

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, March 24, 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, noted the meeting was in lieu of the March 16th meeting that was cancelled due to snow conditions and read the agenda. Due to video failure, L. Adams will prepare draft minutes for the Board to review and accept at its April 6th meeting. S. Gibson-Quigley asked for volunteers to serve as Representative to the Community Preservation Act Committee and Central Massachusetts Regional Planning Commission Delegate. There were none at this time.

ANR's (signed outside of a Planning Board Meeting)

Marin Realty – McGilpin Road – Messier and Assoc. – Reconfiguration – Approved 0

Lavergne – New Boston Road – Para Land Survey – Approved 3

Jaredot, Inc. – Old Hamilton Road – Land Planning, Inc. – Approved 3

OF PARCELS CREATED 6

LOT RELEASE REQUEST – Hunter Ridge Covenant; Attorney Edmund Neal

Since the Town had accepted Hunter Ridge roadways, Sidney Road and Mildred Circles (located off Allen Road), L. Adams explained that the covenant needed to be satisfied at the Worcester District Registry of Deeds and the Board would be asked to execute the release of the covenant. Atty. Neal would be present later in the meeting.

The Preserve – Cut and Fill on Phase Three Location

Charles MacGregor reviewed the progress of the project and requested approval to stockpile the cuts and fills in the Phase Three area, as well as blasting for that area. A memo from the Conservation Commission dated March 24, 2004, supported this action. L. Adams asked that the conditions, A – J relating to blasting in the original decision, be adhered to.

Motion: to allow the implementation of Phase Three grading and site work at the same time as Phase Two for The Preserve, by M. Beaudry

2nd: D. Yaskulka

Discussion: None

Vote: All in favor

PUBLIC HEARING CONTINUATION - BRUNELL ENERGY - SITE PLAN REVIEW

S. Gibson-Quigley acknowledged a request by Brunell Energy for a continuation until after the 2004 Annual Town Meeting to await the vote on a proposed zoning amendment to add to Use Regulations – Industrial Park District (IP), Section 10.01 Permitted Uses the insertion of the following “(m) Retail and wholesale fuel oil distribution and off site heating service, oil storage and associated office and garage space for motor vehicles of the fuel oil operation.” Since D. Yaskulka had missed a session of this public hearing, S. Gibson-Quigley suggested that the applicant consider withdrawing without prejudice and resubmitting the project in order to have the benefits of a full Board. L. Adams would inform the applicant of this option.

Motion: to continue the public hearing for Brunell Energy until May 4, 2004 at 7:15 PM, by T. Kenney
2nd: M. Beaudry
Discussion: None
Vote: All in favor

PLANNER’S UPDATE/DISCUSSIONS/APPROVALS

Forest Lane Access – Opacum Land Trust “THE WALK” - Carol Childress, Executive Director of Opacum Land Trust requested permission for an interim access for pedestrians via Forest Lane to The Preserve’s open space parcel. The request was to accommodate Quinebaug-Shetucket National Heritage Corridor’s Walking Weekend scheduled for June 6th. Greg Morse, DPW Director was agreeable to this access, as was L. Adams. S. Gibson-Quigley suggested that the residents be notified of this event.

S. Gibson-Quigley recognized -

- David Aho, Beach Avenue – stated the public, in the past, had accessed the above property from Forest Lane for mountain biking and hiking and that this practice was not unusual.

T. Kenney felt the Board should address this request through the process of a public hearing or a written affirmation from the Forest Lane residents given the position the Board took during the project’s original discussions. D. Yaskulka felt the Board should support the request as a way of promoting developer’s contribution of open space within subdivisions. Other Board members shared T. Kenney’s concern and at the suggestion of M. Beaudry, L. Adams offered to ask Forest Lane residents, via mail, whether or not they supported this request. The Board would continue discussion at its April 6th meeting.

Route 20 Study – Scope of Work Approval – L. Adams asked that the Board review the scope prepared by Bill Coyle, Coyle Engineering, and approved by the Route 20 Study Committee. He requested that S. Gibson-Quigley be allowed to sign the document which had been endorsed by Town Administrator and Town Accountant. The scope, funded by contributions, would not exceed \$15,000, at this time. It would provide general engineering drawings and lead to policy decisions from the Board of Selectmen on how traffic could be controlled in the area. All decisions must be approved by MassHighway, who had agreed to work with both the Committee and Coyle Engineering on these long term policies.

Motion: to accept the Route 20 Study scope of services and allow the Chair to endorse the document, by M. Beaudry
2nd: D. Hill
Discussion: None

Vote: All in favor

S. Gibson-Quigley endorsed copies of the scope for both the Town and Coyle Engineering.

Open Space Workshops – The next workshop was scheduled for Tuesday, April 13th, entitled "Planning for Our Future the “Smart” Way: Smart Growth and Our Town" followed by the fourth workshop on May 11th, entitled “Development Alternatives that Conserve Open Space.”

Digitization of Assessor’s Maps – L. Adams had received test sets of digitized Assessor’s maps, as well as parcel line shapefiles which could be overlaid onto aerial or other base maps. He noted that the same treatment had been done to the Zoning Map and he would be meeting with the engineers regarding this work.

The Estates at Sturbridge Farms – Farquhar Road – Subdivision – Schedule for May 4th.

W.S. Development – New Construction & Curb Consolidation at Hobbs Brook – L. Adams has insisted that the developer previously committed to meet with the Board regarding the consolidation of the proposed movie theatre curbing. He had notified the Building Inspector that though this was not a condition in the written decision, it was a verbal agreement between the developer and the Board. The proposed construction would be for the third building next to Marshall’s with tentative contracts with I Party and Pier 1 and an additional 9,000 square foot building next to Staple’s. L. Adams noted that this proposed construction fell under the original Site Plan Review for the project. It was the consensus of the Board that L. Adams pursue the improvement of the curb consolidation as the present design provided for a poor flow of traffic.

Grudzien Rezoning Request: Cell Tower Overlay – This request would provide for an additional wireless communication overlay at 297 Clark Road. An additional request had been submitted which would remove a wireless communication overlay location. Both issues would be open for discussion at the public hearing scheduled for the Board’s April 6th meeting.

MIIA Training Rescheduled – Due to a conflict with the Zoning Amendment public hearings, L. Adams would be rescheduling the date for the MIIA training program, a requirement for the Town to qualify for a discounted insurance premium.

Whittemore Woods – Request for Subdivision Endorsement – L. Adams believed that the submittal would satisfy the requirement of adding all the conditions and revisions to the plans that the Board had previously approved. S. Gibson-Quigley stated that this endorsement did not provide for the issuance of building permits. L. Adams noted that endorsement would allow the developer to file the subdivision with Worcester District Registry of Deeds.

Issues unrelated to the endorsement – Conservation Commission (ConCom) had not approved Wood Road, the thru road and the developer’s (Swiacki) request for a two year extension. The Board had concerns that since ConCom had not approved Woods Road, it was an implied disapproval. L. Adams concurred and had asked for Town Counsel’s opinion regarding the seeming disapproval of one part of the subdivision, in this case Woods Road.

Windgate Comprehensive Permit abutting Autumn Ridge – L. Adams said that the Zoning Board of Appeals would be seeking comments from the Planning Board regarding the proposed 60 to 70 unit project, 20% of the units would be low/moderate income housing with a mixture of high rise condominiums and duplex units, and that it was presently before ConCom. S. Gibson-Quigley questioned the developer seeking access through a driveway. L. Adams stated that was one of the reasons the application was coming under the 40B process.

Fiske Hill – Route 131 proposed subdivision – L. Adams had reviewed plan for approximately 150 units on Route 131/Fiske Hill under a special permit for the Zoning Bylaw – Multiple Dwellings. Since the frontage on Route 131 was in the Commercial District he would request that it support the residential use.

446 Main Street (proposed Chinese Restaurant) – An application for a foundation permit had been filed with Jeff Bonja, Building Inspector. J. Bonja and L. Adams agreed that building plans should accompany such an application. L. Adams commented that Site Plan Approval for this property was now over two years old and had expired. The Board felt this location would be a good area for a Town parking lot.

LOT RELEASE REQUEST – Hunter Ridge Covenant; Atty. Edmund Neal (cont.)

S. Gibson-Quigley recognized Atty. Neal, representative for CMG Development Corp., who requested the release of the Hunter Ridge Covenant. He reviewed that approximately two years ago the Town accepted Mildred Circle and Sidney Road as town roadways. Paragraph nine of the Hunter Ridge Covenant indicated that upon completion of the project the release should be executed by the Planning Board. S. Gibson-Quigley asked if L. Adams had any reasons for not releasing the covenant. He had none.

Motion: to release the Hunter Ridge Covenant to CMG Development Corp., by M. Raphaelson
2nd: M. Beaudry
Discussion: None
Vote: All in favor

The Board executed the release and Atty. Neal notarized the document.

PUBLIC HEARING CONTINUATION – BEDROCK PLACE - SITE PLAN REVIEW

S. Gibson-Quigley continued the public hearing at 8:15 PM. L. Adams reviewed the outstanding issues as noted in a memorandum dated 03-01-04 to Bertin Engineering. He added that the Board had been issued revised plans.

Mike Loin, Bertin Engineering, was present to respond to the above memorandum as follows:

- Internal space allocation – entire square footage of building was approximately 6,000 square feet, if it were all retail space and had six employees, 38 spaces would be required. The Board agreed to remove parking spaces labeled 37 and 38;
- One-way entrance width increased to 16 feet – Fire Chief felt 14 feet was adequate for fire equipment; back section would be widened to 16 feet;
- Width of drive out of school reduced to indicate not a two-way corridor – this would create a driving hazard and would be better addressed with “Exit Only – Do Not Enter” signs;
- Add sidewalks to front parking row – sidewalks would not be used (S. Gibson-Quigley concurred), this could not be done due to setback requirements;
- State approval of a public well/Easements – This issue was addressed with Greg Morse, DPW Director and Town water would be supplied to the site. Easements from abutters would provide access for maintenance to the waterline. The project would provide for a waterline that would cross Route 20, as well as the gas line and along the frontage of the site to a hydrant at the Entrance Only location. Stubs would be left at each end completing two thirds of a Town waterline which G. Morse felt was a significant investment for the Town;
- Would sprinklers be required by the Building Inspector for the school or restaurant – The building size was under the requirement for sprinkler system according to Massachusetts Building Code. Early warning detection systems would be stalled according to code;
- Board of Health memo regarding the grease trap – The grease trap storage tank was relocated to the Board of Health’s satisfaction;
- Surface treatment area of outdoor playground – This would be grass;
- Level of Service (LOS) going from D to E – There would be an expected 15 second delay in the queue onsite;
- Number of outside seats for the restaurant and was it part of the parking calculations – There were proposed 14 interior seats and 10 outside seats and the plans compensated for 24 seats.

Issues of the Tree Warden were reflected onto the revised plan as follows:

- Playground area – Hedge Maple
- In place of Ginko – Allegheny service berry
- No Kousa Dogwood

Also noted:

- A six foot cedar board fence would run along the top of the ledge face in front of the trees as a protection barrier. This would also act as a sound barrier to the Galonek property.
- It was agreed that any change in use would trigger a reapplication for Site Plan Review.

S. Gibson-Quigley recognized -

- Atty. Neal, representative for William Galonek, an abutter – stated that W. Galonek's issues with the project had been addressed satisfactory through the development process.

There were no other comments or questions.

Motion: to close the public hearing, by M. Beaudry
2nd: D. Hill
Discussion: None
Vote: All in favor

L. Adams recommended that site work be allowed on the ledge; a foundation permit only, be allowed before the filing of the easement; no building permit allowed until the waterline easement had been filed with the Worcester District Registry of Deeds; due to the change in the footprint, ConCom requested that M. Loin contact its office and the Board requested ConCom's complete approval; any increase in restaurant seating shall result in reapplication of Site Plan Review; there was no approval for any type of drive thru, this would also require reapplication of Site Plan Review; the deleted parking spaces #37 and #38 and the sidewalk should be replaced with green space and one way and directional signage was required as presented at this meeting. The Board had no issues with these suggestions.

Motion: to approve Site Plan Review for Bedrock Place at 139 Main Street (Route 131) with the above conditions, by M. Beaudry
2nd: D. Hill
Discussion: M. Raphaelson commended the work done on this project
Vote: In favor – T. Kenney, M. Beaudry, D. Hill, S. Gibson-Quigley and M. Raphaelson
Abstain – D. Yaskulka

L. Adams asked that the Chair sign the Decision of the Board on this date for filing with the Town Clerk, March 25, 2004.

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

Adjournment at 8:50 PM