

**STURBRIDGE PLANNING BOARD**  
**MINUTES OF**  
**TUESDAY, October 21, 2003**

**Present:** Mike Beaudry  
Marge Cooney  
Sandra Gibson-Quigley, Chair  
Deb Hill  
Milton Raphaelson  
David Yaskulka

**Absent:** Thomas Kenney

**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 October 7, 2003 were reviewed.

**Motion:** to accept the minutes of October 7, 2003 as presented, by D. Hill  
**2<sup>nd</sup>:** M. Beaudry  
**Discussion:** None  
**Vote:** In favor – M. Beaudry, D. Hill, M. Cooney and D. Yaskulka  
Abstain – M. Raphaelson

**ANR's** There were none.

**LOT RELEASE REQUEST – The Sanctuary, Arnold Road - Thomas Moss**

L. Adams had received a memorandum from Thomas Moss, the project manager, who was present to request that the Board release nineteen lots for construction and hold five lots valued at \$370,000.00 as surety for the project. This was the agreed amount between DPW Director, Greg Morse and T. Moss for public improvements left to be done on the subdivision. Completed to this date on the project was 80% of the sewer and water, 60% of the drainage, all cuts and fills and all offsite work (waterline on Arnold Road, lining of the sewer line, water booster pump installed and tied in to existing town lines.)

**Motion:** to release nineteen lots for construction and hold five lots for the value of \$370,000.00, \$74,000.00 per lot, to cover the remaining items to be completed on the subdivision, by M. Cooney  
**2<sup>nd</sup>:** M. Beaudry  
**Discussion:** None  
**Vote:** All in favor

**WHITEMORE WOODS – PLAN MODIFICATION DISCUSSION**

**Wayne Belec; Waterman Design Associates and Members of the Conservation Commission**

Attorney Mark Donahue and Paula Thompson, of Waterman Design, were present for Wayne Belec. Since W. Belec had not met with L. Adams and G. Morse to review the specific modifications to the plans that had been submitted to the Board, Atty. Donahue asked to meet with the Board at its next meeting. L. Adams stated he had contacted Town Counsel for the proper procedure for an amendment of a plan. In a

memorandum dated 10-21-03, L. Adams noted that the Board had taken final action on the Whittemore Woods Subdivision by filing a Decision with the Town Clerk. Any amendments would need to go through the public hearing process as dictated by Section 81-W of the Subdivision Control Law, Chapter 41. Atty. Donahue felt it would depend on the nature of the changes whether or not a public hearing process was necessary. He noted that the changes to the plans were being done in conjunction with the Conservation Commission. He requested a meeting with the Town Planner, DPW and the project engineer to review the plans and get feedback from the Board as to how to proceed with the Conservation Commission.

S. Gibson-Quigley asked what modifications were being made to the plans. L. Adams referenced a realignment of the controversial roadway onto Whittemore Road and the relocation of detention basins. He was concerned that the Board may or may not find the changes to be substantial, but abutters had a right to be a part of an open public process. He added that he would not review the plans until there was a formal application and the Board directed him and G. Morse to do so. He also noted that because the subdivision had not yet been endorsed by the Board, it was not protected from zoning regulations. M. Cooney asked for clarification if the amendments would come under the new Subdivision Rules and Regulations. S. Gibson-Quigley said they would. L. Adams added that the scope of work for the new public hearing could be limited to the amendments. He noted further that a subdivision was protected from zoning changes once it was endorsed. This project had not yet been endorsed, hence it was not protected. The old Subdivision Regulations applied at the time of application and given this would be a new application, it was logical that the new Subdivision Regulation would apply. All Board members would be eligible to vote.

D. Hill was not happy with the process, remembering that the Board had originally recommended the proponent seek approvals from the Conservation Commission before addressing the Planning Board. M. Cooney asked how much of the conservation issue was created from lots on Fairview Park Road. Atty. Donahue said the issues did not pertain to the Fairview Park Road lots. He said one of the issues involved was the change on the definitive plan from a single entrance to a double barreled entrance off Whittemore Road which increased the wetlands impact. He noted that the intersection remained the same as on the subdivision plan for a distance of eighty feet from the roadway. Therefore he felt that type of change should not be represented as a significant change to the approved layout of the subdivision. He was not trying to avoid the public process. He explained the applicant was asking if the amendments were acceptable to the Board so they could propose them to the Conservation Commission and then come back to the Board with "the 81-W." If the Board was not in favor of the changes, the applicant would proceed to the approved double barreled entrance plan. He agreed the double barreled entrance change would require an 81-W. Gibson-Quigley asked for recommendations on the plans from Conservation Commissioners in attendance. Dave Mitchell, the Commission's Vice Chairperson, stated members were not present to vote "yea or nay" on the plan, but wanted the Board's feelings on the global issues. S. Gibson-Quigley asked where the plan came from in relationship to the proponent's discussion with the Commission. Nancy Ryder, Conservation Commission agent, commented that the original plan, as presented to the Commission, did not meet the requirements (Wetlands Protection Act or local bylaws) and a motion had been made that the project would not be approved as presented. The proponent then brought a revised plan to the Commission who discussed the general concept, but no details had been received. S. Gibson-Quigley reminded the Board that a condition of the Decision was that the plan meet the Commission's approval. Atty. Donahue asked to meet with the DPW and Town Planner to review the technical issues of these modifications. If the Board then determined the modifications required an 81-W hearing, Atty. Donahue agreed to follow that process. S. Gibson-Quigley asked L. Adams if it he would meet with the DPW Director to discuss these issues. He asked that representatives from Conservation Commission be present for the discussion. He would send a joint memorandum to the Board with the agreements. S. Gibson-Quigley agreed to Atty. Donahue's request that the proponent be a part of the discussion.

Ed Goodwin, Orchard Road (Conservation Commission member) commented that he felt there was too much development for the lot. He added that the primary reason for not accepting the project as presented was the through road across the wetlands. S. Gibson-Quigley recognized this and would look toward L. Adams, G. Morse, a Conservation Commission representative and the proponent for one or two alternatives.

## **OPEN SPACE PLAN – REVIEW AND DISCUSSIONS – OPEN SPACE COMMITTEE**

Carol Goodwin, Chair of the Open Space Committee was present and introduced the Committee's members – Chip Silvestri, Lynn Sardi, P. Norris, Mary Blanchard and Lisa Gilpin. C. Goodwin felt the Committee had a great Open Space Plan and asked that the Board review it and work with the Committee in preserving large tracts of land, vistas, streams and the joining of corridors. She recognized the Board's busy schedule, but hope it could find time to meet for a workshop with the Committee.

S. Gibson-Quigley invited the Committee to join in the Open Space Community Planning workshops with the Quinebaug Shetucket – Green Valley Institute which was scheduled to begin in December. She noted that D. Yaskulka could act as a liaison and forward the workshop dates to the Committee since he was initiating the meetings. She noted developers had set aside open space in subdivisions recently approved by the Board. She found that this was a difficult concept to deal with regarding its ownership. C. Goodwin recognized the problem and added that developers tended to set aside the wetlands which were not usable as contributions to open space. She suggested the Committee help the Board by researching how other towns addressed open space within subdivisions. S. Gibson-Quigley invited the Commission to be a part of the open space discussions with subdivision projects in the future.

L. Adams' intent for the Open Space workshops was to bring the Board and others up to speed with those boards that already understand open space issues. He said it was also important to network with the other boards and individuals so that when subdivisions were presented, the Board could invite them to join in the discussion. In the future he hoped to be able to begin mapping the corridors – trails, ridgelines, valleys and waterways as it would help decide the value of the open space. He announced the workshop sessions would be held on the Board's second Tuesday of the month meetings from 8:00 PM to 9:00 PM.

M. Cooney welcomed anyone interested to attend the Community Preservation Act Committee meetings (2<sup>nd</sup> & 4<sup>th</sup> Mondays) and offer their input.

N. Ryder offered the help of the Conservation Commission in identifying the original "concept" areas of the Open Space Plan. The Commission would help at future meetings to address issues of easements, ownership of land within a subdivision and dual ownership.

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

Copper Stallion – L. Adams told Attorney Hammond that the project would require a formal Site Plan Review if there was an increase in the intensity of use. Other issues of concern were - the building's integrity, code issues, crowding, means of egress, smoke detectors, emergency access. Atty. Hammond would inquire as to the proponent's next step.

Pioneer Oil – In a memorandum dated 10-21-03, L. Adams outlined Town Counsel's three issues which the Board should not find binding when making its decision.

- Was the Board comfortable with the mix of wholesale sales to other oil companies and directly to Pioneer Oil

- Was it important to the Board that there may be interlocking ownerships between Brunell Energy LLC and Pioneer Oil
- Was there a deficiency in the language of the bylaw

S. Gibson-Quigley looked to the Board for direction regarding Site Plan Review of this project. She felt the intent of the bylaw was to encourage industry and an economic mix, as opposed to a mall. L. Adams offered that the intent of the bylaw was to try to diminish retail sale and to provide opportunities for companies with distribution interests.

**Motion:** to direct Pioneer Oil to apply for Site Plan Review since the Board had determination that the proposed use was a wholesale trade and allowed under the Industrial Zone, by D. Yaskulka

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

**Discussion:** None

**Vote:** In favor – M. Beaudry, D. Hill, S. Gibson-Quigley, M. Cooney and D. Yaskulka  
Abstain – M. Raphaelson

L. Adams would instruct Attorney Leader that he could reinstate Site Plan Review with Pioneer Oil.

Draper Woods – L. Adams referenced a letter dated 10-20-03 from Kevin Rabbitt, asking concurrence from the Board to use lot #6 for a model home. L. Adams noted that discussion with DPW and the Fire Chief provided that each phase of the subdivision was to be free standing with infrastructure in place. He asked if the Board agreed, requiring infrastructure (water, sewer, roadway and turn around) for a model home to be used for the purpose of marketing. There would be no human habitation. It was Greg Morse and L. Adams' opinion that the infrastructure should be in place before any lot was released for construction.

In his letter, Kevin Rabbitt suggested he could access the lot from Brookfield Road, as an ANR lot. He said his request was consistent with model homes authorized by the Board for The Allen Homestead and The Preserve. L. Adams was opposed to an ANR lot since the lot was approved as part of a six-year subdivision. S. Gibson-Quigley remembered that the approval for the two previous model homes came when the bonds were being release which would indicate that the infrastructure had been in place. M. Cooney recalled the Board requiring infrastructure and felt it was a safety issue. L. Adams read condition #4 of the approval which required infrastructure prior to the release of lots. He felt the Board needed to determine if the lot release was for sale and occupancy by an owner or for construction. S. Gibson-Quigley felt the Board needed to take the responsibility that the release of lots was for construction.

**Motion:** to deny the request to release lot #6 prior to infrastructure, by M. Cooney

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

**Discussion:** None

**Vote:** All in favor

Massage Therapist – L. Adams had not heard from the applicant regarding an application to the Architectural Access Board.

Tea Room – L. Adams informed the Board that the Wettelands had moved their commercial kitchen with the consent of the Board of Health in L. Adams' absence from 91 Cedar Street to their Tea Room garage at 428 Main Street. During Site Plan Review (09-09-03) Marie Wetteland stated there would not be a commercial kitchen at the Tea Room and the Board had based its decision, in part, on that understanding. L. Adams asked that the Board find a short term interim solution to help protect the Wetteland's investment while respecting the Site Plan Review process.

S. Gibson-Quigley asked if adding the commercial kitchen increased the use of commercial space. L. Adams stated that the garage was part of the approved square footage for the Tea Room. He added that M. Wetteland needed to define what the commercial kitchen meant in terms of the intensity of the site use. The Board had concerns with the requests for changes to the site so soon after approving the Site Plan.

M. Wetteland presented the following explanations:

- found that preparing food at the Cedar Street location and distributing it the Micknuch's would not work for her, especially during the winter months;
- had hoped to use the additional space eventually, but was approached by the massage therapist after the scheduling of Site Plan Review;
- had been told by the Board of Health a permit was not necessary to move the commercial kitchen as long as the garage was firewalled;
- had spoken with Ron Woolhouse who approved since this was the same commercial kitchen used at 91 Cedar Street.

She also noted that she would be residing at this location utilizing only one parking space and hoped to conduct children's etiquette classes on weekend mornings. With the Board's approval, she would like to have a chef serve dinners on Saturday evenings.

M. Cooney felt the Board needed to adhere to its previous decision on this project. L. Adams felt there were two issues – should the Board allow the commercial kitchen at 428 Main Street and could the project and could M. Wetteland get into compliance with Site Plan Review. He suggested allowing her to install the commercial kitchen for her wholesale uses (Micknuck's) and then to redefine the Tea Room use (Saturday night dinners, etiquette classes) through Site Plan Review.

S. Gibson-Quigley commented that this was a confining lot and parking was a problem. D. Yaskulka concurred stating that the Town's interests, in this case the parking, must be protected. S. Gibson-Quigley cautioned M. Wetteland that expansion and changes must be addressed through the Planning Board.

**Motion:** to allow a short term approval to include the wholesale operation for the commercial kitchen and schedule a Site Plan Review for November 18, 2003 to redefine the use of the Tea Room, by M. Raphaelson

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

**Discussion:** L. Adams offered to work with Greg Morse to recalculate the parking. S. Gibson-Quigley noted that it was the Board's responsibility to follow through with its regulations.

**Vote:** In favor – M. Beaudry, D. Hill, S. Gibson-Quigley, M. Raphaelson and D. Yaskulka  
Abstain – M. Cooney.

M. Cooney commented that she wanted to see the business succeed, but felt the previous owner of the property had not received the latitude given M. Wetteland. S. Gibson-Quigley agreed expressing the Board's discomfort in this decision.

Park Place – L. Adams had notified the applicant that the submission was deficient. He felt there were other issues with this project. S. Gibson-Quigley noted the Board's concern with the blasting and asked Charles Blanchard to comment. C. Blanchard stated that a previous ruling on a similar situation had determined that Building Inspectors do not rule on site work and that a certain amount of material must be moved before it was an issue for the Selectmen. L. Adams said the blasting came under the Site Plan Review bylaw that no work shall be done without Site Plan Approval. Therefore, it was a zoning enforcement issue. S. Gibson-Quigley requested the applicant be asked to rename the project as there were other projects already using that name.

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

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

**Discussion:** None

**Vote:** All in favor

**Adjournment at 9:00 PM**