

STURBRIDGE PLANNING BOARD  
DRAFT MINUTES OF  
WEDNESDAY, JANUARY 17, 2007

On a roll call made by Ms. Morrison, Clerk the following members were present:

**Present:** Tom Creamer, Chair  
Russell Chamberland  
James Cunniff  
Penny Dumas  
Jennifer Morrison, Clerk  
Sandra Gibson-Quigley  
Bruce Smith

**Also Present:** Jean Bubon, Town Planner  
Diane Trapasso, Administrative Assistant

The regular meeting of the Planning Board was called to order at 7:00 PM by Chairman. Tom Creamer.

Mr. Creamer read the agenda.

Mr. Creamer read a prepared letter he wrote stating his responsibilities as Chair of the Board and responsibilities of Board members and apologizing for not taking more control of the meetings.

**Approval of Minutes**

**Motion:** Made by Mr. Smith to approve the amended minutes of January 9, 2007  
**2<sup>nd</sup>:** Mr. Cunniff  
**Discussion:** None  
**Vote:** 7 – 0

**CONTINUATION OF THE PUBLIC HEARING ON A PETITION OF THE PLANNING BOARD TO CONSIDER AMENDING THE ZONING BYLAW OF THE TOWN OF STURBRIDGE.**

**Chapter Nine – General Industrial District and Chapter Ten – Industrial Park District- Propose to delete Automobile Service Station and Automobile Salesroom or Lot.**

At the request of the Board, Ms. Bubon conducted research on limitation on the size of auto sales lots (the number of cars to be sold) in an effort to help the Board determine what an

appropriate limitation may be if the Board chooses to keep automobile salesroom or lot listed as a permitted use in both the General Industrial and Industrial Park Districts.

Currently automobile service station and automobile salesroom or lots are listed as permitted uses in both General Industrial and Industrial Park Districts. These uses are not defined in the bylaw. The proposal is to remove both of these as permitted uses within the Districts which raised discussion and a variety of opinions amongst the Board members. At issue now is really the automobile salesroom or lot.

Since the Board provided a starting point of a 25 to 30 vehicle limit, that is where Ms. Bubon focused the research. The first area that she researched was the surrounding communities to determine if any community limited the number of vehicles that may be for sale on a lot. None was found.

Ms. Bubon stated that the number of spaces for vehicles could be determined through Site Plan Review.

**Motion:** Made by Ms. Gibson-Quigley to propose to the Town to consider amending Chapter Nine and Ten by deleting the automobile service station as a permitted use in Sections 9.01 (d) and 10.01 (e), and to retain automobile salesroom or lot as a permitted use in Sections 9.01 (d) and 10.01 (e) but limit the number of cars to be sold so as not to exceed 40.  
**2<sup>nd</sup>:** Mr. Smith  
**Discussion:** None  
**Vote:** 7 – 0

## **PROPOSED MODIFICATIONS TO SECTION 20.21 OFF STREET PARKING AND LOADING SPACES**

Mr. Cunniff stated the reason for this change was to make it more “business friendly”. Off Street Parking and Loading has been amended to allow shared parking within 600 feet in the Commercial Tourist District (currently it is 300 feet), and to add standards for shared or leased parking and bicycle racks.

**Motion:** Made by Ms. Morrison to propose to the Town to consider amending Section 20.21 Off Street Parking and Loading Spaces by extending the Distance between the location of the permitted use and the location of its shared parking in the Commercial Tourist District from 300 feet to 600 feet and adding criteria for shared or leased parking in accordance with recommendations made by Kopelman & Paige.  
**2<sup>nd</sup>:** Mr. Smith  
**Discussion:** None  
**Vote:** 7 – 0

## **COMMERCIAL BUSINESS DISTRICT – PROPOSED AS A NEW ZONING DISTRICT AS A NEW CHAPTER 17 AS WELL AS UPDATES TO AFFECTED SECTIONS (CHAPTER 3 & 19) AND ZONING MAP MODIFICATION**

Mr. Cunniff stated that the purpose of this amendment, Commercial Business District, is to encourage small-scale commercial/retail sites in or near dense residential neighborhoods for the primary purpose of servicing the local residents. Some uses that are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. Structures are restricted in size to 25,000 sqft to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be compatible with the scale of surrounding residential areas. The emphasis of the zone is on uses that will provide services for the nearby residential areas, but include a variety of uses that will benefit both visitors to the community and those passing through the community.

**Motion:** Made by Mr. Chamberland to propose to the Town to consider adopting the aforementioned proposed Commercial Business District to be inserted in the bylaw as Chapter 17 in accordance with recommendations made by Kopelman & Paige.

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

**Discussion:** None

**Vote:** 7 – 0

**Motion:** Made by Mr. Cunniff to propose to the Town to consider amending Chapter 3, Section 3.01 Establishment of Districts by inserting a new district Commercial Business (CB) in the appropriate location.

**2<sup>nd</sup>:** Mr. Smith

**Discussion:** None

**Vote:** 7 – 0

**Motion:** Made by Ms. Morrison to propose to the Town that Chapter 19 – Intensity Regulations be amended, by inserting in its appropriate location, a new Category for Commercial Business District using the same dimensional requirements as the existing Commercial District.

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

**Discussion:** None

**Vote:** 7 – 0

**Motion:** Made by Mr. Chamberland to propose to the Town that the Zoning Map be amended in accordance with the illustrative zoning map prepared by the Planning Department and dated December 6, 2006. also have to be amended.

**2<sup>nd</sup>:** Mr. Smith

**Discussion:** None

**Vote:** 7 – 0

## **A NEW PROPOSED REPLACEMENT OF DESTROYED BUILDINGS SECTION**

The new section would provide absolute protection to property owners in the event their building is destroyed by fire, act of God, etc., provided that the replacement is underway within two year of the date of casualty. This section replace the current section 20.06 in it's entirely and section 20.04 would be deleted.

**Motion:** Made by Mr. Smith to propose to the Town to consider the aforementioned amendment in accordance with recommendations by Kopelman & Paige.  
**2<sup>nd</sup>:** Mr. Cunniff  
**Discussion:** None  
**Vote:** 7 – 0

## **PROPOSED MODIFICATION TO THE FRONTAGE DEFINITION**

This proposal would make sure the lot has a safe, convenient and meaningful vehicular access to the buildable portion of the lot.

**Motion:** Made by Ms. Morrison to propose to the Town to consider amending Chapter 2 Definition in accordance with recommendations made by Kopelman & Paige.  
**2<sup>nd</sup>:** Mr. Chamberland  
**Discussion:** None  
**Vote:** 7 – 0

Mr. Creamer stated that a member of the Planning Board on behalf of the Zoning Study Committee requested that the Planning Board reconsider support of the Accessory Dwelling Unit Bylaw as originally proposed. Mr. Creamer stated this issue has been discussed at varying degrees by the Planning Board on 11/28/06, 12/05/16 and at considerable length on 12/06/06 which resulted in a super-majority vote (6 – 0 - 1, with Ms. Dumas abstaining) by the Planning Board to forward the Accessory Dwelling Unit Bylaw to the Board of Selectmen.

During these meetings and discussions Mr. Creamer could not recall any member of the Zoning Study Committee or the members of that committee who also sit on the Planning Board saying that the Accessory Dwelling Unit Bylaw, as presented, was misrepresentative in any way of the Zoning Study Committee intentions.

He continued saying that once items have been given their due diligence and a vote has been taken, we have the responsibility to maintain the outcome of our deliberations unless “new and critical information” has arisen.

Added to this issue are the rules of Parliamentary Procedure (Robert’s Rule) that we utilize as our “playbook” and that indicates that any rescission or reconsideration or of a previous vote only take place within strict Parliamentary Rules: that the previous vote was based upon incomplete information or made too quickly by the Board, this was not the case.

Mr. Creamer then stated that according to Robert’s Rule the only mechanism by which to reconsider a vote is through a motion made by one who voted in the majority with regard to the primary motion. He added that another option was to offer a motion to rescind the original vote which could be offered by any member regardless of how they previously voted. No one on the Board made a motion. Mr. Creamer asked if there was new information to be presented.

Mr. Creamer restated these two options on several occasions during the discussion.

Ms. Cooney, Zoning Study Committee member, stated she had new information. The Board felt the information was not new or critical and therefore did not qualify as justification either rescind or reconsider the original motion and vote.

**Motion:** Made by Mr. Chamberland to close the Public Hearing  
**2<sup>nd</sup>:** Ms. Morrison  
**Discussion:** None  
**Vote:** 6 – 0 – 1 (Ms. Dumas abstaining)

### **ANR – CAMBRIDGE PROPERTIES, LLC- 116 BROOKFIELD ROAD**

Ms. Bubon stated the plan meets all requirements. The purpose of this plan is to subdivide the existing 3.0128 parcel into two lots. The existing garage is to be saved and relocated on Lot 2 to a location conformance with the current setback requirements.

The Clerk signed the plan.

The Board cancelled the January 23<sup>rd</sup> meeting.

Next meeting January 30<sup>th</sup>

On a motion made by Ms. Morrison and seconded by Mr. Chamberland, and voted unanimously, the meeting adjourned at 9:35 PM.