

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, May 21, 2002

Present: Sandra Gibson-Quigley, Chair
Marge Cooney
Deb Hill
Bill Muir
Milton Raphaelson
Robert Wheaton

Also present: Lawrence Adams, Town Planner

Absent: Mike Beaudry

S. Gibson-Quigley called the meeting to order at 7:00 PM and read the agenda.

Motion: to accept the minutes of May 7, 2002 as written, by R. Wheaton
2nd: M. Cooney
Discussion: None
Vote: All in favor

ANR'S

None received

REORGANIZATION

The Board agreed to reorganize. L. Adams handled the nominations and noted that M. Beaudry did not wish to be nominated for any positions. L. Adams opened nominations:

Motion: to nominate S. Gibson-Quigley for Chairman, by M. Cooney
S. Gibson-Quigley accepted. No other nominations were made. Nominations were closed
Vote: All in favor

Motion: to nominate M. Cooney for Clerk, by D. Hill
M. Cooney accepted. No other nominations were made. Nominations were closed
Vote: All in favor

Motion: to nominate M. Raphaelson for delegate of the Central Mass Regional Planning Committee, by M. Cooney
M. Raphaelson accepted. No other nominations were made. Nominations were closed
Vote: All in favor

Motion: to nominate B. Muir for Betterment Committee, by M. Cooney
B. Muir accepted. M. Raphaelson accepted. No other nominations were made. Nominations were closed
Vote: All in favor

Motion: to nominate M. Cooney for Community Preservation Act Committee, by D. Hill

M. Cooney accepted. No other nominations were made. Nominations were closed

Vote: All in favor

PLANNER'S UPDATE

June 4th meeting

- Public Hearing for Subdivision Control Regulation
- Sturbridge Isle's 3-Year Review
- CMRPC Proposed Legislation for ANR's: 3 lots and under – process will remain the same; 4-10 lots – could require more review and 11 and up – will be considered a subdivision.

Motion: to support the CMRPC Proposed Legislation, by R. Wheaton

2nd: B. Muir

Discussion: None

Vote: All in favor

NEW BUSINESS

B. Muir presented a plaque to Tom Creeden on behalf of the Board acknowledging his fifteen years of service to the Planning Board.

STURBRIDGE CANDY SITE PLAN REVIEW – PUBLIC HEARING

S. Gibson-Quigley opened the public hearing at 7:15 PM and M. Cooney read the legal notice.

Mark Farrell, Green Hill Engineering, presented the plans for the 2,400 square foot commercial space located at 428 Main Street (the corner of Main and Snell). The Cross's have a single family home to which they would like to add a retail store. There is a proposed entrance on Main Street and an entrance/exit off Snell Street. Seventeen parking spaces are provided for the square footage of the building, the residence and the employees.

Requirements for green space are met. M. Cooney questioned the dumbwaiter in the previous plan. It was noted that this had been capped and was located under the area of the proposed retail store. The second story is unfinished storage, which there is no intention for it to be used as retail space.

The property line has been surveyed by Moulton Engineering after Sturbridge Candy last came before the Board. The result was an inconclusive plan. The deed overlaps between the two properties. It was recommended by Moulton that there be a boundary line agreement where both parties would agree on the line and sign the plan. The Board requested a signed engineered report from Moulton Land Surveying. The proposed plan shows the original survey. There is a right of way and its location is unclear on the deed. M. Farrell told the Board that the project will not compromise the right of way in any respect. The Board was concerned about the exit of the Antique Shop. The new driveway is off Main Street and will be within the boundary of the Robert O'Neil survey. R. Wheaton questioned the mention of Auger Street in one of the deeds. M. Farrell said that Auger Street was not Snell Street. B. Muir asked what the closest measurement was from the boundary line to the house. M. Farrell said it was approximately eleven feet. B. Muir wanted a four-foot buffer on the east side of the driveway. He felt there were issues of safety, as did D. Hill, (exiting from Main Street) and the location of property lines. S. Gibson-Quigley commented that a variance had been granted from the Zoning Board (05-17-00) for parking and circulation area within the frontline and sideline setbacks regarding the property at 428 Main Street. There was clarification on that 05-17-00 variance from D. Hill who read that the variance was for the north and west side only and not the east side of the building as requested by B. Muir. Therefore, Sturbridge Candy would need a variance for the driveway within the east side setback.

S. Gibson-Quigley asked for L. Adams' opinion on the Board having to determine between surveys. Town Counsel's advice from the Allen Homestead project also applied to the present situation. The Board members needed only rely on pre facia evidence if they had a duly executed, signed and stamped survey before them. They could accept that as an existing condition. The issue of boundary dispute would be taken up in land court or some other instrument of agreement.

S. Gibson-Quigley recognized Dave Cross, owner of Sturbridge Candy Gift Shop, who stated that the driveway had been pre-engineered by the State. He had been told by the State that he did not need a permit, that it was an authorized use of the driveway for a business. Large trailer trucks (1-2 per month) and UPS trucks (daily) coming into the store for delivery would find it difficult to enter from the Snell Street entrance.

S. Gibson-Quigley asked for new issues from the abutters and the public. She noted the Sullivan's document pertaining to the issues of the right of way.

- William Sullivan, 426 Main Street – stated his boundary was missing eleven feet, six inches in the back, seven feet in the middle and eighteen inches in the front.
- Priscilla Adams, 10 Snell Street – concerned with the location of the right of way to her property
- Ron Adams, 10 Snell Street – stated the pins for the right of way have been moved and his right of way will be a driveway to the Sturbridge Candy parking lot within two feet of his home. He also questioned the granting of the variance from the Zoning Board of Appeals.
- An abutter – concerned with the additional traffic on Snell Street and the safety factor.

S. Gibson-Quigley asked L. Adams what date the Board could continue the public hearing to in order to obtain the signed engineer report and determine the issue of the east side setback. L. Adams recommended the Board continue the hearing until June 4th at 8:00 PM. S. Gibson-Quigley emphasized that the Board did not have the capacity to adjudicate the boundaries.

Motion: to continue the public hearing for Sturbridge Candy Site Plan Review until June 4, 2002 at 8:00 PM at Veterans Hall, by M. Cooney

2nd: R. Wheaton

Discussion: None

Vote: All in favor

M. Cooney invited all to attend an open house for the Community Preservation Act Committee.

SCRRI OFFICE COMPLEX SITE PLAN REVIEW – PUBLIC HEARING

S. Gibson-Quigley opened the public hearing at 8:00 PM and M. Cooney read the legal notice. Atty. Jeffrey Chase was present for Rehabilitative Resources, Inc. (RRI). Atty. Chase gave a brief overview of RRI. The purpose of the site will be for administrative offices and training facility for RRI and their employees and occasionally clients. Though the property is located in Rural Residential, RRI is exempt. They believe they would be able to construct the building under Chapter 40A, Section 3, which allows for the addition of a building in a zone which can be used by a corporation that is primarily educational in nature. A traffic study has been submitted to the Board. Donald Frydryk reviewed the criteria on the checklist. Keith Shenot presented the landscape plan.

Questions from the Board: the hours of operation – mainly be from 9:00 AM to 5:00 PM, proper use of zoning – though the building is in a Rural Residential area, the surrounding buildings are of commercial type; accuracy of the traffic study; would there be classes offered in the addition or would it be just for training – with the exception of accounting staff, the entire building would be for training and overseeing classes (M. Raphaelson felt that should be put into writing for Town Counsel.)

B. Muir did not feel the expansion should be allowed to into the Rural Residential area and expressed a concern for the heavy traffic that would be created. He felt the traffic study submitted was irrelevant and that the Board was circumventing the Bylaws by saying its use was educational when, in his opinion, it is an office structure. He also questioned RRI's intention for the existing office building. Once the proposed office complex was built, would RRI sell the front existing building. S. Gibson-Quigley addressed the memorandum dated 05-14-02 from Greg Morse, DPW Director (see attached). In regards to the use within the Residential District, she would like to see proof the RRI is a non-profit educational corporation and that the articles of incorporation should set forth a clear educational purpose. The primary proposed use of the property should be educational. The Board would be looking to Town Counsel for their opinion on the usage.

S. Gibson-Quigley asked to hear from abutters for or against the project.

- John Mallon, an abutter - opposed to the size of the 13,000 square foot building; concerned about the traffic entering/exiting the complex from Route 20; concerned of the use within the Rural Residential Zone; what would the future be for the existing building and the driveway for the project might be located on his property.
- Allen Armstrong, an abutter - concerned with traffic flow and runoff from the new construction.
- Bill Swiacki, an abutter – was willing to grant use of their easement for access to RRI at no cost.
- Bonnie Lee, Associate Director, RRI – explained the options RRI looked at for the office complex and that central location of Sturbridge was important to RRI. She commented that RRI had no intention of selling the existing building. D. Hill asked why RRI needed such a large building – training and recertification of staff would be conducted at this location. B. Muir again expressed his concern for employees/staff exiting and making a left hand turn. A developer would be expected to created a turning lane at their own cost for a project of this size.

M. Cooney noted that there is vacant land abutting the proposed office site. This land could potentially be developed therefore giving concern to Atty. Chase's comment that the area, though Residential, has the look of Commercial. She is concerned for the esthetic value of the property and feels it is an overwhelming capacity for the site.

S. Gibson-Quigley asked for recommendations from L. Adams. He did not feel the Board was ready to make a decision on the project. He would like other department heads have the opportunity to review the revised plans that had just been submitted. The Board would be looking for the non-profit educational purpose in writing, as soon as possible and the amount of training that would be taking place in the complex. She recognized that RRI provides a valuable service, but there is a concern with the Route 20 traffic.

Motion: to continue the SCRRRI Office Complex Site Plan Review public hearing until June 18, 2002 at 7:15 PM at Veterans Hall, by m. Cooney

2nd: D. Hill

Discussion: None

Vote: All in favor

STURBRIDGE FEDERATED CHURCH SITE PLAN REVIEW – PUBLIC HEARING

S. Gibson-Quigley opened the public hearing at 8:45 PM and M. Cooney read the legal notice. Lindsay Shives, architect, presented the plans. The plans showed an addition to the back corner of the church for accessibility without increasing the seating capacity. L. Shives noted that the addition would be within the setback lines and that the Federated Church has been granted a variance by the Zoning Board of Appeals. S. Gibson-Quigley asked L. Adam for his opinion. He had no issues and felt that the addition was attractive and also necessary. B. Muir wanted to know if the new roof would be flat. L. Shives commented that the addition would have a pitched roof.

S. Gibson-Quigley asked if there was anyone present to speak for or against the addition. There were none.

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

Motion: to approve the Sturbridge Federated Church Site Plan as presented, by M. Raphaelson
2nd: D. Hill
Discussion: None
Vote: All in favor

WHITTEMORE WOODS PRELIMINARY PLAN REVIEW

The Board needed to take up the preliminary plan due to an impending deadline. L. Adams commented that the approval or disapproval of a preliminary plan has no real standing. It was an opportunity for the developer to gauge the level of support from the Board for the concept. The Board would be looking at Plan A and B (containing long cul-de-sacs). William Swiacki was present to present both plans. S. Gibson-Quigley asked W. Swiacki to note the changes to Plan A since the plan had come before the Board in April 2001 and then review Plan B. W. Swiacki said there were two alternatives that had been submitted. One of the plans required a determination that local conditions warrant the length of the cul-de-sacs proposed in the plan. He provided a quick overview on what was being proposed and how it differs. He also gave L. Adams and the Board a copy of the submission letters.

W. Swiacki introduced Randy Waterman, principal and head of Waterman Design Associates. Whittemore Woods consisted of 3 contiguous parcels of land, measuring approximately 54 acres located north of Whittemore Road and south of Fairview Park Road. It is in a Suburban Residential Zone requiring 125 feet of frontage. Plan A had received a letter of approval from the Board back when it was submitted in April of 2001. Changes to the plan have been made in response to previous comments from the Board. W. Swiacki hope to gain support from the Board for Plan B. D. Hill asked if the Conservation Commission had seen these alternatives. He said they had not.

R. Waterman noted that Waterman Design had conducted a site analysis plan of the property. This site analysis was explained to the Board. The revised Plan A addressed large areas of wetlands and steep slopes. They had incorporated into the plan the 19 conditions the Board had mentioned in their letter of May 2001. The plan showed 36 house lots with a roadway connecting Whittemore Road and Fairview Road and one cul-de-sac. In this plan there were a number of lots that would not benefit from the 25 acres of open space. Plan B did not have the connecting roadway, but consisted of three cul-de-sacs measuring approximately 755 feet, 1,038 feet and 600 feet and totaling about 725 feet less than that proposed roadway in Plan A. There were 30 house lots, which would be larger than those in Plan A. The layout of the lots provided better access to the open space. The issue of long cul-

de-sac was explained with the use of the site analysis. The waiver would be sought based on the topographic constraints (wetlands, ledge). These constraints forced the developer to come in several hundred feet before the house lots could begin. Only nine house lots would be on the cul-de-sac that came off of Whittemore Road, which the Board liked because it reduced the amount of traffic at that intersection. Plan B also eliminated the concept of through traffic. Regarding utilities, the water could be connected through the property, which was a concern of the DPW. The open space, measuring about 30 acres for this plan, (a large part of which was uplands) would allow for the cul-de-sac to be joined with a series of trails systems throughout the project.

M. Cooney liked the open space residential plans of Plan B. She would like to see clarification with the language in the letter for the definitive plan pertaining to the open space. S. Gibson-Quigley asked about an internal slopes that the Board had been concerned with on the original Plan A. The current plans addressed the concern as the proposed roadways eliminated the slopes. W. Swiacki compared the differences of the original Plan A (April 2001), current Plan A and Plan B.

L Adams favored this type of proposal (Plan B) since it is site sensitive, neighborhood oriented and design driven. He requested that the Board not give an approval on the proposal at this meeting since the Subdivision Regulations would be addressed at the next meeting. L. Adams raised two issues 1) – he believed that if M. Beaudry were in attendance he would have asked what recreation was provided in the plans and 2) – G. Morse, DPW Director was definitely not in favor of Plan B. L. Adams wanted to allow G. Morse the opportunity to express his concerns regarding the maintenance of the project.

B. Muir commented that if the Board had not intended to change the Subdivision Regulations, he would not agree to the longer cul-de-sacs. L. Adams suggested that the issue was not length of the cul-de-sac, but the functionality of the roadway and the houses around it. There is a measurement that needs to be made, but he did not think it was in feet.

M. Raphaelson requested that the Cross's of Sturbridge Candy Store be asked, in writing, to have their surveyor present at the public hearing continuation scheduled for June 4th. S. Gibson-Quigley questioned how the Board should handle the situation if there were two competing surveys. L. Adams said the Cross's could appeal the Board's decision or take the issue to land court.

Motion: to adjourn, by M. Raphaelson
2nd: D. Hill
Discussion: None
Vote: All in favor

Adjournment at 10:10 PM