

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, MARCH 4, 2003

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

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 February 4, 2003, were reviewed.

Motion: to accept the minutes of February 4, 2003, by M. Raphaelson
2nd: M. Cooney
Discussion: None
Vote: In favor – M. Beaudry, D. Hill, M. Cooney, M. Raphaelson and D. Yaskulka
Abstain – B. Muir

ANR's

Kelly Rd – Sturbridge Retirement Cooperative – Para Engineering – Approved as presented

Old Towne Way – GMN – Para Engineering – This was a revision (to accommodate a septic system) to a previous ANR brought to the Board. M. Cooney commented the Bylaws required the Board to review any previous ANR when a revision was submitted. L. Adams stated the revision was a minor shifting of one internal line and there were no problems with the revision. – Approved as presented

Revision

Beechwood Circle – Brendon Property – Thompson Liston – L. Adams recommended the Board table this ANR due to the name change of Beechwood Circle to Deer Run. He asked the proponents to revise the map to reflect the change to avoid confusion at the Worcester Registry of Deeds.

Tabled

Cedar Street – Joshua Cook – Para Engineering – This was a division of an existing lot into two lots. L. Adams suggested a DPW review to separate the driveway from Burgess School Road – Approved as presented

1

McGilpin Road – Marin Realty – Messier Assoc. – Matt Sosik presented the previous ANR plan and said the revision was also to accommodate a septic system. – Approved as presented

Revision

OF PARCELS CREATED

1

RELEASES

Draper Woods – The request was to accept legal documents and endorse the mylars. Having received the documents only the day before this meeting, L. Adams informed the engineers he had not had time to review the material. He

felt it improper to ask the Board to endorse signs he had not looked at. The request has been rescheduled for the March 18th meeting.

Lauren Ledge – Lot 1 – L. Adams told Attorney Neal the Board did not want to release more lots until it looked at existing conditions. A site walk with DPW to inspect detention basins will be scheduled when the weather permits.

The Preserve – Conservation Bonding – David Barnicle and Nancy Ryder were present to represent the Conservation Commission. N. Ryder informed the Board of the Commission's concerns. The first was a bonding issue. The Commission was aware the Planning Board had a bonding agreement with The Preserve which held four or five lots until completion of the project to protect the interests of the Town should the project fail. Rather than request a bond of its own, the Commission asked that the Board allow it to be a co-signer for two of those lots (an estimated value of approx. \$130,000.00) and asked that the Board vote and submit a letter to the Commission stating as such. S. Gibson-Quigley felt this was a reasonable request, but would like to give the Board time to think about it.

The second issue was an alternatives analysis. The Commission was asking for time from the Board to meet jointly with them at a public hearing in the beginning of April to review the preliminary plans for this development. It was the Commission's intent to make the alternatives analysis discussion more streamlined for applicants of large projects by handling these regulatory issues jointly with the Board. D. Yaskulka asked N. Ryder briefly summarize alternatives analysis with regards to conservation issues. N. Ryder explained that the Commission first looked at alternatives that would create no impacts to resource areas, wetlands, waterways, streams, ponds or habitat. This alternative may not be financially feasible, but the developer must show that from a general contracting level. Then a minimal, limited, etc. impact analysis must be done where the developer reaches a balance between environmental protection and financial feasibility. S. Gibson-Quigley felt a joint hearing in April would work for the Board's schedule.

WAIVER REQUEST – ZZZ TECH (Formally Tarragon Restaurant) – Ms. Barbara Monopoli, Owner

Barbara Monopoli, RN, was present to request a waiver from Site Plan Review since she was not proposing any alterations to the building or the parking and that the intensity would be mostly minimal and overnight. She explained that ZZZ Tech was a diagnostic center dealing with sleep disorders and was proposing to start with a two bed unit that would advance to a maximum of four beds. The business would require two employees onsite each night. No more than six cars would be parked on the site at one time. All restaurant equipment had been removed from the building. S. Gibson-Quigley asked B. Monopoli to submit a letter or application to the Board in writing stating her request to waive Site Plan Review.

B. Muir felt this location had a safety issue with regard to parking. Since there was a change in use, he felt the Board should look at a change in parking and attempt to do away with the parking in the front of the building. S. Gibson-Quigley recommended B. Monopoli discuss a proposal with L. Adams.

PUBLIC HEARING – ALSCO INDUSTRIES CORP. – 174 Charlton Road (Route 20)

S. Gibson-Quigley opened the public hearing at 7:30 PM and M. Cooney read the legal notice. Dan Prouty, Cobra Realty Trust, owner of the property, noted that Alan Reiser, AlSCO Industries Corp., presently leased the building and was expanding his business. AlSCO Industries Corp. was a plastic molding business that dealt primarily in health products and had approx. 80 employees spread over three shifts (60, 10 and 10). Alan Reiser introduced himself to the Board.

Mike Loin, Bertin Engineering, described the existing site as follows:

- Located on the northerly side of Route 20, 174 Charlton Road
- Existing site consists of a 20,000 square foot building with associated parking for 49 vehicles
- Existing driveway curb cut had been approved for industrial use

- Lot serviced by Town water, an existing septic system and a sewer stub was installed with the expansion of sewers to Route 20
- Abutters to the west – Arland Tool (vacant lot)/ Southbridge Savings Bank; to the east – Cover Realty Trust (vacant lot)/ Sturbridge Antique Shop and to the rear – Massachusetts Turnpike Authority
- Setbacks are 60 feet to the front and 30 feet on the sidelines

He also discussed the proposed plans addressing the following:

- a building addition of 42,800 square feet located to the rear of the existing building with associated parking of 90 parking spaces to the rear of the site
- building coverage of 15%; impervious lot coverage of 30.8%
- circulation, sidewalks, curb cut, turning radius, landscaping and exterior design
- building height measured 28 feet at the highest point
- dumpsters and screening located at the rear of the building
- no outdoor storage areas were being proposed
- grading (3% slope), detention basins, wetlands – under the jurisdiction of the Conservation Commission – an SWPPP (Stormwater Pollution Prevention Plan) had been filed as part of the Conservation submittal
- a gravity line with a relocated ejector pump to the back corner of the property which will direct sewerage to a manhole located adjacent to the sewer stub
- a larger transformer with new electric lines
- four 1,000 gallon underground propane tanks to be located to the rear of the property on a concrete ballast
- no additional signage
- lighting – wall packs and two pole lights for security lighting in the back of the parking lot
- traffic counts taken at peak times – AM (E/W 936 trips) and PM (E/W 1832 trips) and Saturday morning (E/W 1742 trips) and a driveway analysis at peak times for service – E/entering AM and PM -Level A; E/W/exiting AM - Level B and E/W/exiting PM - Level C; sight distance – over 450 feet in both directions; delivery traffic - approx, four tractor trailers per day; customer traffic - occasionally

S.Gibson-Quigley referenced DPW Director, Greg Morse’s, memo (01-29-03) Item #1 – more information required; Item #2 – tanks will be set in fill, no disruption to the existing leach field; Item #3 – spaces were removed; Item #4 – blanket easement allows access; Item #5 – pellets; Item #6 – previously discussed; Item #7 – shown on detail plan; Item #8 – shown on plan

S.Gibson-Quigley felt there was an issue with the project over taxing the water line. M. Loin commented that the additional water usage would be approx. 200 gallons per day to the facility. She would like more clarification from G. Morse. M. Cooney was concerned with the structural integrity of the building and asked about compaction of soil. M. Loin answered that the size of the building would be a control project under engineering control involving compaction studies and concrete testing.

S. Gibson-Quigley asked if there were other present that wished to be heard on the Alsco Industries project. There were none. B. Muir felt there were problems with the water and sewer along Route 20 due to size and age, not just availability.

Motion: to continue the public hearing on Alsco Industries Corp. to March 18, 2003 at 7:15 PM, by M. Cooney
2nd: D. Yaskulka
Discussion: None
Vote: All in favor

PUBLIC HEARING – THE ESTATES SOUTH SUBDIVISION – William Swiacki & Co., LLP

S. Gibson-Quigley opened the public hearing at 8:00 PM and M. Cooney read the legal notice. Attorney Mark Donahue presented the plans for the proponents. The subdivision was proposed on approx. 66 acres with frontage on both Fiske Hill Road (110 feet) and Old Farm Road (101 feet); 38 lots averaging one acre in size; proposed to be serviced by town water and sewer; approx. 90% was uplands area with two open space parcels and three detention basins covering 34.4% of the site; the land was divided between rural residential and suburban residential districts; abutters were residential with one industrial abutter (OFS Fitel).

A preliminary subdivision plan (67 lots) was submitted in April 2001 by W. Swiacki and then withdrawn without prejudice. Due to wetland delineations a reconfiguration of that preliminary plan and a different preliminary plan (52 lots) was submitted in June 2002. The Board did not take formal action on the new subdivision plan. The project moved forward into the plans showing a division creating The Estates South and The Estates North. The division occurred for the following reasons: 1) Radius Development approached W. Swiacki with interest in purchasing the property proposed for The Estates North for an assisted living facility. (S. Gibson-Quigley announced to the public that the Board had not seen information pertaining to a nursing home and this comment was not part of the public hearing.); 2) input from the owner of the gas pipeline found the preliminary plan was not an acceptable crossing of the gas pipeline; and 3) the developer's concern of potential through access use by others.

Atty. Donahue highlighted issues of concern in a June memo from the Town Planner that had been incorporated in the plan – pavement be increased to 26 feet with one sidewalk; location of zoning line was addressed; an alternative access through other Swiacki land not established because 1) areas were marked by significant wetlands resource areas and 2) slopes.

Richard Para, Para Land Surveying, explained the May 2001 Zoning Map for Sturbridge was used to update the above-mentioned zoning line. Also discussed – lot sizes could accommodate on site septic systems, though some lot reconfigurations might be necessary; road grades – locations of the 8% grades; detention basins connected through continuous drainage patterns; the connection to the existing water main on Old Farm Road to Fiske Hill Road. B. Muir asked the size of the pipe for the proposed waterline adjacent to Old Farm Road and the size of the existing line on Old Farm Road – proposed would be an 8 inch pipe into an existing 6 inch pipe. B. Muir felt this would affect the water pressure.

S. Gibson-Quigley referenced G. Morse's memo (02-28-03) pertaining to Item #7 - the 15% slope of DB-3 and Item #2 - his concerns with the looped waterlines. She requested copies of the memo from L. Adams for the applicant and recommended discussion on these issues be taken up at a later time to allow the proponent time to respond to the concerns. She continued referencing the memo with Item #3 – traffic was still a concern in that the definitive plan did not take into consideration discussions from the previous preliminary plan. She felt it was a stretch to say the plans now before the Board were an evolution of the preliminary plan.

Information the Board would be looking for when it continues: a response to G. Morse's issues regarding water; landscape plan and comments from the Tree Warden; L. Adams' memo (03-04-03) would be passed out to the proponents for their response.

S. Gibson-Quigley asked speakers for or against the project.

- Mary Hoy, 20 Old Farm Road – not against the development, but was very opposed to the cut through to Old Farm Road due to safety and the change it would bring to the character of the neighborhood. Though the proposed subdivision has a 26 foot roadway with a sidewalk to accommodate its residents, Old Farm Road has a narrower roadway and no sidewalk posing a safety issue for its residents. It was her opinion that one car per six minutes was a huge traffic difference. She expressed concern that the proposed subdivision was submitted one day before the new regulations went into affect.

- Hugh Cooper, 32 Old Farm Road – concerned for the character for the neighborhood. There was no objection to the creation of the new development. The concern was that it be done in a way that did not negatively and adversely impact the character and neighborhood of the community. He also shared the concerned expressed by Mary Hoy.

S. Gibson-Quigley asked if there was anyone present who wished to speak for the project. There were none.

Motion: to continue the public hearing on The Estates South Subdivision to March 18, 2003 at 8:30, by M. Beaudry
2nd: M. Cooney
Discussion: None
Vote: All in favor

PUBLIC HEARING – THE ESTATES NORTH SUBDIVISION – William Swiacki & Co., LLP

S. Gibson-Quigley opened the public hearing at 8:45 PM and M. Cooney read the legal notice. Attorney Mark Donahue presented the plans for the proponent. The subdivision was proposed on 13.9 acres with frontage on Hall Road (458 feet); one single roadway, a cul-de-sac approx. 400 feet in length, would service three lots in the rural residential zone, as well as provide access to the lot within the commercial area due to a significant wetlands resource area; proposed to be serviced by town water and sewer; an ongoing discussion exists with Radius Development who may be seeking a special permit to construct an assisted living facility on the site. It would use the roadway as access to the rural residential zone. M. Beaudry asked if there would be sewer line, for which the Town would have jurisdiction, placed under unprotected property. Atty. Donahue confirmed there was. S. Gibson-Quigley felt the Board was concerned with the impacts to Hall Road and Fiske Hill Road. She referenced another memo (02/28/03) from G. Morse that addressed sewer line, water line and drainage issues.

S. Gibson-Quigley mentioned the conversation the Board had had earlier with Nancy Ryder, Conservation Commission and her recommendation that applicants possibly have joint public hearings on the large development projects. D. Yaskulka asked for total acreage of open space for the two subdivisions and if it was temporarily planned to be undeveloped or would there be a conservation restriction. Atty. Donahue said he would submit all the information to the Board in writing. B. Muir commented that the plans were not separated under the Conservation Commission’s review.

S. Gibson-Quigley asked for speakers for or against the project.

- Bud Mastalerz, Environmental Health and Safety Manager, OFS Fitel – no specific concerns at the time, was glad the Board would be extending the discussion to another meeting.

Motion: to continue the public hearing on The Estates North Subdivision to April 1, 2003 at 8:30, by M. Beaudry
2nd: D. Yaskulka
Discussion: None
Vote: All in favor

S. Gibson-Quigley discussed the question of whether the definitive plans before the Board for The Estates Subdivision North and South were an evolution of the preliminary plan. If it was agreed that this was an evolution of a plan, then the definitive plans would be gauged by the old Subdivision Rules and Regulations. L. Adams, through research, located a finding for a court case, Heritage Park Dev. Corp. v. Town of Southbridge, 424 Mass. 71, 674 N.E.2d 233 (1997), relating to the issue of evolution. It was S. Gibson-Quigley interpretation, and that of Attorney Bob Leavitt, of UMass, that a preliminary plan locks in a parcel of land to old regulations. M. Raphaelson agreed with S. Gibson-Quigley. It was M. Beaudry opinion that this case was not specific to the project versus the

evolution to what it evolved to. M. Cooney asked I. Adams what the constructive approval date was for the project. That date was April 21, 2003.

PLANNER’S UPDATE

RRI – L. Adams mentioned the letter from Kopelman and Paige, P.C. dated February 24, 2003 which noted the processing of the complaint.

Zoning Amendments –

1. The Shopping Center rezoning at The Sturbridge Shopping Center for the Swiacki parcel, by petition
2. L. Adams received a letter from Kopelman and Paige, P.C. for the Revisions to Nonconforming Zoning Uses. He will ask the Zoning Board of Appeals to review the proposal.
3. From the Board of Selectmen - Rezoning of residential property behind the Boardwalk to Commercial as a use for a proposed parking lot

Route 20 Corridor Study Committee Meeting – L. Adams will try to schedule a meeting next week to discuss an outline he has drafted. He was looking to MassHighway for feedback on design criteria.

Old Towne Way - The School Department had an issue with school bus turnaround on Old Towne Way. The Board of Selectmen have been notified of the issue.

Next Planning Board Meeting – March 18, 2003

Library Lane B & B – L. Adams reminded Board members to visit the location of the proposed Bed and Breakfast. S. Gibson-Quigley suggested the Board prepare for this issue by reviewing the Zoning Regulations for special permits.

- Motion:** to adjourn, by M. Beaudry
2nd: M. Cooney
Discussion: None
Vote: All in favor

Adjournment at 10:00 PM