

**STURBRIDGE PLANNING BOARD**  
MINUTES OF  
TUESDAY, July 9, 2002

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

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

S. Gibson-Quigley called the meeting to order at 7:00 PM. She read the agenda and announced that the July 23<sup>rd</sup> meeting had been cancelled due to the Special Town Meeting. M. Cooney announced there would be an informational session for the Community Preservation Act Committee regarding the Dumas property on July 16<sup>th</sup> at 7:00 PM at Veterans Hall.

The minutes of June 4 and June 18, 2002 were reviewed.

**Motion:** to accept the minutes of June 4, 2002 as presented, by M. Beaudry  
**2<sup>nd</sup>:** B. Muir  
**Discussion:** None  
**Vote:** In favor: M. Beaudry, B. Muir, R. Wheaton and M. Raphaelson  
Abstain: D. Hill and M. Cooney

**Motion:** to accept the minutes of June 18, 2002 as presented, by M. Cooney  
**2<sup>nd</sup>:** M. Beaudry  
**Discussion:** None  
**Vote:** All in favor

**ANR'S**

**# OF PARCELS CREATED**

Mogavero – South Road – Moulton Survey – Approved as presented (back land boundaries not yet determined)	3
Mystic Builders – Vinton Road – BC Survey – Approved as presented	2

**ENDORSEMENTS**

Lauren Ledge – The Board signed the extension for completion of municipal services. S. Gibson-Quigley changed the date of signing to July 16, 2002. L. Adams had requested that the date for the Town's performance be changed from May 31<sup>st</sup> to December 31<sup>st</sup>. The date change is reflected in the amended version.

**PARK PLACE; FARQUHAR ROAD; SITE PLAN REVIEW PUBLIC HEARING**

S. Gibson-Quigley opened the public hearing at 7:15 PM and M. Cooney read the legal notice. S. Gibson-Quigley explained that the proposal was a 44-unit two-bedroom condominium project that needed a special

permit from the Zoning Board of Appeals (ZBA). However, under the Zoning Bylaws, Section 6.02 (c), the ZBA must be provided with a report on the proposal from the Planning Board before it can review the project. The project must also come under site plan review.

Mike Loin, of Bertin Engineering Associates, was present to speak for the proponent, Walter Regep and Spaho Corp. He felt the Park Place project would be unique to Sturbridge as an elderly adult, luxury, gated community. The proposal showed 13 buildings having 44 two-bedroom units located on 23.27 acres of land having one access/egress off Farquhar Road. Architectural renditions of the buildings have not been done, but similar pictures of the proposed units were shown to the Board. The original plans showed the access from Route 131, but due to traffic safety and wetlands issues it had changed. Presently, a sewer application (filed 05-15-02) is pending with the Board of Selectmen (BOS). The BOS is scheduled to take up the sewer application at its 07-12-02 meeting. The proponent is hoping to tie-in to the 8-inch stub already in place to the property for water and sewer. Water and sewer are a requirement for a multi-family dwelling. The utilities would all be underground. M. Loin discussed: wetlands locations; the design of the project; detention basins; buffer zones and sidewalks.

An application had been submitted to the Conservation Committee on this date, 07-09-02 and is scheduled to be heard in two weeks. A wetlands scientist has been to the site and located the wetlands and a soil analysis has been done. The notice of intent has been prepared for the wetland crossing for the waterline going out to Route 131 and all the work being preformed in the buffer zones. According to the plans 9 or 10 of buildings are proposed to be within the 200-foot buffer zone and that approximately half of the buildings would be within the 100-foot buffer zone. The buildings are located at least 75-foot from the property line (the closest measuring 85 feet from the line) as required by the Zoning Bylaws. The elevation of the driveway off Farquhar Road has a 6% grade and will be located 2.5 feet from the Adams' property line. The road maintenance, detention basins, snowplowing, etc. will be the responsibility of the private association since the proposed community is privately owned and operated. Each unit will have parking within their own driveways for four cars. Also, each cul-de-sac will have eight additional visitor's parking spaces. Deed covenants and market pricing are intended to be the means of keeping the community at age 55 and older.

S. Gibson-Quigley asked the Board for their questions:

- R. Wheaton – was there a setback requirement to the Army Corp of Engineers flood line and would any of the buildings be located in that flood area – M. Loin stated there was not a setback requirement and that all buildings would be outside the flood zone.
- B. Muir – it had been stated that a waterline was coming in from Route 131 over a wetlands, why could the proposed plan not allow a second exit to run across the wetlands – M. Loin stated the impact of a waterline vs. a roadway to the wetlands and there was an issue of traffic safety exiting onto Route 131. Plans had been reviewed with Fire Chief Senecal and he felt the one divided access would be sufficient. B. Muir said Chief Senecal had not communicated that to the Board. He also expressed his dislike for the 1,000+ foot cul-de-sac and its safety issues. He would prefer a plan with two entrances.
- D. Hill – what was the lot coverage – M. Loin noted it was approximately 12%.
- M. Raphaelson – was it a national statistic that two-bedroom houses have only 2 children and was the design of the house such that a person could convert one of the rooms into a bedroom – M. Loin said the figure was based more on probability given the market price and the age bracket of the community and that the design would be strictly focused for two-bedroom luxury homes, priced \$330,000 and up.

S. Gibson-Quigley addressed the letter by Greg Morse, DPW Director (see attached). M. Loin will meet with G. Morse to address the issues not corrected in the revised plans. S. Gibson-Quigley commented that it was the responsibility of the Board to ensure that the standards of the Town's DPW Director were met even within privately owned and maintained communities. She also felt that the Board had an issue with the use of the Institute of Traffic Engineers (ITE) counts regarding accuracy to the Town. The Board would need to continue the public hearing in order to get more information for site plan review, to hear from the public and obtain a more detailed impact study regarding traffic. S. Gibson-Quigley did not feel that the Zoning Analysis addressed

the issues as to how the project was unique or special. She felt the statements were not backed up by fact, but rather inferred. There were no statements explaining how the project was an effective use of the land, openspace issues were not addressed or how public safety was to be promoted. M. Cooney requested revised plans be available for each member of the Board.

**Motion:** to continue the public hearing to August 20, 2002 at 7:30 PM, by M. Beaudry  
**2<sup>nd</sup>:** M. Cooney  
**Discussion:** None  
**Vote:** All in favor

### **WHITTEMORE WOODS; WM. SWIACKI – PRELIMINARY PLAN DECISION**

The Board had been given a copy of the draft letter by L. Adams dated 7-09-02 for approval of the Residential Subdivision Preliminary Plan dated 04-26-02. There was discussion whether to use the word “discussed” or “determined” in the following condition... “The future disposition of Parcel A shall be discussed as part of the process.” The Board agreed to use the word “discussed”.

**Motion:** to approve the Preliminary Plans of the Whittemore Woods Subdivision with the conditions outlined in the letter dated 07-09-02, by D. Hill  
**2<sup>nd</sup>:** M. Cooney  
**Discussion:** The Board’s copy of the decision had the word “determined” and not “discussed” as reference in the above paragraph. It was agreed they would go with the word “determined”, as their copy read.  
**Vote:** All in favor

### **STURBRIDGE CANDY PUBLIC HEARING CONTINUATION**

S. Gibson-Quigley reopened the public hearing at 8:00 PM. She stated the issues that were outstanding – 1) the disposition of the land; 2) the boundary dispute; 3) new plans showing the four foot buffer.

Mark Farrell was present for Sturbridge Candy. In order to create the four-foot buffer along the property line, the building had been scaled back. He knew this change would require them to revisit Site Plan Review. M. Beaudry asked if the property lines were defined at this time. M. Farrell felt that they were since the Cross’ had bought the property and they had copies of their deeds. S. Gibson-Quigley told M. Farrell that the most outstanding issue for the Board was the location of the property lines. She went on to say that the *prima facia* evidence the Board had before them still maintained there was a boundary dispute. At this time, the Board did not have anything new to find otherwise. M. Farrell agreed there were issues with the side lot line and the surveyors suggested there be a property line agreement between the two parties. He provided a letter to the Board from Moulton Land Surveying. S. Gibson-Quigley read the letter. It was the conclusion of Moulton Land Surveying that there was a deed overlap and a gore between land of David and Rosemarie Cross and of William J. and Beverly A. Sullivan. They recommended a boundary line agreement between the Cross and the Sullivan.

- S. Gibson-Quigley asked if there were any abutters with new information who wished to speak.
- Priscilla Adams, 10 Snell St. – concerned about traffic safety and others using the right of way for parking. B. Muir asked P. Adams if she felt that her right of way should be left open from her property through the Cross’ property and maybe across the adjacent property onto Route 20. She said that is what her deed stated, that there was eleven feet from her property to Main Street. She said she always used the right of way to access Route 20. If access to Route 20 were not allowed to the Sturbridge Candy, it would also not be allowed to her. She was accepting of the comment, but wondered how she would handle that in her deed. M. Farrell did not think the Board could permit anyone from using the right of way.
  - Ron Adams, 10 Snell St. – had a problem with the issue of the parking variance previously granted by the ZBA due to the time lapse. L. Adams, Town Planner, noted there was a memo in the file from the ZBA

stating the variance had been exercised because construction had begun on the property. R. Adams did not agree.

- Bruce Richardson, 9 Snell St. – concerned about the exit and entrance onto Snell St. being used by tractor trailer trucks and the safety of the residents.

S. Gibson-Quigley noted that if the Board were to approve the Site Plan Review they would be adding a condition that restricted tractor trailers. She recognized the sidewalk was an issue for the Board. She also stated the Board only had jurisdiction over commercial use and not residential. M. Cooney would like to see: 1) the first parking space removed and replaced with grass; 2) nothing at all on the right of way, that it be kept open; 3) no trailer trucks allowed to enter the property and 4) if at anytime the right of way was encroached upon, the Board would rescind their decision or place a cease and desist order.

- Beverly Sullivan, Antique Center of Sturbridge – concerned that the right of way was continually blocked.
- David Cross, 428 Main St. – noted that the Adams' property was partially zoned commercial.

M. Beaudry asked how wide the pathway was that went between the parking lots. M. Farrell said it was 26-28 feet. The measurement did not allow enough turning radius for tractor trailers, but UPS truck had sufficient room. B. Muir pointed out that the plans were signed by Bill Bombard, who is an engineer and not a surveyor. The Board still did not have a plan signed by a surveyor.

M. Farrell felt the project was good for Sturbridge and asked the Board to support it.

**Motion:** to close the public hearing, by M. Beaudry  
**2<sup>nd</sup>:** D. Hill  
**Discussion:** None  
**Vote:** All in favor

S. Gibson-Quigley asked the Board if they had any discussion. She felt that the project was a dilemma and would be uncomfortable approving a plan with lot lines that have not been established. B. Muir felt that if the driveway to Route 20 did not exist there would not be an issue with the right of way or the traffic safety. M. Beaudry felt an agreement on the boundary lines was necessary before he would approve the project. M. Cooney also was not comfortable approving the project with the boundary disputes still pending. She felt an abutter's agreement was necessary. R. Wheaton would like to see the abutters come to an agreement so the Board could approve a project that would be an asset to the area.

L. Adams commented that the overriding issue of the property line has been before the Board for over a year. An earlier proposed plan had been withdrawn without prejudice and the Board was told the property line would be the first order of business. However, there are still conflicting deeds. He concluded that with the absence of a surveyed boundary line, which would be a requirement for any project, the Board could not make a determination as to the setbacks. The Board needed that determination through either an abutter's agreement, a surveyor's stamped and sealed instrument or a Land Court decision. The project could be taken up again under reconsideration once that determination is in place. His recommendation was that the Board disapprove the project and express a willingness to take it up under reconsideration once there was documentation of the property line in question.

**Motion:** to disapprove the project and reconsider at such time that there is a definitive boundary agreement or a Land Court decision, by M. Cooney  
**2<sup>nd</sup>:** M. Beaudry  
**Discussion:** M. Raphaelson suggested that law should establish a definitive boundary. The Board agreed.  
**Vote:** In favor – M. Beaudry, D. Hill, S. Gibson-Quigley, M. Cooney, M. Raphaelson and R. Wheaton  
Abstain – B. Muir (his objections regarding the driveway would not have been addressed even with the boundary line dispute settled.)

L. Adams respectfully disagreed with B. Muir because the Board had agreed they would reconsider the whole project, but no until the boundary agreement was in place.

**PLANNER’S UPDATE**

The Boardwalk As Built Plan – L. Adams asked the Board to formally request that the propane tank (which was placed nine feet into the residential area) on the Boardwalk As Built Plan be relocated. Also, did they want the sidewalk that was eliminated during the construction phase to be reinstalled. L. Adams still did not have the designer's certificate letter. S. Gibson-Quigley asked the Board how they wanted to deal with the issue of the propane tank. L. Adams offered that this issue may be one of precedence. M. Beaudry felt the tank should be put in conformance of the plan. M. Cooney said the tank should have been located as shown in the plans and she felt it should be moved. L. Adams suggested that M. Loin owed the Board a letter under the designer’s certificate requirement saying why he had allowed the tank to be relocated and what the necessity was for that action. M. Loin would check with the owners regarding the sidewalk and the designer’s certificate. The Board would take the tank under consideration.

Sturbridge Isle Parking Lot Area – M. Loin would like the Board to reconsider a change of Site Plan for the Sturbridge Isle parking lot. The Board had approved a Site Plan with 125 parking spaces. M. Loin was requesting the Board approve a plan that had only 75 parking spaces. The location and drainage has not been changed and a storm water had been added. M. Loin was not aware if G. Morse had approved the plan. Conservation Commission has required a separator that would be added to the plan.

**Motion:** to approve the revised Site Plan, condition upon the approval of Conservation Commission, condition upon the approval of Greg Morse and such conditions shall be directed back to the Planning Board, by R. Wheaton 2<sup>nd</sup>: D. Hill

**Discussion:** None

**Vote:** In favor – M. Beaudry, B. Muir, D. Hill, M. Cooney and R. Wheaton  
Abstain – M. Raphaelson

The Estates Subdivision – was due to be taken up at the July 23<sup>rd</sup> meeting which has been cancelled. L. Adams has informed W. Swiacki that it will be reviewed on August 6<sup>th</sup>. L. Adams will be working with G. Morse for comments on the subdivision.

Site Plan Review/Special Permit Rules and Regs – L. Adams would like to work with the Board for Rules and Regulations that better define the submittal review process. Hopefully, this would keep the Board from looking at revolving plans. M. Loin offered his help with this change. S. Gibson-Quigley M. Cooney would like to see the changes that the ZBA has made for their Special Permit Rules and Regulations.

**Motion:** to adjourn, by M. Beaudry

2<sup>nd</sup>: D. Hill

**Discussion:** None

**Vote:** All in favor

**Adjournment at 9:35 PM**