

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, June 21, 2005

Present Sandra Gibson-Quigley, Chair
Russell Chamberland
Thomas Creamer
James Cunniff
Thomas Kenney
Jennifer Morrison

Absent: 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 June 7, 2005 were reviewed.

Motion: to accept the draft minutes of June 7, 2005, as presented, by J. Cunniff
2nd: J. Morrison
Discussion: None
Vote: All in favor

ANR'S

There were none.

OF PARCELS CREATED

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PLANNER'S UPDATE

Allen Homestead – L. Adams had circulated to the Board Attorney Louis Mountzoures' letter dated 06-21-05, which indicated that the finish berm and sidewalks had been completed. L. Adams had inspected the work and noted that the wetlands and the detention basin were protected since there were presently no curb cuts. The cuts would be made as development continued on the lots. Attorney Mountzoures would attend the Board's July 12th meeting. L. Adams suggested that the Board give consideration as to when it felt the final finish coat should be completed. S. Gibson-Quigley asked L. Adams to obtain an update on the landscaping; a plan for cleanup and the final pavement and the as-builts. The Board was not certain as to who had control of the seven lots which had been in negotiations with the Conservation Commission. L. Adams would look into this and inform the Board.

Steven Greene – Better Builders Contracting Co., Inc. – S. Greene 's letter, dated 10-08-04, was in response to the Tree Warden's issue of the removal of a public shade tree on New Boston Road by S. Greene. An agreement that S. Greene would do a replacement planting of 16 trees has been filed at Worcester County Registry. The trees would be spaced 30 or 50 feet apart as required by the Tree Warden. Any trees left over from the 16 replacement trees would be planted elsewhere in town or the funds for the trees would go into the Tree Warden's planting account. Though the Tree Warden felt the Board should be involved, it was L. Adams's opinion that the Tree Warden had sufficient authority to supervise the situation. T. Kenney asked if it would be appropriate to have a warranty on the 16 trees from S. Greene in case the trees did not survive the planting. L. Adams referenced the General Bylaws public hearing process - Scenic Roads Bylaw (Sec. 3.72) and Public Shade Trees (Sec. 6.81) and noted that enforcement was with the Building Inspector and the Tree Warden. T. Creamer noted that the Board should be proactive in protecting these assets and acknowledged an appreciation for Carol Goodwin's input at the Board's last meeting where she brought the issue to the Board's attention. T. Kenney asked if there was interpretation for the removal or relocation of stonewalls

depending on whether they were old or new. L. Adams noted that the Scenic Roads Bylaw addressed stonewalls within the public right of way and that stonewall removal within properties could be negotiated within the subdivision process.

EMPIRE VILLAGE – SITE PLAN REVIEW – PUBLIC HEARING
Dong Y. Ying, Owner; Gregory Valiton, Engineer, Andrews Survey, Inc.

S. Gibson-Quigley opened the public hearing at 7:20 PM and T. Kenney read the legal notice. Since this was a hearing to a previously approved site plan, S. Gibson-Quigley asked the project proponents to review the changes and the reasons for the amendments. Gregory Valiton was present and noted the following changes:

- The redesign of the parking area was due to the building having been moved further back on the site;
- There was a relocation of the two propane tanks – S. Gibson-Quigley noted the original plan showed only one tank;
- The relocation of the screened dumpster;
- The freezer box located on the outside of the building was now identified on the plan; and
- The original traffic pattern showed traffic entering and exiting at different locations and the revised plans had traffic entering and exiting on the east side and exiting only on the west side – The Board agreed that the original traffic flow was more appropriate;

The Board reviewed and discussed the following items:

- The distance from the rear of the parking spaces to the sidewalk along the front of the building measured approximately 21 feet. The Board felt this aisle width was sufficient given that it was diagonal parking versus parallel parking.
- The size of the parking spaces – 10 feet by 20 feet;
- The original plan required 46 parking spaces to accommodate 10 employees and 110 seats
- The loading area would be servicing box trucks for deliveries and the turning radius provided was sufficient – It was noted by G. Valiton that deliveries would occur outside of restaurant hours;
- Were there any conservation issues with the site – L. Adams stated there were and would be recommending that the Board condition any approval by adding that no any exterior work commence until the Conservation Commission made its approval to do so;
- Were the front windows the correct size as per the plans – L. Adams had been involved in the design review of the windows and noted the appropriate windows had been used;
- No exterior decking would be approved by the Board; and
- Hour of construction – no set hours of construction had been set.

S. Gibson-Quigley asked if there were any further questions or comments from the Board or the public. There were none.

Motion: to close the public hearing, by T. Creamer
2nd: R. Chamberland
Discussion: None
Vote: All in favor

L. Adams again suggested that the Board not allow any exterior work until the Conservation Commission had provided its Order of Conditions; that the parking lot receive its top coat before it was striped; that there shall be no future additions to the footprint of the building; and the lighting conform in all respects to the design criteria in the Town’s zoning bylaws. T. Kenney suggested that the traffic pattern be one way in the front of the building and that the proposed two way entrance be one way and that it be so marked.

Motion: to approve site plan review for Empire Village, 446 Main Street, with the outlined conditions,
1) That no exterior work be allowed until the Conservation Commission had provided its Order of Conditions;

- 2) That the parking lot receive its top coated before it was striped;
- 3) That there shall be no future additions to the footprint of the building;
- 4) That the lighting shall conform in all respects to the design criteria in the Town's zoning bylaws;
- 5) That the traffic pattern be one way in the front of the building and be so marked;
- 6) That the proposed two way entrance be one way and be so marked, by T. Kenney

2nd: J. Morrison

Discussion: None

Vote: All in favor

PLANNER'S UPDATE (cont.)

Pilot Travel Cruiser Check – For information purposes only, L. Adams informed the Board that Pilot Travel Center had submitted a check to the Town towards the purchase of a police cruiser. S. Gibson-Quigley noted that this issue had not been part of Pilot's site plan review and it did not come under the purview of the Planning Board.

Green Mountain Nextel Telecommunications Tower – L. Adams noted that the Board had received notice that its Decision and Certification of No Appeal for this tower to be located off Clark Road had been filed with the Worcester District Registry of Deeds.

Preserve Subdivision – Phase III – L. Adams noted that Brendon Homes had requested the release of lots in Phase III. The Board would be hearing this request later in the meeting.

Stoneleigh Woods – L. Adams informed the Board that the Zoning Board of Appeals (ZBA) was still addressing the issues of legal frontage, drainage, the Hall Road intersection alignment, water pressure concerns and the number of units for the project. The ZBA would be continuing this public hearing at its June 29th meeting and L. Adams encouraged a couple of member to attend. He was awaiting Town Counsel's opinion on Attorney Donahue's interpretation of legal frontage for the project. S. Gibson-Quigley had concerns relative to the changes that were proposed for the subdivision (The Estates North) which had been previously approved by the Board; to the changes that were proposed for the cul-de-sac to become a straight roadway (would it actually be a shared driveway), to the same attorney representing both Blue and Gold Development and the land owner; and the legal frontage for the project. She felt the Board should be made aware of the amendments that would be requested. T. Creamer was unclear on the process that was taking place with this project and asked for clarification. S. Gibson-Quigley proceeded to review the subdivision's history with the Board. She suggested that Attorney Donahue provide the Board with precedence for the frontage issue. T. Kenney asked how a lot's frontage was measured if it was located on a curved roadway. L. Adams stated that frontage for a lot was measured at the setback line whether it be along a curved or straight roadway. T. Kenney cautioned the Board when using precedents for this issue as it had previously approved exceptions.

Sewer Moratorium – S. Gibson-Quigley questioned how the moratorium effected decisions of the Board. L. Adams commented that the Board's position in the past had been to approve based on existing conditions. In the absence of water and sewer, he felt the Board had no recourse but to disapprove a subdivision even at the preliminary stage. He further clarified that if a lot had been counted in the sewer assessment and had been charged betterment it could be developed. The lot could not be split.

WOODBOROUGH FARMS, 224 BROOKFIELD ROAD – PRELIMINARY SUBDIVISION PLAN Norman Hill, Land Planning, Inc.

S. Gibson-Quigley opened the public hearing at 8:00 PM and T. Kenney read the legal notice. S. Gibson-Quigley asked if the Board had a complete submittal under the preliminary plan requirements. T. Kenney read the requirements for a complete submittal from the Subdivision Rules and Regulations. It was noted that the environmental impact analysis was not included L. Adams noted that his previous rejection letter to Land Planning had mentioned the absence of this requirement. The Board agreed to move to the sewer issue.

Norman Hill, of Land Planning was present and stated the following –

- He had applied for sewer permits in May;

- There was one official percolation test and several test holes on the site. Future tests could not be conducted until November. S. Gibson-Quigley commented that she was not comfortable approving a subdivision that did not have all its percolation tests done;
- The definitive subdivision requirements in the Regulations did not require the environmental analysis for a plan with five or less lots.

L. Adams commented that under its regulations the Board could not proceed without a recommendation from the Board of Health. He added that the recommendation provided to the Board had been predicated on water and sewer which had changed due to the moratorium. He cautioned the Board on proceeding without the participation of the Board of Health and its recommendation on the revised plan. S. Gibson-Quigley asked if there would be changes to the configuration of the proposed lots. T. Kenney concurred and felt it was the best interest of all to table the project given the Board was involved in a formal public hearing process. He suggested closing the public hearing and allowing N. Hill to informally present his preliminary plan and then the Board could identify relevant issues of concern. L. Adams also noted the statutory deadline for a definitive plan submittal was seven months following the decision of a preliminary plan and pointed out that this would bring the timeframe into November. He suggested the Board entertain a withdrawal without prejudice from the proponent. S. Gibson-Quigley agreed to waive the filing fee on a resubmittal with the exception of the legal postings. She was opposed to continuing the public hearing due to the required time date certain and because the proponent would begin to lose members eligible to vote (T. Kenney and S. Gibson-Quigley would be absent over the next two meetings). The proponent expressed a concern for potential zoning changes. The Board assured N. Hill there were no proposed changes for the residential district or the subdivision regulations. J. Cunniff commented that an informal discussion of the Woodborough Farm plan could not take place if the public hearing remained open. It was necessary that N. Hill request a withdrawal without prejudice for his submittal. N. Hill submitted a request on behalf of Sturb Realty for a withdrawal without prejudice for Woodborough Farm.

Motion: to allow Sturb Realty and N. Hill a withdrawal without prejudice for Woodborough Farm Preliminary Subdivision Plan , by T. Creamer

2nd: J. Cunniff

Discussion: None

Vote: All in favor

Motion: to close the public hearing, by J. Morrison

2nd: T. Kenney

Discussion: None

Vote: All in favor

S. Gibson-Quigley recognized abutters wishing to speak.

- Joan Light, 222 Brookfield Road - expressed concerns that the site was not all gravel, as N. Hill had stated, but had ledge and that there were wetlands and environmental issues. N. Hill noted he had been in contact with the Conservation Commission. S. Gibson-Quigley stated that the Board would require an environmental analysis.
- Christine Jenson, 219 Brookfield Road – concerned for the safety issues with increased traffic and for the roadway lines of sight. S. Gibson-Quigley stated that the DPW Director would be reviewing the roadway.

T. Creamer added that the Board’s decision needed to be objective and that there were certain parameters that it needed to work under.

N. Hill stated the site was a residential parcel of approximately six acres consisting of one ANR lot and three subdivision lots; that the proposed cul-de-sac measured approximately 255 feet; and that an easement would provide access to the detention/retention basin (L. Adams commented that it was the Board’s policy and its understanding with DPW that all public infrastructure including detention basins were to be located on separate parcels granted to

the Town and accessible by DPW. He noted this was not shown on the plan.) N. Hill had not been aware of this regulation.

The Board discussed the following–

- Did the existing house go with lot 1-S – N. Hill stated it did, that the garage would remain and the house would be built on the street side of that existing garage. No house would be built on lot 1-S.
- The design of the driveway off the cul-de-sac
- The existing grade on the lots
- The drainage pattern of the development – Christine Jenson, 219 Brookfield Road expressed her concern with potential drainage problems onto her property if the subdivision was built.
- N. Hill asked if the Board would consider a private roadway with two house lots instead of three and if it would waive construction of sidewalks, berms and catch basins – The Board was not in favor of what would be a shared driveway and not a subdivision
- Brookfield Road was a scenic road and existing trees and stonewalls could be addressed under subdivision regulations.

THE PRESERVE – PHASE THREE REQUEST – Charlie MacGregor, Brendon Homes

Charlie MacGregor of Brendon Homes was present to make the request. He stated that Phase I was completed with the exception of the top coat of pavement, the street trees and street lights; discussed the stabilization of lots, street trees and street lights within Phase II and felt this work would be completed by September. S. Gibson-Quigley asked if the construction traffic could then be reduced in that area. C. MacGregor felt this was possible and added that there had been interest in the Phase III lots.

S. Gibson-Quigley asked for comments from L. Adams. He made reference to –

- A letter from an abutter who was concerned with the developer moving on to Phase III prior to the total completion of Phase I;
- The developer was still blasting in the Phase I area;
- Recommended a chart be submitted to the Board which would outline finish dates lot by lot;
- Not wanting to have the project driven by the prospective new buyers when existing owners were still waiting for improvements;
- Would like to see improvements made to Phase I before September;
- Asked that the developer have communication with the Board and the home owners as to the timeframe.

The Board agreed that the project had moved along well, but requested that the developer make an effort to finish Phase I before moving on. C. MacGregor agreed to work on the trees and street lights immediately, “button up” the lots and have the top coat done in September. He would come back to the Board at its next meeting.

Next meeting dates -	July 12 th	Regular Meeting
	July 26 th	Workshop Session – Subdivision Control, Smart Growth
Reminder -	June 29 th	ZBA – Blue and Gold Development, Stoneleigh Woods

Motion: to adjourn, by T. Kenney
2nd: J. Morrison
Discussion: None
Vote: All in favor

Adjournment at 9:15 PM