

# STURBRIDGE PLANNING BOARD

## MINUTES OF

TUESDAY, SEPTEMBER 9, 2003

**Present:** Mike Beaudry  
Marge Cooney  
Sandra Gibson-Quigley, Chair  
Deb Hill  
Thomas Kenney  
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. She announced a request had been submitted by George Chianis, agent of Green Mountain Realty Corp. to continue the Nextel Communications Tower public hearing scheduled for 8:00 PM. The minutes for August 19, 2003 were reviewed.

**Motion:** to accept the minutes of August 19, 2003, as presented, by D. Yaskulka  
**2<sup>nd</sup>:** T. Kenney

**Discussion:** None

**Vote:** In Favor: M. Beaudry, T. Kenney, M. Raphaelson and D. Yaskulka  
Abstained: M. Cooney and D. Hill

## ANR's

Grudzien – Clark Road Extension – Murray Engineering – This ANR would be removing 25 feet from parcel D and adding it to parcel A to create a conforming lot. Since parcel A cannot be made more non-conforming, it added to the rear lot (Map 14-297) whereby sharing its frontage. Though the parcel lacked sufficient frontage, it was a pre-existing lot. This would not be an independent building lot and was so noted on the plan by a dash representing the rear boundary – Approved as presented

Holland – 258 Holland Road – “Not a Building Lot” Review and Discussion – In 1991 two lots had been broken out of one parcel (original plan signed in 1987/filed in 1988) leaving a center, third lot with insufficient frontage. At this time the lot was labeled as “Not a Building Lot”. A builder had contacted L. Adams with an inquiry about the lot. L. Adams questioned the Board’s approval of these ANR’s in 2001 regarding the language. He recommended the Board table the discussion until he could review the 1991 minutes which should explain why the ANR’s were approved, and then follow up with the builder.

## # OF PARCELS CREATED

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**PUBLIC HEARING – STURBRIDGE TEA SHOPPE – SITE PLAN REVIEW**  
**428 Main Street, Mrs. Marie Wetteland**

S. Gibson-Quigley opened the public hearing at 7:15 PM and M. Cooney read the legal notice.

Marie Wetteland presented the proposal for a tea room on the first floor of the existing structure, presently used as a residence. The Board had previously reviewed the site as the Sturbridge Candy and Gift Shoppe. A submittal to the Board reflected the interests of the applicants: 1) the interior layout, 2) landscape plan and 3) parking plan. L.

Adams had reviewed the site with the DPW Director who had no objections with the proposal. The following issues were discussed:

- Hours of operation – 11:00 AM to 5:00 PM/6:00 PM, or later for special occasions by appointment; Wednesday through Sunday
- Tea room would have 30 seats and serve teas and typical fares – scones, pastries, sandwiches and tea sandwiches
- 12 parking spaces (10 guests – 2 employees); one handicapped space with ramp – M. Cooney asked for clarification on parking space #6. L. Adams assured her the space would be full width at 10 feet.
- No commercial kitchen – foods would be prepared in a commercial kitchen at her home located at 91 Cedar Street and brought in to be assembled.
- Use for second floor was not yet determined. M. Wetteland said she would not rent this as an apartment, but mentioned someone had inquired about renting one of the second floor rooms with an attached bathroom for the purpose of a massage therapy business. She was made aware that future plans to sublease the second floor could affect the parking requirements.
- Replace the temporary back deck with a deck and roof extending approximately 8 feet in Spring 2004. S. Gibson-Quigley told M. Wetteland she would need to come back to the Board if she intended to add seating on the deck.
- Existing garage would be used for storage.
- The proposed 24 foot wide, asphalt driveway would not need to have the underground detention basin for runoff (Sturbridge Candy), but would have a narrow berm to deflect runoff onto the lawn areas. The gravel parking lot would also reduce the runoff onto Snell Street. A condition in the Board's Decision could require this issue be monitored as part of its approval.
- Entrance only off Main Street with entrance and exit off of Snell Street

S. Gibson-Quigley asked for an update on issues of the driveway relating to the side setback and the boundaries with the neighbors. L. Adams stated that though the side boundary might still be in dispute, the Board's concern with the setback was no longer an issue. The Sturbridge Candy Site Plan involved a proposed building requiring a measurement to the side setback. There was no diminishment of the side yard as that building was not on the plan for the proposed Sturbridge Tea Shoppe. M. Cooney felt there was much less impact with this plan. S. Gibson-Quigley raised the question of the boundary issue reminding the applicant and abutters that they needed to either come to an agreement or rely on a decision from Land Court.

S. Gibson-Quigley asked for questions from the Board. D. Yaskulka noted that the plan provided for sufficient parking so long as the second floor was used as a residence by the applicants. M. Cooney asked the size of the largest delivery trucks servicing the Tea Shoppe. M. Wetteland assumed it would not be a trailer truck, but a UPS sized trucks.

S. Gibson-Quigley asked if there was anyone wishing to speak for or against the project.

- Priscilla Adams, 10 Snell Street – stated it had been a pleasure discussing the use of the right-of-way, the angling of the fencing and her traffic concerns with M. Wetteland and that there were no other issues or problems. L. Adams noted that the Landscape Plan showed the relocation of one section of the fencing providing a more generous turn to the Adams' property.
- Bill Sullivan, 426 Main Street – appreciated that the cement curbing to Route 20 would be removed and wished the applicants well. S. Gibson-Quigley had a traffic concern once the curbing was removed and felt striping might be necessary. L. Adams suggested that the driveway access could require approval by DPW.

**Motion:** to close the public hearing, by M. Cooney

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

**Discussion:** None

**Vote:** All in favor

S. Gibson-Quigley read the draft Notice of Decision for the Sturbridge Tea Shoppe prepared by L. Adams. The Board asked that the condition regarding the entrance off Route 20 be changed. L. Adams recommended adding a separate item to read, "Route 20 access surface and delineation shall be reviewed by DPW and approved by the Planning Board." T. Kenney asked if a condition should be added restricting the use of the garage to storage only. The Board felt this was not necessary.

**Motion:** to approve Site Plan Review for the Sturbridge Tea Shoppe and the conditions outlined, with the addition of, "Route 20 access surface and delineation shall be reviewed by DPW and approved by the Planning Board," by T. Kenney

**2<sup>nd</sup>:** M. Beaudry

**Discussion:** None

**Vote:** All in favor

## **PLANNER'S UPDATE/DISCUSSION**

Pioneer Oil – Mr. David Brunnell – L. Adams reviewed that Town Council had ruled D. Brunnell's interest in locating his business in the Sturbridge Industrial Park was not be an allowed use. D. Brunnell had asked to meet with the Board to determine if it concurred with this ruling and/or to discuss remedies for his project. He had inquired about a possibility for a zoning change and when it would occur.

Conservation Commission Memorandum – A memo from David Barnicle, Chairman, pointed out apparent conflicts on procedural and regulatory issues between Subdivision Control and wetlands protection. The Commission and L. Adams recommend a subcommittee to look at the issues in detail and suggest how they can be avoided. An important issue for discussion would be for developers to seek wetlands decisions before coming to the Board for Site Plan Review. Tentative meeting times would be noon or 4:00 PM and interested members should contact L. Adams. Since Subdivision Control allowed regulations to be adopted outside of Town Meeting format, this could be a way to eliminate some of the conflicts. The Open Space Committee had requested to meet with the Board which S. Gibson-Quigley would coordinate after it reviewed the Open Space proposal. L. Adams would get a copy of the Open Space Plan to M. Cooney and the Board.

Copper Stallion – Formerly Margeax's Deli – Parking Requirements - This proposal had come to the Board of Selectmen (BOS) for a liquor license and to utilize the second floor with the addition of using the attic as a third floor for the location formerly Margeau's Deli. L. Adams had invited representatives to attend this meeting to discuss parking issues and ask if Site Plan Review would be needed. The Copper Stallion site plan showed 59 seats on the second floor and 26 seats on the third floor for a required 38 parking spaces (28 for seating, 10 for employees.) The existing parking lot had 45 parking spaces for the entire building. S. Gibson-Quigley stated the Board would need to know the building's total retail space along with that of the building to the rear. Charles Blanchard commented the BOS proposal indicated there were 134 seats which included a bar. S. Gibson-Quigley felt the Board could not support such a plan unless the parking issue was addressed. L. Adams had spoken with the Fire Chief and Building Inspector who had other issues – sprinklers, use of the porch, the load capacity of the building and a second means of egress. S. Gibson-Quigley agreed formal Site Plan Review was needed if the seating increased.

## **PUBLIC HEARING – GREEN MOUNTAIN REALTY CORP. – NEXTEL COMMUNICATIONS TOWER – SITE PLAN REVIEW; George T. Chianis, Agent**

S. Gibson-Quigley opened the public hearing at 8:00 PM and M. Cooney read the legal notice. S. Gibson-Quigley read a letter from George Chianis requesting the Board continue the public hearing until December 2, 2003. She explained the continuance would allow time for a Special Permit public hearing and Decision by the Zoning Board of Appeals (ZBA) on the project. If the project was not issued a special permit from the ZBA, there would be no need for Site Plan Review. The Board recognized G. Chianis who was in attendance for the hearing.

He had no comments. L. Adams added that the letter provided for an additional 90 days after the close of the public hearing to avoid constructive approval.

S. Gibson-Quigley recognized Chris Rizy, 120 Clark Road who had questions pertaining to the project's process which S. Gibson-Quigley addressed. It was noted that a balloon view test for the project would be conducted on Saturday, September 13<sup>th</sup> from 8:00 AM to 6:00PM with a rain date of Monday, September 15<sup>th</sup>.

**Motion:** to continue the public hearing to December 2, 2003 at 7:15 PM, by M. Beaudry  
**2<sup>nd</sup>:** M. Cooney  
**Discussion:** None  
**Vote:** All in favor

#### **PLANNER'S UPDATE (cont.)**

Copper Stallion - S. Gibson-Quigley recognized Donald Garfield, owner of the proposed Copper Stallion. She explained to him the feelings of the Board regarding Site Plan Review. If he increased the number of seats or used the building's third floor Site Plan Review would be required. If he kept the same number of seating as the previously approved plan with no changes, Site Plan Review could be waived. D. Garfield said a total of 81 seats were proposed for the two floors, an increase of 26 seats. M. Cooney requested the Fire Inspector inspect the building. D. Garfield would contact L. Adams for a form for Site Plan Review or Waiver.

Pioneer Oil - S. Gibson-Quigley recognized T. Philip Leader, Attorney for Pioneer Oil and Robert Brunnell. Atty. Leader explained the process he would pursue if Pioneer Oil were denied approval for its project. He also considered the possibility of a zoning change for that location at Annual Town Meeting. S. Gibson-Quigley explained Town Counsel's opinion stated this was a retail business and only wholesale business was an allowed use within the Industrial Zone. Though she accepted this opinion she was supportive of the idea of a zoning change which specifically defined oil, warehouse and delivery. Atty. Leader did not agree with Town Counsel, nor did M. Raphaelson who explained why he felt Pioneer Oil was a wholesale business. S. Gibson-Quigley questioned where the fact that this was a retail business originated. L. Adams felt it was irrelevant how the applicant defined the business because zoning addressed the issue saying that anything not expressly allowed was disallowed and this was a wholesale zone. It was the burden of the applicant to prove it was a wholesale distributor. T. Kenney felt this was a good business for the Town and the project was being "caught up in semantics." S. Gibson-Quigley countered that history has shown that semantics do matter and later come back to the Board. M. Beaudry was willing to listen to a proposal of a wholesale company holding oil for a retail distribution company. C. Blanchard believed Town Counsel's opinion was open for interpretation and that some assumptions were made against the intent of the Town's bylaw. The Board had lengthy discussion on wholesale versus retail. It agreed to hear proof that Pioneer Oil was an allowed use under a wholesale business. If it found Pioneer Oil to be a wholesale business, the proponent could apply for Site Plan Review.

There was no other new business. The next Board meeting would be September 16, 2003.

**Motion:** to adjourn, by D. Hill  
**2<sup>nd</sup>:** T. Kenney  
**Discussion:** None  
**Vote:** All in favor

**Adjournment at 8:55 PM**