

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, January 6, 2004

Present: Mike Beaudry
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. The minutes for December 2, 2003, were reviewed. S. Gibson-Quigley acknowledged Marge Cooney's resignation letter dated December 4, 2003. She commented that the Board had been fortunate to have M. Cooney's services as she was a dedicated volunteer with sound judgment and analytical skills. M. Cooney also served the Board very well as its' clerk. On behalf of the Board, S. Gibson-Quigley thanked M. Cooney for her contributions.

Any individual interested in filling this position should apply to James Malloy, Town Administrator.

Motion: to accept the minutes of December 2, 2003, as presented, by M. Beaudry
2nd: T. Kenney
Discussion: None
Vote: In favor – T. Kenney, M. Beaudry, S. Gibson-Quigley and D. Yaskulka
Abstain – D. Hill and M. Raphaelson

ANR's

L. Giguere – South Shore Drive – Santora P.E. – Reconfiguration - The locus had been added to this plan –
Approved 0

F. Lavergne – New Boston Road – Para Engineering – Frederick Lavergne presented the revised plan which
showed the lots as three separate stand alone lots – Approved 2

OF PARCELS CREATED 2

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

Since the Zoning Board of Appeals had not rendered a decision on Green Mountain Realty Corp.'s application for a special permit the Board agreed to continue the public hearing.

Motion: to continue the Nextel Communications Tower Site Plan Review public hearing to January 27,
2004 at 8:00 PM, by T. Kenney
2nd: M. Beaudry
Discussion: None
Vote: All in favor

PUBLIC HEARING CONTINUATION – STURBRIDGE TEA ROOM – SITE PLAN REVIEW
428 Main Street, Mrs. Marie Wetteland – Additional Uses – Green Hill Engineering; Mark Farrell

Mark Farrell presented the site plan and Marie Wetteland submitted photographs providing more details of the Tea Room. M. Farrell reviewed the existing and proposed details – three additional parking spaces (presently graveled over and grading.

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

- Priscilla Adams, 10 Snell Street – noted the lights in the parking lot shone into her den and requested that they be lowed; would like three 8-foot sections of fencing added along the right of way.
- Bruce Richardson, 9 Snell Street - concerned with snow storage dumped on his property.

Since the Board did not have jurisdiction regarding this issue, S. Gibson-Quigley suggested B. Richardson address the problem with M. Wetteland and if it was not resolved, contact the police.

- Beverly Sullivan, 426 Main Street – concerned with cars parking on her property.

S. Gibson-Quigley explained that the Board had approved a parking plan and it was the owner's responsibility to enforce this plan. She also noted that the Board could review the plan after a year and require another parking plan if there were problems. Though the plan met the parking requirements, she felt that perhaps it was not adequate for the site. M. Beaudry was concerned with the infractions that were occurring before a site plan permit had been issue. L. Adams stated that the Board could request additional parking, if necessary upon review, and that neighbors should protect their property rights by posting "No Parking" signs and towing violators. M. Farrell agreed that the burden of parking enforcement fell upon M. Wetteland.

- Gaye MacFerson, 489 Main Street – spoke highly of the Wetteland's and would like to see neighbors help each other out in this situation.

L. Adams circulated a draft decision to the Board and M. Farrell clarified the following two issues:

- 1) the potential drainage problem onto Snell Street, Item #2 – At L. Adams' requested, Greg Morse, DPW Director has requested there be no drainage onto Snell Street
- 2) no tractor trailer truck deliveries, Item #11 – the Board deferred to M. Farrell for an engineering decision to determine if there should be restrictions regarding trailer trucks at this property (ex. size of largest truck that could negotiate the curves, no trucks stopping on Route 20 or entering and exiting from Route 20.) The proponent was challenging this condition. M. Beaudry remembered the Board stating at a previous meeting that no trailer truck deliveries should be allowed at this location. The Board was in agreement that trucks larger than UPS/Fed Ex box trucks could not make the Snell Street turn. After referring to the draft decision for the previous Sturbridge Candy Site Plan, L. Adams stated that it prohibited any trailer trucks. M. Farrell had used a design template on the plan and found that the larger tractor trailer trucks were a tight fit.

T. Kenney referenced Eric Gray's January 4, 2004 letter regarding the draft copy of the Notice of Decision, Item #17 requesting the deletion of "take out orders". He recalled that facts relating to this discussion did not allow for deliveries or the mechanism for creating these products to occur at this location. The commercial kitchen was for the Tea Room only. S. Gibson-Quigley added that this was a thirty seat restaurant with a commercial kitchen and a drive thru was not allowed due to zoning regulations.

Motion: to close the public hearing, by T. Kenney
2nd: D. Yaskulka
Discussion: None
Vote: All in favor

S. Gibson-Quigley read the draft Notice of Decision, dated January 7, 2004, for Wetteland's Tea Room. It was noted by D. Hill that the date of January 6, 2004 should be used when referencing the submitted plan and a clerical correction was made to Item #7. S. Gibson-Quigley asked if the decision should make mention of the lighting. L. Adams recommended requesting that the light be shielded as much as practical to both light the parking lot as well as to prevent spill onto abutting properties. The Board felt such a request should be left out of the decision, as should the fence issue. It considered these neighbor problems, but would include them in a yearly review of the project.

Motion: to approve the Site Plan for the construction of the Wetteland's Tea Room at 428 Main Street with the conditions as stated in the draft, by D. Hill

2nd: D. Yaskulka

Discussion: T. Kenney felt that material information was incorrect or missing from this Site Plan Review (ex. disturbed with the continuous changes in the facts, the number of employees denoted and patrons that exist at any on time inside the site, the truck deliveries and the commercial kitchen and the type of operation that it was conducting) and that an approval was premature.

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

PUBLIC HEARING – MOTOR BRANDS USA – SITE PLAN REVIEW

598 Main Street, Michael Malaise

S. Gibson-Quigley opened the public hearing and read the legal notice. Michael Malaise was present to address the Board's concerns regarding site plan review for Motor Brands USA. He had submitted a formal plan showing the number of spaces (5-6 spaces shown) and their location. L. Adams had visited the site and was satisfied with the consistency of the submittal. It was his opinion there was adequate parking for a retail use (the first floor gross area measured 360 square feet.) Therefore, it would definitely satisfy a wholesale use.

The second floor would be used as office and private space of the owners and not for public access or residential use. S. Gibson-Quigley raised the question of the use of the common driveway. She referenced a letter addressed to Gordon Giller from M. Malaise describing his proposed business, Motor Brands USA and asking for G. Giller's permission to use the common driveway from Church Street to access his parking area. S. Gibson-Quigley had a written statement dated 11-19-03 from G. Giller allowing M. Malaise to use the driveway to enter and exit the parking area for 598 Main Street.

S. Gibson-Quigley asked if there was anyone wishing to speak for or against the project. There was none.

Motion: to close the public hearing, by M. Beaudry

2nd: T. Kenney

Discussion: None

Vote: All in favor

S. Gibson-Quigley read the draft Notice of Decision, dated January 7, 2004, for Motor Brands USA.

Motion: to approve the Site Plan for the construction of Motor Brands USA at 598 Main Street with the conditions as amended in the draft, by M. Beaudry

2nd: T. Kenney

Discussion: L. Adams asked if M. Malaise concurred that the business name on the Decision, for filing purposes, should read Motor Brands USA. M. Malaise agreed that it should.

Vote: All in favor

PLANNER'S UPDATE/DISCUSSION

Route 20 Study Committee Progress – Bill Coyle, formerly of MassHighway, agreed to help define some policy issues for the corridor. L. Adams will work with him to develop a scope of work to present to the Committee for its approval. The Committee will also look at various development options from no build to full build. The Route 20 Survey presently on the Town’s website will be closing in February and the results shall be posted in its place. Malloy Memorandum – Site Plan Review – It was J. Malloy’s opinion that there were zoning issues that could be addressed through a zoning amendment. L. Adams asked the Board to review the memo for discussion at its January 27th meeting. S. Gibson-Quigley commented that she was unclear as to the process that had occurred with the Copper Stallion and Donald Garfield’s inquiry to Site Plan Review and the involvement with the Selectmen and the issuance of a liquor license. She did not understand how a liquor license determined whether or not Site Plan Review was necessary. It was her opinion that in reading Site Plan Review, D. Garfield should be required to present his project to the Board. She also noted that, to her knowledge, there was no existing site plan for the site and felt that was reason enough to request a Site Plan Review for the Copper Stallion. M. Beaudry recalled that from D. Garfield’s discussion with the Board, he would be filing either a Site Plan Review Application or a Site Plan Review Waiver.

L. Adams felt the question of whether or not the increase in the intensity of use in the interior should trigger Site Plan Review. Because there was no existing site plan (ex. seating plan), S. Gibson-Quigley stated the Board could not determine if there was an intensity of use. She did not feel the Board had created a hardship for anyone.

Open Space Workshop Schedule - L. Adams stated that these workshops would be initiated on February 10th at 7:00 PM – “Landscaped Based Strategies for Protection of Habitat” will be the first topic conducted by Scott Jackson and Attorney Bob Levite. The following three sessions would be held on the second Tuesday of the month. L. Adams will be asking various boards and committees to host these sessions.

Also, L. Adams will be working with undergraduate landscape design students from UMass on open space issues in Sturbridge, as part of a spring studio project.

Digitization of Assessors Maps and Web Accessibility – The Selectmen have signed a contract to have the Assessor’s map digitized. Some of this information will be available for the Town’s website possibly by April.

Winter Planning Board Workshop – L. Adams had distributed copies of “The Zoning Act,” “Subdivision Control”, “ANR Handbook” and some legislative issues to the Board. He hoped to conduct a workshop for discussion on these materials.

Building Inspector/Zoning Enforcement Officer Update – This position had been posted again, as no selection had been made. Mark Lev had agreed to work part time for the next two months as Building Inspector/Zoning Enforcement Officer.

8:51 PM – D. Hill stepped off the Board

Farquhar Road – Subdivision Review February 3, 2004 – L. Adams noted that this application had not yet been filed.

Bed Rock Café – Site Plan Review February 24, 2004 – L. Adams commented he advised Trifone Design that parking requirements should be based on the building design and not for the proposed use. The Building Inspector concurred. L. Adams added that the ledge needed to be included as impervious surface since it was part of a percolation system.

Annual Report – due January 23, 2004 – L. Adams would develop a draft for the Chair’s review and amendment. He would have that prepared and submitted to the Town Administrator before the Board’s next meeting.

Lloyd Letter re: Fairview Park Road Drainage – In response to this letter, L. Adams had drafted a letter to Waterman Design Associates, Inc., stating that there was a common interest here since the Whittemore Woods Subdivision drainage would tie into this easement. S. Gibson-Quigley recognized:

- Eileen Lloyd, 78 Fairview Park Road.

9:05 PM – T. Kenney asked permission from the Chair to be recused and stepped off the Board.

E. Lloyd read her letter dated 12-29-03 in which she discussed the failure of a berm resulting in damage to both the front and back lawn of her property. She noted this was the second time the drainage easement located at 82

Fairview Park Road and owned by Judson Building Company/Thom Kenney had failed. She was requesting Town involvement.

- T. Kenney explained how the easement had failed and that it was not clear who was responsible for maintaining the system. He was also concerned with the Whittemore Woods Subdivision tying into an already failing system.

S. Gibson-Quigley commented that since the drainage easement was part of an ANR lot, the Board had not been involved with its design. It was T. Kenney's opinion that because the Board had approved the Whittemore Woods Subdivision having a plan design with a drainage easement emptying into this ANR easement, this made it an interest of the Town. S. Gibson-Quigley noted that the state law required the Board to consider lot size and frontage only when approving an ANR lot, drainage easements were not part of the submittal. She recognized this was a problem and would like to see the laws changed, but at present, that the Board had no jurisdiction. T. Kenney suggested that when easements of drainage were part of an ANR lot, the Board should have the purview to make it a condition that these easements be approved by the DPW. L. Adams made the clarification that ANR plans were reviewed for two criteria – frontage and practical access. The Board discussed ways that it could review future subdivisions as they relate to the affects of drainage in the surrounding areas.

Motion: to adjourn, by M. Raphaelson
2nd: D. Yaskulka
Discussion: None
Vote: All in favor

Adjournment at 9:25 PM