

STURBRIDGE PLANNING BOARD
(DRAFT 2) MINUTES OF
TUESDAY, 29 NOVEMBER 2005

Present: Thomas Creamer
Jennifer Morrison
Sandra Gibson-Quigley, Chair
James Cunniff
Russell Chamberland
Bruce Smith

Also Present: Tom Chamberland, Tree Warden
Jean Bubon, Town Planner

S. Gibson-Quigley called the meeting to order at 7:03 P.M. The draft minutes from Tuesday, 8 November 2005 were discussed. It was noted that Bruce Sutter needed to be changed to Bruce Smith on page one.

Motion: To accept the draft minutes of 8 November 2005, as presented, by T. Creamer

2nd: J. Cunniff

Discussion: None

Vote: Unanimous

SANR's

- Ralph A. & Jean F. Loconto of Paradise Lane request a division of a parcel of land into Lot 1 and parcels A, B, and C. Parcel A (7.0915 AC) is not to be considered a building lot, but is to be conveyed and annexed with land of Snowflake, LLC to form one undivided lot. Parcel B (10.4542 AC) is not to be considered a building lot without further action from the Planning Board. Parcel C (11.1598 AC) is not to be considered a building lot, but is to be conveyed and annexed with land of Kearns to form an undivided lot. Lot 1 contains 12.3348 AC and 167.08 ft of frontage on Paradise Lane. T. Creamer questioned signing ANR as parcel B is a non-buildable lot, noting that only Lot 1 contains legal frontage. S. Gibson-Quigley responded that as long as the plan states it is a non-buildable lot the plan can be approved. Approved.
- Clarence Soper of P.O. Box 134 (Sturbridge) requests to reconfigure #209 Shepard Road to contain the minimum area which is required by current town of Sturbridge Zoning. Clarence Soper to convey land from #215 Shepard Road (.14 AC) to Craig and Lisa Zuidema to form one contiguous lot known as #209 Shepard Road having an area of 32,760 sq.ft. The new home built on lot #209 was inadvertently moved from the original footprint location. Attorney Mike Caplette acknowledged that the issue was still in court and that this was being done to bring the lot (#209) into compliance. As a result, lot #215 will no longer be in

compliance. Both the Board and Town Planner expressed concern that the Zuidema's name or their signatures did not appear on the application, nor were they present at the hearing to give permission for the change in property lines. S. Gibson-Quigley suggested that Soper request a continuance to get the proper documentation from the Zuidemas. Clarence Soper submitted in writing a Request for Continuance. Continued to 13 December 2005.

SITE PLAN REVIEW – MAPLE HILL REALTY, LLC

Leonard Jalbert from Jalbert Engineering described the plans to construct a 10,500 square foot office/retail/restaurant building and associated improvements on an empty lot located at 127-135 Main Street. Lot size is 11 AC with 3 AC located in a commercial zone. The proposed building is a 28 ft. high L shaped building with a total coverage of 50,000 sq.ft. Traffic flow comes from the easterly and westerly sides of the property. No outside storage. There are 69 parking spaces. S. Gibson-Quigley noted that the amount of spaces is based on the needs of a restaurant, but that there is no plan to build a restaurant at this point. L. Jalbert stated that there is no restaurant as it stands, so they would only need five spaces vs. 32 for this portion of the plan. They were trying to stay with the integrity of the plan in case they wish to put one in later if the sewer moratorium is lifted. An article was presented at the selectmen's meeting to address this – they could reapply for additional usage if the moratorium was lifted. L. Jalbert continued to go over plans including buffer zone compliances, no riparian restrictions, no flood zone under FEMA regulations, no endangered species, and no visible detention basins. Utilities – Town water/sewer. There is a well permit on the property, but a private well cannot be used for domestic purposes only for landscaping. No oil/propane tanks. Design Review has approved signage. S. Gibson-Quigley asked if we have paperwork from Design Review Committee. J. Bubon responded no.

L. Jalbert stated he walked the site with Mr. Chamberland (Tree Warden) to make sure that the plan was acceptable. T. Chamberland stated that he was o.k. with the revised plan. S. Gibson-Quigley questioned if a traffic study had been done, or if there were any calculations for traffic flow. L. Jalbert stated that the trip generation based on office/professional use shows 60 trips/day based on the number of employees - with peak flows at 7:00 –8:00 a.m. and 4:00 – 5:00 p.m. The restaurant would change the flow to 100 trips per day with peak being spread out from 11 a.m. to 9 p.m. at night. S. Gibson-Quigley questioned how the driveways lined up with those across the street. L. Jalbert stated that they were offset. T. Creamer stated that he was uncomfortable making a decision based upon a restaurant that may or may not happen. There is a big difference in traffic flow between having the restaurant, and not having a restaurant. A traffic flow study should be done. He also questioned if the trees that were clear-cut already should have been done before or after site plan review? L. Jalbert stated that he got permission from the Conservation Commission – a 100 ft. buffer was staked and left untouched. S. Gibson-Quigley agreed that there was a more intensive use if the restaurant is built. A condition could be put in that another site plan review would be needed for any additional use. It would be up to the board to decide if a traffic study is needed or not. T. Creamer questioned how the Board's decision would impact the Board of Selectman – would they be forced to regarding tying into the sewer? He felt it needed to be looked at and

responded to as it is written with a restaurant. S. Gibson-Quigley responded that nothing this Board does tells the Selectmen what to do. It's up to them; they affect us more. L. Jalbert stated that the intensity of sewer use is twenty times more with a restaurant. They would come back for an additional site plan review if they decided to build later on if the moratorium is lifted. S. Gibson-Quigley asked L. Jalbert if he would consider taking out the word restaurant from the description and getting the new description approved by all the department heads. L. Jalbert agreed.

The hearing was opened to public comment:

Carol Goodwin, Orchard Road - questioned how much ledge would be removed. She expressed concern for the driving hazard coming off of Bedrock due to freezing water in the road. There are 21 spaces in the rear parking lot; when there are more than 20 spaces they must be 20 ft. from the property line. They are not 20 ft. from the property line. She is concerned that the building will be viewable from the road above; she would like to see some buffer plantings put in. She brought up several other issues she felt should be addressed before the building is constructed. S. Gibson-Quigley stated that the Board could not vote on hypotheticals. L. Jalbert and Dave Roberts addressed her concerns regarding the issues of ledge removal and drainage into the road.

T. Chamberland, Tree Warden - stated that the plans had not been stamped by a certified landscape architect or arborist. Tree removal is part of the site preparation. Twenty-six mature trees could have been preserved. There were also several trees that were removed from state property and an area adjacent to wetlands. Additional plantings cannot be done without Conservation Commission approval.

S. Gibson-Quigley listed the outstanding questions that needed to be answered:

1. Conservation Order of Conditions is needed
2. Traffic study needs to be done
3. Certified landscape or arborist stamp
4. Clarification as to exactly what is going to be built with the appropriate parking calculations

T. Creamer & J. Morrison questioned Mr. Chamberland if he was happy with the plans. He replied yes, but for future reference the plans would need to be stamped by a licensed/certified landscape architect or arborist. R. Chamberland agreed that the Board should go ahead with the plans unsigned since T. Chamberland is a certified arborist and he approved the plan, but in the future the proponent will need to follow the rules and get approval from the appropriate licensed people from now on. The Board agreed that if the restaurant is pulled from the description then a traffic flow study is not needed, but if it remains then a traffic flow study would be needed.

Motion: to continue the public hearing for Maple Hill Realty to 10 January 2006 at 7:15 P.M., by J. Cunniff.

2nd: B. Smith

Discussion: None

Vote: Unanimous

BROOK HILL SUBDIVISION – REQUEST FOR RELEASE OF SECURITY

Mark Judson – we have completed all final requirements for the remaining issues with the four houses on the hill. There were water pressure problems – he has in writing from three of four homeowners stating that their water pressure is now o.k. He is just waiting for Greg Morse’s approval. J. Bubon stated that everything was fine with G. Morse; just the issue with the four houses being resolved was pending. T. Chamberland stated that the developer had not submitted a landscape plan. They relocated a cistern and planted a tree on top of it. It was requested that it be moved, but it has not been moved. M. Judson stated that they added an additional tree instead. T. Chamberland restated that he needs the new plan and the trees need to be removed. Board agreed that the final landscape plans and G. Morse’s approval were needed before the funds could be released. Continued until 13 December 2005.

JOINT PUBLIC HEARING OF THE PLANNING BOARD AND TREE WARDEN ON THE APPLICATION OF ESCAPE ESTATES, INC. FOR THE PROPOSED LAUREL WOODS SUBDIVISION LOCATED AT 176 CEDAR STREET. REQUEST FOR A SCENIC ROADS SPECIAL PERMIT AND NON-HAZARDOUS TREE REMOVAL PERMIT FOR THE REMOVAL OF ONE POSTED 18” OAK TREE ON THE EASTERLY SIDE OF CEDAR STREET, 500 FEET NORTH OF COOPER ROAD.

Andre Cormier, Jr. (Escape Estates) – Stated that he heard about the bylaw 7 months ago. He did not think there were any trees on town property. This tree ended up split in half with one edge on the proposed way and one on town property. T. Chamberland stated that the tree is 18” in diameter and would require at least 9- 2” trees to replace it if it’s removed. The tree is healthy and is 18” in diameter at 4’ from the ground. Mr. Cormier did try to save the tree by trying to move the drive but couldn’t. Because this is also considered a Scenic Road, that bylaw changes how this is handled. Mr. Cormier has agreed to plant the new trees. R. Chamberland complimented Mr. Cormier on losing only one tree vs. many. Board and T. Chamberland discussed the effect removing this tree will have on the road as a Scenic Road. T. Chamberland stated that while it is the only big tree, it is in a relatively forested area. The effect of losing one tree while preserving frontage would not be bad. No one from the public spoke for or against the removal of the tree.

Motion: To close the public hearing, by R. Chamberland.

2nd: J. Morrison

Discussion: None

Vote: Unanimous

Board discussed the conditions for tree removal. Discussed changing the Scenic Road bylaw to require a certified tree appraisal, which would provide a more factual value of the trees being removed. Currently the Tree Warden has to estimate the value.

Motion: To permit applicant to remove tree with conditions, by T. Creamer
2nd: J. Morrison

Discussion: Mr. Cormier offered to plant trees in other areas of town if there weren't any appropriate places along Cedar Street. T. Creamer asked if the money to replace trees goes into a designated tree fund or into the town's general fund. T. Chamberland stated that it goes into an account specifically to replace trees. He is the only one who can take it out for the purpose of planting another tree and nothing else.

Vote: Unanimous

CHRIS TIERY AND JEAN GIGUERE-BEAUPRE REQUEST FOR WAIVER OF SITE PLAN FOR 76 MAIN STREET

Dave Roberts, Jalbert Engineering – Stated that they are taking an existing non-conforming lot and using the building with only slight modifications to the interior of the building. No changes are being made on the lot site. The only other approval needed would be from the Design Review Committee for signage. Currently it is an antiques shop and apartment. They are changing it to a corporate office and keeping the apartment. T. Creamer questioned what the use of the garage out back would be. Proponent stated that it was used for storage and they would probably do the same. J. Cuniff questioned if the lot is non-conforming could they change the use. D. Roberts said that they are not changing from a commercial use – which is a conforming use. S. Gibson-Quigley questioned what the paving and parking spaces were like. D. Roberts answered that the spaces were not delineated and the pavement was broken up. The traffic flow was discussed; the lot is exited and entered off of Simpson and Route 131. There would be a reduction in intensity (traffic) because it is going from a store to a corporate office. Proponent stated that they usually travel to see their clients and that the office would be visited only on occasion by a few out of state clients. R. Chamberland questioned if a condition should be put in that if there is a change of use they must come back for another site plan review. T. Creamer stated that it was a condition of RRI and maybe should be a condition of all site plan reviews. S. Gibson-Quigley said it was not necessary for everyone; RRI was a special case. It is automatically understood that the proponent would need to return for a change of use.

Motion: To waive site plan review for Tiery/Giguere-Beaupre, 76 Main Street, by R. Chamberland

2nd: T. Creamer

Discussion: None

Vote: Unanimous

TOWN PLANNER UPDATE – JEAN BUBON

- Reminded the board members that a Special Town Meeting was scheduled for 6 December 2005 at 7:30 P.M. Article 27 – Old Sturbridge Village Rezoning and Article 28 for the Acceptance of Brook Hill Road would be voted on.
- Board discussed Jim Malloy's memorandum dated 18 November 2005 re: the destruction/construction of stonewalls in the Scenic Road Bylaw. He suggested that it be deleted in its entirety and rewritten as a zoning-bylaw that covers all

stonewalls. T. Creamer questioned how significant a change the new wording was from the current bylaws. J. Morrison felt the wording was confusing. S. Gibson-Quigley felt the proposed bylaw would give the Board more control over what happens with stonewalls anywhere in town, not just ones on a scenic road. Board agreed to investigate this further and come up with more precise language. J. Bubon said that the intent of the Scenic Bylaw should be kept, just changed so that it could be applicable to any road.

- J. Bubon told the Board that the Planning Department is beginning to get organized and caught up. She thanked the Board for their patience during the transition.

Next meeting agenda (13 December 2005) was discussed:

Laurel Woods – faxed report from CME to Laurel Woods. The Board wants them to appear whether they continue the hearing or not. They should come prepared to finish up. X-tra Mart will also be on the agenda.

R. Chamberland informed the Board that Article 25, Heins Farm Acquisition (84 AC), would be discussed during the Special Town Meeting. He would like to see the endorsement of town voters.

S. Gibson-Quigley questioned what was happening with the lighting in The Preserve. J. Bubon told her that the bases for the lights have been delivered.

Motion: To adjourn, by J. Morrison
2nd: T. Creamer
Discussion: None
Vote: Unanimous

Adjourned: 9:45 P.M.

Net Meeting: 13 December 2005