

**STURBRIDGE PLANNING BOARD**  
MINUTES OF  
TUESDAY, June 7, 2005

**Present** Sandra Gibson-Quigley, Chair  
Russell Chamberland  
Thomas Creamer  
James Cunniff  
Thomas Kenney  
Jennifer Morrison  
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 draft minutes of May 24, 2005 were reviewed. D. Yaskulka asked that comments relative to open space be inserted onto page 4, end paragraph 2, to read "He also invited the Board to always consider the multiple values of open space, including water quality, scenery, wildlife habitat, cost of services and tax abatements in addition to access." He also requested a change in wording to page 5, Motion to deny waiver request for A Class Moving Company, from "D. Yaskulka... financially involved with Mr. Thomas," to "D. Yaskulka... considering a business relationship with Mr. Thomas." The Board accepted these changes.

**Motion:** to accept the draft minutes of May 24, 2005, as amended, by J. Cunniff  
**2<sup>nd</sup>:** T. Creamer  
**Discussion:** None  
**Vote:** All in favor

**BOARD REORGANIZATION**

S. Gibson-Quigley reviewed the following positions—

Betterment Committee: currently serving – J. Cunniff - J. Cunniff noted he had been nominated to this position at the Committee's last meeting. The Board had no objection to this nomination.  
Central Massachusetts Regional Planning Commission (CMRPC): currently serving – T. Creamer  
Community Preservation Committee: formerly serving – M. Raphaelson

S. Gibson-Quigley turned the meeting over to L. Adams who conducted the reorganization process.

**Motion:** to nominate S. Gibson-Quigley for Chairman, by T. Creamer (The nomination was accepted.)  
**2<sup>nd</sup>:** J. Morrison and J. Cunniff  
There were no other nominations. L. Adams closed nominations.  
**Discussion:** None  
**Vote:** In favor – T. Kenney, T. Creamer, J. Morrison, R. Chamberland, J. Cunniff and D. Yaskulka  
Abstained – S. Gibson-Quigley

**Motion:** to nominate T. Kenney for Clerk, by S. Gibson-Quigley (The nomination was accepted)  
**2<sup>nd</sup>:** T. Creamer  
There were no other nominations. L. Adams closed nominations.  
**Discussion:** None  
**Vote:** All in favor

D. Yaskulka suggested the Board consider a succession plan for the position of Chair in the future. After discussion relative to the responsibilities of the Community Preservation Committee delegate, L. Adams opened nominations.

**Motion:** to nominate R. Chamberland for delegate to the Community Preservation Committee, by S. Gibson-Quigley (The nomination was accepted.)

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

There were no other nominations. L. Adams closed nominations.

**Vote:** All in favor

T. Creamer asked if there was an alternate for the CMRPC delegate's position. L. Adams stated the alternate was appointed by the Board of Selectmen (BOS) and he believed that person was David Schmida. T. Creamer requested confirmation on D. Schmida's position since the question was put to him at a past meeting of the Commission. L. Adams would ask the BOS for the name of the individual serving as the alternate.

**Motion:** to nominate T. Creamer for delegate to the Central Massachusetts Regional Planning Commission, by S. Gibson-Quigley (The nomination was accepted.)

**2<sup>nd</sup>:** D. Yaskulka

There were no other nominations. L. Adams closed nominations.

**Vote:** All in favor

S. Gibson-Quigley resumed control of the meeting. L. Adams congratulated the new officers and delegates and thanked them for their continued service. S. Gibson-Quigley noted that at the last meeting T. Creamer, J. Cunniff and J. Morrison expressed interest in serving on the Zoning Study Committee.

**Motion:** to nominate T. Creamer, J. Cunniff and J. Morrison as the three designees for the Zoning Study Committee, by S. Gibson-Quigley (The nominations were accepted.)

**2<sup>nd</sup>:** D. Yaskulka

There were no other nominations. S. Gibson-Quigley closed nominations.

**Vote:** All in favor

The Board agreed to table the selection of a representative to the School Building Committee until a formal memorandum was received from the BOS.

## **ANR'S**

Hill, Bryan – 224 Brookfield Road – Land Planning, Inc. – 1 lot – The Board agreed to hear this request with the issue of Woodborough Farms at 9:00 PM

LeMay, Michael – Walker Road – Para Land Survey – 2 lots – L. Adams reviewed the debate of Walker Road and its standing as a public road. He had received documentation verifying that Walker Road was a public way. Since the lots were located on a public way (irrespective of the quality) and had sufficient frontage, they deserved the finding of approval not required. L. Adams stated that the lots conformed to ANR regulations. Approved – 2 lots

T. Creamer had become aware of a general bylaw which addressed cutting trees and destruction of stonewalls and asked if this had bearing on certain ANRs. He asked when the appropriate time was to discuss this issue. S. Gibson-Quigley stated the Scenic Roads bylaw which T. Creamer referenced had no impact on the designation of an ANR lot. She understood this bylaw was addressed with the Building Inspector during the permitting process. These issues were not being addressed so she suggested that a scenic road be designated as such on an ANR plan and that it must adhere to the bylaw. She noted Walker Road was not on this list. These roads were listed in Appendix B of the Town

of Sturbridge General Bylaws. L. Adams said future ANR plan submittals could be required to reflect that the lot was on a scenic road. Since an ANR plan was also a source of information to a potential buyer, it became a better plan by providing more information. He would also be enforcing the required digital format submittal so members could review the plans at home with the help of a shareware viewer.

- Jeffrey Langevin, 258 Walker Road – expressed concern that the Board entertained a letter of support for the LeMay ANR which contained family names, but was signed by only one individual; though his name did not appear on this letter, it did include pictures of his property;
- S. Gibson-Quigley understood J. Langevin’s concerns and noted that ANR reviews were not conducted within a public hearing, therefore abutters were not notified. However, the ANR and its property location had been listed on the Board’s agenda. She added that if the issues covered in the letter had been relevant to the Board’s review process, which they were not, the Board would have sought additional input on the matter.

# OF PARCELS CREATED2

**STEVE’S COLLISION – SITE PLAN REVIEW – PUBLIC HEARING CONTINUATION**  
**Steve Brunnell, Owner; Leonard Jalbert, Jalbert Engineering, Inc.**

- S. Gibson-Quigley continued the public hearing and noted alternate plan #3146A which had been submitted detailing revisions to the parking on the site. L. Jalbert was present to discuss the following issues of concern:
- Greg Morse, DPW Director’s, comment relative to drainage pocketing at the rear of the site – L. Jalbert noted a grate which should have been placed by an interceptor drain was not shown on the detail plan. This grate would accommodate the drainage to the back;
  - Parking Study – L. Jalbert found parking spaces of similar designation to those on this site plan ranged from 8 feet to 8 feet, 6 inches by 18 feet;
  - Parking calculations – L. Jalbert broke down the total count of 32 parking spaces as:
    - Car Sales 11 spaces (9 feet by 18 feet);
    - Visitors/Handicapped no numbers noted (10 feet by 20 feet) for visitors; 1 handicapped space (12 feet by 20 feet located at the front of the existing building;
    - Truck Facilities 4 spaces (12 feet by 30 feet located in the easterly setback area – existing);
    - Office Employee 4 spaces;
    - Repair Bay Employees 8 spaces; and
    - Additional Parking at the front of the site.

L. Jalbert had met with L. Adams who recommended that an alternate proposal be submitted to the Board regarding the “grandfathered” truck parking spaces presently located within the front setback. The revised plan showed the truck spaces at the front of the building where the plantings had been shown. The plantings had been relocated to the front of the site. Also reviewed was the impact of a jug handle turnaround (Route 20 Study Plan) to the front of the site. It was determined that the impact would be negligible. L. Jalbert recognized a plan revision was unusual to a site plan review, but he asked the Board’s consideration as to the best plan for the town.

S. Gibson-Quigley asked for clarification to the car sales and the car and truck rental portion of S. Brunnell’s business. S. Brunnell stated that this expansion would allow his business to diversify and explained the nature of the business relative to the needs of parking and employees. His used car business had dropped off and he would like to recondition and detail cars. T. Kenney asked if S. Brunnell’s used car dealer’s license was current. L. Adams stated it was and that he had confirmed this with the secretary to the BOS. S. Brunnell stated the previous license allowed for 64 cars on the property, but would be comfortable with six cars approved under site plan review. S. Gibson-Quigley noted one of the truck parking spaces was still within the setback. L. Adams commented that that area was preexisting in terms of pavement. L. Jalbert commented that the business had been in operation for twenty years and was the only one business of this kind operating in the appropriate zone.

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

**Motion:** to close the public hearing, by T. Creamer  
**2<sup>nd</sup>:** J. Morrison  
**Discussion:** None  
**Vote:** All in favor

**Motion:** to take original plan #3146 off the table and approve alternate plan #3146A for site plan review for Steve's Collision for further consideration, by T. Kenney  
**2<sup>nd</sup>:** J. Morrison  
**Discussion:** None  
**Vote:** All in favor

L. Adams recommended that the Board come to an agreement with the applicant as to the maximum number of 1) used cars for sale or lease and 2) Budget trucks for lease and include this number as a condition of approval. S. Gibson-Quigley felt calculations would support 20 cars/trucks as a maximum; S. Brunnell had mentioned 15 cars/trucks at the least to support his business and if necessary, would discontinue acting as a clearing house for Budget's new trucks. T. Creamer asked if the spaces could be used at the discretion of the applicant or did the Board need to set the designation of spaces. He did not want to hamper the applicant's business. T. Kenney suggested 14 cars and 6 trucks. J. Cuniff felt a maximum total number (32) was a better approach for the applicant than grouping the numbers. L. Adams suggested a maximum number of cars regardless of their location on the lot.

**Motion:** to approve site plan review for Steve's Collision Center at 210 Charlton Road, alternate plan A with the condition that all vehicles should be parked only in designated areas, by T. Kenney  
**2<sup>nd</sup>:** T. Creamer  
**Discussion:** None  
**Vote:** In favor – T. Kenney, T. Creamer, J. Morrison, S. Gibson-Quigley, J. Cuniff and D. Yaskulka  
Abstain – R. Chamberland

## **STONELEIGH WOODS MULTIPLE DWELLING PROJECT, HALL ROAD**

### **Review and Recommendation s to ZBA – John P. Massauro, P.E.; Waterman Design Associates**

S. Gibson-Quigley stated this was a revision to plans that the Board had previously reviewed with comments. The Board would see this project under site plan review if a special permit was granted and it could address any additional concerns at that time. Attorney Mark Donahue, on behalf of J. Massauro, was present to discuss and review the plan revisions.

- Open space area (approx. 6-7 acres) had been reconfigured and contained a walking trail that went out of the boundaries for the Stoneleigh Woods development (35.5 acres) along the gas pipeline to Fiske Hill Road. Public parking was proposed on Fiske Hill Road, but was a concern to the Zoning Board of Appeals (ZBA).
- Access and frontage – S. Gibson-Quigley asked for clarification on the boundaries of the Estates North Subdivision in relation to the proposed development. Attorney Donahue stated that access to the development was provided by the Estates North Subdivision roadway (Chase Road, a 450 foot cul-de-sac); that the Estates North Subdivision, as originally submitted, ended at the pipeline; that the development incorporated land not included in the Estates North Subdivision; and that the development did not change the roadway approved as part of that subdivision. L. Adams added that Stoneleigh Woods was not the same footprint as the approved Estates North Subdivision since additional properties had been added for the project. Attorney Donahue agreed. S. Gibson-Quigley asked how the configuration of the proposed project impacted the boundary subdivision. It was L. Adams' opinion that there was no longer a subdivision, but a multiple dwelling project that should be

taken up on its own merits. He saw no transference of the subdivision approval to the proposed project except for the issue that the Board approved three house lots and a commercial lot for the Estates North Subdivision.

- Project layout and visual impact – building unit mix had changed from five 3-unit buildings to thirteen and fourteen 4-units buildings to eight.
- The ZBA had retained CME Associates to provide a peer review of the project plans. This data should be available to the Board during site plan review.

The Board had the following questions and concerns:

D. Yaskulka supported clustering in the interest of preserving open space, but asked for a review of the calculations regarding the open space for the project. He felt there were a lot of units and very little open space. Attorney Donahue stated there were 71 units on 35.5 acres, but would not risk commenting on how much of that space was open space. He said the delineation would be available for the Board during site plan review. D. Yaskulka asked, of the 35.5 acres, how much of the land was buildable. Attorney Donahue noted the wetlands were being reflagged and this information could be discussed in more detail when the proponent came back to the Board.

T. Creamer noted the Board, in its initial review, had commented on the quality of the open space. He was not convinced that the five or six acres of open space on the revised plans conformed to the spirit of the multiple dwelling project bylaw section 21.04, that it was the bare minimum and the proponent could do better; recognized the clustering of units created a neighborhood; was concerned that there was a lot going on in a small area; referenced the 1999 Open Space Plan and the 1988 Master Plan and how both documents addressed the importance of usable open space for quality, not just quantity; noted that 71 units were now proposed for a site where part of it historically started with three house lots and though concessions had been made, he was not comfortable supporting the revised plan.

T. Kenney agreed with T. Creamer, but felt that the creative process needed to embrace all aspects of the project; felt the plan was a good demographic for the Town; that the plan would offer a tremendous amount of character; suggested that the conservation land extend to Fiske Hill Road and did not feel the Board should ask the proponent to reduce the number of buildings since the regulations were met.

- Carol Goodwin – felt a strip of the open space should extend to Fiske Hill Road; questioned the legality of the frontage for the project since the road (Chase Road) had not been built.

Attorney Donahue stated that the layout of Chase Road would remain as is and a request would be made to modify the subdivision as designed to not pave the entire cul-de-sac area, but create just an entry roadway. It was his interpretation of the zoning bylaw that the frontage was measured by the outside of the right of way and not by the pavement. He said it was the intent of the proponent, after getting a special permit, to come before the Board for site plan review and get technical modifications to Chase Road (eliminate the pavement within the cul-de-sac area). S. Gibson-Quigley stated that frontage would then be on a false cul-de-sac. J. Morrison saw this action as a qualitative difference because the frontage created had been for subdivision homes and not 71 units. S. Gibson-Quigley did not understand why the proponent would wait until site plan review to amend the Board's subdivision approval. She also questioned why the amendment to Chase Road would not be considered a shared driveway. Attorney Donahue stated it would not be a shared driveway because the roadway was created by an approved subdivision. S. Gibson-Quigley pointed out to Attorney Donahue that the approved subdivision appeared to be progressing differently than designed.

L. Adams referenced a section within a draft covenant submitted to the ZBA for the open space which suggested that the open space area could be redefined; did not see how a commercial lot could share frontage on a private way; agreed the revision was a better design, but was not convinced that there was legal frontage for the multiple dwelling project. J. Cunniff asked if this language would allow for the open space to be utilized for building and asked why the clause was written into the covenant. Though L. Adams felt the forum to address this issue was with the ZBA, he was

suggesting that the open space was subject to variations. T. Kenney felt the open space could be allowed to shift, but that the quantity should not decline. Attorney Donahue explained the intent of the clause noted by L. Adams.

- Carol Childress, 146 New Boston Road – having attended ZBA meetings, felt this clause would allow the open space, which the ZBA liked, to be manipulated and reconfigured from its current parcel containing wetlands, trails and habitat value; felt this was unfair and misleading.

D. Yaskulka felt there were elements of the design that were good for the Town, but felt that the projected buildout for the Town did not take into account that this parcel would have double, triple or quadruple the number of units anticipated.

S. Gibson-Quigley summarized that the design and the buildings were better; there were concerns relative to the open space – could it be better and could there be more; how would an amendment affect the Estates North Subdivision and was there legal frontage for the development and the commercial lot.

**Motion:** to send comments to the ZBA that the design and the buildings were better; there were concerns relative to the open space – could it be better and could there be more; how would an amendment affect the Estates North Subdivision and was there legal frontage for the development and the commercial lot, by T. Creamer

**2<sup>nd</sup>:** R. Chamberland

**Discussion:** T. Kenney felt it would be better for Sturbridge for boards to work more proactively with developers by being less adversarial and more inquisitive. He noted this project had legal frontage on an approved roadway and that developments, ideas, facilities and locations changes all the time.

**Vote:** In favor – T. Creamer, J. Morrison, S. Gibson-Quigley, R. Chamberland, J. Cuniff and D. Yaskulka  
Abstain – T. Kenney

## **STURBRIDGE OPEN SPACE PLAN REVIEW – Carol Goodwin, Chair, Open Space Committee**

Carol Goodwin stated the plan had been adopted in 1999; that a committee was established in 2001 to implement this plan and encouraged the following:

- That developers provide high standards of design and landscaping and access to recreation;
- That population growth be balanced with the protection of open space;
- That water quality, air quality and wildlife corridors must be ensured;
- Massachusetts Fisheries and Wildlife – NHESP's BioMap and Living Waters provided an important tool to help plan for open space and areas that need to be protected;  
<http://maps.massgis.state.ma.us/BIOMAP/viewer.htm>  
[http://maps.massgis.state.ma.us/LIVING\\_WATERS/viewer.htm](http://maps.massgis.state.ma.us/LIVING_WATERS/viewer.htm)
- Review page 56 of the Plan which addressed goals for the Planning Board – the Zoning Study Committee will be working toward issues of concern;
- Would like to work with the Town Clerk to learn the ages of residents within new development to determine the impact on the Town's services
- Need to implement the Scenic Road Bylaw when reviewing ANR plans;
- Continue to follow the Subdivision Rules and Regulations adopted by the Board;
- Review pages 46 & 47 which suggested corridors within Sturbridge; and
- Communication between boards and staff.

D. Yaskulka and T. Creamer noted that the Board would benefit from proper staffing and a GIS database which could provide creative and productive planning for the Town. S. Gibson-Quigley felt a crucial issue was cluster development given the multiple dwelling projects. L. Adams saw the next step as developing an open space design process. He suggested two goals for the Open Space Plan – 1) give new consideration to the State's databases and GIS layers including the Living Waters and 2) to work with developers to understand better the impacts of the

developments (send questionnaire to new home buyers as had been done in the past). T. Kenney felt the Board should consider fast tracking some developments and discuss ideas for this concept at future meetings for five to ten minutes.

**PLANNER’S UPDATE**

Allen Homestead – L. Adams noted that the extension deadline was June 12, 2005. S. Gibson-Quigley referenced Attorney Mountzoures’ letter dated, May 23, 2005 which gave a brief review of work within the subdivision. Attorney Mountzoures stated the berm would be installed June 17<sup>th</sup> followed by sidewalks and landscaping in the right of way. Attorney Mountzoures had requested an extension from the Conservation Commission (ConCom) to their Order of Conditions (6-29-05) – ConCom did not support this request and Attorney Mountzoures thought this would stop the work. Therefore he was hesitant to make an investment with the pending deadline. D. Barnicle was present and commented that the site was presently unstable and that ConCom required an As Built Survey for three water quality swales, not the individual houses. L. Adams suggested that the berm and binder course needed to be prepared or the Board could pull the bond since no public improvements had been completed the Board should take action. D. Yaskulka felt that the only benefit to pulling the bond would come in future cases. Attorney Mountzoures had satisfactorily communicated with Greg Morse and stated he was committed to finishing the project by July 28<sup>th</sup>, he was asking that ConCom allow the completion of the punch list. The Board agreed that progress had not occurred since its last meeting and it discussed the process of pulling the bond. T. Kenney felt the Board should continue on a one month pattern for an extension, address the most prominent issues and set exact dates. T. Creamer supported the one month extension, but wanted to determine when a decision needed to be made to allow the Board ample time to move forward and complete the project. Attorney Mounzoures stated that the sidewalks, the loaming and seeding and the landscaping would be completed by July 28, 2005. S. Gibson-Quigley said the next task would be the final paving. Status for the berm should be provided on the June 21<sup>st</sup> meeting. D. Barnicle was very concerned that the appropriate work was not being completed and soil was eroding into the wetlands areas.

- Motion:** to extend the deadline date to July 12, 2005 for the Allen Homestead Subdivision; Attorney Mountzoures or a representative will attend the June 21, 2005 meeting to report on the berms which must be completed by June 21, 2005; and give a time certain for the sidewalk completion and to follow – landscaping, final pavement, cleanup and as built, by T. Creamer
- 2<sup>nd</sup>:** J. Morrison
- Discussion:** None
- Vote:** All in favor

S. Gibson-Quigley asked L. Adams to forward to the proponent a letter submitted by an abutter who had issues which were not the pervue of the Board.

Woodborough Farm Preliminary Subdivision; 4 lots – L. Adams said this project was scheduled for the June 21<sup>st</sup> meeting.

**ANRs (Cont.)**

Hill, Bryan – 224 Brookfield Road – Land Planning, Inc. – 1 lot – The Board had requested the regularity factor be certified. B. Hill was present and stated that a separate certification had been submitted to the Board. T. Kenney asked about the placement of the well and the leach field given the narrow neck on the property. B. Hill had submitted a request for sewer tie-in. L. Adams felt a septic system could be located to the back of the site, but that was not an issue under ANR approval – Approved

**# OF PARCELS CREATED** **3**

RRI sub lease Request for Waiver SPR with Attorney Neal – L. Adams stated Michael Loin would be preparing a site plan for RRI. L. Adams made it clear the plan was to show the full site, not just the parking lot and asked if the Board concurred. The Board did want a site plan for the entire site.

**SUMMER MEETING SCHEDULE**

June 21 <sup>st</sup>	Empire Village Site Plan Review
	Woodborough Farm Preliminary Subdivision Plan
July 12 <sup>th</sup>	
July 26 <sup>th</sup>	Work Session
August 9 <sup>th</sup>	(No S. Gibson-Quigley)
August 23 <sup>rd</sup>	
September 13 <sup>th</sup>	(No J. Morrison)
September 27 <sup>th</sup>	

The Board was interested in forming a committee for Planning Department staffing and resources. S. Gibson-Quigley noted that the ZBA Chair would like to participate.

- Motion:** to adjourn, by T. Kenney
- 2<sup>nd</sup>:** J. Morrison
- Discussion:** None
- Vote:** All in favor

**Adjournment at 10:30 PM**