

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, July 12, 2005

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

Absent: Thomas Creamer

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 this was L. Adams' last official meeting as Town Planner and thanked him for his dedication, hard work and professionalism. She added that he had brought a high degree of professionalization to the position. In return he thanked the Board for its well thought out decisions and volunteerism. Also noted was the resignation of D. Yaskulka effective July 31st or sooner if a replacement was appointed. S. Gibson-Quigley thanked him for his positive aspects and thoughts on plans and expressed her appreciation for his service to the Town. D. Yaskulka would be moving out of the Massachusetts area. S. Gibson-Quigley announced that the Board was looking to fill this position. The draft minutes of June 21, 2005 were reviewed.

Motion: to accept the draft minutes of June 21, 2005, as presented, by J. Morrison
2nd: R. Chamberland
Discussion: None
Vote: In favor – T. Kenney, J. Morrison, R. Chamberland and J. Cunniff
Abstain – D. Yaskulka

ANR'S

Holden Sanitation Company – Podunk Road – 7 lots – Douglas Lees was present from Land Engineering & Environmental Services, LLC. He noted this was a 16-acre parcel that was being subdivided into 7 lots sized one acre plus to five acres. The wetlands had been delineated. S. Gibson-Quigley asked if lot #3 had sufficient uplands area for a house given the wetlands. D. Lees stated there was. L. Adams offered the following comments – the plan reflected Podunk Road as a scenic road and the uplands calculations had been provided; would like to see the numbers for the wetlands flagging included on the plans; the submittal met the ANR criteria; suggested that scenic roads and wetlands review issue be tripped when the plan returned from WDRD and the Assessor's office had assigned a lot address number. Departments were working together to purchase software that could begin a permit tracking process. There were some questions relative to the lots configuration and the driveway lengths. L. Adams noted there were no maximum lengths for driveways and added that the Board might want to request stonewalls be shown on plans submitted with scenic road designations. Approved 7

J. Fearing – Paradise Lane – 2 lots – Tom Fancy was present from Fancy Land Surveying. He stated that lot #6A was being subdivided into lots #6B (frontage on Mount Dan Road) and #6C (frontage on Brookfield Road). L. Adams had spoken with J. Fearing who was interested, at this time, in developing only the one house lot on Mount Dan Road. Approved 2

The Board questioned the roadway off Route 148 that had been used during construction of the Big Alum sewer project. L. Adams had spoken with the DPW Director who acknowledged the access, but stated it had no status as a

Town road. S. Gibson-Quigley asked if it would ever have status as a private road. L. Adams offered to find out the disposition of this access.

OF PARCELS CREATED

9

ALLEN HOMESTEAD – PROGRESS REPORT AND REQUEST FOR EXTENSION

Attorney Louis Mountzoures

Attorney Mountzoures was present and noted that the berm and sidewalks had been completed ahead of schedule; a landscaper had been hired to finish the shoulders of the road and install the balance of the trees; approximately 70% to 80% of the remaining area has been loamed; weather permitting all disturbed areas would be hydro seeded within a couple of days. As of Friday, July 15th, 95% of the punch list for the bond should be completed. Attorney Mountzoures had met with the Conservation Commission (ConCom) on two occasions since last meeting with the Board. ConCom indicated that no work would be allowed passed July 29th and Attorney Mountzoures was concerned that the final coat of pavement would have to be done by this date. The as-built deadline was extended to August 15th, at which time he would apply for a Certificate of Compliance. Once Greg Morse has inspected the work, Attorney Mountzoures would seek a reduction in the bond. Presently six lots were in process. The seven lots held up by ConCom were still in contention and it could be a year before these lots were developed. Attorney Mountzoures preferred to pave the upper 60% of the roadway and allow the lower 40% to be paved once Noel Homes completed development of their lots. S. Gibson-Quigley asked if the Board wished to allow a delay on the final paving. L. Adams agreed not to take up the issue of the seven lots delayed by ConCom and suggested that the final coat be completed by September. If construction was not completed by that time and the pavement damaged, the developer should be responsible for repairs before the Town accepted the road. Because the Order of Conditions expired on July 29th, Attorney Mountzoures stated the pavement must be completed. The roadway fell under the jurisdiction of ConCom because it was within the 200 foot buffer zone of Allen Pond.

T. Kenney felt that there had been so many delays in the finishing touches of the project, that he was uncomfortable rushing final topcoat since it was the final permanent aspect for the project. He agreed with L. Adams' opinion that since the berm and a layer of pavement had been installed, he saw no harm in waiting and would have liked to discuss this with ConCom directly. Board members noted that comments had been made to them both for and against how the project was progressing. A concern had been raised relative to the fill and boulders on lots abutting 10 Old Stagecoach Road. Attorney Mountzoures stated those lots were not part of the subdivision, but believed the debris would be moved in the near future as construction was to begin there soon. J. Cuniff sought clarification as to the ownership of the seven lots in contention. Attorney Mountzoures stated they were owned by the Allen Homestead.

Motion: to extend the deadline for the Allen Homestead Subdivision to September 13, 2005, with the understanding that all Conservation Commission responsibilities and requirements must be adhered to, by T. Kenney
2nd: J. Cuniff

Discussion: None

Vote: All in favor

STONELEIGH WOODS – REQUEST FOR WAIVER OF CUL-DE-SAC CONSTRUCTION

Attorney Mark Donahue and Mr. Bob Havasy, Developer

John Massauro, of Waterman Design Associates, Inc. was present in Attorney Mark Donahue's absence. S. Gibson-Quigley agreed to give an explanation of this issue. Also in attendance from the Zoning Board of Appeals (ZBA) were Ginger Peabody, Chairman and Mary Blanchard. S. Gibson-Quigley noted that the question for this informal discussion was an issue of legal frontage and the cul-de-sac. She referenced a letter from Town Counsel that stated because the plan had never been endorsed, had never been recorded and construction of the roadway had not begun legal frontage did not exist for the project. Due to the concerns of the Zoning Board of Appeals regarding the issue of legal frontage, G. Peabody had asked that S. Gibson-Quigley meet with the proponents. S. Gibson-Quigley was

concerned that presently frontage for the project only existed on paper and in years to come, it would not be clear what had constituted legal frontage for the project if the cul-de-sac was not constructed.

S. Gibson-Quigley summarized a recent work session where it was suggested that the proponent come to the Board requesting that the cul-de-sac “go away” and a straight roadway entering the project be constructed in its place providing the required legal frontage; simultaneously, under an ANR process the three lots within the subdivision would be reconfigured into one lot; and the additional land required for the project would be added to the ANR lot. She commented that this action would require a waiver from the Board’s Subdivision Rules and Regulations. The requested waiver would be that the Board not require a cul-de-sac. She added that the Board could do so without setting a precedent. Because there were other outlets or turnarounds in the proposed Stoneleigh Woods project, the Board could allow the road to come to a figurative deadend. She asked the Board to discuss this possibility informally and come to an opinion. If a special permit were to then be granted by the ZBA, the proponent would come before the Board and at the same time address Site Plan Review for the project, an ANR plan for lot reconfiguration and amendments to the subdivision for the roadway. S. Gibson-Quigley noted that the ZBA would be reluctant to consider granting a special permit if the Board was not in favor of the amendments or the ANR.

L. Adams clarified that the 150 feet of legal frontage for the Rural Residential Zone would begin at the end of the Commercial District 300 foot line and then extend 150 feet. J. Massauro agreed. J. Morrison asked if there were potential ramifications for moving ahead with an approved subdivision that had not been endorsed or recorded. G. Peabody said this had been an issue for the ZBA as well. L. Adams offered that because the subdivision had not been filed with WDRD, it was not saleable except in its entirety. The purpose of the discussion was to clear the way so that the ZBA could take the project up on its merits. The ZBA was looking to determine if the Board would give consideration to the waiver for the construction of the cul-de-sac. If the amendment was approved the plan would then be endorsed and filed before a building permit was issued. J. Cunniff was concerned with Attorney Donahue’s previous statement where he commented that once he had a plan approved he could do anything he wanted. In order to protect the Town, he preferred to have formal plans before going forward. D. Yaskulka did not have an issue with the design of the project, but was concerned with the unexpected acceleration of buildout for the Town. S. Gibson-Quigley did not recall the project’s density as being an issue for D. Yaskulka under its previous review. L. Adams felt this was a discussion for the Zoning Study Committee. He did not see an issue with amending the approved subdivision and having that amendment endorsed by the Board and filed with WDRD. After discussion relative to waiving its Subdivision Rules and Regulations versus rezoning parcels of land, T. Kenney stated he was opposed to granting an exception to the Subdivision Regulations and the Zoning Bylaws. S. Gibson-Quigley stated the Board’s regs had been waived in the past and she felt rezoning land was a totally different issue. L. Adams stated that it was inappropriate to handle subdivision issues under zoning. T. Kenney preferred to waive the paving of the cul-de-sac as opposed to reengineering the plan. S. Gibson-Quigley responded that the only purpose for the cul-de-sac was to provide legal frontage for three lots. J. Cunniff pointed out that amending the cul-de-sac to a roadway provided a statement of fact that there would be a straight roadway rather than pretending there was a cul-de-sac when there was not one.

L. Adams asked for a sense of how the Board felt about moving ahead without constructing the cul-de-sac, but to maintain a through road that would be privately held and maintained and the project would have its legal frontage on the residential portion of that roadway. R. Chamberland did not have issues with the suggestion. Though she agreed the solution was a good one, J. Morrison was not comfortable with the process because the boards were trying to come up with a solution to a problem which she felt was of the developer’s creation. She felt this could be transferable to other projects. S. Gibson-Quigley stated that the developer was acting within the law. She informed G. Peabody that it appeared there were four votes in favor of the amendment and approval would require a majority of the full Board which would be four votes. D. Yaskulka stated he was not opposed to the project, but was concerned that the anticipated buildout for the Town had not considered projects with this type of high density. T. Kenney also was not opposed to the project, but was opposed to the time spent changing something that had no fundamental change to the work to be done.

THE PRESERVE – PHASE THREE LOT RELEASE REQUEST – REVIEW OF EXISTING CONDITIONS AND TIME-FRAME - Charlie MacGregor, Brendon Homes

Charlie MacGregor was present and noted that the street trees had been planted with the exception of one species. He reviewed a map of the subdivision showing the progress of construction within Phase One and Two; provided the Board with a rough schedule for landscaping (August), paving and clean-up (September), and added that the turning lane had been delayed due to MassHighway; Phase One would be completed in August and Phase Two in September; the Board would continue to hold four lots (34, 57, 58 and 59) valued at \$85,000 each for bonding. The roadway would cost approximately \$95,000 leaving \$245,500 for the ConCom bond.

It was the developer’s intention to stabilize all lots by winter. ConCom was satisfied with the work done on the project. T. Kenney questioned lot #34 being held as surety given its location because construction vehicles would need to pass through finished phases of the project when building occurred on the lot. The Board endorsed the covenant and it was notarized. C. MacGregor would file the release.

NEW BUSINESS

S. Gibson-Quigley had met with David Barnicle and G. Peabody in an attempt to have boards working together and informing each other as to their projects and issue before them. They hoped to have the Town Planner, the Planning Department be the coordinator. She asked the Board to think about having liaisons to ConCom, ZBA and the Board of Selectmen. She would bring this up for discussion at the Board’s next meeting.

PLANNER’S UPDATE

- Laurel Woods Definitive Subdivision Submittal – off Cedar Street having nine lots – August 9th or 23rd
- OSV Rezoning – August 9th
- Subdivision Control and Smart Growth Workshop – July 26th – conducted by L. Adams
- RRI – Site Plan Review

Future meetings - August 9th or 23rd – selection for an at large Zoning Study Committee member
 Tentative Date – selection of Burgess School Building Committee member

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

Adjournment at 9:00 PM