

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, October 7, 2003

Present: Mike Beaudry
Marge Cooney
Sandra Gibson-Quigley, Chair
Deb Hill
Thomas Kenney
David Yaskulka

Absent: Milton Raphaelson

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 September 16, 2003 were reviewed.

Motion: to rescind the approval with corrections to the minutes of September 9, 2003 and recommend that the motion now read to accept the minutes of September 9, 2003 as originally presented, by M. Cooney

2nd: D. Hill

Discussion: M. Cooney explained the correction was to replace Sturbridge Candy with Sturbridge Tea Shoppe regarding the detention basin for runoff. Sturbridge Candy had been correctly referenced.

Vote: All in Favor

Motion: to accept the minutes of September 9, 2003 as originally presented, by M. Cooney

2nd: D. Hill

Discussion: None

Vote: All in Favor

Motion: to accept the minutes of September 16, 2003 as presented, by M. Beaudry

2nd: M. Cooney

Discussion: None

Vote: All in Favor

ANR's

There were none.

SCENIC ROADS DESIGNATIONS AND RECOMMENDATIONS

S. Gibson-Quigley read a memorandum dated 10-07-03 from L. Adams listing Planning Board member nominations of roads for consideration and recommendation as Scenic Roads under the Sturbridge General Bylaws. The Board's final nominations would be forwarded to the Board of Selectmen for the purpose of final approval for Scenic Road designation at the 2004 Annual Town Meeting. These roads were selected for their rural atmosphere (trees, stone walls) and history.

L. Adams explained that any alteration to a road designated as a scenic road would have to come before the Board as a public hearing process with coordination for the Tree Warden and the DPW Director.

Motion: to forward the list of final nominations to the Board of Selectmen, by D. Yaskulka
2nd: M. Beaudry
Discussion: M. Cooney asked if the list should include Arnold Road. The Board agreed it should.
Amendment: to forward the list of final nominations to the Board of Selectmen with the addition of Arnold Road, by M. Cooney
2nd: D. Hill
Vote Amendment: All in favor
Discussion: None
Vote Am. Motion: All in favor

BED AND BREAKFAST DECISION REVIEW AND ENDORSEMENT

L. Adams asked that the Board check the vote as indicated on the draft decision dated 10-07-03 for the Bed and Breakfast, verify that it was correct and vote formally to execute the document. S. Gibson-Quigley asked that her name be added to those who voted to deny the granting of the special permit.

Motion: to allow the Chair to execute the Notice of Decision with the addition of S. Gibson-Quigley voting to deny the granting of the special permit, by M. Cooney
2nd: D. Hill
Discussion: None
Vote: In favor – T. Kenney, D. Hill, M. Cooney and D. Yaskulka
 Abstained – M. Beaudry

COPPER STALLION PARKING REQUIREMENTS DISCUSSION

S. Gibson-Quigley commented that she was not clear why the Board had received memorandums for the evening's meeting. The Board had not received a Site Plan Review application or a formal request for Site Plan Review Waiver. L. Adams commented he understood that Mr. Garfield's intent was to determine if there was a chance to satisfy the parking requirements for the proposed use. If not, Mr. Garfield felt there would be no point in proceeding with a formal application for a request for a waiver. L. Adams felt the discussion was appropriate if it were limited to the issue of adequate parking.

S. Gibson-Quigley stated that if the proposed capacity and use was not changing, Site Plan Review was not necessary. The Board agreed. D. Yaskulka noted the exception for the various code issues.

Terry White, 222 Brookfield Road, Fiskdale, was present with an application for Site Plan Review Waiver. It was S. Gibson-Quigley's opinion that if discussion was not to be limited to parking, the application should be reviewed through the normal process which meant the application be submitted and put on the Board's agenda for a future meeting. D. Hill commented that the Board had previously discussed this issue and requested application for Site Plan Review or Waiver. M. Cooney stated that the figures presented to the Board of Selectmen (114) differed from those presented to the Board (87). M. Beaudry felt there were issues other than parking that the Board would need to review. T. Kenney and D. Yaskulka were willing to have a brief discussion.

T. White was aware the building had other issues - safety, fire and handicapped. He added these could be changed, but the finite boundaries of the parking lot could not. S. Gibson-Quigley allowed the application to be submitted to the Board.

T. White referenced a table within the application which detailed the number of cars in the parking lot on an hourly basis over the past three weeks. He noted the number of cars "tail off" after 5:00 PM and 6:00 PM. S. Gibson-Quigley stated the number of parking spaces required was determined by the Town's zoning bylaws (Section 20.22 – Off-street Parking.) T. White said the proposed 81 seat restaurant would require 27 parking

spaces and there were presently 44 marked spaces at the location. Leonard Jalbert had informally measured the parking lot and felt it could be increased to 49 spaces without impacting any accessibility or emergency services. The current parking requirements for the existing square footage of the building was 34 spaces leaving 15 spaces given a parking plan of 49 spaces suggested by L. Jalbert. T. White commented that there were few cars in the lot after 5:00 PM/6:00PM when the restaurant would be open. S. Gibson-Quigley added that parking spaces were needed for employees and the retail space. She questioned the number of employees when T. White said there were currently three. She felt three employees was a small number for an 81 seat restaurant. She said the application submitted showed 47 spaces/possibly 49 spaces and that 64 parking spaces were required. T. White added there were two additional spaces along the side of the building that were not marked and would not be part of the fire lane. D. Yaskulka pointed out that future retail stores may want hours of operation that would coincide with the restaurant.

S. Gibson-Quigley felt the proposed Copper Stallion had many issues and needed to go through the process of Site Plan Review or Waiver. T. Kenney agreed stating there were many issues that should be reviewed by the Board. L. Adams commented that Site Plan Review Waiver denied department heads an opportunity to address the project. He felt the Board needed input from the department heads on this project to assist the Building Inspector. L. Adams also felt a fee should be paid for the waiver request. He added that the bylaw specifically states “restaurant capacity” which was a function of the size of the building. The Board could not limit the number tables a proprietor chose to put in its business. He recommended the Board review the buildout of the building. M. Cooney noted that additional dumpsters for restaurant purposes might impact the proposed parking area. T. White responded that this had been taken into consideration and would not affect the parking lot.

S. Gibson-Quigley suggested T. White speak with L. Adams to determine whether to move forward with a Site Plan Review Waiver at the October 21st meeting with the materials submitted and a clarification of the 47 or 49 parking spaces or Site Plan Review at the November 4th meeting. T. White would contact L. Adams with a decision.

PLANNER’S UPDATE/DISCUSSION

Open Space Workshops Schedule – L. Adams proposed that the Board begin its Open Space workshops with Robert Leavitt and the Green Valley Institute. L. Adams suggested one hour sessions (8:00 PM – 9:00 PM) to be held at the Board’s second meeting of each month beginning in December. The workshop series proposal was for four sessions and would be open to other committees and interested parties.

Open Space Committee Request for Joint Meeting – L. Adams had been asked by the Open Space Committee to schedule a joint meeting with the Board. He gave Board members a copy of the Open Space Plan adopted in 1999 for review and preparation for this meeting.

Conservation Commission Conflicts Subcommittee – The Commission would like to discuss potential conflicts (Whittemore Woods) with L. Adams and representatives of the Board. He would be scheduling the meetings for late afternoons and asked that interested members to contact the Chair.

Pioneer Oil – L. Adams referenced a letter from Attorney T. Philip Leader regarding Pioneer Oil, dated 09-16-03 which redefined Pioneer Oil to be a wholesaler. L. Adams asked the Board to review the letter and determine if it accepted the letter at face value. S. Gibson-Quigley recognized Atty. Leader who was present to answer questions of the Board. D. Yaskulka felt the proposal letter was “in the spirit” of the bylaw, but was concerned if the Board approved the project it would set precedent and open the Board to proposals that were not in the spirit of the bylaws. He would like Town Counsel’s opinion. S. Gibson-Quigley noted that Pioneer Oil had come before the Board for Site Plan Review at which time the Board determined the proposal was not an allowed use in that zone. She said another option for the Board was to clarify the allowed use through a zoning change in its language at the 2004 Annual Town Meeting. The Board agreed this type of business belonged in an Industrial zone, but would like Town Counsel review the matter. L. Adams would contact Town Counsel to determine if Brunell Energy, LLC fit the definition for a wholesale warehouse noting that the Board would like to exclude Cosco, BJ’s, Sam’s

Club and other wholesale clubs. The Board agreed that Pioneer Oil could initiate Site Plan Review if Town Counsel found that the definition for the bylaw was met.

Boardwalk – L. Adams referenced a letter from Ed Galonek, Jr. dated 10-03-03 which stated the Whistling Swan was no longer interested in renting the back parking area. Since the Boardwalk was fully rented, the existing parking area was restricted for Boardwalk patrons only. He would redirect Whistling Swan patrons to other locations. S. Gibson-Quigley recognized Ed Galonek who stated he would like to continue with the final steps in approving the back parking lot. However, he was requesting a waiver allowing him to place the lot four feet from the back property line. The Board agreed this lot would be constructed for the benefit of the Whistling Swan and that they should be presenting the request, not E. Galonek. The Board appreciated E. Galonek's efforts and honesty, but did not want to entertain the waiver at this time. S. Gibson-Quigley recommended E. Galonek speak with the Board of Selectmen about the Zoning Enforcement Officer enforcing the parking issue for that site.

Draper Woods – L. Adams met with the Clerk of the Works for Draper Woods, Kevin Rabbitt, who would be initiating the project with the Building Inspector. When K. Rabbitt made the request to build a model home on one of the lots, L. Adams said he must confer with the Board, DPW and the Fire Department. S. Gibson-Quigley asked the deadline date of the project. L. Adams answered the phase one deadline was two years from the endorsement date of March 18, 2003.

Whittemore Woods – L. Adams noted there had been design changes in terms of the detention basins and the road layout after the proponents had met with the Conservation Commission. L. Adams had scheduled the Board to meet with the proponents at its October 21st meeting. Wayne Belec was present to discuss the modifications to the previously approved plan. He outlined the following –

- minor adjustments (5-10 feet) in the roadway pavement alignment;
- some detention basins were moved further away from the wetlands;
- the entry location at Whittemore Road remained the same.

M. Cooney asked if the proponent would have to resubmit their application under the new Subdivision Rules and Regulations if the Board felt that the adjustments were not minor. L. Adams needed to research this issue before addressing it. S. Gibson-Quigley recommended that the Board members review the new plan and notify L. Adams if they were of the opinion that the changes were substantive. S. Gibson-Quigley agreed that L. Adams should discuss the changes with the engineer and DPW. S. Gibson-Quigley requested that a member of the Conservation Commission be present at the October 21st meeting to address its issues to the Board. W. Belec would make that request to the Commission.

Massage Therapist – L. Adams spoke with the Architectural Access Board regarding handicapped access for the Massage Therapist proposed for the second floor of the Sturbridge Tea Shoppe. He was told the proper process was to apply for a variance from their regulations.

The Preserve – The proponents of The Preserve had a buyer for Lot #1 which was being held along with other lots for surety. They had asked L. Adams if the Board would agree to swap a lot of comparable value, Lot #3 for Lot #1 if they made a formal presentation. The Board agreed to entertain a formal request.

S. Gibson-Quigley reminded the Board that its next meeting was scheduled for October 21, 2003.

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

Adjournment at 8:25 PM