

**STURBRIDGE PLANNING BOARD**  
**MINUTES OF**  
**TUESDAY, MAY 20, 2003**

**Present:** Mike Beaudry  
Sandra Gibson-Quigley, Chair  
Thomas Kenney  
Milton Raphaelson  
David Yaskulka

**Absent:** Marge Cooney  
Deb Hill

**Also present:** Lawrence Adams, Town Planner

S. Gibson-Quigley called the meeting to order at 7:00 PM and read the agenda. The Board's new member, Thomas Kenney was introduced. She rescheduled the Board Reorganization and Committee Appointments to the June 3<sup>rd</sup> meeting since two members were absent. She announced that the public hearings scheduled for The Estates North and 25 Library Lane Bed and Breakfast would be rescheduled to the meetings of June 17<sup>th</sup>, 7:15 PM and June 3<sup>rd</sup>, 7:15 PM, respectively. L. Adams had contacted the proponents informing them of this change. The minutes for April 15, 2003, were reviewed.

**Motion:** to accept the minutes of April 15, 2003, as written, M. Raphaelson  
**2<sup>nd</sup>:** M. Beaudry  
**Discussion:** None  
**Vote:** In favor – M. Beaudry, S. Gibson-Quigley, D. Yaskulka and M. Raphaelson  
Abstain – T. Kenney

**ANR's** There were none.

**RELEASE REQUEST – LAUREN LEDGE**

Attorney Edmond Neal had requested the release of lots. L. Adams reminded the Board that the deadline date for the one year extension for completion, previously approved for this project by the Board, was May 31, 2003. He had told Atty. Neal that additional lots would not be released until the project was inspected. L. Adams was aware that foundation permits were issued by the Building Inspector for the last two lots held in surety. He wanted to clarify the process for a builder to obtain a foundation permit. It was his opinion that a lot release certificate should be required to obtain a foundation permit. The Board would take up Attorney Neal's request for the release at the June 3<sup>rd</sup> meeting.

**25 LIBRARY LANE – BED AND BREAKFAST**

S. Gibson-Quigley recognized Attorney George Hammond who was present for the 25 Library Lane Bed and Breakfast public hearing continuation. She extended an apology to Atty. Hammond explaining that only four of the Board's five members present were eligible to vote on this project. The Board would continue the public hearing to June 3<sup>rd</sup> at 7:15 PM. L. Adams noted that the application was for a special permit which required a super majority vote of the Board or five votes in favor. Atty. Hammond agreed to the June 3<sup>rd</sup> date and time. L. Adams reminded him the application fee of \$275.00 needed to be paid. L. Adams gave Atty. Hammond a copy of the draft decision subject to the review and additions of the Board. The decision did not include any components, as yet, of the Walker Pond Association and had not been opened for discussion by the Board.

## PLANNER'S UPDATE

ANR Fee Schedule – Site Plan Review Fee Schedule – L. Adams asked the Board to consider revising the Site Plan Review Fee schedule because he felt it was out of line given the revision to all fees collected by the Town. He further explained the new fees for ANR's (\$100 plus \$50 for each lot) and special permits (\$275.00) comparing them to the fee collected for Site Plan Review (\$1.50 per \$1,000) knowing the level of effort on the part of the Board and staff for this process. L. Adams will find out the cost of fees in other communities to determine what would be appropriate.

Spring Hill Bus Turn-around – L. Adams, Greg Morse, Robert Moss and Jim Malloy have determined that because this was a private way (the Town did not provide bus service on private ways), there would not be a short-term solution. When the Town was petitioned to accept the road as a public way, the developer would be asked to create a turn-around using a lot which was large enough for a school bus. Charles Blanchard was recognized and commented that this was a safety issue and he felt the developer should create the turn-around and not wait another year for acceptance of the road at Annual Town Meeting. He stated policy for bus pickup on private roads did not apply to a finished road like Old Towne Way with all its houses. S. Gibson-Quigley thought this was an issue for the Board of Selectmen and not the Planning Board. She felt the Board might want to consider bus turn-around's for subdivisions in the future.

Notice of Appeal of Decision to Land Court – The Estates South – Attorney Mark Donahue notified the Town Clerk that he had filed a copy of the Decision of the Estates South with Land Court. L. Adams forwarded the notification to Town Counsel.

ZZZ Tech Site Improvements – Issues not yet resolved 1) State Right of Way on Route 131 – property line not yet established, during the interim, with the Board's approval, an island (with green space or planters) would be made six feet deep along the curve so there would be a controlled entrance on Route 131 and an entrance/exit on Willard Road. The parking issue would be looked at; 2) MassHighway had plans to reconstruct Route 131(2004) with sidewalks, but no plans were available showing the right of way. S. Gibson-Quigley asked for a plan of ZZZ Tech. L. Adams would get a plan showing the footprint of the building and a dash line from the property line.

AG Zoning Articles Approval Notice – The Attorney General had approved the Zoning Bylaw Amendments from the Annual Town Meeting. The fast turn around was due in part by the quality application put together by the Town Clerk along with the zoning materials provided by L. Adams. Therefore, the zoning amendments were now in force.

ZBA Hearing – RRI Appeal from Building Inspector's Decision – At its May 21<sup>st</sup> meeting, the Zoning Board of Appeals (ZBA) had scheduled a public hearing for the Rehabilitative Resources, Inc.'s administrative appeal from the Building Inspector's decision to deny their building permit on 171 Charlton Road because the Board had not approved the Site Plan.

S. Gibson-Quigley asked what was happening with the Stallion Hill Village project and the ZBA. L. Adams stated that he believed the attorney would be asking that the project be withdrawn. However, at this time, nothing had been received in writing.

Scenic Roads Memo – James Malloy – A preliminary list of names had been started, the Board would check with M. Cooney and get this list to L. Adams.

Land Use Reform Act – CMRPC – This act had been in the works for three to four years. It dealt with growth deficiencies in the state zoning bylaws and would be going before the legislature. He encouraged the Board to read the memorandum from CMRPC.

Arnold Road Turning Lane – The Sanctuary & Highlands – L. Adams gave the Board a letter from CME, the Town's engineers, dated May 1, 2003 recommending the widening of Arnold Road. The Board of Selectmen (BOS) discussed the issue, but has not made a decision. The Board previously voted to refer the issue to the Selectmen. S. Gibson-Quigley asked C. Blanchard if the Selectmen would like anything from the Board regarding the turning lane. He suggested the Board send a letter to the Selectmen stating their support for the widening of Arnold Road. The Board requested L. Adams to send a letter stating such to the BOS.

Route 20 Study Committee Meeting Date – The first meeting for this committee was scheduled for Wednesday, June 11<sup>th</sup> at 3:00 PM. The Committee had twelve members including two Planning Board members, D. Hill and B. Muir. Since B. Muir was no longer on the Board, a new member should be selected.

Estates at Sturbridge Farms AKA Park Place – Mike Loin had submitted plans for this project which L. Adams found to be incomplete and therefore would not accept it as starting a subdivision approval process. The project would come under the new Subdivision Rules and Regulations which require only one plan to be reviewed by the Board. This submittal did not have an approval from the BOS for sewer tie-ins. The Board discussed whether or not a project should be taken up if it lacked a sewer tie-in approval from the BOS. It agreed it would be best to disapprove a project for the lack of a sewer tie-in approval and have the proponent come back to the Board at a later date with that approval than to approve the project with the sewer tie-in as a condition. Mr. Adams referenced that part of the regulations that required sewer and water tie-in permits before the close of the Public Hearing.

## **PRESERVE OPEN SPACE CONSERVATION EASEMENT AND MOU DISCUSSION**

The purpose of establishing the conservation restriction and easement for the property, including the detention basin, was to satisfy the subdivision approval understandings and requirements that the Board protect the Forest Lane neighborhood, as well as having a viable open space program and landscape. Attorney Kenneth May, representing Brendon Homes, present owner of the Preserve Subdivision, asked that the Board take an informal vote acknowledging its satisfaction with the restriction and easement and that the latter did not contradict the intentions of the Board.

Atty. May stated the issue involved the open space which originally was going to be conveyed to Opacum Land Trust (OLT). Upon learning that it did not have access to the open space, OLT was unwilling to accept the parcel. S. Gibson-Quigley understood OLT would not have access only during certain phases of the construction. Atty. May said there would be access. The question was whether or not it would be sufficient access. He was satisfied with the agreements presently before the Board. It was noted that construction had not stopped because of this situation.

Also present, was Attorney Bob Levite, from the Quinebaug-Shetucket Group, who had volunteered to work with all parties to bring together a final agreement. He felt the owners should always have access to do maintenance and stewardship on the property. A new cart path was developed during construction which Atty. Levite believed would allow adequate access for the necessary maintenance and stewardship of the open space. The access agreement provided for a locked gate with keys to the OLT, property owners; DEM, holders of the Conservation Restriction and Sturbridge DPW. This access would be used for maintenance purposes only and by vehicles with a maximum weight limit of 3,000 pounds. The Conservation Commission was prepared to finalize a deed transferring the open space to OLT. Atty. Levite (as a neutral party) would hold in escrow, an executed conservation restriction and the executed access agreement, until the final survey plan was completed. S. Gibson-Quigley asked for clarification to the ownership of the cart path and the 25-foot buffer zone behind the lots. She also questioned how future home owners would know why vehicles were using the cart path behind their home when this maintenance was preformed once a year. Atty. Levite stated the portion of the cart path from Forest Lane crossing parcel D-1 would be owned by the Town and the easement by OLT and DEM. The remainder of

the cart path off of D-1 would belong to OLT without easements from any property owners. The 25-foot buffer zone was no longer part of the plan.

Atty. Levite asked if the Board had any concerns not addressed by the restriction. S. Gibson-Quigley expressed a concern to preserve Forest Lane from public parking should people come to walk the open space parcel. Dolores - Boogdanian, attorney for the Department of Environmental Management (DEM), after visiting the property noted that DEM staff had put up signs restricting the area to off road vehicles. She felt it was OLT and DEM's presence on the property that would prevent against the concerns of the Town and area residents. Atty. Boogdanian asked when public access would be available off Oak Brook Circle. S. Gibson-Quigley thought this would occur after the bonds had been lifted and the Town accepted Oak Brook Circle as a public way at Town Meeting. Atty. May noted that he had written into the draft deed to OLT that after the completion of the roadways OLT would have a right of way from New Boston Road to the open space. S. Gibson-Quigley asked Atty. May to clarify what he meant by "completion". He said "completion" would be when the roads met the specifications of the Planning Board, but before the Town accepted it. It was S. Gibson-Quigley's opinion this would be at the time of the last lot releases. L. Adams felt that the road was either be accepted at town meeting as a public road or it remain a private way and any passing vehicle was there at the pleasure of Brendon Homes. He suggested using signs to designate the road as a private way releasing the Town of any liability. Atty. May said that would be acceptable.

L. Adams had others issues:

- Conservation Restriction – Section VI, paragraph two, "...the right to park vehicles on Old Brook Circle." He felt the Town would not want vehicles parking on the roadway itself, if and when it became a public way. He suggested the issue be addressed at the time of the public hearing for public acceptance of the road. The Board agreed. When asked, Conservation Commission member, Ed Goodwin, did not have any questions.
- Ownership of Forest Lane gate located on parcel D-1 – concerned with the Town owning property and someone owning a gate on the property. Atty. May commented that a fixture usually went with the land, therefore ownership of the gate would go with whoever owned the land.

L. Adams commended all parties involved with clarifying these issues. He felt this was a good access easement and conservation restriction document and open space program. S. Gibson-Quigley asked if the Board had any other questions. D. Yaskulka acknowledged the efforts of the Planning Board and DEM. S. Gibson-Quigley felt the Board had a better understanding of open space within a subdivision and thanked all those who helped assist them.

**Motion:** that the Board find that the agreements were in compliance with the approved subdivision plans and the public interest, by M. Beaudry

**2<sup>nd</sup>:** D. Yaskulka

**Discussion:** None

**Vote:** All in favor

S. Gibson-Quigley noted that the next meeting would be June 3<sup>rd</sup> – 25 Library Lane Bed & Breakfast; Reorganization for Chair, Clerk, Committee Assignments, Betterment, CMRPC Representative and CPA Representative. The Board was interested in cluster development design along with its open space workshops when L. Adams posed the opportunity.

**Motion:** to adjourn, by M. Raphaelson

**2<sup>nd</sup>:** D. Yaskulka

**Discussion:** None

**Vote:** All in favor

**Adjournment at 9:35 PM**