

**STURBRIDGE PLANNING BOARD**  
(draft) MINUTES OF  
TUESDAY, 13 DECEMBER 2005

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

**Also Present:** Jean Bubon, Town Planner

S. Gibson-Quigley called the meeting to order at 7:02 P.M. The draft minutes from Tuesday, 29 November 2005 were discussed. It was noted that Thomas Kenney's absence from the meeting needed to be added on page one.

**Motion:** To accept the draft minutes of 29 November 2005, by J. Cunniff

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

**Discussion:** R. Chamberland requested that in future meetings when both he and his brother are present, their initials should always be used in the minutes instead of "Mr. Chamberland".

**Vote:** In Favor - T. Creamer, J. Morrison, S. Gibson-Quigley, J. Cunniff, R. Chamberland, B. Smith  
Abstain - T. Kenney

**SANR's**

- Clarence Soper, P.O. Box 134 (Sturbridge) – Continuation of request for lot reconfiguration from the 29 November 2005 Planning Board Meeting. S. Gibson-Quigley read the written request for continuance until 10 January 2006 from Attorney M. Caplette.

**Motion:** To accept Attorney Caplette's request for continuance until 10 January 2006, by J. Cunniff

**2<sup>nd</sup>:** T. Creamer

**Discussion:** None

**Vote:** In favor - T. Creamer, J. Morrison, S. Gibson-Quigley, J. Cunniff, R. Chamberland, B. Smith  
Abstain – T. Kenney

- Harold A. Heins et al, 4 Shumway Hill Road requests a division of their property into two lots. Lot 3A will contain 13 acres (the home is on this parcel), and Lot 3 will contain 85 acres. Both lots meet the requirements. Approved.
- Charles M. Morse, Sr. & Carolyn G. Morse, River Road request a division of their property into four parcels. Parcels 2 & 3 contain homes, Parcel 1 is vacant; all three meet the requirements. Parcel 4 is being created with the notation that it is not a buildable lot. Approved.

#### **DRAPER WOODS REQUEST FOR CHANGE OF SECURITY TO A LENDERS AGREEMENT**

Mr. Swiacki requested a postponement to give him time to meet with G. Morse to discuss their disagreement over the amount of the Lenders Agreement. Board agreed to postpone until the 10 January 2006 meeting.

#### **ALLEN HOMESTEAD DEVELOPMENT, L.L.C. – REQUEST FOR TIME EXTENSION**

S. Gibson-Quigley read a certified letter from Attorney Montezoures, dated 22 November 2005, requesting an extension until 31 July 2006, which would also coincide with an extension granted by the Conservation Commission. S. Gibson-Quigley stated that Atty. Montezoures could not be present for this evening's meeting due to a family obligation. S. Gibson-Quigley then referred to Jean Bubon who had met with K. Kippenberger, Conservation Agent regarding the extension they granted. J. Bubon stated that based on Ms. Kippenberger and Mr. Morse's (DPW) concerns that the board should continue to hold the surety. There are seven lots under appeal that have not been completed. No other lots remain undone. She also stated that she had received a call from an abutter, Mr. George Suprenant, with concerns regarding the loop water and fire hydrant systems.

T. Creamer stated that he would feel more comfortable with Atty. Montezoures and/or the proponent at the meeting. S. Gibson-Quigley stated that the current extension runs out 31 December 2005 and the Board does not meet again until 10 January 2006. They can't wait until someone can be present; they need to make a decision tonight.

T. Kenney asked if the water problem was an issue from the previous developer that occurred before Mr. Suprenant signed the papers, or was it a new issue?

S. Gibson-Quigley said that the continuance was due to the seven unfinished lots being in contention; everything else has been built to specifications. The issue is whether or not the seven lots will be buildable. She felt the Board should consider holding the bond and granting the extension due to the number of outstanding issues; their extension would coincide with the Conservation Commission's extension.

**Motion:** To grant a time extension until 31 July 2006, by T. Kenney  
**2<sup>nd</sup>:** J. Morrison  
**Discussion:** None  
**Vote:** Unanimous

#### **LAUREL WOODS SUBDIVISION – CONTINUATION OF PUBLIC HEARING**

S. Gibson-Quigley opened the continuation of the Public Hearing from 13 September 2005 of the Definitive Subdivision Plan. S. Gibson-Quigley listed ongoing issues to be discussed this evening such as utilities (street lights, etc.), street layout, environmental impact analysis, open space, and the intersection w/Cedar Street. She referenced a memo dated 15 September 2005 from the Board of Health that stated they approved as long as each house is tied into the sewer. Conservation Commission has Laurel Woods on their agenda 15 December, so the Board will have to wait for their decision.

S. Gibson-Quigley informed the Board that the new review of the Storm Water Management plan from CME has arrived. They would need to continue the Public Hearing until 10 January 2006 to allow them time to review the plans and review comments. T. Chamberland has also requested that the hearing be continued to allow him time to review the landscaping plan. She stated that the Board should be able to get through all the outstanding issues by 10 January and wrap the hearing up.

S. Gibson-Quigley stated that she has not seen any memos from G. Morse stating any issues regarding the streets. When she spoke to J. Malloy, he concurred that there weren't any issues.

Andy Cormier told the Board that he would be walking the site with Mr. Chamberland to determine the trees that stay or go. They are trying to keep the tree cutting to a minimum and would only clear just enough trees to fit each driveway.

S. Gibson-Quigley asked Mr. Cormier what the percentage of the grade is. He responded that the steepest grade is 4% and at Cedar Street it is 3%.

J. Cunniff questioned if an arborist stamp was needed. J. Bubon replied that when she had met with Mr. Chamberland he said he was fine with it. S. Gibson-Quigley noted that the arborist stamp was just for a Site Plan Review.

A. Cormier told the Board that they had lost over  $\frac{3}{4}$  AC of open space to put in the second detention basin.

S. Gibson-Quigley asked if the sewers were finished, or if there were any memos from G. Morse. There were no outstanding issues. She referred to the Subdivision Regulations to answer the question about the arborist stamp; none is required for a subdivision.

R. Chamberland stated that G. Morse did bring up the odor control station. A. Cormier replied that there were two easements on Parcel A. One would provide the Young's with

a sewer connection if they choose; the other is for the odor control station. T. Creamer said that the property owners [Young] were not fully aware they were going to have this easement and seemed surprised. A. Cormier responded that he has spoken to the Youngs and they are fine with it now. The Youngs would like to obtain Parcel A so they can build a garage on it. The abutters to Parcel B and Lot 9 have also been mailed information giving them the option to purchase land. We know who is and is not interested in purchasing land, but no one has signed anything yet. The abutters for the back of Lot 9 are working on their financials and are almost at the end of the sale process.

S. Gibson-Quigley asked where the streetlights are going. A. Cormier stated there is one at the halfway point where the road becomes a single lane, one at the end of the cul-de-sac and one at the halfway point between the two. There is not one shown at the intersection with Cedar Street because they are going to Mass Electric for a pole. S. Gibson-Quigley requested that it still be shown on the plan. She also requested to have the drawing of the correct type of light pole put on the plan instead of the generic sample currently shown.

T. Creamer brought up the memo from Chief Button that indicated some traffic issues with the placement of driveways and street lighting. S. Gibson-Quigley read the memo dated 8/26/05 that also requested a warning sign alerting oncoming traffic that traffic may be entering the road. R. Chamberland wanted to know how long the road is. A. Cormier responded that it is 900 ft. long to the cul-de-sac. T. Creamer wanted to know if there were any concerns with the location of fire hydrants. A. Cormier answered that the Fire Chief felt the location of the fire hydrant was acceptable, as it would still serve Cedar Street as well as the new road. After looking up the regulation, S. Gibson-Quigley told the Board that there was no regulation governing how many lights were needed. A. Cormier said he would still like to add some light onto the sidewalk for pedestrians. S. Gibson-Quigley stated that the sidewalk was installed to the appropriate specifications and asked about street signs. A. Cormier stated that he has not seen the street sign placements. S. Gibson-Quigley stated that there needed to be both street sign and stop sign placement indicated on the plan. R. Chamberland would like to see a keep right sign where the road divides.

B. Smith asked if there was approval from the Conservation Commission. A. Cormier responded that they would be discussing outstanding issues with them at Thursday night's meeting. Ms. Kippenberger will send a memo to the Board informing them of their decision. S. Gibson-Quigley read aloud Section 1 of the Environmental Impact before continuing on with the hearing. T. Kenney stated that based on the Environmental description there is a 15 ft. lot buffer of gravel road with only 5 ft. on the other side. He questioned if the Board should require more plantings between Lots 1 & 2. A. Cormier stated that they don't want the owners looking at a gravel access road either. They never clear-cut trees; there is also heavy laurel growth that will help fill in the space. T. Kenney expressed his concern that the trees and driveways seemed very close together. S. Gibson-Quigley asked if the plan was an accurate layout. A. Cormier stated that it was not. They would move driveways and/or flip garage placements to save trees per T. Chamberland's direction. T. Kenney felt the Board needed updated plans showing where

the houses and driveways will be and what trees will remain. A. Cormier said that they would be happy to add verbiage stating that the trees would be saved to the best of their ability. They don't know what kind of house will be built, or how it will actually be situated, as they are custom built homes. The board would still like to see plans of the final layout of the driveways and trees for their approval. This could either be noted on the plans or placed in the final order of conditions.

It was noted that the subdivision would have minimal impact on public services such as the school system. The nine houses will have some impact on Cedar Street traffic.

A. Cormier told the Board that the amount of open space for Laurel Wood had been changed slightly. As mentioned previously, they did lose  $\frac{3}{4}$  AC to the additional detention basin. S. Gibson-Quigley read the Escape Estates memo dated 9/12/05 stating that the Nipmuc Quaboag Preservation Trust, Inc. has been established. The open space off of the cul-de-sac will be owned and maintained by the association. The open space is to be used for recreational purposes only; there would not be any hunting allowed. J. Morrison asked if the property was sold from the Nipmuc Trust could they change its use? A. Cormier said he would need to have his dad clarify exactly what was drawn up. They wouldn't tell the town what to do with it, for instance, if they wanted to put a playground on it. Escape Estate's intent would be for it to go to another conservation non-profit organization that would preserve the land. The Board agreed that the agreement should be written so as to clarify that the land is to be saved. T. Kenney would also like to see an easement to the land drawn up.

S. Gibson-Quigley stated that on 10 January the stormwater management system will be reviewed as will the disposition of Parcels A & B and Lot 9. J. Bubon stated that Parcels A & B should become part of Lots 1 & 9 until the issues are resolved. This could be done as a condition instead of revising the plan.

S. Gibson-Quigley asked if there were any questions or concerns from the audience; there were none.

R. Chamberland referred to sheet 2 of 3 (Survey) on the plan when he asked about railroad tracks shown. He has never seen any tracks on the land. A. Cormier stated that they were railroad ties, not an actual track system.

**Motion:** To continue the Public Hearing for the Laurel Woods Definitive Subdivision on 10 January 2006 at 8:15 P.M., by T. Creamer.

**2<sup>nd</sup>:** T. Kenney

**Discussion:** None

**Vote:** Unanimous

#### **X-TRA MART (215 CHARLTON ROAD) - SITE PLAN REVIEW**

T. Kenney read the legal notice. Conrad Decker from X-tra Mart explained to the Board that he was looking to install a pump island to increase their gas pumping capabilities. He provided the Board with plans drawn up by Jalbert Engineering. G. Morse has approved

of the increase. He has also demonstrated that the turning radius is o.k. The storm water management system has been replaced. He stated that he has a copy of the Conservation Commission's approval. He explained that he would like another refueling station because during the peak morning and evening hours there can be lines into the street. This is not an increase of intensity; he just would like to better serve those who are waiting in line and his regular customers. Adding the additional station would help alleviate traffic.

S. Gibson-Quigley read the following correspondence:

Leonard Senecal, Fire Chief (11/05/05) stated that the Fire Department would still have adequate emergency access.

Tom Button, Police Chief (11/15/05) stated that there were no public safety issues, but that if the last two parking spaces are filled there may still be an issue with big trucks.

Kelly Kippenberger, Conservation Commission Agent (11/14/05) stated that the Conservation Commission issued a negative determination for the pump island expansion project. It is their opinion that there will not be an impact on the wetland areas.

Greg Morse, DPW (11/04/05) stated that he had reviewed the plans and would like the following additions:

- 24' minimum clearance radius
- Two No Parking signs installed along the curb lines of the radius. These will need to be maintained and policed at all times to ensure reasonable site traffic flow.
- Chase Precast proposal for H-20 loading tanks included in submittal.

R. Chamberland would also like to see yellow stripes and "No Parking" written along the curb. He also questioned if there were any issues with the number of cashiers in relation to the number of pumps. Mr. Decker said that it was not a function of how many pumps there were; it's required that they have two people working the registers.

**Motion:** To close the Public Hearing, by T. Kenney  
**2<sup>nd</sup>:** B. Smith  
**Discussion:** None  
**Vote:** Unanimous

Board discussed the Site Plan Amendment. J. Bubon asked if it was normal procedure to put a completion date on the plan so that it automatically triggers an inspection. The Board said this has not been their previous practice, but that they would like to see it happen from now on. C. Decker told the Board he would start the project 1 April 2006 and be completed by 30 June 2006. J. Bubon advised him that he would need to notify the office in writing when the project was completed so that an inspection could be done to make sure that the project was in compliance.

**Motion:** To approve the Site Plan Amendment with a completion date of 30 June 2006 and conditions, by T. Kenney

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

**Discussion:** None

**Vote:** Unanimous

**CHARLIE MACGREGOR, BRENDON HOMES – REQUEST FOR LOT RELEASE AT THE PRESERVE**

S. Gibson-Quigley read Charlie MacGregor's letter dated 12/05/05 requesting the release of Lot 34 for building and sale. C. MacGregor stated that Greg Morse has approved Phase II. It has been completely paved, and two streetlight bases were installed today. The third entrance has been paved which has fixed the drainage issue. The release of this lot would allow him to complete Phase II and have the last three lots being held for bonding purposes located in the same location of Phase III.

S. Gibson-Quigley requested that Mr. MacGregor put up a sign to keep trucks from entering the finished portion of the development. He stated that he would put one up this week.

**Motion:** To release Lot 34 of the Preserve for sale, by T. Creamer

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

**Discussion:** None

**Vote:** Unanimous

The Board signed the Form F Covenant Release. J. Morrison acted as Notary Public.

S. Gibson-Quigley noted that the bond has not yet been posted for Adams Road as approval from G. Morse is still pending.

S. Gibson-Quigley restated that Draper Woods request for Change of Security would be looked at on 1/10/06.

**BROOK HILL SUBDIVISION – REQUEST FOR RELEASE OF SURETY**

S. Gibson-Quigley stated that she has concurrence from Mr. Morse and Mr. Chamberland that Brook Hill is completed.

**Motion:** Motion to release performance for Lenders Agreement, by T. Kenney

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

**Discussion:** None

**Vote:** Unanimous

Board signed the Certificate of Completion and Release of Performance Secured by Lender's Agreement. J. Morrison acted as Notary Public.

## **PLANNER'S UPDATE – JEAN BUBON**

- Presented the Board with the Town of East Brookfield's request that the Planning Board grant a waiver to the requirements of Chapter 40A Section 5 for a recent zoning amendment. The Board signed the waiver.
- Stated that she would like to wait and amend the Zoning By-Law regarding Scenic Roads at the 2007 Annual Town Meeting. She does not have adequate time to rewrite the by-law and still meet the legal posting requirements in time for this year's meeting. However, Mr. Malloy has asked that the definition of work be amended to exempt the DPW and that the Routed Ways be eliminated from the list. J. Bubon indicated that she could have the changes ready for the 1/11/06 meeting. Recommendations have to be to the Board of Selectmen by 1/15/06. The Board agreed to wait.

## **OLD BUSINESS/NEW BUSINESS**

- Maple Hill, Laurel Woods, Draper Woods, and Shepard Road (Soper) will be on the agenda for the next meeting which will be held on 10 January 2006
- S. Gibson-Quigley would like Committee updates at this meeting
- J. Morrison will not be present at the 24 January 2006 meeting
- R. Chamberland suggested that the Town adopt a policy that would require an automatic review of development plans by the Town Engineer. S. Gibson-Quigley questioned what would trigger the review. Board discussed that this should be considered for the future, but that the cost should be on the proponent. J. Bubon mentioned that she was used to a regulation that every definitive subdivision plan would automatically go for review by an engineer picked by the town. Funds were put into a revolving account to pay for the review; the unused portion was returned to the proponent. The Town could have a list of consultants to choose from to avoid potential conflicts between proponents and engineers. However, she wasn't sure if the Town of Sturbridge had this regulation in place. S. Gibson-Quigley stated that it was on page 45 of the Subdivision Regulations. The Board decided they could automatically have it done unless they deemed it unnecessary. They would also consider it for Site Plan Review as well.

**Motion:** To adjourn, by J. Cunniff  
**2<sup>nd</sup>:** J. Morrison  
**Discussion:** None  
**Vote:** Unanimous



**Adjourned:** 9:28 P.M.

Next Meeting: 10 January 2006