

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, March 29, 2005

Present Sandra Gibson-Quigley, Chair
Thomas Creamer
James Cunniff
Jennifer Morrison
Thomas Kenney
David Yaskulka

Also present: Lawrence Adams, Town Planner

S. Gibson-Quigley called the meeting to order at 7:00 PM and read the agenda. She announced the resignation of Judge Milton Raphaelson and on behalf of the Board thanked him for his years of service and commitment to the Town as well as for his common sense and sense of humor. She encouraged members of the public interested in serving on the Board to contact the Town Planner with inquiries and/or the Town Administrator to apply for the position. The draft minutes of March 8, 2005 were reviewed.

Motion: to accept the draft minutes of March 8, 2005, as presented, by J. Cunniff
2nd: D. Yaskulka
Discussion: None
Vote: In favor – T. Kenney, J. Morrison, S. Gibson-Quigley, J. Cunniff and D. Yaskulka
Abstain – T. Creamer

ANR'S

Rom's Restaurant, Inc. – 209 Main Street/Farquhar Road – Jalbert Engineering – 6 lots – L. Jalbert noted that the three lots located on Farquhar Road would be serviced by Town water and sewer. The three lots located on Route 131/Main Street would have a common trunk line running through the lots and connecting into the sewer line on Farquhar Road and have private wells. L. Jalbert stated that Greg Morse had reviewed the plan and that the plan showed two easements. L. Adams felt the plan conformed to Subdivision Control Regulations under the ANR process, and brought to the Board's attention that some of the lots might require state and/or local approval for curb cuts, that one lot abutted the proposed exit for the Sturbridge Farms project and that the state may reconfigure the Main Street/Willard Road intersection in its upcoming review – Approved 6

C. Rizy and M. Howerton – 118/120 Clark Road – Jalbert Engineering – reconfiguration to accommodate the necessary area for a driveway. L. Adams added that the plan provided a solution to issues involving wetlands and a shared driveway and that it conformed to the regulations – Approved 0

OF PARCELS CREATED 6

PILOT TRAVEL CENTER, formerly STURBRIDGE ISLE – THREE YEAR REVIEW PUBLIC HEARING
Mr. Brad Alsup, Project Manager

S. Gibson-Quigley opened the public hearing at 7:15 PM and T. Kenney read the legal notice. She noted that the special permit granted to Sturbridge Isle in 1992 was now being reviewed with the new owners, Pilot Travel Centers LLC. Under Condition #8 of the special permit, the Board was required to hold a public hearing every three years for the purpose of taking up any problems of operation and the remedies to them. The last review had been conducted in April of 2002. L. Adams, in a memorandum dated 03-08-05, had requested participation from department heads in

this review. S. Gibson-Quigley asked to hear comments from the following departments (L. Adams provided input forwarded to the Board from department heads not in attendance) –

- Board of Health (not in attendance) – requested a review of the sewer treatment plant to determine that it was functioning properly, asked for an up to date maintenance schedule and a current list of personnel for contact purposes.
- Police (not in attendance) – two issues noted 1) the former owner had agreed to provide a police cruiser to the Town every three years though this was not listed as a condition in the original special permit or site plan review (this issue had been deferred to the Town Administrator) and 2) trucks parking on the roadway created congestion at the location.

S. Gibson-Quigley referenced minutes from 10-14-1992 which discussed the question of adding a condition requiring that Sturbridge Isle provide a police cruiser to the Town every three years. A majority of the Board had agreed such a condition was not appropriate and as a result the arrangement was only an understanding between the former owners and the Town. T. Creamer stated he felt Pilot Travel, in its 03-08-05 letter to the Town, appeared to be pressuring the Board in its requests. He was uncomfortable including the police cruiser under site plan review. S. Gibson-Quigley agreed and read Pilot's list of conditions that must be met by the Town or it would revoke the proposed \$25,000.00 contribution for a police cruiser. It was the consensus of the Board that such conditions should be taken up by the Board of Selectmen and not under site plan review.

- Fire (not in attendance) – no issues, but would be going through the building for an inspection of the facility under the new ownership.
- DPW – would like assurance that the catch basins and culverts would be maintained properly and asked that a schedule be forwarded to the DPW Director.
- Conservation Commission – Kelly Doyle, Conservation Agent, stated that an enforcement order had been issued on the property on March 9th due to unauthorized work (a trench was dug without the appropriate permitting process) which had occurred within the jurisdiction of the Commission. Other concerns of the Commission – maintenance of the stormwater management facilities, runoff to Route 84, no trash receptacles on site and requested an upgraded plan for stormwater maintenance. K. Doyle noted she had had conversation with Pilot prior to this work commencing and that they had been made aware of the wetland resource areas. The Commission would be looking for Pilot to file an “after the fact” application. Also mentioned by K. Doyle was that the cell tower location should stay as is.
- Building Inspector – Harold Nichols stated his concerns were with the main building, the issuance of a building permit for the “bumpout” and scale relocation and signage, and that he would be working along with the Fire Chief in monitoring the site.
- Design Review Committee (DRC) – Virginia Belforte noted Pilot had preinstalled signage which the Committee allowed and has since approved. Its review had determined that the number of signs exceeded that allowed by the Town's Zoning Bylaws, in part due to the fact that the site was now operated by one business and not multiple businesses as had been the case with Sturbridge Isle. She also noted the issue of sign names on gas pumps. S. Gibson-Quigley suggested Pilot to seek relief from the Zoning Board of Appeals for the additional signage. Additional concerns – the signage should fit with the character of the Town, those signs on State owned land were exempt from local zoning, and that the “letter” of the bylaws should be enforced when reviewing the current signage.
- Tree Warden (not in attendance) – revisit the landscaping and plantings of the site to address its functionality.

S. Gibson-Quigley asked if there was anyone from the public wishing to speak. There were none.

S. Gibson-Quigley recognized Bradley Alsup, project manager, and Jason Coraglier, general manager and on site contact. They stated the following on behalf of Pilot Travel Center –

- Pilot was currently working with the Department of Environmental Protection (DEP) to add a lift system to the sewer treatment plant;
- White Water, Inc. (systems operator) would provide a list of operational issues relative to the septic and water systems which Pilot would work to correct;

- Though reports submitted to DEP would be forward to the Board of Health, Pilot would submit directly if requested (L. Adams noted the DEP and the Board of Health had been communicating on these issues);
- A contact list would be forwarded to L. Adams;
- Roadway parking may be addressed when truck drivers became aware that Pilot did not charge for on site parking (not the practice of Sturbridge Isle);
- The conservation issue was an over sight and Pilot was working with a surveyor to layout the exact location of the trench and would file with the Commission once the work was complete;
- Pilot had placed 20 trash cans on site, 20 more were on order and maintenance of catch basins had begun and would be on a weekly routine;
- A maintenance schedule for the facility would be submitted in writing from Pilot's Environmental Maintenance Division;
- Signs located on State property may be remedied with the purchase of additional land or by the Department of Transportation requiring that the signs be relocated; felt the number of signs allowed (two on site/two off site) would be addressed when the property issue was resolved and should the issue remain Pilot recognized it must go to the Zoning Board of Appeals;
- Would contact the Tree Warden to discuss recommendations for landscaping. K. Doyle offered that the Conservation Commission could work together on the landscaping since Pilot's application process included these areas;
- In answer to the Police Chief's memorandum dated 03-02-05, regarding the number and nature of 100+ calls, Pilot would respond appropriately to conduct at its location, but could not control the actions of its customers. It would maintain a clean, well lit area and not encourage such behavior. With the elimination of the restaurant and the addition of fast food, Pilot intended to move traffic in and out of the location quickly. This issue brought about discussion among the Board as to what a "call" to the Police Department entailed, was the number of calls comparable to other businesses (Hobbs Brook) within the Town and what level of security surveillance might address the crime problem.

S. Gibson-Quigley recognized Arnold Wilson who offered that there were approximately 30,000 police calls per year. He felt that though it had been a controversial issue when originally permitting this second truck stop, it had proven to be a good use of the land and he recommended a "tweaking" of the current site plan. There were no others wishing to speak on the review and no additional information was requested from the Board.

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

S. Gibson-Quigley asked L. Adams to review the major issues of concern which he listed as follows –

- 1) There should be ongoing communication with the Board of Health, DEP , Police and Fire Departments;
- 2) Conservation Commission issues had been resolved with the filing of Pilot's application;
- 3) The Building Department would be conducting inspections and developing a list of corrections;
- 4) DRC issues were significant, specifically the names on individual gas pumps, the size and number of sign were in compliance with the bylaws, the Committee could look into the issue of aesthetics in the future, but for now it was a judgment call and dictated by the neighborhood.

S. Gibson-Quigley reviewed the following list of Pilot Travel Center responsibilities –

- 1) Review the original stipulations on the 1992 special permit and site plan review;
- 2) Provide a stormwater maintenance plan;
- 3) Conduct a walk through with the Tree Warden for landscaping, also include the Building Inspector and the Fire Department;
- 4) Comply with bylaws for number of signs and apply to Zoning Board of Appeals if additional sign are needed;
- 5) Any increase in the intensity of the current use should require site plan review or site plan review waiver.

It was agreed that L. Adams would draft a letter for Pilot Travel Center reviewing the above.

PENNEY’S APPLIANCES AND LAWN EQUIPMENT – SITE PLAN REVIEW – PUBLIC HEARING
Mr. Russell Penney, Owner and Mr. Leonard Jalbert, Jalbert Engineering

S. Gibson-Quigley opened the public hearing and T. Kenney read the legal notice. L. Jalbert presented the site plan for the former SCRRRI location for the proponent and stated the following-

- The current building, site and signage (wording would change) would remain as is;
- A fence would be installed on the Commercial/Suburban Residential property with two gates – access to keys would be available to the Fire and Police Department;
- Two story building – main floor (2,600 square feet) would be used for business and the second floor for storage only, no public access;
- The additional building at the rear of the property would be used for storage and maintenance;
- Current lot coverage was 12% with a proposed coverage of 14 %;
- There would be four employees and approximately 25 to 30 customers were anticipated per day;
- Lighting, landscaping – no changes.

S. Gibson-Quigley reviewed all other issues relative to site plan review and asked for questions from the Board. There were none. There was no one wishing to speak for or against the project. L. Adams said he had no issues, that the DPW Director and Fire Chief were comfortable with the plan as proposed, and that the Building Inspector should be consulted if the second floor was to be used. T. Creamer cautioned the proponent on storing appliances on the second floor without reviewing its load capacity. L. Jalbert stated the building was designed for commercial purposes at 100 pounds per square foot.

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

Motion: to approve Site Plan Review for Penney’s Appliance and Lawn Equipment with the condition that the second floor shall be used for storage only and that any increase or change of use shall require site plan review or waiver, by J. Cunniff
2nd: T. Kenney
Discussion: None
Vote: All in Favor

OLD STURBRIDGE VILLAGE – PETITION TO REZONE – PUBLIC HEARING
Ms. Beverly Sheppard, President and Mr. Paul Wykes, CFO

S. Gibson-Quigley opened the public hearing and T. Kenney read the legal notice. She reviewed that this rezoning was a change from the original proposal which had been submitted to the Board. This petition was requesting that the 13 plus acres located at 371 Main Street change from Commercial (10.06 acres) District (C) together with Suburban Residential (3.48 acres) District (SR) to an all Commercial Tourist (CT) District. She discussed the uses allowed within the CT versus C, showed the present CT and how this parcel would connect to that zone and asked that the Board consider how this rezoning would affect the Town and not Old Sturbridge Village (OSV). The Board’s concern was for what was allowed presently on the front property given its C zone.

S. Gibson-Quigley asked for those wishing to speak on the petition to rezone and recognized the following –

- Beverly Sheppard, President of Old Sturbridge Village – felt the change would relinquish some of the opportunities available to OSV, but saw it as an important statement to the township that The Village recognized the importance of working together for the best use of the land.

D. Yaskulka felt this was an example of “give and take” from a petitioner requesting a zoning change. He thanked OSV for a proposal that limited its potential opportunities while it protected the character of the Town.

S. Gibson-Quigley asked for questions from the Board. The Board discussed the topic of what “is fast food”.

Motion: to close the public hearing, by T. Kenney
2nd: T. Creamer
Discussion: None
Vote: All in Favor

L. Adams offered the distinction of businesses within the Commercial District and those within the Commercial Tourist District and felt the choice for this location in Town was to support the proposal. S. Gibson-Quigley felt this would also open up a larger bit of property for Commercial Tourist to whoever would own the land. T. Creamer noted that in the 1988 Master Plan 56 % of the townspeople felt OSV was important to the character of the Town and again in the 2004 Dialogue for the Future Survey 64% of the people had the same opinion. He agreed that this change restricted allowed uses and felt it was good for the Town. S. Gibson-Quigley pointed out that leaving the land as Commercial put the Town at risk and though she was not a supporter of rezoning, felt it was a better move to rezone to Commercial Tourist.

Motion: to advise Town Meeting to support the petition for rezoning the Old Sturbridge Village land from Suburban Residential District and Commercial District to Commercial Tourist District, by T. Creamer
2nd: D. Yaskulka
Discussion: None
Vote: All in Favor

J. Morrison recused herself and stepped off the Board. L. Adams clarified that according to the State Ethic Commission Regulations, a board member was allowed to recused herself and speak on her own behalf for her own interests.

STERLING ENGINEERING – SITE PLAN REVIEW WAIVER REQUEST – Ms. Jennifer Morrison, Owner

Jennifer Morrison, of Sterling Engineering, presented a request for Site Plan Review Waiver for her property at 79 Main Street to allow an addition to the existing office. She noted that the business did not deal with the public. The proposed addition would facilitate a handicapped accessible bathroom and she felt the extent of the work was minimal since there was no change to the intensity, traffic, parking, utility usage, etc of the site. For those reasons she felt a waiver request was appropriate. L. Adams stated he had advised J. Morrison, that as a board member, she should be held to a higher standard and suggested she submit her request to the Board. He noted that this was a low level impact with no increase in employees, no change to circulation or parking.

T. Kenney asked if the Conservation Commission had discussed the plan since almost all the building was within a 200 foot buffer zone. J. Morrison noted the addition was to the front of the existing house and did not think it was in the zone. L. Adams commented that the addition would replace an existing patio and since that was considered disturbed soil the applicant would be exempt from Conservation Commission review. S. Gibson-Quigley felt there were no issues as there were no impacts.

Motion: to waive Site Plan Review for Sterling Engineering, by T. Kenney
2nd: J. Cunniff
Discussion: None
Vote: All in Favor

J. Morrison stepped back onto the Board.

THE SANCTUARY LOT RELEASE REQUEST – Mr. Tom Moss, Developer

The Board reviewed the submitted Form K. L. Adams stated the Greg Morse, DPW Director, had reviewed and approved the cost of the work to be completed. This amount had been carried forth by the bank in the Lender's Agreement (Form K) and Tom Moss was present to make the request. T. Moss noted that Bank North was guaranteeing the funds in the amount of \$80,370 - \$35,000 for the Arnold Road widening and \$45,370 for the remaining work to be done on the Sanctuary Subdivision. The Board agreed to execute the release and J. Morrison notarized the document.

T. Moss gave the Board an update on The Highlands – the underground work was complete, the road had been graveled and building would begin this summer.

S. Gibson-Quigley asked the Board if it wished to hear a request for waiver of Site Plan Review which did not appear on the Board's agenda. The applicant had previously spoken with L. Adams, discussed this date for presentation, but not submitted the necessary materials until this afternoon of March 29th. The Board agreed to hear the request.

PERENNIALS RESTAURANT – SITE PLAN REVIEW WAIVER REQUEST – Douglas & Rhonda Aspinall

Rhonda Aspinall, President, ProChef Services, Inc., d/b/a Perennials Restaurant, and Douglas Aspinall were present to make the request. D. Aspinall stated that the site, 420 Main Street, Building #4, had previously been a restaurant known as the Thistle Inn. They would maintain the same usage as when it was an active restaurant (no information was provided for the previous restaurant). The lease for the site allotted 50 parking spaces, the submitted application would require 48 parking spaces given the proposed seating and the number of employees at the highest shift (these figures did not include 20 outside seats mentioned in the application). L. Adams noted that a seating plan would need to be completed which would address the total parking spaces required. The Board discussed how it could track the number of allotted parking spaces in a multiple business parking area and felt it should look into the issue in the future.

Motion: to waive Site Plan Review for Perennials Restaurant at 420 Main Street, Building #4, with the condition that the proponents provide documentation that sufficiently allocated the number of parking spaces per seating and that the total number of parking spaces were allocated for all properties using those spaces and that the seating and parking spaces coincide, by T. Kenney

2nd: D. Yaskulka

Discussion: None

Vote: All in Favor

PLANNER'S UPDATE

Wetteland Tea Room Expansion – L. Adams had received a request from Marie Wetteland to convert the existing deck to an enclosed retail space with an exterior door and replicate the outdoor deck with the awning. New parking space had been added diagonally to the existing spaces.

Route 20 Charlton Road Study Presentation – The Board had been asked to host a presentation for the public and agreed to plan this for its April 12th meeting. A. Wilson asked that the Board make the presentation.

Meeting Dates for April and May – the Board agreed to meet on May 10th and May 24th.

Allen Homestead Request for Extension – L. Adams noted that Allen Homestead Development, LLC had requested an extension to December 31, 2005 for completion of the public infrastructure. The current deadline was April 1, 2005. He added that they would be appealing the no build decision regarding seven lots made by the Conservation Commission. The Board discussed its options for this situation. S. Gibson-Quigley asked L. Adams to explain the process should the Board decided to deny the extension. T. Creamer had supported the last extension request, but felt

that it was now time for the Board to hold the developer in default. T. Kenney was in support of this action and felt that the mound of dirt occupying one of the subdivision lots to be another concern. D. Yaskulka felt residents should not be expected to live in a construction zone indefinitely. S. Gibson-Quigley asked L. Adams what action the Board should take to deny the request of the applicant and call them into default. L. Adams would send a letter to the applicant stating the intentions of the Board and research case law and advise the Board at its next meeting on April 12th. The Board asked that the neighbors to be notified of the action.

Hobbs Brook Parking – T. Kenney asked why the construction of the new building had begun before more discussion had taken place relative to the loading area for this building and the concerns of “borrowed” parking. S. Gibson-Quigley believed this had been approved under the original Site Plan Review and that it was not an issue for the current Board. Also discussed was the pavement failure within the center, it was suggested that the Board not approve future developments without catch basins and the proposed occupants of the three stores were identified as EB Games, Verizon and a mattress store to be named.

Motion: to adjourn, by T. Kenney
2nd: T. Creamer
Discussion: None
Vote: All in Favor

Adjournment at 9:50 PM