

STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, SEPTEMBER 15, 2009

On a roll call made by Ms. Gibson-Quigley, the following members were present:

Present: Jim Cunniff
Penny Dumas
Francesco Froio
Sandra Gibson-Quigley, Chair

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

Absent: Russell Chamberland
Jennifer Morrison

Ms. Gibson-Quigley called the regular meeting of the Planning Board to order at 6:30 PM.

APPROVAL OF MINUTES

Motion: Made by Mr. Cunniff to accept the minutes of September 1, 2009.
2nd: Mr. Froio
Discussion: None
Vote: 4 – 0

SANR – CLARENCE SOPER AND CRAIG & LISA ZUIDEMA – 215 SHEPARD ROAD.

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicant. Mr. Jalbert stated that the purpose of this plan is to reconfigure 209 Shepard Road to contain the minimum area which is required by the Town of Sturbridge Zoning.

Mr. Jalbert stated that this reconfiguration complies with the Court order to make to area comply with zoning and the lot has frontage.

Ms. Dumas thought she may have to excuse herself from endorsing the plan because she was on the ZBA at the time of the appeal.

The Board and Mr. Jalbert as the petitioner agreed that Ms. Dumas can vote because the Court has made a decision and that is why this plan is before the Board.

Motion: Made by Mr. Froio to endorse the plan of Clarence Soper and Craig & Lisa Zuidema at 215 Shepard Road.
2nd: Mr. Cunniff
Discussion: None
Vote: 4 – 0

The Board signed the plan.

SANR – CHARLES KADY, JR. – 83 FAIRVIEW PARK ROAD.

Ms. Bubon stated that the plan submitted shows the division of a parcel located on Fairview Park Road into two separate lots. Both lots contain the appropriate amount of frontage.

Motion: Made by Mr. Cunniff to endorse the plan of Charles Kady, Jr. at 83 Fairview Park Road.
2nd: Mr. Froio
Discussion: None
Vote: 4 – 0

The Board signed the plan.

ATTORNEY MARK DONAHUE REPRESENTING SWIACKI & COMPANY, L.P. – REQUEST EXTENSIONS FOR LENDERS' AGREEMENTS AND COMPLETION DATES FOR WHITTEMORE WOODS AND DRAPER WOODS. REQUEST FOR EXTENSION OF COMPLETION DATE FOR ESATES NORTH.

Attorney Donahue spoke on behalf of the applicant.

He stated that the Whittemore Woods Subdivision Plan/Turner Lane has seen little activity over the past year due to the economic conditions affecting the region. There have been no home sales or lot sales in that period of time. There is one home which has been constructed by a local home builder which has been on the market for more than a year. There remain two lots for sale at the present time. The remaining improvements to Turner Lane as shown on the plans are adequately covered by an existing Lender's Agreement with the Town. The request for extension of the Definitive Subdivision Plan includes a request for an extension of the Lender's Agreement for a corresponding period of time. He requested an extension for one year, October 14, 2010.

Ms. Bubon stated that she spoke to Mr. Morse regarding the extensions requested and he is again concerned that some of these projects have been on-going for some time. However, it is the Town's policy not to allow final paving until the subdivisions are substantially built-out, so there is not much of an option to granting the extensions.

Ms. Bubon recommends that since there are concerns that the Board grant one year extensions with the stipulation that the developer and/or his representative meet with her and Mr. Morse during the fall or early winter to develop an acceptable time-frame for completion and or an acceptable schedule of additional inspections of the binder course

prior to final completion of the development. Since Mr. Morse's main concern is the long term viability of the binder course, this would seem to be a reasonable approach.

Motion: Made by Mr. Cunniff to grant a one year extension for Whittemore Woods Definitive Subdivision Plan/Turner Lane with the agreement that they meet with Ms. Bubon and Mr. Morse to develop a time-frame for final completion. The extension is to October 14, 2010.

2nd: Ms. Dumas

Discussion: None

Vote: 4 – 0

Attorney Donahue stated that the process of Draper Woods has been delayed due to the economic conditions affecting the region generally. There is currently one home being constructed on speculation by a new home builder. At present time, 22 of the total of 46 lots within the subdivision remain to be sold and built upon. To break this down as 13 in the so-called Phase 2 and 9 in Phase 3.

Attorney Donahue stated that they will meet with Ms. Bubon and Mr. Morse and discuss final time-frame for completion.

The Board stated that this project could end after Phase 2.

Motion: Made by Mr. Cunniff to grant a one year extension for Draper Woods Development/Draper Estates with the agreement that they meet with Ms. Bubon and Mr. Morse to develop a time-frame for final completion. The extension is to October 14, 2010.

2nd: Mr. Froio

Discussion: None

Vote: 4 – 0

Attorney Donahue stated that the Estates North subdivision was scheduled to expire in accordance with the terms of the Board approval on June 18, 2009. Due to administrative oversight, this request was not made prior to the applicable date. On behalf of my applicant, he requested an extension to October 14, 2010.

There have been no sales of the project over the last twelve months. As the Board is aware, there had been significant development efforts in designing a multiple family dwelling on this site which have not come to fruition due to the economic conditions in the area. There remains the possibility that these efforts will be renewed as the economy improves. There are improvements that are required for Chase Road as shown on the subdivision plan which are secured by the recorded Subdivision Covenant.

Attorney Donahue stated that this extension is for the subdivision for the roadway. – Chase Road. The adult retirement community would need to go through site plan approval if it were to be proposed again.

Motion: Made by Mr. Froio to grant a one year extension for Estates North Subdivision Plan with the agreement that they meet with Ms. Bubon and Mr. Morse to develop a time-frame for final development. The extension is to October 14, 2010.

2nd: Mr. Cunniff

Discussion: None

Vote: 4 – 0

TOWN PLANNER UPDATE

Update on the Preserve

- Street Acceptance Plans and a legal description were submitted on September 15, 2009 – the plans must be signed by the Board and forwarded to the BOS for inclusion on the STM Warrant.
- National Grid requires endorsement of lighting plan prior to installation of the lights poles.
- A punch list was developed after the inspection by Ms. Bubon and Mr. Morse on September 10, 2009. The punch list of items needing correction/action follows:
 1. Stop signs have not been installed at the intersections.
 2. Mr. Morse still questions if the auto dialer has been installed at the generator please verify and/or test with him.
 3. The weeds, etc, around the generator area still must be cleaned up and the area top soiled and seeded, there is also a bit of debris to be removed.
 4. Noticed a bound at 18 Audubon Way that has not been set it is just lying on the grass; there may be more – need to check
 5. The retention ponds should be mowed prior to acceptance.
 6. As discussed, the lights must be installed.
 7. Mulch has not been installed around any of the trees.
 8. Back up the sidewalk paving with loam and seed
 9. The old section of roadway must be swept clean all debris
 10. Mr. Morse still questions the cleaning of all structures

Ms. Bubon stated that because of the early Special Town Meeting, she would recommend that the Board sign the street acceptance and forward to the BOS for Town acceptance.

Ms. Bubon also stated that she received an email from Mr. Fife of Opacum Trust upset that the curbing around the entrance at the Opacum Trust property that was shown on the plan was not done.

Ms. Bubon stated that she received an email from Mr. Morse stating that the parking area is sloped towards the cul de sac and the curbing would be a hindrance for the Town to maintain.

The Board questioned run-off down the trail.

The Board would like Mr. Morse to contact Mr. Fife and explain why he did not want the berm installed.

Motion: Made by Ms. Dumas to endorse the plan showing the lighting location changes by National Grid with the plan dated September 15, 2009.

2nd: Mr. Froio
Discussion: None
Vote: 4 – 0

The Board signed the plan.

Motion: Made by Ms. Dumas to forward the Street Acceptance Plans and legal description to Mr. Racicot for inclusion on the Special Town Meeting Warrant with a notation that this action is necessary since the project was foreclosed upon and that the streets will not be maintained once the work is complete. Acceptance will allow the Town to maintain the roads with final approval by Mr. Morse.

2nd: Mr. Froio
Discussion: None
Vote: 4 – 0

The Board signed the street acceptance plans.

ATTORNEY ED NEAL – DISCUSS A ZONING AMENDMENT PROPOSAL FOR THE COMMERCIAL TOURIST (CT) DISTRICT

Attorney Neal spoke on behalf of the applicant. He stated that in 1980 the Town established the Commercial Tourist District and it is very limited. His applicant is asking to amend Chapter Eight – Commercial Tourist District Section 8.01 Permitted Uses (c) by inserting wine shop.

He stated that his client would like to purchase a building in the Commercial Tourist District in order to sell wine and wine only. He would like to open by the Christmas season.

The Board offered some of the following pros and cons:

- Why not add specialty foods and then it would be allowed without a zoning change
- Why being rushed for the Special Town Meeting – wait for the Annual
- Other businesses in the District sell wine along with foods
- Ms. Dumas is in favor of the shop – Had them in France – thought it would be a good shop for the district

Motion: Made by Ms. Dumas to act as petitioner to the BOS to amend the Zoning Bylaws, Chapter Eight-Commercial Tourist District Section 8.01 Permitted Uses (c) by inserting wine shop, and to be placed on the Warrant at the Special Town Meeting.

2nd: Ms. Gibson-Quigley
Discussion: The petition is being rushed – what is best for the Town – BOS may not support it
Vote: 1 – 3 (F. Froio, J. Cunniff & S. Gibson-Quigley)

43D Update

- All work – orders have been signed with the exception of the design review standards and work will be underway soon.

Legal Seminar

- September 30, 2009 @ 6:30 PM @ the Senior Center – Representative from Kopelman & Paige – Open Meeting Law & Public Records Law

Last Green Valley

- Request for in-kind expenditures – due September 18, 2009

Email Update on the Ansar Energy Proposal – FYI

New Focus Group Applications submitted

Commonwealth Capital Application must be completed.

NEXT MEETING

October 6, 2009

OLD BUSINESS/NEW BUSINESS

None

On a motion made by Mr. Cunniff and seconded by Ms. Dumas, the Board unanimously voted to adjourn at 8:25 PM.