

**STURBRIDGE PLANNING BOARD**  
**MINUTES OF**  
**TUESDAY, APRIL 2, 2002**

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

**Absent:** Tom Creeden

**Also present:** Lawrence Adams, Town Planner

The meeting was called to order by S. Gibson-Quigley at 7:00 PM. The minutes for March 19, 2002 were reviewed.

**Motion:** to accept the minutes of March 19, 2002, by M. Raphaelson

**2<sup>nd</sup>:** M. Cooney

**Discussion:** None

**Vote:** All in favor

**ANR'S**

None received

**PLANNER'S UPDATE**

- Sturbridge Isle is due for their 3-year Site Plan - May 7<sup>th</sup> meeting. The Board will be looking at a redesign of their parking lot. L. Adams will provide the last reviewed materials so the Board will understand the issues to be addressed.
- Sturbridge Candy Site Plan Review – May 7<sup>th</sup> meeting.
- Zoning Board of Appeals has a 40B project on Stallion Hill coming before them under a Local Initiative Partnership. The Board will be asked to comment on the project.
- A formal hearing for the Subdivision Control Bylaws will be necessary in the near future.

**COMMUNITY PRESERVATION UPDATE**

The Community Preservation Act Committee has meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays at 7:00 PM in the Veteran's Memorial Hall. M. Cooney encouraged the public to attend these meetings. The Committee has a presentation prepared for the Annual Town Meeting and has made site visits viewing potential open space parcels and historical buildings (Center School). Funds that are received by the Committee must be dispersed as follows: 10% - affordable housing, 10% - open space and 10% - historical and the remaining 70% can be used in any of these three categories. For the first time a surcharge has appeared on the Town's real estate tax bills. This surcharge should bring in approximately \$167,000 to the Committee. Because Sturbridge was one of the first 35-36 out of 361 towns in the state to endorse the CPA surcharge, we will receive 100% in matching funds from the state. These state funds should be available to the Town sometime in October.

**STURBRIDGE CONSERVATION COMMISSION – Discussion on mutual concerns: Open Space Designations, Environmental Protection and Coordination of Project Reviews**

John Hoffman, Chair of the Conservation Commission introduced the members: John Michalek, Ed Goodwin, David Barnicle and Dave Mitchell.

D. Mitchell discussed the STATEMENT OF IMPORTANCE (attached), which explains the Conservation Commission's view point on Open Space and what it provides. He also discussed the DEFINITION OF OPEN SPACE (attached) as high value and low value. High Value Open Space – all land contiguous with protected resources such as ponds, lakes, rivers, vernal pools and other wetland areas. Low Value Open Space – land areas that are less viable for development due to remoteness to resource areas, topography, geology, and/or accessibility.

Comments from the Board: M. Cooney suggested the Commission give the Board their opinion on open space parcels that are part of a proposed subdivision. D. Mitchell felt it was important for the Commission to know the interests of the Board and vice versa. This way the Board would be looking at open space with a similar prospective as that of the Commission's. J. Hoffman did not feel the Board had an obligation to create solutions that involve open space. If a developer wants to trade a requirement for open space, it should be the Board's choice to give or not give. L. Adams agreed that the better subdivisions were those that are negotiated, rather than those that go "by the book." He suggested that the developer identify the disposition of open space and categorize it according to the Conservation Commission's classification system – active, passive, protected, natural, etc. through an open space or natural features plan when making a submittal. The Commission could then make their recommendations after reviewing this plan. The more the Board knows about the quality of the natural resources within a parcel of land being developed the stronger their negotiation posture. It would also be advisable to determine if any of the open space land were already protected.

S. Gibson-Quigley expressed the Board's need to know what options (ownership by the Town, donation to a trust or ownership under a homeowner's association) were the best ones when it came to the decision of how to handle open space within a subdivision. D. Barnicle would like to see the developer determine how to best use the parcel of land. S. Gibson-Quigley commented that in this case, perhaps cluster development would allow for flexibility with the placement of houses within these subdivisions. She felt the definition provided by the Commission would help the Board recognize what were better building areas and what areas were high and low values for saving open space. She also questioned the procedure for lots that fell within the 100 or 200-foot buffer zones. E. Goodwin explained that 1) the Wetlands Protection Act stated that the owner has a reasonable use to his land; 2) the River's Bill has a 200-foot buffer zone with a series of regulations around it and 3) the Commission's 25-foot no build zone around a wetland. A homeowner must seek permission from the Commission before any work could be done on their property. Generally, an Order of Conditions (includes restricting use of pesticides, fertilizers) would be set with the builder through a lien on the deed. E. Goodwin felt that house lot sizes should be all contiguous upland. If a lot fell within a ¾ acre zoning, the entire ¾ acre should be uplands and not enter into any buffer zones or wetlands. It was not recommended that the Town accept land that backs up to a wetland because the Town then takes on the responsibility. The Board asked how the restrictions placed on these lots were enforced and how the areas were marked. J. Hoffman said it fell upon the Conservation Commission by way of phone calls from concerned individuals and some of the areas were marked with boulders. It was pointed out that these areas could become issues of safety for the Board when wetlands force recreational activity to occur in the roadways.

M. Cooney attended a workshop that discussed Open Space Residential Development which first looked at natural vernal pools, forests, stonewalls, trails and footpaths and lastly the lot lines, thereby, protecting the features of the land. L. Adams suggested that the Board might want to address the existing conditions and the natural environment before the lotting scheme and roadways of a Site Plan.

S. Gibson-Quigley recognized Jennifer Ohop, Vice President of Opacum Land Trust, who wanted to determine, with the help of the Conservation Commission and the Planning Board, the location of the rare habitats, unusual limestone outcroppings, corridors of wide, unused forested tracts of land and protect them. D. Mitchell welcomed input as to what J. Ohop considered things of value, but mapping the entire town would be a long-term issue. He noted that the state did have some of this information on a GIS (Geographical Information System) Program. L. Adams mentioned a meeting he had scheduled for Tuesday, April 9<sup>th</sup> with department heads for discussion regarding GIS mapping and

databases and welcomed any input on the subject. S. Gibson-Quigley noted that plans for proposed subdivisions were presently on file with the Planning Office and input on these lands would be helpful.

Also recognized, Robert A. Levite, University of MA Extension, offered help and discussed legal issues in protecting open space –

- could an owner receive a federal income tax deduction for donated land
- care of the land – if the town owned the land, Conservation Commissions are usually responsible and they find the job difficult due to the money and the time restraints. Good options would be to work with the Trustees of Reservations, UMass Extension to help with both educational and planning materials, Citizen Planner Training Collaborative workshops, Local Capacity Building Project

B. Muir asked the Conservation Commission how much they would be involved with the Stallion Hill Chapter 40B project in regards to the wetlands in the area and also, how the Board could help speed up the process for obtaining permits involving wetland areas. The Commission would be involved in enforcing the state regulations (100 feet instead of 200 feet from the wetlands). They are allowed twenty-one days to render a decision on a permit and if necessary, may ask for a continuance to gather additional information. The applicant or developer could request the decision after the twenty-one days; however, the Commission might well render a negative decision due to the lack of information.

#### **THE PRESERVE SUBDIVISION - Discussion New Boston Road; Robert Moss, Applicant**

L. Adams referenced two memoranda on the Preserve, one from Greg Morse and one from him, dated 04-02-02. Revisions for the project were received on Friday, March 31<sup>st</sup> and the deadline for constructive approval was an issue for the Board since it was April 3<sup>rd</sup>. The Board's next scheduled meeting would be April 23<sup>rd</sup> with the Highlands and the Sanctuary Subdivisions already scheduled for that date.

Robert Moss noted that he had given a letter to the Board granting an extension for the Preserve until April 24, 2002. G. Morse would like to see further changes to the March 31<sup>st</sup> revised plans. It was R. Moss's intention to have the final changes by Friday, April 5<sup>th</sup> so G. Morse's final review and letter could be available to the Board by Wednesday, April 10<sup>th</sup>. Final plans have been completed for the turning lane at Route 20 and New Boston Rd. and will be submitted to the Town Administrator, Board of Selectmen and the Planning Board. It could take 30 to 60 days to obtain the permit from the state. M. Cooney asked for the location of the second vortechinics unit – the units would be located side by side, the first unit would treat the water before it reaches the retention system and the second would treat the water as it came out of the retention system.

#### **SITE PLAN REVIEW WAIVER REQUEST: STURBRIDGE ISLE PARKING LOT REDESIGN Michael Loin, Bertin Engineering**

Michael Loin had asked for a postponement of the waiver for request for Site Plan Review of Sturbridge Isle. He was still working with the Conservation Commission.

**Motion:** to adjourn, by M. Beaudry  
**2<sup>nd</sup>:** D. Hill  
**Vote:** All in favor

**Adjournment at 8:45 PM**