

**STURBRIDGE PLANNING BOARD**  
MINUTES OF  
TUESDAY, April 12, 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 noted that the Board was down a member with the resignation of Judge Raphaelson and asked for interested individuals to contact the Town Administrator. The draft minutes of March 29, 2005 were reviewed.

**Motion:** to accept the draft minutes of March 29, 2005, as presented, by T. Kenney  
**2<sup>nd</sup>:** J. Cunniff  
**Discussion:** None  
**Vote:** All in favor

**ANR'S**

There were none.

**ALLEN HOMESTEAD DISCUSSION - REQUEST FOR EXTENSION - Attorney Louis Mountzoures**

Attorney Mountzoures was present to make the request for an extension to December 31, 2005 for the Allen Homestead Subdivision. The Board had voted on November 9, 2004 to grant an extension to April 1, 2005. Attorney Mountzoures gave the following reasons as to why this deadline had not been met -

- The Conservation Commission had denied an Order of Conditions for seven of the subdivision lots which the Department of Environmental Protection has overturned;
- Substantial snows from winter;
- Difficult site work preparations.

The Board discussed the concerns associated with the granting of another extension and with calling the development into default. Attorney Mountzoures noted that 29 of the 38 lots had been sold; that Hometown Bank held the mortgage for the remaining lots; and that Section 81W of the Subdivision Control Law precluded the Board from rescinding approval without consent of the lot owners and the Bank. The Board discussed the following concerns -

- How did Section 81W of the Subdivision Control Law relate to this development - L. Adams commented on this for the Board;
- What would approval of the requested extension allow for - L. Adams commented that it allowed for the completion of the public infrastructure. Issues involving the dirt mound on the site were between the homeowners and the developer.
- How to protect the neighbors should the extension be denied and the subdivision to placed into default;
- The original deadline date of April 1, 2004 had been missed, the second deadline date of April 1, 2005 had been missed and now the developer was seeking a third extension date - Attorney Mountzoures stated the work would be done by August or they would turn the bond over to the Town without a public hearing;
- Had the waterline to Route 20 been completed - Attorney Mountzoures stated that it had been completed;

- The delay on paving the roadway - Attorney Mountzoures stated that due to temperatures and heavy construction vehicles, the developer had delayed paving the roadway - J. Morrison commented that this was a common occurrence at construction sites and should be taken into consideration by the developer;
- The developer's lack of communication and good faith effort to keep the Board informed of delays;
- Previous concerns from November 2004 had not met.

L. Adams stated that it was the responsibility of the developer to finish the public infrastructure (roadways, curbs, water, sewers, street lights, storm drains, detention basins) which made the lots marketable. The Board held a surety to cover the cost if the developer did not complete the work. T. Kenney was strongly against another extension and felt the subdivision should be placed in default. S. Gibson-Quigley wanted to arrive at the best way to finish the project and felt that putting the project into default would put more work onto the Town when it had enough work already. J. Morrison suggested that it might be best for the Board to allow the developer to finish the project since they were more familiar with the site. S. Gibson-Quigley asked L. Adams for his opinion.

L. Adams felt that the problem with this project had been the lack of management. He suggested a bimonthly extension for the developer requiring attendance before the Board once a month; that the developer submit a report detailing work completed before granting the next extension; that there be a checklist of work to be done and an ongoing presence from management. S. Gibson-Quigley offered that that individual be Attorney Mountzoures. She asked the Board to consider the following options -

- 1) Grant the requested extension;
- 2) Support L. Adams' suggestion;
- 3) Call the developer into default

**Motion:** to grant a two month extension to the Allen Homestead Subdivision with Attorney Mountzoures to appear before the Board one a monthly schedule with a report of work completed, by T. Creamer

**2<sup>nd</sup>:** J. Morrison

**Discussion:** T. Kenney felt it was a waste of time to have L. Adams work with Attorney Mountzoures. T. Creamer felt this would be time well spent, would provide time for the Board to address issues and would not allow the developer to "hide" from the Board. J. Morrison felt it was up to the Board to keep the discussion open. S. Gibson-Quigley agreed with the motion and commented that poor management had delayed the project and not the Board.

**Vote:** In Favor - T. Creamer, J. Morrison, S. Gibson-Quigley, J. Cuniff and D. Yaskulka

Opposed - T. Kenney

## PLANNER'S UPDATE

Wetteland Tea Room - L. Adams noted that M. Wetteland had inquired about expanding her business by adding a retail space and asked the Board if it felt Site Plan Review would be required.

Country Creamery and Homestyle Deli (formerly Jimmy's Ice Cream) - L. Adams had been approached with business plans for this location which he felt exceeded the site characteristics.

Bin 479 (formerly The Bistro) - L. Adams stated that the use would remain a restaurant, but that the Board should review the site plan relative to seating calculations.

A Class Moving Company at RRI - L. Adams noted the individual inquiring had been advised that this site would require Site Plan Review for any increase in the intensity of use.

Chinese Restaurant - The Board would be seeing a new site plan for this site.

**Motion:** to adjourn, by T. Kenney

**2<sup>nd</sup>:** J. Cuniff

**Discussion:** None

**Vote:** All in Favor

## Adjournment at 8:20 PM

THE CHARLTON ROAD/ROUTE 20 STUDY PRESENTATION FOLLOWED THIS MEETING.