

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, September 10, 2002

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

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 August 20, 2002 were reviewed.

Motion: to accept the minutes of August 20, 2002, as written, by M. Cooney
2nd: M. Beaudry
Discussion: None
Vote: In favor: M. Beaudry, B. Muir, M. Cooney, M. Raphaelson and R. Wheaton
Abstain: D. Hill

ANR'S

OF PARCELS CREATED

Sosik – McGilpin Road – Messier Associates – This 5.4 acre parcel (Parcel A) is located on the east side of McGilpin Road and will be transferred to Brian Galonek with a Conservation restriction (the property shall not be further subdivided and is construed as a conservation lot...and residential structures shall not be allowed...) that will last in perpetuity. Should the property be sold at a later date, the transfer would be encumbered by the Conservation restriction. S. Gibson-Quigley recognized:

- Sally Chinook, 53 McGilpin Road – questioned who would use the conservation clause – L. Adams commented that it was not an ANR issue; it would be an issue for any party buying or selling the property. The Board was responsible for the division of the land only.
- Nick Silvestri, Beaudry Road – was concerned that the restriction could be turned over at a later date if a conservation group did not hold the rights to the property. L. Adams said that in order to build on this parcel, if it should become a not protected piece of property, the interested party would have to come back to the Board to amend the plan.

S. Gibson-Quigley made it clear that the Board was accepting the fact that the lot had approved frontage. The conservation restriction was not the responsibility of the Board – Approved as presented 1

Sosik – McGilpin Road – Messier Associates – Revision of a previous 18 lot ANR to 10 lots for building. L. Adams had consulted with the engineer on the project and assured the Board that the revised 10 lots each contained the required 150 feet of frontage. M. Sosik noted the lot number was reduced as a result of the adjustment to lot lines and consideration of wetland. S. Gibson-Quigley referenced a memo from the Town Administrator in which he stated that after review of the ANR subdivision for McGilpin Road pertaining to the agreement with the Selectmen, he did not have any concerns with dividing the property. B. Muir requested a copy of the agreement between the developer and the Selectmen that was mentioned in the Town

Administrator's memo. S. Gibson-Quigley asked L. Adams to obtain the agreement for the Board members –
Approved as presented 10

ENDORSEMENTS – Brook Hill Subdivision

Attorney Sam DeSimone presented the Board with the plans and the covenant for the subdivision. L. Adams had reviewed the documents and said they were in order and that the notice of the appeal had been signed by the Town Clerk. The Board endorsed the mylars for the Brook Hill Subdivision.

LENDERS AGREEMENT – Allen Homestead

L. Adams explained that Michael A. Suprenant and Russell E. Kelcourse had entered into a mortgage agreement with a third party and they were asking the Board to accept, in form, a "Performance Secured by a Lenders Agreement." This would act in the absence of a cash bond to the Town. He noted that Greg Morse, DPW Director, had been pleased with the project's progress. In the interest of the Conservation Commission, though the Board would ask the concurrence of the Commission, it could not make the Conservation Commission approval contingent on the funds. A separate bond may or may not need to be worked out between the Board and the Conservation Commission.

L. Adams and G. Morse had reviewed the document and found the financial figures to be consistent, complete and appropriate and recommended the Board accept it. The Board concurred to accept the lender's agreement. M. Suprenant appeared before the Board and noted that there was a cash bond with the Conservation Commission for water quality testing as part of the Order of Condition. S. Gibson-Quigley stated the Board would address the issue of the release at the next scheduled meeting, September 24th, and it would sign the lender's agreement at that time also. M. Suprenant introduced Lou Mountzoures, manager of the LLC and Mr. Kelcourse to the Board.

PLANNER'S UPDATE AND BOARD DISCUSSION

The Sanctuary Water Pressure Testing – The second water test showed there was no water pressure at that location. The DPW and the developer had discussed locating a booster pump close to Route 20. L. Adams expressed his concern for the additional infrastructure that the Town must absorb for all the project. He recommended the Board consider requiring a ¾ acre lot in the absence of town water. M. Beaudry questioned why the Town would want to get involved with more mechanical apparatus that must be maintained for service to a particular subdivision, rather than having the developer put in his own wells. L. Adams felt that would be a policy issue that the Board and the Board of Selectmen may want to address.

Park Place – A public hearing will not be posted until the permit for water and sewer is in hand for Park Place. Mike Loin has been made aware of this requirement.

Route 20 Study Committee – L. Adams has had difficulty getting a commitment from Mass Highway for a meeting. He hopes that he will have met with or have scheduled a meeting by the Board's next meeting.

Rate of Development Committee – L. Adams recognized the Board did not wish to commit to this issue. He was recommending the Committee move ahead without the Board, to develop some alternative bylaws that it could present to the Board.

Zoning Study Committee – While the Town did need to look at zoning reuse, L. Adams felt this should be done after the Route 20 Study, since much of the zoning in question was located along Route 20. S. Gibson-Quigley concurred with L. Adams on this issue. She did not think the Board had the capacity at the present time.

The Highland Subdivision Public Hearing Scheduling – The definitive plans had been submitted and copies were available for the Board. The public hearing was scheduled for the October 29th meeting.

Whittemore Woods Public Hearing Scheduling – The definitive plans had been submitted and would be heard at the October 1st meeting.

Addition copies of the Sanctuary Subdivision were available for any Board member who needed them.

B. Muir asked if the three subdivisions mentioned had their sewer tie-ins and he wanted to know more about the surveying that was being done for the Stallion Hill project. L. Adams said he believed the sewer tie-ins were in place.

Stallion Hill Project - L. Adams noted that the Selectmen had been notified by Mass Housing Finance Agency that it had received a 40B application for financing. He discussed this with Mr. Malloy and they have been in contact with Mass Housing Finance Agency, who will be qualifying the proposed project based on the application, in terms of income guidelines, site ownership or disposition agreements and town services and financing. This will be a Zoning Board of Appeals project under Comprehensive Permits. All Boards will have an opportunity to comment on the project. B. Muir was concerned with the impact of the project to the homes located in that area. He asked if this type of project under State guidance would supercede all other projects that have been put on a waiting list for water and sewer by the Town. Selectman Charles Blanchard offered that he had not seen any regulation that would indicate Stallion Hill would get more priority than any other project.

THE PRESERVE – Storage Area Approval

A representative from Brandon Homes, Charlie McGregor, was present to ask for the Board's support in allowing the use of a Phase II area for cut that would be coming out of a Phase I area. L. Adams felt it best to keep the soil on site rather than have it taken off site and brought back. He has requested a representative speak with Conservation Commission to be sure they were in compliance with any orders of conditions, the DPW to address any additional soil erosion and the Tree Warden who can be sure the tree line was maintained. (8:20 PM - M. Raphaelson stepped off the Board.)

C. McGregor explained that there was a huge excess of material (20,000 – 25,000 yards) in Phase I from the road cut. G. Morse and T. Chamberland, Tree Warden, did not have a problem with the use of Phase II as a storage area. Conservation Commission had not yet been available to comment. M. Beaudry suggested the use of only a couple of lots within the Phase II area as a storage site, thus minimizing the disturbance of the site. The Board agreed to the storage area taking in a line of lots 42 and 66, but that Conservation Commission must approve the use of the storage area as well.

STURBRIDGE COUNTRY INN – Request for Partial Site Plan Waiver – Kevin MacConnell

Kevin MacConnell presented his request to add four units (1,800 sq. ft.), a story and a half on the existing footprint at the middle section of the 13-room Inn. He showed the Board a plan of his present building and noted that the addition would make the elevations all consistent. (M. Raphaelson stepped back onto the Board.) S. Gibson-Quigley asked for a recommendation from L. Adams. He wanted to be sure the height of the addition would not exceed thirty-five feet (a zoning regulation). K. MacConnell said an architect had not made that determination, but that the mean height would be part of the documentation for the building permit. L. Adams suggested that if the Board granted the waiver, it require a review of the building permit application to ensure that the information provided on the permit was consistent with that which K. MacConnell was presenting. He also felt that the plans must be presented to the Design Review Committee and that the DPW review the building permit application. The Board agreed it was willing to grant a waiver for most of Site Plan Review, except for what L. Adams had outlined. However, it would first like to see a plan showing the proposed changes.

446 MAIN STREET CHINESE RESTAURANT – ANDREWS SURVEY; GREGORY VALITON – SITE PLAN REVIEW - PUBLIC HEARING

S. Gibson-Quigley opened the public hearing at 8:30 PM. M. Cooney read the legal notice. S. Gibson-Quigley extended the Board's apology for the error in the posting that did not allow the Site Plan Review to be heard at the previous meeting.

Greg Valiton, of Andrews Survey and Engineering, presented the plans. The proposal was to demolish the existing two-story building on the site and construct a Chinese Restaurant. The front of the building will follow the existing building, the width will remain the same and the back of the building will be extended approximately ten feet. The same parking lot will be maintained. There were 53 parking spaces proposed measuring 9 feet by 18 feet (regulations require 10 feet by 20 feet) with a 24-foot aisle. The restaurant will be serviced with town water and sewer. 125 seats are proposed. Conservation Commission has given its approval on the project. The only signage will be on the restaurant itself and for handicap parking. Other items addressed to the Board were – lighting, circulation patterns, landscaping, delivery area, hours of operation (11:00AM to 10:00 PM) parking – it was noted there were four less spaces than required and that the spaces were smaller than the Town's bylaw required. G. Valiton calculated the restaurant would lose 4 to 6 spaces if the required size are used. The Board was concerned with the number of parking spaces. B. Muir felt the size of the parking spaces should not be compromised; he would rather see fewer parking spaces that were of the required size. He did not see why the back of the property could not be used for additional parking. R. Wheaton felt it was important that the circulation be safe, but the area could not afford to give up parking spaces. D. Hill agreed with B. Muir saying that since this would be a new building and not a rehab of the old building, the plans should be scaled down to get enough parking. M. Cooney suggested going up with the building allowing more space for parking. S. Gibson-Quigley was agreeable to the smaller size spaces, but not a lesser number.

L. Adams noted there was a memo to G. Morse covering some of the site design features. He commented that size and number of parking spaces required are not within Site Plan Review, but within the Zoning Regulations. Therefore, the Board has no authority to waive them. He recommended the hearing be continued and that the developers consider scaling back the building. A reduction of 15 seats would meet

the required number of parking spaces. S. Gibson-Quigley noted that that reduction could be even more because the calculation was done based on 9 foot by 18 foot parking spaces and the Town requires 10 feet by 20 feet.

S. Gibson-Quigley asked for opinions from the public.

- Arnold Wilson – questioned the use of the back property in regard to the wetlands.
- Edward Voloka, property owner – felt that a beaver situation and the water having been redirected created the wetland issue.

S. Gibson-Quigley concurred with L. Adams and would like to continue the hearing and have the developer come back with a revised plan of parking and circulation. L. Adams offered to work with G. Valiton along with a member from the Board. M. Beaudry and M. Cooney volunteered to help with the revisions.

Motion: to continue the public hearing for Site Plan Review of 446 Main Street to October 1, 2002 at 8:30 PM, by M. Cooney

2nd: D. Hill

Discussion: None

Vote: All in favor

M. Beaudry questioned Arnold Wilson as to the Town's sewer capacity – was the permitting process based on the Town's own capacity or did the Town automatically assume that whatever it could not handle would automatically go to Southbridge? A. Wilson commented that the Town has yet to get approval to pump anything to Southbridge and because of the way the system was designed, Hobbs Brook would be the only station that could pump to Southbridge. Everything west of Hobbs Brook was designed to go to the Route 20 pump station and the Town's own plant. Tighe and Bond had been contacted in order to determine how to handle the situation. The Town was currently waiting to hear from the DEP to approve the plans for the Hobbs Brook pump station modification that would allow the Town to pump into Southbridge. M. Beaudry requested that A. Wilson keep him informed as to what was happening with the Selectmen's discussion on the sewer issue.

Motion: to adjourn, by D. Hill

2nd: M. Cooney

Discussion: None

Vote: All in favor

Adjournment at 9:16 PM