

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, MARCH 19, 2002

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

Also present: Lawrence Adams, Town Planner

The meeting was called to order by S. Gibson-Quigley at 7:00 PM. The minutes for February 26, 2002 were reviewed.

Motion: to accept the minutes of February 26, 2002, by M. Beaudry

2nd: D. Hill

Discussion: None

Vote: M. Beaudry, T. Creeden, D.Hill, B. Muir, M. Raphaelson

Abstained: M. Cooney

The minutes for March 5, 2002 were reviewed. T. Creeden asked that the review of the minutes be put to the end of the meeting. The Board agreed. S. Gibson-Quigley read the agenda.

ANR'S

Marin Realty – 83 McGilpin Road – Messier and Associates – the Board asked for an explanation of the plans as presented by Matt Sosik. There was concern with the locus map being different from the plan the Board was asked to approve. When asked his opinion, L. Adams said the locus was not a problem. The plan was approved as presented, though not all Board members were comfortable with the plan.

Silverberg – Fiske Hill Road, Lot reconfiguration – Jalbert Engineering – Approved as presented.

Mystic Builders – Cedar Street – B.C. Engineering & Survey – Approved as presented.

THE HIGHLANDS SUBDIVISION, Arnold Road - PUBLIC HEARING
Robert Moss, Developer and Thompson-Liston Engineering, Inc.

S. Gibson-Quigley opened the public hearing at 7:15 PM. M. Cooney read the legal notice. Robert Moss presented the plans, along with Jim Bernadino and Ken Strong, Thompson – Liston Engineering, Inc. The 65 acres owned by Ann McCurdy were located on the west side of Arnold Rd. across from a subdivision (the Sanctuary) recently proposed by Robert Moss. The proposal shows 35 houses with a minimum of one-acre lots having the required 150 feet of frontage. Approximately 25 acres or 40% of the subdivision would be left as open space. Town water and sewer would serve the project. A booster pump station has been proposed in order to meet the fire protection requirements. This pump is intended for both the Highlands and the Sanctuary Subdivisions. The Conservation Commission has a hearing scheduled to address the conservation issues on the site. Engineers are working to improve the visibility problem at the entrances to the project. A proposal to the DPW would be cutting the slope from the crest in the road approximately 5 feet and tripling the sight distance. Application has been filed with the state under the Preserve Subdivision to widen New Boston Rd. and create a right turn lane onto Route 20. Arnold Rd./Route 20 did not have enough area to make the same proposal.

S. Gibson-Quigley asked the Board for questions. M. Raphaelson wanted to know who would own the open space. R. Moss said it would be up to the Board. R. Moss's recommendations were a homeowner's association or ownership by the Town. He felt the parcel would be too small for the Opacum Trust to have interest. D. Hill was looking for traffic information regarding Cooper Rd. R. Moss said he would have it to L. Adams within the week. T. Creeden asked about the possibility of creating two lanes, a right and left turn lane, at the Arnold Rd./Route 20 intersection since the Town owned the land on the east side (Senior Center); wanted to know the distance between the 2 entrances of the subdivision, pavement to pavement; the location of utilities, was there a streetlight plan and the slopes. R. Moss said he would be willing to pursue the idea of a right and left-hand turn lane with the DPW Director, the distance measured 500 feet; utilities would be underground; a streetlight plan showing both the Highlands and the Sanctuary was being prepared for the Board of Selectmen; the maximum grade of the roadways was 8% and appeared at short distances in multiple areas on the site. It was noted that the length of the cul-de-sac was 500 feet. B. Muir asked what the intentions were for the phasing of the project and suggested two temporary cul-de-sacs of shorter distances than the one proposed at 2,400 feet. R. Moss explained that the plans proposed a two-year project with two phases one-year apart to be constructed after the completion of the Sanctuary. T. Creeden suggested laying out the entire roadways without all the amenities and adding a connecting access road to allow for safety equipment. R. Moss was concerned with erosion control if this were to be done. He was open to choices the Board might have to offer on the phasing. M. Cooney wanted the landscape discussed, namely protecting town trees and concerns of the Tree Warden; she, too, was concerned with the traffic impact on Cooper Rd. R. Moss said there was a tree-planting plan for the subdivision and he would check with the Tree Warden regarding one of the entrances to the project. S. Gibson-Quigley asked L. Adams if item #13 on the memo from Greg Morse, dated December 14, 2001, had been addressed. The 20-foot depth on the sewer line was still an issue to G. Morse since the Town's equipment could only reach to 12 feet.

L. Adams reminded the Board of the above mentioned memo from G. Morse. The revised plan of February 11, 2002 addressed some of the concerns in the memo, however, still others remain: the booster station, wetland issues, storm water management. He also referenced his memo to the Board, dated March 19, 2002, listing his comments on the subdivision.

S. Gibson-Quigley asked to hear for or against the Highlands Subdivision.

- William Grandone, 57 Arnold Rd. – wanted to know who would own the buffer zone and would the developer consider putting fences on the back of the lots to prevent people from trespassing on his property. Also of concern was the lighting impact from future neighbors to the back of his home and issues of traffic lights. It was noted that ownership of the buffer zone was not yet determined. The homeowner's association could possibly address the privacy issue. S. Gibson-Quigley said issues regarding traffic lights could be difficult, as Route 20 was a state road.
- Doris Sosik, for Leona Barry, 99 Arnold Rd. – was concerned for her mother's property during the construction of the subdivision and once the homes are sold; also concerned with the access to the open space.

L. Adams requested that the parcels to be retained by the owners be labeled as open space consistently throughout the plans. It should be clear what would be open space and what would be reserved. B. Muir suggested that in this subdivision, the homeowner's association retain the open space with the condition that they could not expand and build into that area. S. Gibson-Quigley pointed out the Subdivision Laws state that it is not up to the Board to dictate the disposition of the open space to the developer.

L. Adams recommended keeping the public hearing open since more details needed to be brought before the Board. B. Muir was concerned with losing votes if the public hearing remained open. T. Creeden recommended closing the public hearing since the public had voiced their concerns. The laws allowed the Board to still solicit substantial input even though the public hearing was closed. However, the public would be denied any further input should the hearing be closed. L. Adams again recommended leaving the public hearing open to the date of April 23, 2002.

Motion: to close the public hearing, by T. Creeden
2nd: B. Muir

Discussion: T. Creeden commented the Planning Board could solicit any information they felt necessary. B. Muir felt the abutters were given the opportunity to speak and he was concerned the Board might lose members to vote this important issue if the hearing remained open. M. Beaudry felt the hearing should remain open for the sake of the abutters.

S. Gibson-Quigley recognized:

- Eric Bright, 154 Arnold Rd. – requested that the public hearing remain open due to the many questions yet to be answered. This would allow the abutters a chance to ask additional questions on the information that would be coming forth.

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

Motion: to continue the public hearing of the Highlands to April 23rd, 8:00 PM, by M. Cooney

2nd: D. Hill

Discussion: None

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

S. Gibson-Quigley requested that the final plans be submitted to the Board one week ahead of time. L. Adams requested R. Moss put in writing, that the Board could continue reviewing the Sanctuary to at least the April 23, 2002 meeting so as to avoid the statutory deadline. This request would be filed with the Town Clerk.

T. Creeden requested the Town Recreation Committee and the Conservation Commission have a joint meeting regarding the slopes of the Highland's proposed open space. He would like their recommendation as to whether the land could be used as passive recreation and/or conservation. Also, that the recommendation be made to the Planning Board and/or the Board of Selectmen.

Motion: that the Chairman of the Planning Board be authorized to write a letter to the Conservation Commission and the Recreation Committee requesting a joint recommendation from them on what to do with the open space, particularly the middle field parcel on the Highlands Subdivision, by T. Creeden

2nd: M. Beaudry

Discussion: S. Gibson-Quigley would write a letter asking these Committees if they had any recommendations for the open space, but she did not want to tell them to have a meeting for the issue. L. Adams reminded the Board of their meeting with the Conservation Commission on April 2nd. They could ask the question at that time. T. Creeden was not in favor of this suggestion.

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

S. Gibson-Quigley would draft a letter, with the help of L. Adams, asking for direction from the Conservation Commission and the Recreation Committee on the open space parcel referred to by T. Creeden.

OX HEAD TAVERN; SITE PLAN REVIEW – PUBLIC HEARING

Handicapped Access Ramp; Jalbert Engineering

S. Gibson-Quigley opened the public hearing at 8:30 PM. M. Cooney read the legal notice. Chuck Giacchetto, By Design Construction, along with Leonard Jalbert and Chuck Sommers presented the plans. The plans showed two ADA improvements which would bring these areas up to code: 1) at the entrance there would be ADA ramps replacing stairs from the side and main parking and 2) the existing bathroom area would be replaced with ADA accessible bathrooms.

L. Jalbert reviewed the Limited Site Plan Application for building access and egress. No site improvements and no additional seating were proposed. There would be no public access to the basement of the building. T. Creeden suggested the Board limit their endorsement of the plan to only the ADA and not the entire plan because there might be parking issues.

S. Gibson-Quigley asked to hear for or against the proposed Site Plan. L. Adams commented that the Conservation Commission had approved the project with a letter to C. Giacchetto on February 26th. He questioned if C. Giacchetto had accepted the conditions that were included in the letter. C. Giacchetto said they had accepted the conditions.

Motion: to close the public hearing, by M. Cooney
2nd: D. Hill
Discussion: None
Vote: All in favor

Motion: to approve the plan as presented to the Board by the Ox Head Tavern which included only the areas encompassed by the small addition and the ADA handicapped ramp, by B. Muir.
2nd: M. Beaudry
Discussion: None
Vote: All in favor

THE PRESERVE SUBDIVISION, New Boston Road - Discussion **Robert Moss, Developer and Thompson-Liston Engineering, Inc.**

S. Gibson-Quigley asked L. Adams for his recommendations. At a meeting with R. Moss, L. Adams, M. Cooney and DPW Director, Greg Morse the following issues were discussed: drainage issues, abutter's concerns, traffic, plans had been revised including locating all the detention ponds on separate parcels with access that would be deeded to the Town. Remaining issues were: an adequate storm water and drainage plan, the filing with the state for a right-turn lane at the end of New Boston Rd. S. Gibson-Quigley still had issues with: compaction data – R. Moss said G. Morse found the reports submitted on compaction data to be adequate, the site lines for Audubon Way – the new plans showed the improvement for this location; the landscape plan and Tree Warden's recommendations – a review letter would be coming from the Tree Warden before the next meeting. In the question of time, R. Moss had agreed to an extension to the April 2nd meeting.

S. Gibson-Quigley recognized Phyllis Esslinger, 11 Adams Rd. (a private way) who was concerned with the storm drains. R. Moss tried to explain the drainage treatment system. It was noted that G. Morse was very concerned with the discharge along Adams Rd. and the impact on the abutters. He would be looking at the issue closely. The Board recommended P. Esslinger speak with G. Morse on the issue. T. Creeden asked if a new public hearing was necessary due to the recent changes. L. Adams felt it was not. T. Creeden questioned a point of order because he would not be attending the next scheduled meeting. If the Board voted on the Preserve Subdivision at the April 2nd meeting and the vote was 3-3, would the vote be taken up at the next scheduled meeting? L. Adams offered that the Board could vote for reconsideration at the next meeting. In any case, the applicant needed four affirmative votes. The Board could revote at the next meeting so long as a decision has not been filed with the Town Clerk.

SITE PLAN REVIEW WAIVER REQUEST – OLD FISKDALE POST OFFICE/RETAIL STORE

Steve Cournoyer, owner Micnuck's Marketplace, discussed parking issues with the Board. He noted that the six parking spaces plus one handicapped space to the side of the building are dedicated to that building by lease agreement. Upon last review, L. Adams found that the criteria for parking was adequate and there was no issue as far as design, except to be sure the spaces were under lease agreement to that particular retail establishment. There is also parking in the rear that would be used by employees. M. Cooney asked the nature of the business. Gary Jesz said he would be moving his present shop, _____ Touches, a retail home gift décor, located in the Sturbridge Marketplace to this site. The Board did

not have any problems with the request. T. Creeden pointed out that any issues should be brought to the Building Inspector.

WAIVER OF SITE PLAN REVIEW & PROJECT DESCRIPTION - BOB'S ICE CREAM; Route 20

Demitri Fotos was present asking to extend Bob's Ice Cream from a seasonal use to a year round use. An approved 1989 Site Plan for the site showed the parking to be adequate through a pre-existing use with the addition of striping. It was D. Fotos intention to add four tables to the inside of the shop. The Building Inspector requested there be a handicapped accessible bathroom if these tables were added. Questions from the Board were: was it still going to be an ice cream shop; would the exterior footprint of the building change and where would the four tables be located. D. Fotos said there would be no changes in the menu; the exterior footprint would remain the same; and a 10' by 25' space could be created within the shop. B. Muir did not see the need for a handicapped bathroom. S. Gibson-Quigley asked what the law required in such cases. L. Adams said that if there were inside tables there should be restrooms and these restrooms should be handicap accessible. Since it had been determined there would be inside tables, the Board felt it was the Building Inspector's responsibility to decide if the site met the requirements of the state codes for restaurants. This was not an issue for them. L. Adams would send a memo to the Building Inspector.

Motion: to accept the minutes of March 5, 2002, by T. Creeden
2nd: M. Raphaelson
Discussion: None
Vote: In favor – M. Beaudry, B. Muir, M. Raphaelson, T. Creeden
Abstain – D. Hill, M. Cooney

Motion: to adjourn, by D. Hill
2nd: M. Cooney
Vote: All in favor
Adjournment at 9:20 PM