against the proposed bylaw:

- Steven Fox, 99 Cricket Drive – felt the price of homes would rise and families would not be able to afford to live here as a result (drive up the costs.)
- Virginia Roscioli, 274 Big Alum – was concerned about investing in sewers on property that might not be allowed a permit; felt the youth were targeted and could have been handled through the hardship guidelines
- Calvin Carrington – felt it would not do anything for the people in the town. He disagreed with the number of permits allowed.
- Karen Davis, 212 Podunk Road – researched school enrollment and found it had not increased substantially; felt it would hurt the local businessmen – builders, electricians, plumbers
- Andre' Cormier, town businessman and former resident – concerned for his business because he felt he was not guaranteed the number of building permits (6 on average) needed to maintain his business.
- Ed Neal, 104 Walker Pond Road – though he was in favor of managed development, he felt that some of the language in the bylaw did not apply to the town.
- Leonard Jalbert, Jalbert Engineering, Inc. – felt it did not equate to reality since commercial business would be lost because building permits would not be given out. He considered the bylaw detrimental to the town because there were no big plans for commercial/industrial growth.
- Bill Lemke, Lane 9 South Pond – was concerned that the value of his property would be decreased and questioned the figures used to set the number of permits.
- Lorraine Herbert, 19 Woodside Circle – would like to see the bylaw reworked and the character of the town considered. She felt members of the community should be included in the writing of such a bylaw.
- Denise McNally, 154 Podunk Road – felt the town was about the average person and not developers and that there needed to be more work done on the bylaw.
- Mike Suprenant, 14 Laflamme Road – felt the smaller builders would be hurt. He thought the figure of 48 permits per year was arbitrarily low and that the maximum rate of growth the town could accept should be targeted.
- Matt Sosik, 72 South Shore Drive – felt the people appreciated the intent of the bylaw, but that it did not manage growth properly. He suggested including 2-3 residents, associated with the issues involved, represent the townspeople in reprocessing the bylaw. He saw the need for growth management.
- Don Garfield, 117 Paradise Lane – felt that the bylaw discriminated against the small builder because it would tell them how to do business. He was not against managed growth.

Motion: to close the public hearing, by M. Beaudry

2nd: D. Hill

Discussion: None

Vote: All in favor

S. Gibson-Quigley asked for discussion from the Board. B. Muir felt the bylaw had been brought to the Board without prior knowledge for some of its members and that it was hastily placed on the agenda of the town meeting. The intention of the bylaw was good, however it placed too much responsibility on the Planning Board. He encouraged residents to attend the town meetings. D. Hill commented that the bylaw was not intended to hurt the small builder, it was to control new subdivisions that would come before the Board. She also referenced the petition signed by close to 200 people, asking the town to control the rate of growth. She felt town meeting was the place to address the issue. M. Raphaelson felt the bylaw created much confusion, many people were against it and maybe it should go back to the planning process. T. Creeden was concerned with a rapid rate of growth in the town, therefore he supported the bylaw. He suggested that the Planning Board be replaced with the Zoning Board of Appeals in Section 26.10, APPEALS, in order to be consistent with all other relief requested from the Building Inspector.

Motion: to replace the term Planning Board in the three instances in Section 26.10, APPEALS, with the term Zoning Board of Appeals, by T. Creeden

2nd: D. Hill

Discussion: None

Vote: In favor – M. Beaudry, D. Hill, M. Rahaelson and T. Creeden
Opposed: B. Muir

B. Muir was concerned with the time lapse in an appeals process. T. Creeden felt the process should not go through a chain of command, but remain consistent and go through the Zoning Board of Appeals. M. Beaudry clarified how the numbers for the building permits were determined. He felt that as people become more aware of how to run their business within the proposed bylaw, it would become more workable. S. Gibson-Quigley reiterated that the proposed bylaw was an attempt to limit larger developments and did not feel it would hurt the smaller builder. She would like to see discussion at the town meeting on the issue. There would be a committee established to determine the long term plan, while the proposed bylaw would be an interim process for the next five years with annual reviews.

Motion: that the Planning Board endorse the proposed Sturbridge Zoning Bylaw, Chapter Twenty-six, Rate Development as amended, by M. Beaudry

2nd: D. Hill

Discussion: None

Vote: In favor: M. Beaudry, D. Hill, S. Gibson-Quigley and T. Creeden
Opposed: B. Muir and M. Raphaelson

PUBLIC HEARING FOR ZONING BYLAWS – NON-CONFORMING USES; GROUNDWATER PROTECTION; RR TO C REZONING AT FISKE HILL AND RT. 20; IMPERVIOUS SURFACES

S. Gibson-Quigley opened the hearing at 8:35 and read the order of the bylaws. T. Creeden read the legal notice.

The non-conforming uses bylaw was explained by Town Planner, L. Adam.

Comments for the proposed bylaw:

- Laurel Buckley, 8 Cedar Pond Rd. – stated that 80% of the properties on Cedar Lake were non-conforming lots. She felt this would open the doors so people could legally make changes to their homes.
- Ginger Peabody, 4 Wildwood Ln. – the bylaw did not address the setback areas. Changes within the setback areas would still need to come before the Zoning Board of Appeals.
- Ed Neal, 104 Walker Pond Rd. – commented that the proposed bylaw allowed for a change or alteration of a non-conforming use and the present bylaw did not allow the change.

Comments against the proposed bylaw:

- Arnold Wilson, 21 Cedar St. - felt the present wording of the bylaw has served the Town since zoning bylaws have been in effect, with the Zoning Board of Appeals taking care of the hardship areas. The intent was to get non-conforming areas to change and become conforming. This proposed bylaw needed work in order to achieve that intent.

The Groundwater Protection District Bylaw and Overlay Map was explained by Town Administrator, James Malloy. The Town was presently in violation with the DEP without this bylaw. If the bylaw did not pass at town meeting, the Town could face fines or penalties. He referenced Section 16.06, Subsection C(6) asking the Board if they felt the figure of 15% was acceptable.

T. Creeden asked how the gas stations in the district would be effected. J. Malloy said they would be grandfathered uses, no new gas stations would be allowed. B. Muir asked if the district included the potential well on Shattuck Rd. J. Malloy said it did not. If it were developed, zone two would have to be redone and the map would have to be amended to include Shattuck Rd. B. Muir asked how the bylaw would effect the existing industrial buildings. J. Malloy said the existing buildings would not be effected, special permits would be needed for new buildings.

Comments against the proposed bylaw:

- David Barnicle, 8 Ladd Rd. – would like to see the words “currently licensed” inserted into Section 16.07, Subsection E, line 3 – stamped by a currently licensed professional engineer.
- Steve Mullen, 62 Clark Rd. – (comments were his own and not as a member of the Board of Health) He would like to see the public water supply wells that were not municipal wells included in the district. He suggested inserting the figures 105% - 110% into Section 16.06, Subsection B(2)(d) and (12) for the container’s total storage capacity.

The rezoning amendment for the 39.5 arce parcel of land at Fiske Hill Rd. and Route 20 from Rural Residential to Commercial was explained by S. Gibson-Quigley.

Ed Neal represented plans for the parcel. He discussed the process of contract zoning explaining that once the parcel was rezoned, the town could enter into a contract with the owner for a particular use. It was commented that the proposal would have a “no access” provision off Fiske Hill Rd. The Powell’s would access off of Route 20.

S. Gibson-Quigley stated that the bylaw did not address contract zoning. She also pointed out that the contract could be changed by the simple process of going to the Board of Selectmen, not to the Planning Board or to town meeting.

Comments against the proposed bylaw:

- John Kittel, 1 Library Ln. N – concerned with further commercial development in Town because of traffic issues and what was happening to the tax base. He felt commercial development did not contribute in a positive way to reducing the taxes in the same manner as industrial development.
- Stanley Borko, 39 Betsy Ross Cir. – concerned with issues of lighting, traffic and water usage within the Town if the parcel were to be zoned commercial.
- Jim Malloy, 61 Clark Rd. – stated that contract zoning would not be a possibility because the Town would need to own property adjacent to the parcel being rezoned and it did not. Also, on limiting access off Fiske Hill Rd., this was not in the bylaw and the Boards do not have the authority to change the bylaw because it was submitted by petition. According to Mass Highway, there was not an easement or right of way on record making the only access off of Fiske Hill Rd.
- Chris Castendyk, 16 Hall Rd. – concerned with the potential truck traffic coming into an already congested location. He would like to see a traffic accessment.
- Judy Pote, 80 Whittemore Rd. – concerned with the increase in trash since Hobbs Brook and the Pistol Pond Development. The zoning change would only increase an existing problem.
- William Pioppi, 70 Fiske Hill Rd. – felt that the comments of the Town Administrator and S. Gibson-Quigley, along with traffic problems mentioned, were concerns to not rezone the parcel.
- Paul Murphy, 12 Fiske Hill Rd. – felt there should be a unique reason to make a zoning change. He was concerned with the speed of the traffic on Fiske Hill Rd. at present and felt the change would make it worse.
- Ship Silvestri, 16 Beaudry Rd. – he was opposed to commercial use of the property because he felt that as an abutter he would be infringed upon.

- David Barnicle, 8 Ladd Rd. – concerned with the look the area would take on if the property were rezoned to commercial.

Ed Neal discussed the phasing of contract zoning. T. Creeden was concerned that the Town had not yet absorbed the rezoning of the last two parcels to commercial property. He pointed out that the parcel of land on Route 15, one of the recently rezoned properties, allows for the use that was being sought for the Route 20 parcel.

The amendment to impervious surfaces in Chapter Nineteen, INTENSITY REGULATIONS, of the Zoning Bylaws was read by S. Gibson-Quigley. T. Creeden explained that there would not be any impact on the existing projects in Town. Commercial Tourist District was excluded. He felt that this bylaw would benefit the Town long term.

Comments on the bylaw:

- Dan Prouty, non-resident, taxpayer – concerned that the restrictions and bylaws were becoming tougher and tougher and chipped away at his property. He would like to see the Board table the bylaw and study it further before they voted.
- Ed Neal discussed the impact of the bylaw as proposed.
- Mike Loin, Bertin Engineering – felt the bylaw was duplicating an issue already covered at the state level, as well as through the Conservation Commission.

Motion: to close the public hearing, by M. Beaudry
2nd: M. Raphaelson
Discussion: None
Vote: All in favor

Motion: that the Planning Board not endorse the Non-Conforming Uses Bylaw, by T. Creeden
2nd: D. Hill
Discussion: T. Creeden felt that the present bylaw had worked for 25 years and they should stay with it.
Vote: In favor – B. Muir, D. Hill and T. Creeden
 Opposed: M. Beaudry, S. Gibson-Quigley and M. Raphaelson

Motion: that the Planning Board endorse the Non-Conforming Uses Bylaw, by M. Raphaelson
2nd: M. Beaudry
Discussion: None
Vote: In favor – M. Beaudry, S. Gibson-Quigley and M. Raphaelson
 Opposed: B. Muir, D. Hill and T. Creeden

Motion: that the Planning Board table its vote on the proposed Sturbridge Zoning Bylaw, Chapter Sixteen, Groundwater Protection District until the March 5th meeting in order to ask for input from the Board of Health, by T. Creeden

No second the motion failed.

Motion: that the Planning Board endorse the proposed Sturbridge Zoning Bylaw, Chapter Sixteen, Groundwater Protection District as written, by M. Raphaelson
2nd: M. Beaudry
Discussion: T. Creeden felt the Board of Health should be asked for further input since they had made a fair number of changes to this proposed bylaw. It was noted that changes to the proposed bylaw could be made at Town Meeting.

Vote: In favor – M. Beaudry, D. Hill, B. Muir and M. Raphaelson
Opposed – T. Creeden

Motion: that the Planning Board not endorse the proposed Sturbridge Zoning Bylaw Amendment –
Petition to rezone, by D. Hill

2nd: M. Beaudry

Discussion: None

Vote: In favor - M. Beaudry, D. Hill, M. Raphaelson and T. Creeden
Abstain – B. Muir

Motion: that the Planning Board endorse the proposed amendment to the Sturbridge Zoning Bylaws,
Chapter Nineteen, INTENSITY REGULATIONS, IMPERVIOUS SURFACES, by T. Creeden

2nd: D. Hill

Discussion: None

Vote: In favor - D. Hill and T. Creeden
Opposed – M. Beaudry, B. Muir, S. Gibson-Quigley and M. Raphaelson

Motion: to adjourn, by M. Beaudry

2nd: D. Hill

Discussion: None

Vote: All in favor

Adjournment at 9:56 PM