

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, JANUARY 7, 2003

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

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 for November 19, 2002 and December 3, 2002 were reviewed. S. Gibson-Quigley noted the December 3, 2002 day should read Tuesday and not Wednesday.

Motion: to accept the minutes of November 19, 2002, as written, by M. Beaudry
2nd: M. Raphaelson
Discussion: None
Vote: In favor – M. Beaudry, B. Muir, S. Gibson-Quigley and M. Raphaelson
Absain – D. Hill and D. Yaskulka

Motion: to accept the minutes of December 3, 2002, as corrected, by M. Raphaelson
2nd: M. Beaudry
Discussion: None
Vote: In favor - M. Beaudry, B. Muir, M. Raphaelson and D. Yaskulka
Absain – D. Hill

ANR's

Old Towne Way – Lorraine Herbert – Approved as presented 1

Brookfield Road – Mark Farrell – one lot to be subdivided; the lot has the following constraints: an easement which requires permission from the Army Corp. of Engineers to build a permanent structure for habitation; a meets and bounds restriction and delineated wetlands which have been addressed by the Conservation Commission. L. Adams commented that the easements did not affect the area of the lots for zoning purposes – Approved as presented 3

McGilpin Road (Resubmittal) – Matt Sosik – Approved as presented 0

OF PARCELS CREATED 4

LOT RELEASES

Brook Hill Subdivision – Lender's Agreement Endorsement – L. Adams stated that the developer was requesting to substitute a Lender's Agreement with the bank for the present Surety. The Lender's Agreement for the sum of \$93,000 shows the values of the public improvements and would give the Town a cash surety for completion of public infrastructure and in the process the lots would be released for sale. There was also a request for a partial release of funds which were part of the Lender's Agreement for the completed work. M. Beaudry questioned if a developer was

allowed to change the form of surety during construction L. Adams noted that it was not unusual and such action was allowed under the Subdivision Control Law.

The Board, the bank nor the owners had no issues with the Agreement. Though Town Counsel had not reviewed it, this was the same form the Board had seen with the Allen Homestead Subdivision. The Lender's Agreement was endorsed by William Swiacki, developer, and Matt Sosik of Hometown Bank.

Motion: to accept the Lender's Agreement in the amount of \$93,000 for the Brook Hill Subdivision, by M. Raphaelson
2nd: D. Hill
Discussion: None
Vote: All in favor

The Board endorsed the Lender's Agreement.

Brook Hill Subdivision – Release of Covenant – S. Gibson-Quigley read the contents of the Covenant and asked the Board and L. Adams if there were any questions or comments. There were none.

Motion: to release the Covenant of the Brook Hill Subdivision, by M. Beaudry
2nd: B. Muir
Discussion: None
Vote: All in favor

The Board endorsed the Release of Covenant.

Brook Hill Subdivision – Partial Release of Performance Secured by Lender's Agreement – The Board was asked to release \$33,500 from the \$93,000 in the Lender's Agreement which had just been endorsed. L. Adams interpreted Greg Morse's memo dated 01-03-03 for the Board.

Motion: to release \$33,500 from the Lender's Agreement for the Brook Hill Subdivision, by B. Muir
2nd: M. Beaudry
Discussion: None
Vote: All in favor

The Board endorsed the Partial Release of Performance Secured by Lender's Agreement. M. Raphaelson notarized the above three documents.

Lauren Ledge – Release of Lot 10 – Attorney Ed Neal was present to request the release of Lot 10. The Board had previously released Lots 2, 3, 7, 12 and 13. M. Beaudry asked if there was a house on this lot. Atty. Neal said there was and explained that this had been allowed in the past with other subdivisions (ex. Hunter Ridge).

Motion: to release Lot 10, Lauren Lane, by M. Beaudry
2nd: D. Hill
Discussion: None
Vote: In favor – M. Beaudry, D. Hill, M. Raphaelson and D. Yaskulka
Abstain – B. Muir

The Board endorsed the Release of Lot 10. It was notarized by Attorney Neal.

The Preserve Subdivision – Discussion for Lot Releases and Road Names – L. Adams stated that the first phase of the road had been constructed and the developer was requesting a partial release of lots. G. Morse asked that the Board

retain four lots as surety, as opposed to the requested three. The Town valued each of the lots at \$75,000, not the developer's suggested value of \$110,000. Due to the uncertainty of the market, the Board was requesting a "P" turnaround on the first leg with a binder course so the residents could use it. The Board would also be asking that C. MacGregor have the water, sewer and street lighting in place should the project need to stop, in order to keep pace with the market.

Road names (Spruce and Beechwood) similar to those already within the Town have prompted the Assessor's Office to ask that the developers change these names. L. Adams suggested that, in the future, the Board have a sign off from the Fire Chief, the Assessors and possibly the Board of Selectmen for proposed new roads.

L. Adams introduced Charlie MacGregor of Brendon Homes who was present to discuss the release of lots (28 Lots) within Phase One to allow a greater presale option for potential buyers. C. MacGregor outlined Phase One for the Board and referenced G. Morse's request for a Conservation Bond which would overlap with the Road Bond. S. Gibson-Quigley noted that all infrastructure should be in place for Phase One before the release of the Covenant. L. Adams asked if there would be street lighting; what the length of Audubon Way measured to the turnaround and asked for an update on the drainage onto New Boston Road (did it need to be a design issue). C. MacGregor said there would be street lighting and the measurement to the temporary turnaround would be 750 feet to the center line and no complaints had been heard regarding the drainage. L. Adams thought that the Board might condition occupancy permits on the street lighting, street signs and other infrastructure.

S. Gibson-Quigley asked for issues from the Board. B. Muir wanted clarification of the Conservation Bond which was new to him. He felt it would overlap with the Road Bond. C. MacGregor said this was one of the first times a Conservation Bond (a surety that gave the Commission funds to restore the property to its original condition should the project fail) had been implemented. It was C. MacGregor's understanding, after speaking with G. Morse, that any area open outside of the roadway would be covered by the Conservation Bond. L. Adams would obtain a memorandum from the Commission to explain the process before the lots were released. D. Yaskulka asked if any acreage in the project would be preserved. C. MacGregor said there was 250 acres (presently in the process of being deeded to Opacum Land Trust) set aside as open space.

Regarding the road names, C. Macgregor was asked to change the above mentioned roadway names to ones different from the current street listing for the Town provided to him by L. Adams. L. Adams would have the Board of Selectmen, the Assessors, the Police and Fire Chief sign off on them before bringing them back to the Board.

Allen Homestead – Partial Release of Funds – L. Adams stated he supported the release of funds, as did G. Morse. S. Gibson-Quigley said the request was for \$117,136.98, leaving a remainder of \$295,000. Michael Suprenant was present to bring the Board up to date on the project.

Motion: to release \$117,136.98 for the Allen Homestead Subdivision, by M. Beaudry
2nd: D. Hill
Discussion: None
Vote: All in favor

L. Adams endorsed the Release of Funds.

PLANNER'S UPDATE

Scenic Roads – Recommendations to Board of Selectmen – L. Adams asked the Board to circle names from the street list for potential scenic roads and return their recommendations to him for consolidation. He would forward the list to the Selectmen for the 2003 Annual Town Meeting.

Collette Road Widening – L. Adams noted the Board supported this and it was his understanding that the developer was going to pay for the work. After hearing M. Suprenant's update earlier, L. Adams was not sure this was to be the case. He would follow up with the developer.

Stallion Hill Village – L. Adams stated the application's public hearing was scheduled to be opened on January 8, 2003 with the Zoning Board of Appeals. The Planning Board would be heard regarding the roadway, the slopes and engineering intensive issues at the third session. The Zoning Board had funds available for outside consultants, should the Planning Board find issues of particular concern. B. Muir again expressed his concern with the affect the lengthy hearing process would create with regards to having a full compliment of voters. Also pointed out, was the change in membership that could possibly occur with the upcoming Town Election in April.

Chinese Restaurant – L. Adams informed the Board that the Voloka property had closed and demolition should be forthcoming.

RRI Superior Court Decision – L. Adams issued to the Board a document from John Eickmann stating that Judge Donahue had dismissed the RRI appeal. His determination was that site plan review was not a special permit and therefore, was not appealable to Superior Court. It must go through a local denial from the Building Inspector and a hearing through the Zoning Board of Appeals. Then it could proceed to Superior Court. L. Adams believed an appeal had been filed against the Judge's decision.

Workshop – L. Adams asked the Board to consider a proposal from Quinebaug-Shetucket Corridor to provide discussion and workshop for various boards on Open Space and Development Alternatives. He was open to any suggestions the Board might have for other workshops.

Annual Report – L. Adams would draft a report and email it to Board members for comments, concerns or changes. The Chair would see the final copy before it was submitted.

Route 20 Study – L. Adams needed begin the Route 20 Study and would be having a first orientation meeting by the end of January. He invited early representatives, B. Muir and D. Hill to attend. The group would be developing a purpose statement.

ENDORSEMENT- THE HIGHLANDS – MYLARS

The Covenant had been recorded and L. Adams had included the reference number on the cover page. Six sheets required the signatures of Board members. The conditions were on the plan and all was in conformance with the Board's final approvals. It was discussed who was eligible to sign the mylars. L. Adams noted that since the Board approved the project, D. Yaskulka, as well as any member who had not voted the project, was eligible to endorse the sheets as they were acting on behalf of the Board. Once a subdivision was approved, it became, in a way, an ANR.

Next Meeting – February 4, 2003

- Possible Site Plan Review – Ciesla – Route 20
- Stallion Hill Update
- The Preserve Lot Release

Motion: to adjourn, by M. Raphaelson

2nd: M. Beaudry

Discussion: None

Vote: All in favor

Adjournment at 8:40PM