

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, September 14, 2004

Present Sandra Gibson-Quigley, Chair
Thomas Creamer
James Cunniff
Thomas Kenney
Milton Raphaelson
David Yaskulka

Absent: Debra Hill

Also present: Lawrence Adams, Town Planner

S. Gibson-Quigley called the meeting to order at 7:00 PM and read the agenda. The minutes of August 17, 2004 were reviewed.

Motion: to accept the minutes of August 17, 2004, as presented, by M. Raphaelson
2nd: T. Creamer
Discussion: None
Vote: All in favor

REORGANIZATION

S. Gibson-Quigley asked L. Adams to handle the nominations for reorganization of the Board. L. Adams opened nominations:

Motion: to nominate Sandra Gibson-Quigley for Chairman, by M. Raphaelson
S. Gibson-Quigley accepted. No other nominations were made. Nominations were closed.
Vote: All in favor

Motion: to nominate Thomas Kenney for Clerk, by M. Raphaelson
T. Kenney accepted. No other nominations were made. Nominations were closed.
Vote: All in favor

S. Gibson-Quigley then took over the duties of handling nominations.

Motion: to nominate Milton Raphaelson for Community Preservation Committee, by S. Gibson-Quigley
M. Raphaelson accepted. No other nominations were made. Nominations were closed.
Vote: All in favor

Central Massachusetts Regional Planning Commission Delegate responsibilities were reviewed and the function of the Commission was detailed –

- Quarterly meetings with an occasional special meeting;
- Commission provided 24 hours of technical assistance per year as part of the Town's subscription;
- Look at regional issues – e.g. Tri-Community transportation and alternative routes study, build-out study
- A new director will be appointed in place of the retiring director of twenty years, Mr. Bill Newton
- Lobby and promote legislation – e.g. zoning changes (state level) revisions to ANR
- Conduct local traffic counts

Motion: to nominate Thomas Creamer for Central Massachusetts Regional Planning Commission Delegate, by S. Gibson-Quigley

T. Creamer accepted. No other nominations were made. Nominations were closed.

Vote: All in favor

Motion: to nominate James Cunniff for Betterment Committee, by S. Gibson-Quigley

J. Cunniff accepted. No other nominations were made. Nominations were closed.

Vote: All in favor

S. Gibson-Quigley asked L. Adams to forward the names of the Betterment Committee Representative and Central Massachusetts Regional Planning Commission Delegate to the Board of Selectmen. She explained that the reorganization of the Board was usually done in May, but due to the lack of members it had been delayed until there was a full Board. She requested the Board formally adopt Robert's Rules of Orders as its operating procedures. She noted her request was prompted by an issue relative to a vote for reconsideration which occurred recently at a meeting of the Board of Selectmen.

Motion: to adopt Robert's Rules of Orders as the Board's standard operating procedures, by T. Kenney

2nd: M. Raphaelson

Discussion: None

Vote: All in favor

ANR's

Robert Moynagh – Podunk Road – Jalbert Engineering, Inc. – 1 lots – Approved 1

Helen Earls – Hall and Whittemore Road – Jalbert Engineering – DPW Director, Greg Morse had issues relative to drainage, the road, bounds and driveways. S. Gibson-Quigley commented that these issues did not pertain to the approval of the ANR, but should be followed up on before building permits were issued. L. Adams offered to forward G. Morse's concerns to the Building Inspector – 4 lots – Approved 4

One Picker Realty – 1 Picker Road – Bertin Engineering – L. Adams cautioned Michael Loin, of Bertin Engineering, that the Board required access on that portion of the road that provided frontage. The Board was endorsing the plan for the division of land only. It was not approving how the lot could be used. – 2 lots – Approved 2

Judson – McGilpin Road – Jalbert Engineering – reconfiguration - Approved 0

OF PARCELS CREATED 7

DRAPER WOODS – Request for lot releases: Mr. Kevin Rabbitt

Kevin Rabbitt, construction manager for the project, was present to ask for the Board's consideration of the Form J Release. K. Rabbitt explained that he had met with G. Morse to establish a hold on lots #5 and #6 and their value had been determined and would cover the bond. The following lots 1, 2R, 3R 4 and 7 – 14, inclusive would be released from the restrictions as to sale and building. K. Rabbitt stated the issues noted on G. Morse's memo dated 09-09-04, had been addressed. L. Adams concurred and noted the following lot values – Allen Homestead lot at \$105,000 and The Preserve lots at \$142,500. S. Gibson-Quigley noted that the remaining construction cost of Phase I (14 lots with a temporary turn around – Phase II through road to Clark Road) was \$109,000 and that the Board would be holding two lots to ensure monies sufficient to complete the project should it fail for any reason. S. Gibson-Quigley read the Release Form. T. Kenney asked if G. Morse used a formula to determine the value necessary for surety. L. Adams said benchmarks were used to set the surety amount.

Motion: to release the lots as stated on the Form J Release Form for Draper Woods, by M. Raphaelson
2nd: D. Yaskulka
Discussion: T. Kenney felt it would be helpful for the Board to know what the benchmarks were used so it could be sure that the amounts were applied uniformly for all projects.
Vote: All in favor

Four members of the Board endorsed the release form and M. Raphaelson notarized the signatures.

THE PRESERVE – Request for lot releases: Mr. Charlie MacGregor

Charlie MacGregor, Brendon Homes, was present to request the release of lots with respect to Phase II. He reviewed the work that had been completed to date and the calculations agreed upon with G. Morse. Presently the Board was holding four lots from Phase I, as well as the four lots for Phase II. L. Adams recommended that the Board hold the covenant release until the Conservation Commission definitively concurs that it would release the lots from Phase I, if the Board agreed to endorse the release. C. MacGregor had met with the Commission and stated it did not have issues with the request. He asked that L. Adams draft a letter for the Commission to sign regarding this issue. T. Creamer asked for clarification of the total lots to be released. L. Adams stated there were four lots, inclusive of those held jointly with the Commission: lots #34, #35, #70 and #71.

S. Gibson-Quigley asked C. MacGregor if the blasting issue and Mr. Moss's agreement for walls, fences and grading had been addressed. He felt they had been. She noted that the Board could only forward complaints relating to blasting to the appropriate people. The side agreements were not the purview of the Board, but she hoped they were being upheld. C. MacGregor would look into the matter. D. Yaskulka added that the open space provided by this project was a great resource to the Town.

Motion: to release the lots as requested for the Preserve, by J. Cunniff
2nd: D. Yaskulka
Discussion: T. Kenney asked if the Board had a memo from G. Morse giving his approval for the release of lots. L. Adams did not have such a memo, but told the Board G. Morse verbally stated he had no issues other than the completion of the sidewalk which had been done. T. Kenney asked that the Board receive written notification from G. Morse in the future.
Vote: All in favor

L. Adams noted a correction to the document – Lot #37, which should be held, had been included as part of the release by mistake, it was crossed out and initialed by C. MacGregor. He asked the Board to do the same. Members endorsed the release and M. Raphaelson notarized the signatures.

NEW BUSINESS

Massachusetts Electric Approved Street Lights – L. Adams stated the Board had two choices available for its decision of selected lighting – 1) 30 feet high monopole preferred by G. Morse since they were less apt to be hit and 2) 15 foot high colonial style preferred by developers and residents; with the recommendation of 100 watt lights at intersections and 50 watt lights along the roadways. It was agreed the Board would make a decision at its next meeting.

PUBLIC HEARING – LOAD CONTROLS – SITE PLAN REVIEW – TECHNOLOGY PARK ROAD Bertin Engineering

S. Gibson-Quigley opened the public hearing at 7:45 PM and T. Kenney read the legal notice.

Michael Loin, Bertin Engineering presented the plans for the proponents, WHM III. LLC. As follows –

- The site location proposed within the Industrial Park District on One Technology Park Road, a 2.61 acre parcel recently approved by the Board under the Approval Not Required process;
- The proposed building would be a 60 foot by 80 foot single story industrial building;
- Accessed by a 24 foot wide single entrance to an employee parking area and possibly a visitor parking area and loading area (not designed as a loading dock, but for single carriers, e.g. UPS, FedEx);
- Maximum building percent coverage – 4.2% and impervious surface percent coverage – 13.5%;
- Dumpster to be enclosed at the rear of the site;
- Entire construction area would be surrounded by a silt fence and hay bales and application has been made to the Conservation Commission; revision to the detention basin (size increase) shown on reduced plan;
- Landscaping area proposed around the front of the building, tree planting would be consistent with the area and the remaining area would be grassed;
- Security lighting on the building, no night lighting in parking area
- 2 foot by 4 foot sign (no illumination) located at the front of the site
- Utilities – private well, town sewer, electric above ground, above ground propane tank (not to be fenced) located by the dumpster, snow storage along the perimeter of the parking area
- Circulation patterns;
- Design Review Committee approved plans – details in minutes of August 24th previously submitted to the Board

Additional comments –

- L. Adams noted the plans had been reviewed by the Fire Chief, Leonard Senecal, who asked if there were combustibles in the manufacturing process, and if so sprinklers were required. Sprinklers were not shown on the plans;
- T. Creamer asked the location of the fire hydrant closest to the proposed building and what processing would take place within the building.

S. Gibson-Quigley recognized William McClurg, president of Load Controls who explained that his business had operated for the past 18 years in Sturbridge within the former Signwright building. (This building had been sold and then foreclosed on under its new ownership.) W. McClurg chose to seek a location of his own. He added that the business made small electronic components, integrated circuits, resistors, capacitors and put them on a circuit board, soldered them in place, tested them, packaged the product to sell to pharmaceutical and chemical customers. The business had nine employees and operated between the hours of 7:30 AM and 4:30 PM, five days per week, received occasional vendors, made shipments of small size via UPS and FedEx.

S. Gibson-Quigley took questions from the Board –

T. Kenney felt outside lighting was needed for employees during months when it would be dark at 4:30 PM – M. Loin agreed and suggested directing spotlights to the parking area; given the wetlands 100 foot buffer area wanted to be sure the Conservation Commission would be reviewing the plans – M. Loin assured him the proponent would be going before the Commission; and questioned why the building was design without a sprinkler system – M. Loin stated sprinkler systems were required for buildings 12,000 square feet and above and this building would measure less than one half that area, also the lack of accessibility to water since the Town water line ended at WalMart and that the business had operated for 18 years without sprinklers. Additionally, this was masonry structure which would have the required smoke alarms and personal safety devices per code. Board members felt a memorandum from the Fire Chief regarding the sprinkler system would help clarify this issue. M. Raphaelson asked if sprinklers could be installed given the private well. M. Loin said it could be done, but reiterated that it was not required by the state code.

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

- Dan Prouty, trustee of One Picker Trust – said there was not enough flow to run a sprinkler system from a well, felt this was a nice company for the location and relative to the lack of a sprinkler system made a comparison between the proposed building with its nine employees on the first floor and that of the Town Hall with its occupants for the evening on the second floor.

S. Gibson-Quigley felt comments from the Fire Chief (sprinklers) and Tree Warden (landscaping) were needed, recognized the Conservation Commission's agenda were "backed up" but the Board had a responsibility to hear the Commission's input. Since there was no time constraint, she felt it was important to follow the rules and regulations. Members agreed since the project was not delayed on its behalf.

Motion: to continue the public hearing for Load Controls to September 28th at 7:15 PM, by T. Kenney
2nd: T. Creamer
Discussion: None
Vote: All in favor

**ALLEN HOMESTEAD – Request for Time Extension; Louis W. Mountzoures
 Allen Homestead Development LLC; Sturbridge Homes LLC**

L. Adams stated he had reviewed the agreements on the project and could not determine the last time extension. He deferred to Michael Suprenant who was present and he stated that one year ago an updated schedule for the tri-party agreement had been submitted to the Board. S. Gibson-Quigley questioned whether or not an extension had been given beyond March 13, 2004. Members commented that there had been issues at the time from abutters and asked M. Suprenant if he had addressed them. The Board would research its records regarding the extension date and wanted a schedule of work submitted by M. Suprenant at its September 28th meeting. L. Adams stated that the project had been approved on March 13, 2001 with a two year time frame which had been increased one year putting the time deadline at March 13, 2004. The initial Lender's Agreement had a completion date of 10-24-03 which had also passed. He found no extension to that deadline in the Board's minutes, which placed the burden of proof on M. Suprenant for the extension. L. Adams noted that a contract of work scheduled should be necessary, the finished slopes on the plan needed to be approved, DPW and Conservation Commission still had issues on drainage, requested a map showing which lots had been sold and which were vacant and to revise the date of completion on the Lender's Agreement (held by Hometown Bank.) Members asked for an explanation of the sign entitled "Tall Pines" at what was known to be The Allen Homestead. M. Suprenant said it had been placed there by the current builder. T. Kenney noted this name was being used for advertising purposes, not The Allen Homestead. He wanted written agreements regarding the work to be done and documentation, a timeline and a clear future for the development.

M. Raphaelson stepped off the Board to represent the Sturbridge Coffee Roasters.

NEW BUSINESS

Inquiry – Site Plan Review – Sturbridge Coffee Roasters – M. Raphaelson introduced William Bolster III who appeared before the Board for an informational session for a business proposed as Sturbridge Coffee Roasters. The site would be located at the rear of the Painted Daisy, opposite Snell Street and the Wetland's Tea Room; and a change of use from the previous tenant. W. Bolster III was seeking a waiver of Site Plan Review.

W. Bolster III explained his intention was to roast and serve coffee, as well as serve pastries. He would have two employees and there would be take out services only. The site had twelve parking spaces which were shared by four other shops. T. Kenney felt that because the lot was not confined to the building structure there was room to add parking for the five facilities. The Board questioned how significant the impact of this business would be to the site. L. Adams stated that the intensity of use was not changing and it was an allowed use. If there were to be tables and chairs the Building Inspector and Board of Health would consider this a different class of use. However

the products sold would be consumed off premises. S. Gibson-Quigley felt Site Plan Review would not be necessary. J. Cunniff suggested there be no approval required with the stipulation that no tables and chairs be allowed inside or outside of the building. L. Adams offered to draft a memorandum to the Building Inspector stating the reasons why the Board felt Site Plan Review was not necessary for this project.

Motion: that Site Plan Review was not necessary for the Sturbridge Coffee Roasters in the proviso that there would be no seats or tables within or outside that served the establishment, by J. Cunniff

2nd: T. Kenney

Discussion: None

Vote: In favor – T. Kenney, T. Creamer, J. Cunniff and D. Yaskulks
Not Voting – M. Raphaelson

WINDGATE AT STURBRIDGE – Preliminary Review for Recommendations to the Zoning Board

M. Raphaelson stepped back onto the Board.

L. Adams reminded the Board that on September 28th it would be developing some recommendations, concerns or support for the Windgate project. The Zoning Board Chairman would be present that evening to provide factual information. He asked that members attend the Zoning Board meeting on the 29th. L. Adams explained the process under Chapter 40B for the review of Comprehensive Permits. As part of this process the applicant was allowed to request waivers from local bylaws. S. Gibson-Quigley asked if there were any waivers being sought relative to the review of the Planning Board. L. Adams noted there were – intensity of use, impervious surfaces, number of stories (three), reduced parking area than requirements per bedroom, no frontage and access would be through a right of way. S. Gibson-Quigley felt there were concerns – the height of the building, the parking, the turn around and the driveway entrance/egress for safety purposes. D. Yaskulka offered the suggestion of a shuttle within the project. J. Cunniff was concerned with the width of the driveway. T. Creamer noted the addition of the congestion from the Stageloft Theatre.

Request for Waiver – Site Plan Review – Dr. Robert J. Audet – L. Adams noted that Dr. Audet was not available to meet with the Board. L. Adams suggested the issue be tabled and added to a future meeting. He had provided the Board with the decisions filed by the Zoning Board regarding Dr. Audet's special permit.

PLANNER'S UPDATE

Reconsideration of the Whittemore Woods Extension – L. Adams had contacted Town Counsel to ask if the Board could entertain the request. Their response stated there was no reason not to and there was no prohibition against it in the regulations or state law. A public hearing would be required.

T. Kenney recused himself since he was an abutter to the project.

William Swiacki was present and stated that this was a new submittal for request of a one year extension to the completion deadline. He referenced a letter dated 06-08-04 which detailed the agreements that occurred between the DPW Director, Judson Building Company and Swiacki & Company to address the drainage issues related to the abutters. S. Gibson-Quigley clarified that this was a request for an extension for the entire submittal which was approved by the Planning Board. The Woods Road portion had been withdrawn from considerations by the Conservation Commission. W. Swiacki commented that the application was amended to cover just the Turner Lane portion when it became evident that the Commission was not going to approve the initial submitted application due to its concerns with the through road.

J. Cunniff noted that on July 13th the Board voted not to grant an extension and asked what had changed. W. Swiacki stated there had only been four members eligible to vote (2 for-2 against with two vacant seats and one

recusal) and now there would be a full Board. The Board had significant concerns with drainage repairs for the abutters. J. Cunniff noted that W. Swiacki had been aware only four members would be voting. The Board discussed the effect its decision would have for the abutters.

S. Gibson-Quigley recognized T. Kenney who had spoken as an abutter at the last public hearing on this issue and wanted to clarify his thoughts at that time – drainage easements, drainage problems and sloping issues had been left unfinished from previous ANR developments; if the extension was not granted how would that impact the repairs, easements and drainage; felt there were still open issues and felt that without an extension the opportunity would be lost to have benefits to the Town and the abutters. S. Gibson-Quigley felt T. Kenney's comments would be better taken up within the public hearing process.

W. Swiacki made many comments in support of his request to be heard again on this extension. He was in favor of abutters coming in to give their experiences.

Motion: to allow L. Adams to schedule the public hearing for October 5th, for an amendment to the approved subdivision plan for Whittemore Woods, by M. Raphaelson

2nd: T. Creamer

Discussion: None

Vote: In favor – T. Creamer, M. Raphaelson, J. Cunniff and D. Yaskulka
Recused – T. Kenney

Zoning Amendments at Annual Town Meeting – The Building Inspector would like to consider zoning amendments to provide for UHaul and car rentals; landscaping and contractor yards; the Conservation Commission was seeking an uplands bylaw; and the elderly bylaw referenced age 60 and over whereas the Federal Fair Housing Act used ages 55 and 62. Zoning should be consistent with Federal law.

Smart Growth and Open Space – L. Adams circulated handouts and suggested the Board begin discussions on open space conservation developments.

Training Program – available to Board members – See the Citizen Planner Training Collaborative schedule.

Web GIS – This site was removed due to data errors – consultants were correcting them.

Route 20 Study Committee – September 15th at 3:30 PM – all members were welcome. Discussions would be on choices for designs of a median from Route 84 to Route 49, landscaping, turn arounds, cobblestones, vertical curbing and traffic lights. The plan (available in the Planning Office) will be submitted to Board of Selectmen once solidified by the Committee.

Spring Hill Estates – Kent Pecoy will be asking for the release of his \$37,000 bond on September 28th – abutters were still experiencing drainage problems. L. Adams has requested written memorandums from Conservation Commission and the DPW Director identifying problems and remediation.

W.S. Weiner – L. Adams has asked for the curb consolidation plans discussed last spring. Trailers and vans have been parking overnight which is not allowed.

Open Space Board Discussion – requested by D. Yaskulka – The Board agreed to schedule this discussion for October 5th at 6:30 PM

Next meetings – September 28th and October 5th

Motion: to adjourn, by T. Kenney

2nd: M. Raphaelson

Discussion: None

Vote: All in Favor

Adjournment at 10:00 PM