

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, December 3, 2002

Present: Sandra Gibson-Quigley, Chair
Mike Beaudry
Marge Cooney
Bill Muir
Milton Raphaelson
David Yaskulka

Absent: Deb Hill

Also present: Lawrence Adams, Town Planner

S. Gibson-Quigley called the meeting to order at 7:05 PM. She introduced the Board's new member, David Yaskulka, and expressed her appreciation for his service on the Board. She noted the order of items on the written agenda would be changed.

The minutes for November 19, 2002 were reviewed. S. Gibson-Quigley referenced a change to page 5, paragraph 3, "M. Cooney said that it was common practice in some of the Long Island communities to have homeowners do simple maintenance on the public shade trees. However, the Town would be responsible for any removal or replacement of diseased or damaged town owned trees. M. Beaudry asked T. Chamberland if he could live with this. T. Chamberland said that he could not live with being responsible for the trees in this circumstance." M. Cooney commented that she did not recall T. Chamberland stating that he "could not live with this." L. Adams would clarify the intent of the comment with T. Chamberland. Also, B. Muir questioned page 3, The Boardwalk... "the Board reached a unanimous consensus that the project should come to the Board under a formal Site Plan Review," saying he spoke against a formal site plan review for the project. The Board agreed to strike the word "unanimous" from that sentence.

Motion: to table the minutes of November 19, 2002 until T. Chamberland's comment is clarified, by M. Cooney
2nd: M. Beaudry
Discussion: None
Vote: All in favor

THE HIGHLANDS – Review/Amendment of Draft Decision and Vote

S. Gibson-Quigley noted that this was the Draft dated December 3, 2002 having the following changes - 1) a spelling correction; 2) recommendation to change the name of Mountain View Road to avoid confusion with Mountain Brook Road; 3) that the entrance boulevard be constructed with granite curbing per the DPW's approval; 4) the hydrant at station 11+00 (Mountain View Road) be located between Lot 17 and 18; and 5) no lots shall be released until the proposed water booster station is online. L. Adams noted that an Order of Conditions, which was referenced in the Decision, is on file with the Conservation Commission. Greg Morse, DPW Director, had reviewed the revised plans and finds that they reflect all his recommendations. S. Gibson-Quigley asked for questions or comments regarding the approval of the conditions – there were none.

Motion: to approve The Highlands Subdivision Plan according to the December 3rd Draft of the conditions and the changes, by M. Cooney
2nd: M. Raphaelson
Discussion: None

Vote: In favor – B. Muir, S. Gibson-Quigley, M. Cooney and M. Raphaelson
Opposed – M. Beaudry
Abstained – D. Yaskulka

The Board executed The Highlands Subdivision Plan Decision.

ANR'S

NUMBER OF PARCELS CREATED 5

McGilpin Road – Marin Realty – Messier Associates – 5 lots - Approved Matthew Sosik presented the plans. The Board questioned the listing of the footnote on the map that lots would not be further divided because it was not part of any zoning issue. M. Sosik commented that the note was there for informational purposes. M. Cooney said she would like to have a covenant stating that the land would not be developed, that it would remain as open space. M. Sosik had proposed such a plan to the public at a Special Town Meeting on July 23, 2002. S. Gibson-Quigley pointed out that third party agreements were not relevant to the ANR process. The Board approves such plans based strictly on zoning requirements. She asked L. Adams if there would be a problem if the note was left on the plan. He did not feel there was any problem with the special note. He recommended that the Board request M. Sosik to keep the Board informed of any filings with the Registry that pertain to the property in regard to disposition agreements.

McGilpin Road – Marin Realty – Messier Associates – 3 lots – No Action Taken Matthew Sosik presented the plan which proposed breaking off Lot 15 and creating a new Lot 15 with frontage on McGilpin Road. The Board found the plan to be confusing. It would be creating a landlocked parcel (not allowed) by approving the ANR as presented. The Board requested a plan showing the merger of the common line on Lot 11. M. Sosik agreed to revise the plan for clarity and represent it at the next scheduled meeting.

RELEASE OF LOTS – BROOK HILL – Lots 1 – 6 of 10 – William Swiacki

L. Adams explained that when the binder course was laid, ground moisture and freezing temperatures resulted in pavement that was not acceptable as stated in G. Morse's memo of December 19th. Ciesla Construction then installed drains to help drain the subsoils. G. Morse felt this would aid in stabilizing the underlying soils and supported the release of the requested lots conditional upon re-inspection in the spring when the binder course was redone. He also requested that no other lots be released until the pavement was brought up to specifications.

S. Gibson-Quigley questioned why the Board would agree to the release. She quoted G. Morse's comment that this was an unusual request outside of existing Town practices and would not be granted for this owner again or anyone else and wondered why he reversed his position. L. Adams thought that G. Morse recommended the Board not provide occupancy permits for the six homes. M. Beaudry felt that to allow the release of these lots would be setting a bad precedent. The Board concurred.

S. Gibson-Quigley recognized William Swiacki, owner/developer of Brook Hill, who pointed out that the intent was to get foundations started. He wanted to ensure that prospective buyers had a choice of lots. He said another important issue was that he wanted to leave enough lots under the covenant to allow the Board sufficient leverage to make sure the project was finished to its satisfaction. B. Muir felt that if the properties could not be sold until they could be occupied, the Town would not be liable for incurring any costs until the road was finished. M. Beaudry noted another project where the Town was covered and all lots had been sold before issues were rectified. It was not until the Town Administrator complained that action was taken.

L. Adams suggested that under Subdivision Control a developer had a number of options for a performance guarantee – a cash bond, a passbook, or a surety – as W. Swiacki had provided. He agreed to put all the lots in single ownership, as a surety, and now he was asking that the Town release some of those lots to a homeowner who could buy them and then not be granted an occupancy permit. L. Adams questioned what the Town was to do if the homeowner insisted on occupying the home and the Town did not allow it because the road was not up to standards. The Board needed to

determine if there was a special circumstance, in this case, to allow the release of lots before the road was satisfactorily completed or W. Swiacki could agree to swap a cash bond as a surety. The amount of the bond should be calculated with the assistance of the DPW.

The Board decided to take no action at this meeting. It recommended W. Swiacki work with L. Adams to determine a resolution that would be agreeable to the Board and present it at the next scheduled meeting.

RELEASE OF LOTS – LAUREN LEDGE – Lots 2, 7, 12 and 13 – Atty. Ed Neal

The Board had released Lot 3 at its last meeting. Attorney Ed Neal representative of Laurel Ledge was present. L. Adams recommended the Board approve the release of the lots since there was sufficient binder course down and other public infrastructure. G. Morse had no problems with the lot releases.

Motion: to approve the release of Lots 2, 7, 12 and 13 Lauren Lane from the Laurel Ledge Subdivision, by M. Cooney
2nd: M. Beaudry
Discussion: None
Vote: In favor – M. Beaudry, M. Cooney, M. Raphaelson and D. Yaskulka
Abstain – B. Muir

The Board signed the four releases and their signatures were notarized by Attorney Neal.

THE BOARDWALK – Request for Site Plan Review Waiver for Curb Cut – Edward Galonek, Jr.

Edward Galonek, Jr. was present to explain the proposed flow of traffic with the additional curb cut. No parking spaces would be removed; Conservation Commission noted that the curb cut was outside of their concerns; and directional arrows should be removed and showed on the As Built Plan.

Motion: to waive Site Plan Review for The Boardwalk for Curb Cut, by M. Raphaelson
2nd: M. Beaudry
Discussion: None
Vote: All in favor

PLANNER’S UPDATE

Special Permits – Review and Adoption of Rules and Regulations – L. Adams noted that the Zoning Act recommends that boards adopt rules and regulations for special permits. After discussion of the proposed rules and regulations, the Board asked to have the word, “current” inserted in Section 4.02 #18 – “...the applicant furnish a current Certified Abutter’s List...” L. Adams said the adoption of the rules and regulations did not require a public hearing or an appeal period. It did need to be on an agenda and filed with the Town Clerk to be affective. They could be amended at any time. S. Gibson-Quigley thanked L. Adams for his work on the Special Permit Rules and Regulations.

Motion: to approve Rules and Regulations Governing Special Permits for the Planning Board, by M. Beaudry
2nd: M. Cooney
Discussion: None
Vote: All in favor

Scenic Roads – Recommendation to Board of Selectmen – L. Adams said he had spoken with Bob Briere who has volunteered to take members around on a weekend to look at the roads and talk about their history. A list should be available for vote at the Annual Town Meeting. Board members should be prepared to discuss a weekend date at the January 7th meeting.

“Dialogue on the Future” Meeting – The Board was given a memo prepared by James Malloy reviewing the first session. The next session is scheduled for December 9th.

Dunkin Donuts – 469 Main Street, Fiskdale Drive-up Window – Building Inspector, Mark Lev, has provided a memo stating he would not grant a building permit for the drive-up window. He suggests an application for Site Plan Review, as an option. This memo has been sent to Atty. Ed Neal.

RELEASE OF LOTS – CENTER AT HOBBS BROOK – Bond Balances

Approximately \$150,000 was left in the performance bond that was held up about a year ago for erosion control, to replant more shrubs that had failed and to do a general cleanup at the request of the Conservation Commission. All this work has been completed and L. Adams was requesting the release of the remaining bonds. He did point out that there were two development areas (one next to Marshall’s and one next to Staples) that have not been built on in two years. If the areas were to be built on, he recommended the Board require a Site Plan Review and the developer should post another bond. S. Gibson-Quigley asked if the Board should be reviewing the traffic patterns. L. Adams said there was a condition that the curbing in front of the proposed movie theatre, now Marshall’s, be reviewed two years after the opening of this group of stores, and a determination be made about keeping or removing the curb cuts designed for movie theatre exiting. The two years has now passed and L. Adams agreed to send a copy of the conditions to Mr. Frazier and inform him that the Board would be addressing the traffic patterns in the spring. The Board would hold a public hearing for an amendment of Site Plan Review.

Motion: to authorize the release of the remaining bond funds of approximately \$50,000 and \$100,000 for the Center at Hobbs Brook, by B. Muir
2nd: M. Beaudry
Discussion: None
Vote: All in favor

S. Gibson-Quigley signed the release.

THE SANCTUARY – Endorsement of Mylars

Board members who voted in favor of The Sanctuary Subdivision were asked to endorse the Mylars.

S. Gibson-Quigley announced the Special Town Meeting which would be held at the Tantasqua Senior High School Auditorium at 7:30PM on December 17, 2002. The next scheduled Planning Board Meeting would be January 7, 2003.

Motion: to adjourn, by M. Beaudry
2nd: M. Cooney
Discussion: None
Vote: All in favor
Adjournment at 8:55 PM