

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, January 4, 2005

Present Sandra Gibson-Quigley, Chair
Thomas Creamer
James Cunniff
Thomas Kenney
Jennifer Morrison
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 of December 21, 2004 were reviewed.

Motion: to accept the draft minutes of December 21, 2004, as presented, by M. Raphaelson
2nd: T. Creamer
Discussion: None
Vote: All in favor

ANR'S

There were none.

PLANNER'S UPDATE

Kopelman and Paige, P.C. Confidential – dated 12-22-04 – RE: RRI

Farquhar Road Project – Zoning Board of Appeals – L. Adams noted the application for this multiple dwelling project would soon be submitted to the Zoning Board of Appeals (ZBA). The Planning Board would be reviewing the application to provide a report with its recommendations to the ZBA. If approved, the project would require Site Plan Review. L. Adams believed the marketing title for the project would still be “The Estates at Sturbridge Farms.”

Hobbs Brook – L. Adams stated that the developer had a third tenant for the proposed 9,000 square foot building next to Staples, the last building of this project and would be moving ahead with three shops – Verizon, EB Games and a mattress store. The building permit had been initiated last fall. L. Adams would contact James Malloy to seek funds for CME Associates to review the curb cut consolidations for the project's parking lot as the Board had requested. The developer was aware that the Board expected this work to begin in Spring 2005.

Planning Workshop – L. Adams would be reviewing subdivision control, state and local zoning and the ANR process at the Board's January 25th meeting beginning at 6:30 PM.

Chinese Restaurant – On going inspections have indicated no issues with the construction.

Griffin Books and Beans – The owner would be submitting a sign design to the Design Review Committee and contacting abutters regarding the parking.

Dialogue for the Future – L. Adams hoped as part of this process, the Board would discuss amongst itself and others the direction the Town was going and an appropriate rate of growth.

T. Kenney applauded the developers of Bedrock Place for making this an attractive place of business and encouraged members to visit the site. J. Morrison noted that the traffic circulation for the project seemed to be operating successfully. L. Adams commented that the Board's Site Plan Review process had provided good results.

Digitized Assessors Maps – L. Adams stated that the Planning Department had completed the digitizing of the Assessor's tax maps into AutoCAD and a decision must be made as to whether or not these maps will be available to the public and engineers. The Planning Department would be responsible for updating these maps, after ANR's have been recorded with the Worcester District Registry of Deeds. L. Adams would like to share the GIS capabilities that the Planning Department was developing along with Pictometry, an oblique view of Town photos to the Board and others in the next few months.

PUBLIC HEARING – ZONING BYLAW AMENDMENTS

S. Gibson-Quigley opened the public hearing at 7:15 PM and T. Kenney read the legal notice. S. Gibson-Quigley noted that the purpose of the public hearing was for the Board to discuss the proposed amendments and provide a recommendation to the Board of Selectmen (BOS) and Town Meeting. It was the BOS that decided which articles would be placed on the warrant for the Annual Town Meeting. The Finance Committee would make the motion for the Annual Town Meeting.

- 1) To amend Chapter Five of the Town's Zoning Bylaws, Use Regulation – Rural Residential District, Sec. 5.02(j) Housing for the Elderly, and Chapter Six, Use Regulations – Suburban Residential District, Sec. 6.02(e) Housing for the Elderly, by amending the definition of elderly from persons sixty (60) years of age or older to either: persons sixty-two (62) years of age or older, or persons fifty-five (55) years of age or older; so as to be in compliance with the Federal Fair Housing Act.

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

- 2) To consider an amendment to the Town's Zoning Map to change the zoning district designation for a certain parcels of land, located at 246 Fiske Hill Road, as shown on Assessor's Map 22, Parcel 246, about 33.46 acres, from a Rural Residential District (RR) Zone to a Commercial District (C) Zone.

S. Gibson-Quigley asked if there was anyone wishing to speak for or against the proposal. The following people were present to speak on the proposal:

- Attorney Bob George – stated Konover Development Corporation, of Farmington, CT, a land developer, had a client interested in the parcel who Atty. George felt would provide services and employment to the Town. S. Gibson-Quigley stated that the purpose of this discussion was to determine if the Board felt it should recommend a zoning change for the parcel, not for recommending a zoning change for a specific purpose, developer, development or business. D. Yaskulka felt a zoning change should support use of the land that would most benefit the Town.
- Jim McDonald, Senior Vice President of Konover Development Corporation stated the following –
 - ⇒ The Route 20 location was on a major commercial corridor which is a high capacity highway;
 - ⇒ The amenities associated with the site – size, visibility pointed to an appropriate commercial zone;
 - ⇒ There were no guaranties that any commercial property would remain fiscally viable;
 - ⇒ There was a backup commercial firm interested in the site;
 - ⇒ Asked that the Board recommend the zoning change for the April Town Meeting.
- Matt Phillip, 225 Fiske Hill Road – concerned with increased traffic, stated this property abutted people's homes and not an industrial park or turnpike and that it was at the end of a residential roadway.
- Joe Ouellette, 95 Fiske Hill Road – stated Fiske Hill would become a gateway to Southbridge, Charlton and Connecticut shoppers, concerned that the potential improvements made to Fiske Hill to accommodate the increase in traffic would remove the character of the road; recommended the Board not approve the proposal.
- Tom Creeden, Westwood Drive – against the amendment since there is significant commercial land along Route 15 and other areas which had not been developed, felt consideration should be given to the maximum use of this property as commercial, asked to hear from the Town Planner on the traffic safety study for Route

20 and surrounding area and the Town Engineer on the sewer capacity, specifically how much was needed to handle a large development of 33 acres and asked how far back the commercial zone extend on the parcel.

L. Adams stated that the Route 20 Study was nearing its design concept completion. Its recommendation could be ten to fifteen years in the making and noted the proposed improvements. The study did not take into account this project. He understood that the proposal would rely on onsite wells and septic systems since no requests had been submitted for Town water and sewer facilities. He noted that Town water and sewer ended at Hobbs Brook and was not looped. The distance for commercial zones along Route 20 was 200 feet and the amendment would change the entire 700 foot plus or minus deep parcel to a commercial zone.

- Jeff Bonja, 180 Fiske Hill Road – agreed traffic was a concern, felt development along Route 20 should be done inclusively by looking at all the properties and not single ones.
- John Kittel, 1 Library Lane – against what he felt was reactive rezoning which would create a town residents would not want to live in.
- Maureen Ouellette – 95 Fiske Hill Road – felt the car transport station located on Route 49 (Spencer) had an impact to the area and should be considered as part of the traffic study.
- Bob Duncan, 12 Old Village Road – asked the Board to remember that this discussion had taken place at the 2004 Annual Town Meeting and the residents voted, at that time, not to rezone this property from Rural Residential to Commercial.
- Jim Egan, Wells Park Road – stated he was neither for nor against the request, but had the following questions – what was the width of the entrance off Fiske Hill Road and off Route 20, how large and what percent of the parcel was wetlands, how wide was the State land between the parcel and Route 20 and how close would the parking lot and building be to the adjacent Charlton property.

L. Adams stated the only legal frontage for the parcel was along Fiske Hill and measured 150 feet (recently created by an ANR which subdivided the parcel), an eighty foot right of way existed across MassHighway land onto Route 20 at the Charlton line, no documentation had been provided that this right of way was acceptable to MassHighway as an access; the width of the State land measured approximately 500 feet and was being reserved for parking or a turn around, the proponents had been asked to provide approval by MassHighway for a curb cut along the Route 20 access which had not been done.

Jim McDonald discussed access to the property stating there would be no access from Fiske Hill Road and indicated the proposed location of the development (approximately 13.5 acres of the 37 acre parcel) relative to the site and the wetlands. S. Gibson-Quigley noted that there was no guarantee of how the property would be accessed or developed.

- Maurice Poirier, Fiske Hill Road – questioned the proponent's intent if the parcel was rezoned and did not get approval from MassHighway to access from Route 20, would they access the development from Fiske Hill. J. McDonald stated that the proponent would walk away from the project; that there would not be a main entrance to the project from Fiske Hill. S. Gibson-Quigley emphasized that the issue for the Board was whether or not the land should be rezoned to Commercial.
- Penny Dumas, 136 Walker Pond Road – felt the survey mentioned earlier which indicated support for Commercial development was representative of a smaller number of residents than the 2004 Annual Town Meeting vote which turned down the same request for rezoning this parcel and asked that the Board not support the amendment due to the impact of the neighborhood.

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

3) To consider an amendment to the Town's Zoning Bylaw by deleting the phrase "on-site sewage disposal system (septic system)" from Chapter Four, Use Regulations, 4.03 so that it will read:

4.03 No lot shall be considered buildable unless the building(s), well and septic system are located in the contiguous upland acreage equal in size at least ninety percent (90%) of the minimum required lot size, or 40,000 square feet, whichever is less, for the zoning district where the lot is located.

Since this amendment was sponsored by the Conservation Commission, David Barnicle, of Ladd Road and Conservation Commission Chairman, was present to explain the intent of this amendment as follows – upland referred to non-wetland areas, new technologies allowed access to lands deemed as buildable by current builders when previously the land could not have been developed, to provide room for septic systems, backyards and would apply to all land, non-sewered as well as sewer properties. S. Gibson-Quigley felt this amendment would assist the Board when reviewing lots within a subdivision and encourage developers to design better lot configurations. Ed Goodwin, of Orchard Road, also a member of the Commission, added that the intent of the uplands bylaw was to protect the wetlands in adding clarity by delineating the wetlands when beginning a development. These wetlands could not be considered as part of the lot. T. Creamer was concerned that the amendment, as presented, was not clear in that it included those lots on Town water and sewer, as well as those with private well and septic system. L. Adams assured him that the language addressed all lots. J. Morrison shared T. Creamer's concern and suggested adding the words "septic or sewer service, private or otherwise." L. Adams felt the clarification was appropriate since it was not changing the intent of the language.

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

- Mary Blanchard, Farquhar Road – agreed with T. Creamer relative to the clarity of the bylaw as presented.
- Arnold Wilson – felt that the highest and best use of the land should be considered when recommended a zoning change.

S. Gibson-Quigley asked if the Board had any questioned on any of the proposed amendments.

T. Kenney asked the about vote and comments of the 2004 Annual Town Meeting relative to the rezoning issue and if there was any other avenue besides a zoning change to allow a retail establishment. L. Adams noted a use variance was an alternative, but a hardship must be shown by the proponents. S. Gibson-Quigley provided an explanation that though the proponents were different, the request and the comments made at the 2004 Annual Town Meeting were the same as those presently made. D. Barnicle asked that the Board not consider spot zoning. J. Morrison asked if a future owner could request a second entrance/exit to the property via Fiske Hill Road. L. Adams stated that they could and felt that would most likely happen. T. Kenney added that if frontage off Route 20 were obtained for the parcel it could be further subdivided. L. Adams concurred stating if the parcel owner were able to purchase 150 feet of the State land along Route 20, they would then have the necessary frontage.

Motion: to close the public hearing, by J. Morrison
2nd: M. Raphaelson
Discussion: None
Vote: All in Favor

S. Gibson-Quigley proceeded to review the three amendments by asking for the Town Planner's recommendation which was as follows –

1) Chapter Five/Chapter Six – Housing for the Elderly – felt the intent was to do something extraordinary for the elderly; suggested supporting age fifty-five since it would give a developer an economic incentive to do a project which would benefit those aged sixty-two as well; no projects had been proposed under the present bylaw and the proposed amendment at age fifty-five lent itself to the market interest and might bring a project before the Board.

Motion: to recommend age fifty-five as the definition for elderly, by T. Creamer
2nd: M. Raphaelson

Discussion: D. Yaskulka felt this age would allow faster growth for an audience that did not need the help. He realized this was an attractive group to encourage to the Town, but felt they should not be given special consideration. T. Kenney felt it would impact how development was structured because no environmental suitability studies required and there was no adequate provision for off street parking. He recognized it would benefit the Town, but did not feel it should be part of the Housing for the Elderly special permit for the bylaw. The Board discussed the issue with some members supporting T. Kenney's concern and some believing studies could be required under the special permit process.

Vote: In favor – T. Creamer, J. Morrison, S. Gibson-Quigley and M. Raphaelson
Opposed – T. Kenney, J. Cunniff and D. Yaskulka

- 2) Rezoning of 246 Fiske Hill Road from Rural Residential to Commercial – it was noted that the Strategic Planning Report Survey had indicated there was a desire by the residents for some specific types of rezoning and that it should be done with controls; questioned if this change would be the best interest for the parcel; given the Route 20 Study and the Strategic Planning Report Survey, the Board was more prepared to make a recommendation as to the best use of this land than it was when a similar proposal came before it two years ago; not enough evidence had been presented to support the change to Commercial at this time and given the comments made during the public hearing, the residents in attendance were not in support of this change.

Motion: to recommend the parcel located at 246 Fiske Hill Road not be rezoned from Rural Residential to Commercial, by D. Yaskulka

2nd: J. Morrison

Discussion: None

Vote: All in Favor

- 3) Chapter Four – 4.03 – Uplands Bylaw – The Board agreed to include the following clarification "... unless the building(s), *and/or public water and sewer*, well and septic system are located..."

Motion: to recommend the approval of this amendment to the Zoning Bylaws as stated, by J. Cunniff

2nd: D. Yaskulka

Discussion: None

Vote: In favor – T. Creamer, J. Morrison, S. Gibson-Quigley, M. Raphaelson, J. Cunniff and D. Yaskulka

Abstain – T. Kenney (for lack of detailed information about whether the 90% could be reduced for builders.)

STONELEIGH WOODS – PRESENTATION – Attorney Mark Donahue and Waterman Design

S. Gibson-Quigley noted this would be a presentation and discussion on a proposal for a multiple dwelling project on what the Board knew as the parcel for the subdivision "The Estates North" off of Hall Road. The proponents would be requesting a special permit from the Zoning Board of Appeals (ZBA) for the project. As part of the special permit process the Planning Board was required to provide a report to the ZBA. The Board reviewed the purposes of the special permit under the Zoning Bylaws, Chapter Twenty-one – Multiple Dwelling Projects and Chapter Twenty-five – Site Plan Review.

Attorney Mark Donahue presented the plans for the proponent, Blue & Gold Development. Also present were Robert Havasy, of Blue & Gold Development and John Massaro, of Watermen Design Associates. Attorney Donahue discussed the following –

- The project had been presented to the Board of Selectmen under Section 5.02(j) – Housing for the Elderly since it was the developer’s intention that the project be age restricted;
- The project’s location was the site of The Estates North plus additional acreage to meet the required 35.5 acres for the proposed number of units;
- There were nineteen buildings proposed with three to four units per building;
- Felt the age restriction to the community was an important component since it offered an alternative lifestyle which the market supported and provided tax revenues without obligations to school age children.

Bob Havasy, partner of Blue & Gold Development, discussed the following –

- Reasons for tightly clustered units – reduced the financial expenses for landscaping, snow removal, etc; encouraged the socializing of owners; limited the infrastructure needs;
- Architecturally designed for one level living and two to four parking spaces per unit were provided.

John Massauro, of Waterman Design, noted the following on the project –

- Access to the project provided by the approved subdivision roadway of which 300 feet was located in the Commercial District, the remainder in Rural Residential;
- Units had been designed to fit into the topography of the land;
- The overall design of the project.

S. Gibson-Quigley asked for questions from the Board –

- Asked for clarification of the location and use of the open space provided for under Section 21.04(d) when the enjoyment of the open space in this project was for the residents of the community only and not public – Attorney Donahue identified a fifteen acre site abutting OFS Fitel and added that OFS Fitel had concerns with potential conflicts between their industrial use and the proposed residential use. Attorney Donahue stated OFS Fitel had no issue with the proposed open space site.
- Ownership and access of the open space – unit owners through the Homeowners Association would each jointly own the open space, the open space could not be sold off in the future under the special permit; walking paths could be provided to access open space;
- Issues – number of units, sewer capacity concerns due to original approvals from the Board of Selectmen, traffic flow relative to the intersections at Routes 131 and 20 concerns expressed by Police Chief Button in a memorandum for the project;
- What would the full buildout of the area look like with The Estates South and this project taken into consideration. S. Gibson-Quigley recognized Carol Goodwin who shared this concern as well and commented on the project's density.
- What would the project look like without the requested variances and why was the project not designed according to the Town’s Zoning Bylaw guidelines. R. Havasy felt these regulations were not intended for active adult communities where proximity was important and that spreading the project out over the 35 acres was in no ones interest.
- Since the project appeared to be well designed (disregarding the density issue), should the interpretation of the bylaw allow for an aggregate number for distance between houses as was the case with required acreage for the project;
- Asked if there were any plans for the Commercial area of the earlier subdivision – there were none proposed.

S. Gibson-Quigley recognized Ginger Peabody, ZBA Chairman, who suggested the ZBA was hoping that the Planning Board would provide a general review of the project and not one so detailed. S. Gibson-Quigley reviewed that general issues from the Board were: density on the parcel; sewer and water impact; traffic impact (intersections of Routes 131 and 20); access, use, disposition and amount of open space; the look of the project without the requested variances; the individual development process for the parcels by the owner and Site Plan Review issues.

S. Gibson-Quigley recognized Steve Halterman, Westwood Drive former Planning Board member, who felt that thought the Planning Board should be careful in discussing issues of future development relative to an individual, it was and should be the Board that could plan ahead.

Next meeting January 25th at 6:30 PM.

Motion: to adjourn, by T. Keeney

2nd: J. Morrison

Discussion: None

Vote: All in Favor

Adjournment at 9:40 PM