

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, JUNE 17, 2003

Present: Mike Beaudry
Sandra Gibson-Quigley, Chair
Deb Hill
Thomas Kenney
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, commenting that the Board Reorganization would take place after the approval of minutes. The minutes for June 3, 2003 were reviewed.

Motion: to accept the minutes of June 3, 2003, as presented, M. Beaudry
2nd: M. Raphaelson

Discussion: None

Vote: In favor – T. Kenney, M. Beaudry, S. Gibson-Quigley and M. Raphaelson
Abstain – D. Yaskulka

BOARD REORGANIZATION

S. Gibson-Quigley reviewed the positions that needed to be filled and asked L. Adams to conduct the reorganization process. L. Adams informed the Board that M. Cooney would be absent for the next few meetings and that she encouraged the Board to not delay the reorganization process. Through L. Adams, M. Cooney extended her willingness to serve as clerk and as delegate to the CPC if so nominated.

The Board voted by unanimous action the following slate of officers and delegates:

Position:	Nominated by:	Voted to Office:
Chair:	D. Hill	Sandra Gibson-Quigley
Clerk:	M. Beaudry	Marge Cooney
CMRPC Delegate:	S. Gibson-Quigley	Milton Raphaelson
Route 20 Study Committee:	S. Gibson-Quigley	Debra Hill
Betterment Committee	D. Hill	Sandra Gibson-Quigley
Dialogue Representative:	S. Gibson-Quigley	Michael Beaudry

The Board left unfilled at this time a second representative to the Route 20 Study Committee. T. Kenney regretted that he had to decline a nomination because he could not satisfy the time commitment. At some future time the Board would look to fill this position. L. Adams commented that the Chair (S. Gibson-Quigley) would also serve the Route 20 committee as an ex-officio member.

L. Adams congratulated the elected slate and thanked them for their continued service to the Town of Sturbridge.

ANR'S

The Board approved and endorsed the following ANR submittals:

- LeBlanc; South Road; Bertin Engineering; Line change
- Rondeau; Leadmine Road; Para Engineering; Conveyance to abutting lot
- Davis; Holland Road; Para Engineering; 2 lots
- Hoenig; Brookfield Road; Para Engineering; 1 lot

PUBLIC HEARING CONTINUATION – THE ESTATES NORTH

This public hearing continuation was opened at 7:17 P.M. S. Gibson-Quigley noted that this was a continuation of the April 1, 2003 Public Hearing session. She also noted that the Board presented five members eligible to vote; and that approval required four affirmative votes. She reviewed the items that the Board and Applicant needed to resolve. There were: a memorandum from the Tree Warden; the water and sewer issues; and the detention basin and parcel. Attorney Mark Donahue opened his remarks by stating that he and L. Adams had resolved most of their differences and that he was agreeable to the conditions in the draft decision presented to the Board with two exceptions. These were the need for a revised landscape plan and the parcelizing of the detention basin.

Attorney Donahue stated that the request placed before the Board of Selectmen for sewer connections was not authorized by the owners nor done with his consent. He stressed that there have been no direct talks with the Board of Selectmen; and that in any case, no official action was taken on that issue by them. He said that the issue before the Board was the approval of three residential lots and one commercial lot. He commented that the location of the detention basin on a separate parcel was not favored by the applicant. Instead, he proposed that a condition be added that would designate the owner of Parcel A-1 as responsible for the detention basin, as it would be part of that lot. He felt this was a unique circumstance; that the proposed Road C might not be conveyed to the Town. Therefore, the detention basin should likewise remain in private ownership. He also commented that if the detention basin were placed on a separate parcel, the commercial lot development would be further constrained by the imposition of lot line setback regulations. Attorney Donahue also stated that future development could utilize and combine drainage. He proposed that, if at some time in the future, the Town wanted the detention basin in fee simple, a parcel could be created at that time. S. Gibson-Quigley commented that at that point in time the commercial structure might already be in place. Attorney Donahue replied that the Board could restrict the location of the commercial building during site plan review to avoid any potential non-conformity.

L. Adams asked if the detention basin served just the commercial property. Attorney Donahue said that it served drainage on Road C as well, and that the residential lots did not need drainage. L. Adams directed the Board to Sheet 3, Pre- and Post Watershed Areas of the submittals and commented that all the land drains towards Hall Road. Any full buildout of the residential parcels, possible under the nursing home proposal, would require additional drainage. Attorney Donahue stated that this drainage would be handled on that (combined) site. D. Hill interjected that the Board should focus on the proposed subdivision and not on the potential nursing home development. William Swiacki, owner, interjected that the drainage from the residential lots was not towards the basin, but away from it; and at a difference in elevation of about thirty feet. He suggested that a detention basin for the nursing home was already conceived to be within the three lot reconfiguration. M. Beaudry and D. Hill again emphasized that the plan before the Board was for three residential lots and one commercial lot. M. Beaudry said that, at such time as the Town might chose not to accept the Road C, it could also chose not to accept the detention basin parcel, which could then be conveyed to the commercial property owner. D. Yaskulka asked if there had been other ownership conflicts. L. Adams said that the conflict of Opacum Land Trust access at the Preserve was the most recent one. S. Gibson-Quigley noted detention basins at Wendy's and Dunkin Donuts. L. Adams responded that these basins

served only the properties and not abutting properties or public ways. W. Swiacki cautioned the Board that if the detention basin were on its own parcel it could be sold separately from the other properties.

M. Beaudry recommended that the meeting minutes reflect the Board consensus that if Road C was not accepted by the Town, the detention basin would be the responsibility of the commercial property owner. The Board concurred. L. Adams recommended that the detention basin be on a separate parcel, as it was an integral part of the Road C drainage system, not just a part of the commercial lot. Since the matter before the Board was the approval of a subdivision, the presumption was that the Town would accept the road. Therefore, the detention basin should be part of that taking, and on a separate parcel.

S. Gibson Quigley canvassed the Board and concluded that the sentiment was to have the detention basin on its own parcel and that the plan should be revised to reflect this before endorsement.

Attorney Donahue raised his concern about item 4 in the draft Approval; noting that he was not agreeable to requiring the Tree Warden's approval for revised landscape plans, leaving the approval in other's hands. L. Adams suggested that the condition be revised to read:

“Deficiencies on the Landscape Plan shall be reviewed with the Tree Warden and the revised plans, as appropriate, presented to the Planning Board for its approval before endorsement.”

L. Adams asked if there was a proposed road name, as Autumn Ridge Road was not acceptable. W. Swiacki proposed that the road called Chase Road. The Board approved this renaming.

The Board and Attorney Donahue agreed to this revised language; and also agreed that all other sections of the draft Decision were acceptable to all parties.

D. Hill raised the concern about the evolutionary status of this plan as well as of the Estates South plan, and as to whether or not the definitive plan had been submitted within seven months of the preliminary plan. L. Adams stated that he was of the opinion that the plan was not submitted within seven months of the submittal of the preliminary plan. Attorney Donahue stated that he disagreed. L. Adams suggested that the Board waive any additional requirements that the imposition of the revised Subdivision Rules and Regulations might impose on this Estates North subdivision. The Board asked that the minutes reflect that it challenged the applicant's position that the Estates North and South were evolutions of the preliminary plan and that the definitive plan had been submitted within the required time frame.

S. Gibson-Quigley asked if there were any others wishing to be heard at the Public Hearing. There were none and she asked for a motion to close the Public Hearing.

Motion: to close the Public Hearing, by D. Hill
2nd: M. Beaudry
Discussion: None
Vote: In favor: M. Beaudry, D. Yaskulka, D. Hill, M. Raphaelson and S. Gibson-Quigley
Abstain: T. Kenney

Motion: to waiver any additional requirements that may be applicable under the revised Subdivision Rules and Regulation, by D. Hill
2nd: M. Beaudry
Discussion: None
Vote: In favor: M. Beaudry, D. Yaskulka, D. Hill, M. Raphaelson and S. Gibson-Quigley
Abstain: T. Kenney

Motion: to vote to endorse the draft Decision with the following amendments: Item 4: The landscape plan shall be reviewed with the Tree Warden and a revised plan, as appropriate, be presented to the Board for its approval before endorsement; and also Item 3: The Road shall be called Chase Road, by M. Beaudry
2nd: M. Raphaelson
Discussion: None
Vote: All in favor, except Mr. Kinney, who abstained

PLANNER'S UPDATE

S. Gibson-Quigley asked L. Adams if he would, in the future, present to the Board the same report that he gives the Board of Selectmen at their Quarterly Meetings. L. Adams said that he would be pleased to do so; that the report contained work responsibilities that went beyond his Planning Board duties, and that they would all benefit from discussing these. He also suggested that the Board could adjust its agendas to provide for additional discussions and workshops. The Board concurred.

ANR Fee Schedule – Site Plan Review Schedule – L. Adams was waiting to hear from additional sources before recommending a revised fee schedule. He also informed that Board that he would be requiring the Applicant, under Site Plan Review, to submit a detailed worksheet, prepared under M.S. Means standards or some other recognized standards that calculates the construction value of the project. He noted that the application fee was based on this calculation and that the Building Inspector did not review it before the Site Plan Review process.

ZZZ Tech Site Improvements – L. Adams referred the Board to his memorandum to the Building Inspector, notifying him of the need for this project to return to the Planning Board for additional Site Plan Review concerns, with a sketch plan and accurate dimensions at its July 1st meeting. It was L. Adams' understanding that the DPW Director had approved the site work that had been done, but that it was not in accordance with his (L. Adams) agreements and not what he had conveyed to the Board. The memorandum also recommended that this development be deemed a medical facility and that it accordingly follow State Building Code requirements, including smoke detectors, emergency exit lighting and exit door hardware.

Estates at Sturbridge Farms – L. Adams read a letter from Michael Loin, Bertin Engineering Associates, asking to withdraw the application without prejudice. L. Adams informed the Board that based on the Board of Selectmen's vote of the previous night to appropriate funds to improve the Hall Road pump station, the Applicant wished to apply for a sewer extension, and would revise the plans to show public water and sewer tie-ins. L. Adams said he would be refunding the application fee of \$3,050.00 less an amount for administrative time already spent on the review. He directed the Board to his Completeness Report in their meeting materials. L. Adams said that since the Public Hearing had not commenced, the Applicant could withdraw on his own authority. Nonetheless, the Board might want to vote to acknowledge the withdrawal.

Motion: to accept the request for withdrawal without prejudice, by T. Kenney
2nd: D. Yaskulka
Discussion: None
Vote: All in favor

Scenic Roads – L. Adams said that this Master List of scenic roads nominations was now circulating between Board members; that he would prepare a list of all nominated roads for Board discussion and acceptance. This final list would then be forwarded to the Board of Selectmen, and final action at Town Meeting.

Quinebaug-Shetucket – Open Space Design Alternatives – L. Adams deferred comment to D. Yaskulka who addressed the Board. He reviewed a Workshop Series proposed by Susan Westa, Extension Educator, with Quinebaug-Shetucket Heritage Corridor and Robert Leavitt. Cooperative Extension Service, UMass, Amherst. The workshop series proposal was for four sessions that included: 1, Becoming A Conservation Community; 2, The

Economic Benefits of Preserving Open Space;3, Planning for our Future the “Smart” Way; and 4, Development Alternatives that Conserve Open Space. D. Yaskulka commented on the benefits of these sessions for the Board as well as for the greater Sturbridge community. After discussion, the Board asked D. Yaskulka and L. Adams to follow up with emphasis on items three and four, and to look at possible reorganization of the materials. L. Adams suggested that other Boards and organizations be approached to measure their levels of interest. S. Gibson-Quigley thanked D. Yaskulka for his work.

Waiver Guidelines – L. Adams asked the Board to think about guidelines for Site Plan Review Waiver requests. He noted that there had been some issues with previous waivers and recommended that the Board apply the application review sheet as a formal Waiver Request, as originally intended. He noted that a waiver request from T.J. O’Brien’s was before them and would be taken up at the July 1 meeting.

Appeal of Annual Town Meeting Zoning Amendments - S. Quigley directed the Board’s attention to the State Attorney General’s denial of an Appeal of Town Meeting Action filed by Attorney Edmund Neal. M. Raphaelson asked L. Adams if he knew of this action. L. Adams said that he had heard nothing of it, nor what prompted it, until he received Attorney Neal’s letter to the Attorney General. L. Adams said that he would not support a Town Meeting amendment that he knew did not meet statutory requirements. He felt that these recent ones did so, and that the State Attorney General agreed. L. Adams concluded that the adopted revision to the Zoning Bylaws was approved and the Appeal by Attorney Neal was denied.

Route 20 Study – L. Adams deferred to D. Hill; who deferred to T. Kenney. He summarized the first meeting of the Route 20 Study Committee with the following comments: There was a heated discussion about employee safety to Industrial Park Road and from cars exiting Fiske Hill; that there were safety concerns at the Truck Depot; suggestions about speed changes, lighting center turning lane and median strips. The committee discussed what the outcome of the effort might be. L. Adams had stated that in the absence of any Town policy, the MassHighway Department would unilaterally decide what to do. T. Kenney continued that the committee would be considering what impacts zoning might have and possible development alternative around significant vacant land parcels. L. Adams suggested that current highway development in Charlton could advance to Sturbridge and that these continuing improvements to connection with Route 131, as a regional corridor, would have significant impacts. After some discussion, the Board concurred that it was at times difficult to control growth through Town Meeting action, and that the Route 20 Committee should work towards a policy statement.

In other discussions – M. Raphaelson took issue with an editorial “broad swipe” at the Planning Board, because of its support of the Arnold Road turning lane. He suggested that the editor did not have all the information. S. Gibson-Quigley asked the Board to think about the need for revisions to the parking requirements as they relate to retail and restaurant use. M. Beaudry suggested that we continue to consider municipal (public) parking lots. Asked about the Chinese Restaurant, L. Adams said that he understood that the delay was caused by the absence of bank financing, and that the Building Inspector had determined that the building could not be occupied in its present state.

Motion: to adjourn, by M. Beaudry

2nd: D. Hill

Discussion: None

Vote: All in favor

Adjournment at 8:48 PM