

STURBRIDGE PLANNING BOARD

MINUTES OF

TUESDAY, September 28, 2004

Present Sandra Gibson-Quigley, Chair
Thomas Creamer
James Cunniff
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. She read the resignation letter of Debra Hill, dated September 21, 2004 from the Planning Board. S. Gibson-Quigley thanked D. Hill for her hard work and dedication to Sturbridge. S. Gibson-Quigley noted that the Board needed a new member and she hoped a female would apply to give the Board more balance. The minutes of September 14, 2004 were reviewed.

Motion: to accept the minutes of September 14, 2004, as presented, by J. Cunniff
2nd: M. Raphaelson
Discussion: None
Vote: All in favor

S. Gibson-Quigley noted a request made by N. Campbell, clerk for the Board to allow the Chair to sign a letter to the Secretary of the Commonwealth, Supervisor of Public Records authorizing the destruction of records included on the Retention Schedule for the Planning Board as follows:

22.10	Budget/Budget Estimates	Up through June 2003
22.14	Deposits to Treasurer	Up through June 2003

Motion: to authorize the Chair to sign a letter to the Secretary of the Commonwealth, Supervisor of Public Records authorizing the destruction of records as indicated, by M. Raphaelson
2nd: T. Creamer
Discussion: None
Vote: All in favor

ANR's

George, George & Cournoyer – 246 Fiske Hill Road – Para Land Surveying – L. Adams noted that the legal frontage for lot 1F was on Fiske Hill Road and did not have frontage on Route 20. The easement noted on this plan was for drainage – Approved 1

OF PARCELS CREATED

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NEW BUSINESS

Hobbs Brook – Curb Consolidation Plan Review - S.R. Weiner's letter, dated 09-15-04 – L. Adams had received the revised plan for the Hobbs Brook curb cut consolidation discussed by the Board at a site visit on April 17, 2004. He asked that the Board review the plan for its next meeting. S. Gibson-Quigley recalled the following recommendations - locate a stop sign at the intersection after the Chicago Bar and Grill (Uno's) and consolidate the curb cuts in front of Linens 'n Things. The plan did not show the request to remove the stop sign opposite Linens 'n

Things. L. Adams would make copies of the plan for the Board. S. Gibson-Quigley asked members to visit the site and offer their recommendations.

PUBLIC HEARING CONTINUATION – LOAD CONTROLS – SITE PLAN REVIEW – TECHNOLOGY PARK ROAD; Michael Loin, Bertin Engineering

S. Gibson-Quigley continued the public hearing at 7:15 PM and recognized Michael Loin who was present on behalf of the proponent, WHM III, LLC. M. Loin noted that the project address would be 53 Technology Park Road. He stated that the project would be going before the Conservation Commission (ConCom) on Thursday, September 30th for its review. ConCom proposed that the building be moved forward - M. Loin said the building could only be moved five feet and that everything was located out of the 50 foot wetlands area. Revised plans had been submitted to the Board on September 28, 2004 which reflected the addition of floodlighting as requested by the Board at its last public hearing and the relocation of an entrance sign. S. Gibson-Quigley referenced the following memorandums -

- Leonard E. Senecal, Fire Chief, dated 09-28-04 - had no problem with the building location and the building did not fall under the sprinkler codes due to its size and other requirements needed to enforce installation of such a system;
- Tom Chamberland, Tree Warden, dated 09-28-04 - noted the plan had been changed to save the large healthy trees within the 30 foot front setback and that the stone wall along the road line would be preserved; all other landscaping was acceptable;
- Greg Morse, DPW Director, dated 09-28-04 - had no issues with the site as designed, connection permits would need additional information at the time of application.

L. Adams requested that all construction be outside of the 100 foot buffer area and noted that the detention basin and a small portion of the concrete sidewalk were in the setback. He supported the design since this was not a significant impact, but recognized the intent of the bylaw was to preserve the green space. He recommended the Board look at revising, reviewing or reaffirming these regulations.

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. Raphaelson
2nd: D. Yaskulka
Discussion: None
Vote: All in favor

Motion: to approve Site Plan Review, as presented, for Load Controls, WHM III, LLC, 53 Technology Park Road with the condition that no construction shall commence until approval is granted by the Sturbridge Conservation Commission, that the Planning Board shall be notified of any alterations and there must be a certification of filing with the Worcester District Registry of Deeds and as-built plans, by J. Cunniff
2nd: T. Creamer
Discussion: None
Vote: All in favor

SPRING HILL ESTATES - Bond Release Request - Mr. Kent Pecoy

L. Adams stated the Board was holding a bond in the amount of approximately \$37,000 for Spring Hill Estates, a subdivision completed about one year ago. Significant runoff onto properties off Lake Road had occurred on this site. L. Adams had recently met with G. Morse, Kent Pecoy and Michael Lapierre. It was agreed that the storage capacity of the detention basin would be increased. Due to the weather, the work had not been done. L. Adams would have the Board take the issue up at its October 5th meeting.

S. Gibson-Quigley mentioned the school bus turn around issue which had been a previous concern to residents and asked L. Adams to comment. He stated that since this was a private road (Old Towne Way) and it was the Town's policy that school buses did not go on private ways. If the Town voted to approve Old Towne Way as a town road, he was not sure the Board would want buses to use Lake Road because it was too narrow. He suggested the Board ask for recommendations from the Town Administrator and the DPW Director on where to locate the turn around and who should pay for it. L. Adams felt the Town could request improvements be made to the road before it was accepted. S. Gibson-Quigley felt the Board should consider school bus turn arounds when reviewing subdivisions. L. Adams said this could be done during the public hearing process held by Board of Selectmen before its recommendations were made at Annual Town Meeting.

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

L. Adams thought Louis Mountzoures and Russell Kelcourse would be in attendance. S. Gibson-Quigley deferred to Michael Suprenant who stated L. Mountzoures would not be attending and he did not think R. Kelcourse was attending. S. Gibson-Quigley proceeded with the request for an extension of one year to complete The Allen Homestead subdivision. She stated that the records of the Board did not indicate an extension beyond March 2004. She was unclear to the timeframe of the request and of the work that had been done for the project.

M. Suprenant submitted a plan which indicated the lots sold and a schedule of dates - original dates of completion and proposed dates of completion. The proposed dates for completion of work on Collette Road and Tannery Road #'s 21 to 47 was Fall 2004 and Tanner Road #'s 1 to 20 was Spring 2005. M. Suprenant stated there were 24 houses built and 14 remaining to be built. These houses were being constructed at a rate of two houses per month. He calculated the project should be completed in seven to eight months. He noted the items completed to date – street lights, bounds and stone wall work. Work to be completed – street tree plantings, sidewalks

S. Gibson-Quigley asked M. Suprenant the status of the following lots -

- 44 – 48 Old Stagecoach Road - these were none existent lots which had been removed from the original subdivision;
- 1, 6, 34, 22 - 27 Tannery Road – these were owned by Allen Homestead to be built on or sold
- 30, 31, 36 - 43 – sold and now owned by Noel Homes, Inc., known under its marketing name “Tall Pines”
- All completed homes were sold and owner occupied

S. Gibson-Quigley questioned who was responsible for finishing the homes. M. Suprenant stated it was Allen Homestead LLC. Noelle Homes was not responsible in any way. She understood the extension request was for thirteen months, until October 2005 for respreding loam, seeding and landscaping, setting bounds, submission of asbuilt plans, final paving and cleanup. Sidewalks, street lights, binder coat and guard rails would be completed.

L. Adams commented that the Conservation Commission would be meeting with the applicants on October 14th to discuss the buildability of the “green” lots. The Commission had asked that the Board hold its decision until after the October 14th meeting. He also noted that L. Mountzoures and R. Kelcourse did not want M. Suprenant speaking on their behalf and he wanted to verify that the surety funds were still on deposit with the bank. S. Gibson-Quigley wanted to include the issue of the Collette Road sidewalk in the next discussion as M. Suprenant did not want to do this work. D. Yaskulka asked that the abutters be a consideration of the Board if it chose not to extend the project.

S. Gibson-Quigley commented that the applicant was working outside of approval. L. Adams stated that if a subdivision was in default the Town could take the surety funds to complete the public infrastructure. Secondly, since this subdivision was in default in terms of its timeframe, the developer was directly liable to the abutters and to the homeowners who had bought interest in the subdivision. He noted that the commitments made to the abutters needed to be clarified and that it was not the Board's responsibility to monitor a project's deadline. T. Creamer did

not see any answers to the Board's previous questions in M. Suprenant's submittal at this meeting. T. Creamer would like documentation stating that issues of concerns from abutters had been remedied. M. Raphaelson asked for clarification of titles within The Allen Homestead LLC. M. Suprenant stated the L. Mountzoures and R. Kelcourse were joint managers of the LLC and that he was the project manager and construction supervisor.

S. Gibson-Quigley referenced the approval of the original subdivision. She did not find mention of sidewalks for Collette Road and questioned if it had been agreed upon with the Board of Selectmen. L. Adams recalled that improvements had been part of the consideration when Allen Homestead met with James Malloy.

S. Gibson-Quigley asked M. Suprenant to attend the Board's October 19th meeting to review the following –

- Conservation Commission comments
- Follow up on grading issues
- Agreement for sidewalk improvements per Board of Selectmen or Subdivision Approval
- Verification of bank held surety monies
- Requesting the attendance of other project managers

D. Yaskulka asked who was responsible if an abutter had material harm based on the project. L. Adams commented that a lot can be divided on an existing way or on a subdivision road. It was L. Adams' interpretation that once a subdivision road lost its approval, the applicant could no longer legally subdivide a lot. If an individual purchased a lot at this time, the applicant could be sued for damages because the lot no longer existed as an approved lot in a subdivision.

WINDGATE –Review, Discussion and Recommendations to the Zoning Board of Appeals

L. Adams mentioned that the Zoning Board of Appeals (ZBA) would be meeting on September 29th to discuss issues relative to safety and infrastructure. Recommendations from the Board regarding waiver requests by the applicant would be taken up at that meeting. S. Gibson-Quigley noted waivers of concern to the Board were intensity regulations, the parcel's lack of frontage, proposed parking, the access driveway and the building height of 46 feet. S. Gibson-Quigley recognized Ginger Peabody, Chairman of the ZBA who stated that no additional waivers had been submitted by the applicant. The request in Section 9, page 2, 4) - 4.6 was removed since the project was multi family and not elderly and there were 113 proposed parking spaces, not 101.

Discussion topics –

- Intensity regulations, no frontage – not a major concern as the property location could handle the project so long as the wetlands were protected;
- Intensity regulation, 46 foot height – the Board considered the effects of the height from a safety and zoning impact;
- Parking – concerns were expressed for visitor parking and households with two vehicles, a suggestion was made to have numbered parking spaces;
- Density – a concern due to the lack of additional parking;
- Traffic impacts – a member asked if a traffic study had been completed, G Peabody stated one had been submitted by the applicant and that the ZBA had an outside consultant peer review done to review the traffic concerns;
- Safety concerns for fire apparatus entering and exiting the project;
- Sprinklers within the building – G Peabody said the building would have a sprinkler system;
- Driveway – the slope, width and the angle of the driveway was a concern – L. Adams stated the toe of the driveway may exceed that allowed by regulations;
- Sufficient room for emergency vehicles in an emergency situation given the Town's volunteer fire/rescue departments;
- Age related residents and would there be children within the project;

- Review of cost benefit analysis for the project – G Peabody noted that MassHousing and the ZBA would review the pro forma of the applicant for its profit margin;
- Was snow storage location adequate for the project;
- Agreements entered into with abutters relative to parking, access and alterations should be a binding contract respective of any new property owners;
- Site layout and design – dumpster screening, street lighting, turn around and maneuverability for safety equipment and
- Evacuation plan – second aggress, staging area.

S. Gibson-Quigley felt the parking was a major concern and asked how the 113 parking spaces had been determined and their size. G Peabody said the applicant calculated parking from previous projects and that the spaces were sized to Sturbridge's regulations, 10 feet by 20 feet. G Peabody thanked the Board for its input.

REQUEST FOR WAIVER OF SITE PLAN REVIEW – 22 Main Street Dental Office, Dr. Robert H. Audet

L. Adams noted that Dr. Robert H. Audet had been granted a special permit from the ZBA for the second floor office space. S. Gibson-Quigley felt that parking should be reviewed and D. Yaskulka added that the Board should review the request with future potential businesses. L. Adams calculated the additional office space at about 900 square feet. Zoning regulations required one space for 500 square feet and one space for each employee which would require three additional spaces. S. Gibson-Quigley felt this met the regulations.

Motion: to waive Site Plan Review for 22 Main Street Dental Office, Dr. Robert H. Audet, by M. Raphaelson
2nd: D. Yaskulka
Discussion: None
Vote: All in Favor

L. Adams would draft a memorandum to the Building Inspector stating that the Board had waived Site Plan Review for Dr. Audet.

NEW BUSINESS (cont.)

Selection of Light Fixtures for Subdivisions – L. Adams reviewed there were 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. T. Creamer preferred the 15 foot light and felt the 30 foot height did not mean they would be hit less. J. Cunniff felt the 30 foot monopole had no place in a residential neighborhood. The Board concurred.

Goal Setting – In an administrative sense, L. Adams looked for suggestions for goals the Board would like to accomplish in coming months.

Preliminary Discussion of Zoning Amendments – L. Adams circulated ten zoning questions to the Board for its consideration. S. Gibson-Quigley asked the Board to review them and get comments to L. Adams.

Opacum Land Trust – The Trust would like to put a sign up at the last cul-de-sac at The Preserve where there was public parking for access to the property. L. Adams felt the Board should give its recommendation. S. Gibson-Quigley said that if it was on Opacum's property it was not the purview of the Board, but the sign may need to go before Design Review Committee. L. Adams felt if it was in the public right of way, DPW could address its location. The Board deferred to DPW.

Mrs. Eaton Letter, Allen Road – expressed a safety issue relative to a driveway. S. Gibson-Quigley felt this was not a part of a subdivision and therefore the Board did not have control of this situation. L. Adams would forward the

letter to the DPW and follow up with a memorandum to Mrs. Eaton. The Board felt the lack of visibility may be due to vegetation on private property.

Open Space Discussion Overview – D. Yaskulka gave an overview of the discussion the Board would begin at its next meeting at 6:30 PM.

Motion: to adjourn, by M. Raphaelson

2nd: T. Creamer

Discussion: None

Vote: All in Favor

Adjournment at 9:35 PM