

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, August 6, 2002

Present: Sandra Gibson-Quigley, Chair
Mike Beaudry
Deb Hill
Bill Muir
Milton Raphaelson
Robert Wheaton (arrived 7:25 PM)

Absent: Marge Cooney

Also present: Lawrence Adams, Town Planner

S. Gibson-Quigley called the meeting to order at 7:00 PM and read the agenda. The minutes of July 6, 2002 were reviewed.

Motion: to accept the minutes of July 6, 2002, as written, by M. Beaudry
2nd: D. Hill
Discussion: None
Vote: All in favor

ANR'S

OF PARCELS CREATED

Miller – Leadmine Road – Hammond – lot correction – Approved as presented 0

ENDORSEMENT – BROOK HILL SUBDIVISION – WILLIAM SWIACKI

L. Adams was concerned with the document because it appeared there would be an opportunity to sell individual lots. Also, it reduced the protection that the Board had, and it allowed for the open space to be released immediately. Most importantly, the covenant did not contain a completion date for improvements. For these reasons he suggested the Board table or disapprove the document. The Board agreed with L. Adams and also noted that the sewer permit had not been issued.

Motion: to table the restrictive covenant for the Brook Hill Subdivision, by M. Raphaelson
2nd: D. Hill
Discussion: None
Vote: All in favor

ANR'S Cont.

Curboy – Mashapaug Road – Leonard Jalbert 5
Any ANR greater than 4 lots is now required to be reviewed by the DPW. DPW Director, Greg Morse had submitted to the Board a request for a drainage easement should a storm drain be necessary in the future due to further development. L. Jalbert agreed to revise the plan to meet G. Morse's requests and L. Adams offered to contact four Board members for their signatures once the plan was revised accordingly.

Chalupka – Vinton Road – Leonard Jalbert – Approved as presented 2

R. Wheaton joined the Board.

PLANNER'S UPDATE AND BOARD DISCUSSION

Attorney General's Letter – L. Adams received the AG's letter on August 6, 2002, approving the Zoning and General Bylaws which had been passed at the 2002 Annual Town Meeting. The AG had included cautions for the Board when implementing the regulations. Certain activities within the Groundwater Protection District II would have to come before the Board for a special permit. The Board would also determine if a property lot falls within the district should there be a question.

Boardwalk - Edward Galonek was present to discuss the propane tank and sidewalk issues. A letter from David Kaitbenski had been submitted to the Board explaining that for safety reasons a propane tank had been moved from its proposed above ground location within the commercial area of the property to a location underground half within the residential area of the property. The Board was told that a worker from Osterman Gas Co. felt the tank would be safer if placed underground. The Board had asked to see a letter from the gas company stating this, but had not yet received it. D. Kaitbenski offered to move the tank, at no cost to the owners, to its original proposed location.

The original plans shown to the Board had proposed a sidewalk which did not appear in the As Built Plan. E. Galonek explained that Fleet Bank had signed a 20-year lease for the location earlier sited for a restaurant. The sidewalk had been eliminated when Fleet Bank opted for a window in the location of the proposed door. B. Muir stressed the fact that the engineers involved with this project knew the procedures for changes to plans and they should have come back to the Board before the change was made.

M. Beaudry asked about an additional curb cut heard for the property. E. Galonek confirmed that Bertin Engineering had applied to the state for another curb cut due to complaints from their tenants regarding the flow of traffic. This change should be reflected on the As Built Plan.

L. Adams suggested the Board table the matter and take no action so as not to set a precedent for approving a use in a residential zone. He said he would recommend to the Building Inspector that the project receive a permanent occupancy permit. The Board agreed they would take no action on the above issues.

Sturbridge Isle Parking Lot Site Plan Revision – The parking lot has gone through two revisions since presented to the Board. L. Adams said that G. Morse supported the final plan, that the Board need take no action. L. Adams will inform the Building Inspector that the project is approved as reflected in the revisions.

Park Place – A preliminary subdivision plan has been submitted. If the plan is not presented at the August 20th meeting, it would be scheduled for the September 10th meeting. Because the deadline for this preliminary plan is September 10th, the Board must be prepared to take final action that night. The plans show ½ acre lots that require water and sewer from the Town. If the developer did not have a permit in hand for water and sewer, L. Adams recommended the Board require a revision to show ¾ acre lots or it should disapprove the plan.

Sturbridge Candy – L. Adams has asked Mr. Cross to remove the mounds of topsoil and do some landscaping to which he had agreed. A meeting had been held with the Town Administrator, the Town Planner, the Police Department and the abutters in an attempt to calm the situation. This project had been under construction for 1½ years and it needed to be tided up if it was not going to progress in the near future. S. Gibson-Quigley expressed concern that L. Adams had to spend considerable time on this residence when he had other pressing issues. It was L. Adams' opinion that this would end the Board's participation with the issue.

Rt. 49 and Rt.20 Parcel – There was interest in the Cournoyer parcel from a Rhode Island development firm for an elderly, residential complex. L. Adams cautioned the firm that the Board would be looking for two means of egress and that they needed to take up the issue of sewer if they were not using on site septic.

Route 20 Study – L. Adams would like to begin the study at the end of the summer and would like to have two volunteers from the Board who could meet late in the afternoon. Among other participants, he hoped to have town engineers, Mass Highway, Selectmen and abutters. S. Gibson-Quigley asked interested members to contact L. Adams.

RRI Appeals – The Board's Decision on the Rehabilitative Resources Inc. had been appealed. L. Adams will forward the Decision and relevant appeal documents to Mr. Malloy, who will look at it and forward it on to Town Counsel. All Board members had received a docket and a calendar. The process was expected to begin in September or October and continue for approximately one year.

THE SANCTUARY DEFINITIVE PLAN – PUBLIC HEARING – ROBERT MOSS

S. Gibson-Quigley opened the public hearing at 7:45 PM on a new The Sanctuary Definitive Plan. With the concurrence of the Board, the reading of the legal notice was waived. L. Adams noted that there were no revisions to the plan submitted to the Board.

Robert Moss, developer and Ken Strom, Thompson-Liston Engineering, made the presentation. R. Moss noted that this was a resubmittal of The Sanctuary Subdivision that the Board had seen over the past six months. After negotiating a plan with the Conservation Commission (ConCom), the three wetland crossings were eliminated and the redesigned plan allowed at least a 300-foot buffer from the perennial stream (200-feet is required) eliminating the applicability of the Rivers Protection Act. R. Moss expected that the ConCom would issue an Order of Conditions this month. Other changes include: a reduction in roadway of approximately 40%; a reduction of the lot count from 40 lots to 24 lots; only about 20 acres (30%) of the 65 acre parcel will be under construction (lots, roadway, detention areas) leaving 45 acres of open space which will be maintained and owned by a homeowner association. The bulk of the open space is one contiguous parcel including half of the pond located on the northerly side of the site.

The major change in the project would require a waiver for the cul-de-sac that is approximately 1200 feet in length. By creating the lengthy cul-de-sac, the secondary road loops had been eliminated from the subdivision. The second entrance has been relocated, maximizing sight distance in both directions. Two remaining issues for the DPW not included on the plans were the town water and the flowage issue. R. Moss had agreed with the Selectmen to reline the sewer line extending from the project (and The Highlands) to Arnold Road. Fifteen of the twenty-four houses would have individual T-1 sewer pumps eliminating the need for the pump station. G. Morse would review the final pump station design and the flow test. The project would be using town water and sewer. R. Moss did state that if G. Morse required him to replace the entire Arnold Road water line, R. Moss would switch the project to utilize wells. L. Adams pointed out that ½ acre lots were allowed only with both town water and sewer. This would affect The Sanctuary, though not The Highlands since it proposed one-acre lots.

L. Adams inquired as to the status of the beaver dam – who will own and maintain it. R. Moss said the homeowners would be responsible for maintaining a certain level of the pond. G. Morse wanted a town access easement for the entire piece of open space in the event that the Town needed to work in the area. L. Adams asked about the possibility of a cash bond from the homeowners association for the care and maintenance of the dam. R. Moss offered an initial budget of several thousand dollars that could be replenished as necessary.

The turning lane at new Boston Road proposed in the previous plan had been submitted to the state and the permit should be to R. Moss within two weeks. Traffic issues were discussed and R. Moss felt that with the reduction in lots the turning lane at Arnold Road should not be needed. He did note the Board was still waiting for a traffic report for Cooper Road.

S. Gibson-Quigley asked the Board if it had any issues. R. Wheaton asked if the DPW Director had an issue with the 1200-foot cul-de-sac and also how far the proposed homes were from the backyards on Cricket Drive – R. Moss said G. Morse had not mentioned anything about the cul-de-sac in his review letter and the distance between the homes and the backyards was about 600 feet. M. Beaudry was concerned with the four way intersection created by Arnold Road and Hemlock Drive located across from the proposed Highlands Subdivision; the effect on Arnold Drive from the additional water that would be let go from the project; the low pressure sewer connections and how they would impact the Town's labor force and the use of the vortecnic units. Also, in the event of an extended power outage or disaster, how much maintenance would it require to bring the units back online. R. Moss said that the responsibility of the sewer pumps would be with the homeowners and not the DPW. The DPW would be responsible for maintaining that within the Town right of way. A 1,000-gallon overflow was proposed by R. Moss to handle a power outage of up to seven days. The ConCom would be addressing the issue of water runoff to the Arnold Drive area.

S. Gibson-Quigley asked if there were abutters who wished to speak for or against the project.

- Pat Jeffries, 25 Cooper Road – was concerned about the traffic study for Cooper Road. She did not feel 24 hours was a sufficient amount of time to accumulate information. L. Adams said would get the Cooper Road traffic study to P. Jeffries when it was available.
- Bob Belanger, 12 Arnold Drive – asked who would be maintaining the retention ponds if there were a heavy rain. R. Moss stated the ponds were designed to handle the water without maintenance. However, should the small outlet pipe become blocked the DPW or a homeowner could unclog the opening of the pipe. He also felt that there would not be additional water flowing into the Belanger's property, that the ponds might reduce the amount of water to the property.

S. Gibson-Quigley asked if there were any others wishing to speak for or against. There were none.

S. Gibson-Quigley requested to continue the public hearing due to the following issues: 1) the Board would be getting revised plans addressing G. Morse's issues and his response to those changes; 2) the Board still did not have the traffic study for Cooper Road and 3) resolving the water pump station issue.

Motion: to continue the public hearing for The Sanctuary Subdivision to August 20, 2002 at 7:45 PM at Veterans Hall, by M. Beaudry

2nd: R. Wheaton

Discussion: None

Vote: All in favor

THE ESTATES PRELIMINARY SUBDIVISION PLAN DISCUSSION – OLD FARM ROAD

Mr. Richard Para presented the plans for William Swiacki. D. Hill asked if the sewer permit had been issued for the subdivision and if it had not she felt the lots should be $\frac{3}{4}$ acre. L. Adams said there was presently no sewer permit and the lot size should be an issue. R. Para explained 52 lots (50 within the subdivision, 1 on Old Farm Road and 1 commercial lot on Hall Road) were proposed. L. Adams commented that there were questions regarding the zoning interpretation due to different maps (this issue would be resolved before the definitive plan was presented, lots would be reshaped to fit into the zones if that was necessary); just over a mile of roadways was proposed in three roads and there would be two wetland crossings.

S. Gibson-Quigley asked for comments from the Board. The Board felt that L. Adams and G. Morse had addressed the issues in their memos: 1) the zones – where exactly were the two residential zones and was the Hall Road property a commercial or residential zone; 2) the width of the road should be 26 feet, not the proposed 24 feet; 3) the proposed road layout was a problem; 4) whether or not there would be water and sewer access (this would determine lot size); lots 14, 15, 21 and 22 had a gas line running through the center of them and 5) the booster station. L. Adams had a major issue with whether or not there would be an alternative access out to Fiske Hill Road. He recommended that there was not enough merit in the plans to approve them.

S. Gibson-Quigley asked if there was anyone present who wished to speak.

- Jeff Cooper, 123 Fiske Hill Road – would like to see the access area behind his property included as open space.
- Lawrence Adams, Town Planner - was concerned with the commercial lot on Hall Road because of the potential uses W. Swiacki might have for the property (mini mall, subdividing the lot) which would have an impact to the traffic. Therefore, the Board should know the future disposition of the lot.
- Diane Swindell, 131 Fiske Hill Road – concerned with the runoff onto her property from the right of way that is a proposed roadway for the subdivision. She also shared B. Muir's concern with the 25 foot access behind her home that would be use as a walking path.

PLANNER'S UPDATE AND BOARD DISCUSSION Cont.

533-535 Main Street – Escape Estates – Andre Cormier would like to discuss if the structure should be demolished or rehabilitated, and if he would need variances or not. L. Adams asked the Board to visit the Escape Estates property to become familiar with the structure, the property, the side yards, the slopes and the layout. A. Cormier would be present at the next meeting.

Bramble House – Edward Voloka's property had been sold and there was a revised plan for a Chinese Restaurant at that location.

Preserve Language Clarification – Attorneys for the acquisition of the Preserve asked for clarification of the language concerning the completion of public infrastructure in phases and the release of lots. L. Adams resolved with the Board that each phase should have the infrastructure completed except for the road top coat before the next phase could be commenced. L. Adams said he would contact the buyers and clarify the intent of the language.

S. Gibson-Quigley noted that the next scheduled meetings would be August 20th, September 10th and September 24th.

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

Adjournment at 9:30 PM