

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, MARCH 18, 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 March 4, 2003, were reviewed. A correction was noted for page four, paragraph five, line four to strike the word "two" in "that the two definitive..."

Motion: to accept the minutes of March 4, 2003, as corrected, by M. Beaudry
2nd: M. Cooney
Discussion: None
Vote: All in favor

ANR's

Scotch Pine Circle – Brendon Properties – Thompson Liston – This plan was tabled at the March 4th meeting due a name correction. It was found that a second item needed correcting - the size of lot 40. Originally it measured 21,737 square feet which is less than the required ½ acre. The revised plan showed lot 40R measuring more than ½ acre - the additional land was taken from lot 41R - Endorsed

Revision

New Boston Road – Gosselin – Moulton Land Survey – Tom Fancy explained that two lots were being broken out of an existing parcel leaving a remainder of 10.5 acres – Endorsed

2

OF PARCELS CREATED

2

LOT RELEASES REQUEST – ALLEN HOMESTEAD

L. Adams recommended the Board table the request until the next meeting since Mr. Suprenant was not present and L. Adams had not reviewed any documentation.

PLANNER'S UPDATE

Recommend Endorsement Draper Woods Mylars – L. Adams recommended the Board sign the mylars for the Draper Woods subdivision which had been reviewed by DPW Director, Greg Morse, as well as himself.

RRI Building Inspector Reply to Attorney Chaise – RRI had been told by the court that they could not appeal a denial of Site Plan Review. RRI then made application for a building permit to the Building Inspection who denied the application. The Building Inspector directed the applicant to the Planning Board for Site Plan Review (letter attached).

Zoning Amendments for ATM – L. Adams asked the Board to review them. He was also revising the zoning map. This public hearing item was scheduled for the Board's April 15th meeting.

**PUBLIC HEARING CONTINUATION – ALSCO INDUSTRIES CORP. – SITE PLAN REVIEW
174 Charlton Road (Route 20) – Mike Loin; Bertin Engineering**

S. Gibson-Quigley reopened the public hearing continuation at 7:15 PM. The outstanding issues – clarification on the additional water usage and the number of current employees and the number of anticipated employees. M. Loin addressed the water issue – it was recommended the proponent go to the Board of Selectmen for the water and sewer usage, as Water and Sewer Commissioners. There currently were ten employees at the site and it was anticipated that there would be 50 to 60 employees spread over three shifts after the proposed addition. Previous owners of the property had employed between 45 and 60 employees. S. Gibson-Quigley asked for these figures to get a sense of the traffic impact to the area.

S. Gibson-Quigley asked if there was anyone wishing to speak for or against the project. There were none.

L. Adams noted that the plans had been reviewed by the Design Review Committee and that there would be additional tree plantings. He wanted to be sure these did not conflict with good sight lines entering and exiting.

Motion: to close the public hearing, by M. Beaudry
2nd: B. Muir
Discussion: None
Vote: All in favor

S. Gibson-Quigley reviewed and asked for comments regarding the seven conditions on the draft decision regarding – 1) Items six, seven and eight of the DPW memorandum dated January 29, 2003; 2) inspections and soil testings; 3) the abandoned septic field; 4) delivery areas; 5) MassHighway - turning lanes; 6) approval of water and sewer tie-ins and 7) the Board's requirements to obtain an Occupancy Certificate. There were no comments from the Board.

L. Adams commented on Item # 5 saying he did not want it to be fatal to the project. He was hoping MassHighway would provide an in-depth response which could be used by the Route 20 Study Committee.

Motion: to approve the Site Plan Review for AlSCO Industries, with the conditions as outlined on the draft decision dated March 18, 2003, by B. Muir
2nd: M. Cooney
Discussion: None
Vote: All in favor

M. Loin approached the Board to approve an ANR for the AlSCO Industries property. S. Gibson-Quigley asked the Board if it wished to address the ANR at that time or follow normal procedures and schedule it for the next meeting. The members agreed that they would sign the ANR within the next week. L. Adams noted the ANR fee needed to be paid before it could be accepted.

PLANNER'S UPDATE (cont.)

The Board signed the mylars (eight sheets) for Draper Woods.

Waiver Request - ZZZ Tech (Formerly Tarragon's Restaurant – Ms. Barbara Monopoli, Owner – Since the proponent was not present, S. Gibson-Quigley asked L. Adams to note and make recommendations on the issues. He stated that the waiver request was for four beds, parking for four cars plus two employees' cars – maximum six;

no doctor onsite, though one would be involved to look at results and make diagnosis; interior was being modified under a building permit; traffic, parking and circulation – upon site visit. L. Adams noted there was a blend between the parking lot pavement and the two streets (Main Street and Willard Road). There was no curbing for traffic controls. It was his observation that one in twenty cars heading north used the short cut road (Willard Road) which he felt was significant. Parking was on the (front) west and the north side, with ample room in the back. B. Muir had expressed his concern at a previous meeting for these traffic safety issues. It was L. Adams opinion that the site could benefit from some green space, delineation between the street paving and the parking lot paving, no setbacks and some control over the in and out traffic.

S. Gibson-Quigley asked the Board if it wanted to address the issues of circulation, parking and green space. M. Beaudry felt there should be a distinctive driveway. He was not in favor of allowing an occupancy certificate and then expecting them to conform because the Board loses control of the project. B. Muir had seen the parking problems for many years. He felt this was a good opportunity to address the parking issue and to decrease the chances of cars entering and exiting five or six feet from Route 131. M. Cooney agreed with B. Muir. D. Hill felt the handicap parking should be located in the front and did not think a formal site plan was needed for four cars. D. Yaskulka would like to hear from the owner. He agreed with L. Adams' suggestions. L. Adams commented that the Board needed a boundary survey and a foundation survey. S. Gibson-Quigley felt the Board would like to see a partial site plan review addressing parking, circulation, curbing, drainage and lot coverage (green space and buffering). L. Adams would schedule a public hearing giving abutters an opportunity to be heard on the project.

PUBLIC HEARING – SPECIAL PERMIT – BED and BREAKFAST, 25 Library Lane
Ms. H. Elizabeth Eckhardt, Owner; Attorney George Hammond

S. Gibson-Quigley opened the public hearing at 8:00 PM and M. Cooney read the legal notice. Attorney George Hammond represented Ms. H. Elizabeth Eckhardt. He stated the property measured a little over two acres and was purchased about two years ago. The main house had approximately 6,000 square feet with six bedrooms and six and a half baths. There was a second structure, a guest house, on the property with two bedrooms, a living/dining room and kitchen. H.E. Eckhardt proposed to use four of the six bedrooms in the main house for the bed and breakfast. She would be moving to Sturbridge in August and hoped to operate the bed and breakfast by October.

Atty. Hammond felt the proposed use was appropriate for the property, that it did not add significant impact to the area; the septic system was redone two years ago with two separate holding tanks and was approved by the Town for a six bedroom house. The guest house was presently rented. S. Gibson-Quigley noted that the guest house could not be included in the bed and breakfast per the Bylaws.

S. Gibson-Quigley asked for questions from the Board. M. Cooney questioned if abutters had been notified. L. Adams stated abutters notices had been mailed from the Planning Board. Statutory requirements did not require return receipts if the notices were sent out by the Board itself. An affidavit of service had been completed, in this case by L. Adams, and filed with the application. D. Hill asked to be shown where the parking would be since the plans did not show the location. M. Beaudry asked if the fire chief or police chief had looked at the plans.

S. Gibson-Quigley asked for those wishing to speak for or against the project.

- Kathy Neal, 104 Walker Pond Road – not an abutter, but as the custodian of the Walker Pond Association mailbox she stated she had not received notice. L. Adams stated the Association was on the address list and that he himself mailed the notice. It was not the Planning Board's obligation to see that it was received. K. Neal was concerned that the association could not hold a meeting on the bed and breakfast because policy required their membership be notified 10 days before by first class mail. L. Adams offered that the decision may be appealed, but that the association had no special standing because they have their own regulations for posting meetings. K. Neal felt the public hearing should remain open.
- Dale Coldwell, Walker Pond Association President – said the association was aware of the issue and there had been a lengthy discussion on what bed and breakfasts would do to abutting properties.

D. Yaskulka asked what the concerns were according to the association regarding bed and breakfasts. D. Coldwell replied issues were – insurance responsibilities for guests wandering on the private property and general information. B. Muir felt that the association was not an abutter. The Board's concerns should be with the adjacent abutters. S. Gibson-Quigley disagreed with B. Muir. M. Beaudry noted that president had stated the issue had been discussed at the association's last meeting and that there had been no specific concerns.

- Mark Macero, 126 Walker Pond Road – Walker Pond Association Vice President, the association had bylaws which had requirements for individuals using the association's property. He would like to see the public hearing continued. S. Gibson-Quigley did not feel the issues of the association fell under the purview of the Board. They were between H.E. Eckhardt and the Walker Pond Association. The majority of the Board was willing to continue the public hearing.

Motion: to continue the public hearing on the bed and breakfast proposal for 25 Library Lane to May 6, 2003 at 7:15 PM, by D. Hill

2nd: D. Yaskulka

Discussion: The Walker Pond Association was asked to meet as soon as possible and submit their concerns to the Board in writing one week prior to the May 6th meeting with a copy for Attorney Hammond. D. Yaskulka suggested the concerns not be of personal nature, but those actually referenced as being issues pertaining to bed and breakfast facilities.

Vote: In favor – M. Beaudry, D. Hill, M. Cooney, M. Raphaelson and D. Yaskulka
Opposed – B. Muir

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

S. Gibson-Quigley reviewed the outstanding issues – water and sewer; DPW Director, Greg Morse's concerns; traffic study and OFS Fitel's memo. Attorney Mark Donahue represented William Swiacki & Co., LLP. Michael Abend, Abend Associates, summarized the traffic study submitted and dated March 3, 2003 – it evaluated existing conditions, developed future conditions with and without the project and assessed sight distances and trip generations. Estimated impacts of the project – the overall daily flow at 425 trips per day to the 40 homes; peak hours AM and PM about 35 to 40 trips and 85% headed to and from the south and 15% to and from the north. Assessing impacts the traffic would have on local intersections – current levels of service for the turning movements were level C or better; when traffic from the project was added to these intersections, the level of service and average delays did not change; less than one street car would be added to the local street system per minute and sight distances at proposed access points – sufficient visibility to meet the national standards. M. Abend recommended a stop sign and stop line be added at the end of Road A at Fiske Hill Road and at Old Farm Road; also, a standard "intersection ahead" sign about 300 or 400 feet prior to the new Road A intersection along Fiske Hill Road.

S. Gibson-Quigley asked for questions from the Board. D. Yaskulka asked for the increase in traffic in relative terms – M. Abend agreed that in terms of the percentages there was an increase in traffic of about 10 to 15% in the AM and about 10% in the PM on Fiske Hill Road. He did not discuss relative traffic impacts on Old Fiske Hill Road. He felt that Fiske Hill Road and Old Farm Road could handle the additional traffic, in terms of capacity. S. Gibson-Quigley questioned whether or not the community was willing to accept the increased level of traffic. She noted there were few reported accidents and asked if there was any way to estimate how many additional accidents might have occurred, but not have been reported. M. Abend said there was no way to estimate number of accidents. M. Beaudry asked if the traffic calculations took into consideration the new proposed subdivision that was to be added on Whittemore Road – M. Abend said they had and had also included a growth rate (3% per year for five years). S. Gibson-Quigley felt this figure was low given the potential buildout from other approved projects. M. Cooney felt the rates used in the traffic study were low because the figures were based on 1997-98 counts.

S. Gibson-Quigley addressed the water and sewer issue stating that most of the issues would have to be handled by the Board of Selectmen as the commissioners of water and sewer. John Josti, project engineer, was present to discuss the above issue. He stated the Old Farm development was served by a high pressure system (servicing approximately 190 homes) adjacent to the water tank. It has two existing pumps (one 150 gallon per minute capacity and one 550 gallons per minute for fire needs). He agreed with G. Morse that the pumps were old and they planned to work with the Town to see what needed to be done to the system. Distribution consisted of – an eight inch line running down Fiske Hill Road to Route 131; a six inch line ran up toward Route 20, servicing the Old Farm development. The six inch line turned into an eight inch line which the proponent planned to extend to the subdivision and loop around to tie into the six inch line on Old Farm Road.

S. Gibson-Quigley asked J. Josti to address the Board's issue of the "cross country" sewer lines. He stated the construction of the sewer line would require the installation of a gravel road which would be maintained by the Town since it held the easement. She alerted the developer that the Board would need to have information concerning the disposition of the open space.

S. Gibson-Quigley recognized Bud Mastalerz, representing OFS Fitel, LLC, who was a major abutter to both The Estates North and The Estates South. His areas of concern were safety, OFS Fitel's ability to manufacture during construction and if there would be restrictions to the property after the development. B. Mastalerz reviewed a letter to the Board (see attached) from Patrice Dubois, president and general manager.

Atty. Donahue welcomed the comments from OFS Fitel and agreed to work with them on open space parcel #2 and its restrictions. The ownership of open space parcel #1 was likely to be under a homeowners' association. The goal was to have open space parcel #2 with a restricted covenant on a perpetual basis to maintain an extended buffer.

M. Cooney read a letter signed by 43 petitioners expressing their opposition to The Estates South Subdivision as they felt it would destroy the character of the Old Farm Road. Atty. Donahue asked for a copy of this letter. Atty. Donahue and the proponent had invited abutters to meet with them to discuss their concerns. Five or six of these petitioners had attended. Atty. Donahue attempted to show the Board a revised plan of the subdivision which reflected some of the concerns the abutters had expressed. He was told the Board would not review this plan. It was only concerned with the submitted definitive plan. William Swiacki disagreed that this was always the practice of the Board. M. Beaudry felt the Board should have been able to be involved with this meeting.

S. Gibson-Quigley asked for those wishing to speak for or against the project.

- Carol Hanson, 126 Fiske Hill Road – resident for 30 years, was concerned for safety on Fiske Hill Road and Old Farm Road. She would like to be proactive on this issue.
- Mark Amadio, 4 Old Farm Road – was concerned with safety and the quality of life. He felt the percentages of traffic would be doubled.
- Maureen Ouellette, 95 Fiske Hill Road – was concerned with the increase in the amount of traffic from the new homes on McGilpin Road. She felt Fiske Hill Road could not accommodate the increase in traffic that would come from the proposed Estates South Subdivision.
- Susan Haslam, 135 Fiske Hill – was not opposed to the development, but was concerned with another cut through road. She felt a cul-d-sac would be a better solution.
- Blake Duzak, 1 Old Farm Road – did not want to have trucks using Old Farm Road to get to the construction site during development. He suggested that Fiske Hill Road be the primary road for access for all construction vehicles and that this be a condition of approval.

L. Adams suggested the Board continue the public hearing to April 1, 2003 at 7:15 PM to allow time to review the letter from Richard Para, Para Land Surveying and the letter from Atty. Donahue. S. Gibson-Quigley said she would like to have the discussion of disposition for the open space. L. Adams also mentioned that Atty. Donahue had had discussions with Mobil Pipeline questioning whether it could be built over. He would like to contact Mobil and find

out the content of the discussion. L. Adams asked the Board to disregard any discussions that were not part of the public hearing process and suggested that department heads participate in the public hearing itself to permit open and inclusive discussion with the Board.

Motion: to continue the public hearing for The Estates South Subdivision to April 1, 2003 at 7:15 PM, by M. Beaudry
2nd: M. Cooney
Discussion: None
Vote: All in favor

S. Gibson-Quigley recognized:

- Peter Stanski, 24 Old Farm Road – stated the residents were concerned with the break through from Old Farm Road to the new development. He questioned why the Board would not look at the revised plan offered by W. Swiacki. S. Gibson-Quigley explained why the Board preferred to follow a certain process when definitive plans were revised by a developer.

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

Adjournment at 9:45 PM