

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, August 9, 2005

Present Russell Chamberland
 Thomas Creamer
 James Cunniff
 Thomas Kenney
 Jennifer Morrison

Absent: Sandra Gibson-Quigley, Chair

Also present: James Malloy, Town Administrator

T. Kenney called the meeting to order at 7:02 PM. He stated that since the Board operated under Robert's Rules of Order and was without a Vice Chairman it would need to engage the rules and take a vote for a temporary Chairperson in the absence of S. Gibson-Quigley.

Motion: to nominate T. Kenney for Chairman, by T. Creamer
2nd: J. Morrison
Vote: All in favor

The draft minutes of July 12, 2005 and July 26, 2005 were reviewed.

Motion: to accept the draft minutes of July 12, 2005, as presented, by J. Cunniff
2nd: J. Morrison
Discussion: None
Vote: In favor – J. Morrison, T. Kenney, J. Cunniff and R. Chamberland
 Abstain – T. Creamer

Motion: to accept the draft of informal minutes for July 26, 2005, as presented, by J. Morrison
2nd: J. Cunniff
Discussion: None
Vote: In favor – J. Morrison and J. Cunniff
 Abstain – T. Creamer, T. Kenney and R. Chamberland

ANR'S

Krause – 25 Vinton Road – Jalbert Engineering, Inc. – 1 lot – L. Jalbert noted that Vinton Road was a scenic road, that the property was 100% uplands, there was less than a 3% gradient to the property, and it was located on the Sturbridge/Holland town line. T. Kenney recognized Carol Childress who inquired about the property being a scenic road. T. Creamer noted that at a previous meeting the Board agreed it was important that the proponent observe and understand the bylaws prior to clearing or destroying stone walls. L. Jalbert was aware that sections of the bylaw stated that 1) any driveway displacing more than fifteen feet of wall would require a public hearing with the Board of Selectman (BOS) and 2) any tree in the public right of way with a diameter greater than four inches would require a public hearing with the BOS prior to construction. {Note: Gen. Bylaws, Section 3.74 HEARINGS states that these actions require a public hearing with the Planning Board, and not with the BOS.} T. Kenney noted that the notation of a scenic road on the ANR plan would justify the Board's and the proponent's understanding of its responsibilities.

Approved

1

Lot Release Discussion – J. Malloy had discussed lot releases with Jon Eichman, of Kopelman & Paige, due to Greg Morse’s concern that the Town had not retained sufficient bonding for the completion of subdivisions. Though the developer chose the type of bonding it was the Board that determined the amount of the bond. J. Eichman offered a suggestion that the Town require, in addition to the surety, a collateral bonding. The Board agreed to have J. Malloy obtain a legal opinion for its next meeting from J. Eichman as to the options available. R. Chamberland would like the opinion to include the length of time the Board could hold such a bond.

OLD STURBRIDGE VILLAGE – REZONING COMMERCIAL/SUBURBAN RESIDENTIAL TO COMMERCIAL TOURIST – PUBLIC HEARING

Ms. Beverly Shepard, President

T. Kenney opened the public hearing and read the legal notice. He reviewed that there had been a petition for this rezoning which had been submitted to the BOS for the 2005 ATM warrant for a town vote. Since a different version of this proposal had appeared on that warrant, T. Kenney read the article as the Planning Board had originally intended and which read as follows “...to consider an amendment to the Town’s Zoning Map to change the zoning district designation for two parcels of land, located at 371 Main Street, Route 20, containing The Lodges, about 10.06 acres, together with a second parcel containing Crabtree and Evelyn and Country Curtains, about 3.48 acres, both parcels owned by Sturbridge Corporation, as shown on a Plan of Land prepared by Schofield Brothers, Plan 20934, for Old Sturbridge Village. The rezoning is, in part, from Commercial (C) and in part from Suburban Residential District (SR) zones, all to a Commercial Tourist District (CT) Zone, about 13.54 acres.”

He asked if the proponent had any changes or additional information regarding the proposal. There were none. He asked for questions from the Board. There were none. He asked for comments or questions from the public. There were none.

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

T. Creamer commented that the Board initially supported this proposal. He was still in support of the request and asked that the Board continue to support it as well.

Motion: to request the Board of Selectman to place this petition on the next available town warrant for a vote at town meeting as it originally stood and as read above and as completed by Mr. Adams, by T. Creamer
2nd: J. Cuniff
Discussion: None
Vote: All in favor

LAUREL WOODS, OFF CEDAR STREET – DEFINITIVE SUBDIVISION PLAN – PUBLIC HEARING **Mr. Andre´ J. Cormier, Escape Estates, Inc.**

T. Kenney noted that the applicant had submitted a request to withdraw the definitive subdivision plan without prejudice. J. Mallory commented that the applicant intended to submit an application for a scenic road public hearing and that he would be submitting a similar subdivision plan with the addition of an engineered plan showing stonewalls and trees. T. Kenney asked if there was a form that accompanied an ANR submittal. J. Malloy stated that the scenic road designation had been added to the ANR checklist.

NEW BUSINESS/OLD BUSINESS

Planning Board Appointment to the School Building Committee – T. Kenney noted this was a request from the BOS. T. Kenney read an email to the Board from Sandra Gibson-Quigley, dated 08-05-05, requesting its consideration for this position and stating her qualifications. T. Kenney acknowledged receipt of an email by T. Creamer supporting the nomination of S. Gibson-Quigley for this position. There were no other nominations.

Motion: to recommend to the Board of Selectman that S. Gibson-Quigley serve as the Planning Board representative to the School Building Committee, by T. Creamer

2nd: J. Cunniff

Discussion: None

Vote: All in favor

Planning Board Appointment to the Zoning Study Committee – T. Kenney recognized the following individuals

- Maureen Ouellette, 95 Fiske Hill Road – gave a brief background of her involvement within the community (Southbridge Garden Club, Harrington Hospital and the Sturbridge Senior Center), had been attending most Planning, Zoning and Selectmen meetings, as well as town meetings, had read the Strategic Plan, felt a healthy tax base required diversification (commercial, industrial and residential), opposed to reactive zoning and had the time to devote to the position.

Comments/questions raised by the Board – Would the applicant's personal issues be independent from decisions that would be in the best interest of the Town, what value could the applicant bring to the Zoning Study Committee and what contribution could the applicant make to balancing the need for the Town regarding commercial and industrial districts. There were no questions from the public.

- Scott Glass, 55 Old Village Road – was frustrated with what had not taken place within the Town, felt the Town needed to grow and should not flatly refuse businesses from coming into Town, felt creative solutions could be found within one year as opposed to three years proposed by the Committee, felt there should be balance with commercial and industrial districts, felt Route 20 should be commercially developed, felt the homeowners could not keep up with the raising costs of the Town and felt he could be objective.

T. Creamer clarified that the Board had worked in the past with businesses interested in coming into the Town by pointing out areas currently zoned appropriately for their use. He added that he did not rely on his own personal considerations, but looked to the Dialogue to the Future's Strategic Plan and the Master Plan of 1988 for guidance and felt the Board should take its time when making zoning decisions to protect the community's character for the years ahead. S. Glass gave reasons for supporting his opinions on past rezoning and development issues, stated he would be objective, give the necessary time and listen to the residents.

Comments/questions raised by the Board – Were there other issues the applicant was passionate about which related to the Town, how did the applicant propose to balance the need for a diverse tax base and still protect land, had the applicant given the same amount of thought to the other areas in the Town relative to rezoning as he had to Route 20 and what impact did the applicant feel the Zoning Study Committee would have had after thirty. There were no questions from the public.

- Michael Hoye, 20 Old Farm Road – gave a brief background of his work history, had reviewed the Strategic Plan and the Zoning Map, understood current thoughts for the interests of the residents, noted his involvement in the community (The Nature Conservancy, The Trustees of Reservations, The National Trust for Historic Preservation), felt the Town needed balance, that traffic was a major concern for the Town, that Route 20 was an important factor when considering zoning, felt that caution, time and patience should be a factor when rezoning land and was not opposed to the rezoning the Route 20 parcel given such a study, felt

zoning changes should be in the best interest of the Town, felt that zoning was an ongoing issue which would need to continue over time and felt continued communication with the residents was necessary to determine what uses were desired within the Town.

Comments/questions raised by the Board – To what extent would the applicant offset his interest with historic preservation and conservation with his concerns for commercial, how would the applicant briefly interpret the Strategic Planning Survey relative to the resident's views and uses that they wanted to see within the Town, was the applicant opposed to rezoning the Route 20 parcel, what did the applicant see as the legacy of the Zoning Study Committee and what contribution would the applicant make to keep the balance needed as the Town continued to grow.

T. Creamer noted the similarities between The Master Plan of 1988 and the Strategic Plan of 2004 relative to the issues and concerns of the residents.

T. Kenney asked J. Malloy if M.G.L. allowed for the Board to enter into executive session for the purpose of discussing and/or selecting the candidate for the appointment to the Zoning Study Committee. After reviewing M.G.L., J. Malloy advised the Board to continue its discussion in open session and added that the deadline had passed for letters of interest for this appointment. He noted that having participated in the past Route 15 study; he felt that this process should not be on going, but a process where the Town made a contract with its residents to determine what they wanted relative to the type and location of future development. He saw this zoning study as a complex issue that would require public comments and suggested that the Zoning Study Committee follow an effort similar to that of the Route 15 Study charrette. T. Kenney asked if there were any other questions for the candidates. There were none. He apologized to the candidates that the Board discussion needed to occur in public and asked the Board's wishes for the vote. The Board unanimously agreed to move forward and took up its discussion and vote with the following result based on the candidate's awareness of conservation and environmental issues, the candidate's opinion that zoning changes evolve over time and the candidate's young family that would benefit from well thought out decisions.

Motion: to recommend to the Board of Selectman that Michael Hoyer be appointed to the Zoning Study Committee as the private resident (at J. Malloy's concurrence) of Sturbridge, by J. Morrison

2nd: T. Creamer

Discussion: T. Kenney felt that definitive time lines were needed for this process and he hoped that the Committee would set realistic time lines and goals as stepping-stones at the end of the three year study.

Vote: All in favor

LOT RELEASES

Draper Woods – Release of lot 6

Kevin Rabbitt was present and stated that two lots, 5 and 6, remained as surety for Phase One as well as the remaining 31 lots held for Phase Two and Three. He was requesting the release of lot #6 since all work had been completed in Phase One with the exception of the topcoat, sidewalks and minor signage representing a value of approximately \$49,000. He added that the value of lot #5 was approximately \$111,000 to \$124,000. J. Malloy had no issues with the release. J. Cunniff asked if Greg Morse, DPW Director, customary submitted written comments regarding the inspection of the work before the release of lots. K. Rabbitt submitted Form P, Inspection Form, which had been fully executed and signed by G. Morse.

T. Creamer questioned the value of these lots to be sure there was a verifiable source to the numbers. T. Kenney stated that the values came from public records for different subdivisions and that he was confident the numbers were objective.

Motion: to accept the release of Lot #6 on Draper Woods with the understanding that there was \$49,440.00 in total cost to complete Phase One and an average lot price, as computed by K. Rabbitt, of \$124,284 was accurate and that G. Morse had signed Form P which indicated that all the work to be done had been completed and that the numbers were accurate, by T. Creamer

2nd: J. Morrison

Discussion: None

Vote: All in favor

The Board executed the document and J. Morrison notarized it.

There was no other new or old business for the Board.

Motion: to adjourn, by R. Chamberland

2nd: J. Cunniff

Discussion: None

Vote: All in favor

Adjournment at 8:34 PM