

**STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, JUNE 29, 2010**

Ms. Gibson Quigley called the regular meeting of the Planning Board to order at 6:30 p.m. On a roll call made by Ms. Morrison the following members were present:

Present: Russell Chamberland
James Cunniff
Penny Dumas
Sandra Gibson-Quigley
Brian McSweeney
Jennifer Morrison

Also Present: Jean M. Bubon, AICP, Town Planner

Absent: Francesco Froio

APPROVAL OF MINUTES

Motion: Made by Ms. Dumas to accept the minutes of June 15, 2010 with a correction as noted.

Second: Ms. Morrison

Discussion: There was a brief discussion since only three of the members present this evening were present at the last meeting. Therefore, only three members could vote to accept the minutes. Since that was a majority of members present at the June 15, 2010 meeting, it was decided to proceed in that manner.

Vote: 3-0-3 (Chamberland, McSweeney and Gibson-Quigley)

ANR – ACORN ALLOCATIONS – 104 MCGILPIN ROAD

Materials Reviewed:

Plan entitled “ANR Plan of Land owned by Acorn Allocations, LLC located at #104 McGilpin Road, Sturbridge, MA 01566 Worcester County Scale 1”=60’ June 22, 2010 Prepared by Bertin Engineering Associates, Inc. 39 Elm Street, Southbridge, MA 01550”. Plan is on file in the records of the Planning Department.

Report to the Planning Board from Jean M. Bubon, Town Planner dated 06/29/10 entitled Agenda Items. Report is on file in the records of the Planning Department.

“Mr. Loin was present to represent the applicant. He explained that the plan submitted shows the division of land into Lots 1, 2, 3, and 4. Lot 2 contains the existing home and Lots 3 and 4 are noted “not to be considered a separate building lot”, those will be conveyed

to abutting landowners. Lot 1 meets the requirements. Ms. Bubon recommended that the Board endorse the plan submitted.

Motion: Made by Mr. Cunniff to endorse the plan as submitted.
Second: Mr. McSweeney
Discussion: None
Vote: 6-0

ANR – ALYCEM REALTY – 258 HOLLAND ROAD

Materials Reviewed:

Plan entitled “Plan of Land in Sturbridge, Worcester Co., MA May 18, 2010 Scale 1” = 40’ County Scale 1”=60’ June 22, 2010 Prepared by Land Surveys Incorporated P.O.B. 3644, Brockton, MA 02304. Plan is on file in the records of the Planning Department.

Report to the Planning Board from Jean M. Bubon, Town Planner dated 06/29/10 entitled Agenda Items. Report is on file in the records of the Planning Department.

Ms. Bubon presented the plan for the applicant. Ms. Bubon explained that the plan submitted shows the division of land into Parcel A and the Remaining Land. Parcel A is to be conveyed to the abutting land owner and is so noted. She recommended that the Board endorse the plan as submitted since it met the requirements.

Motion: Made by Ms. Morrison to endorse the plan as submitted.
Second: Mr. Chamberland
Discussion: None
Vote: 6-0

PUBLIC HEARING – METRO PCS - SITE PLAN APPROVAL TO CONSTRUCT AND OPERATE A WIRELESS COMMUNICATION FACILITY AT 67 ROUTE 84 (DPW PROPERTY)

Materials Reviewed:

- Application for Site Plan Approval including the following:
- Cover letter from Anderson & Kreiger dated May 21, 2010;
- Completed Application;

- Letter of Support for Applications to the Zoning Board of Appeals and Planning Board and consent for MetroPCS and its attorneys Anderson & Kreiger, LLP to apply for any and all government licenses, permits, approvals, or other relief required or deemed necessary or appropriate by Metro PCS. This letter is dated March 22, 2010 and is signed by Michael J. Racicot, Interim Town Administrator;
- Certified Copy of the list of abutters;
- Plans entitled “Sturbridge DPW, 67 Route 84, Sturbridge, Ma. 01566 Worcester County – Site Type – Raw Land with Proposed Monopole”. Plans are dated 12/17/09 and revised through 4/7/10 and have been prepared by Chappell Engineering Associates, LLC – 201 Boston Post Road West, Suite 301, Marlborough, Ma. 01752.
- Document entitled “Table of Compliance with Chapter 12 (Wireless Communication Facilities District) And Section 24.09 (Special Permits) of the Town of Sturbridge Zoning Bylaw – Proposed Wireless Communication Facility (67 Route 84, Sturbridge (Map 29, Lot 67)”;
- Copy of correspondence to the Zoning Board of Appeals dated April 20, 2010;
- A document entitled “Town of Sturbridge, Massachusetts Request for Proposals Lease for Antenna Site”
- Statement of Aquilo Ben Orichi, Radio Frequency Engineer
- Statement of Donald L. Haes, Jr., Ph.D., CHP, Radiation Safety Specialist;
- Federal Communications Commission, Wireless Telecommunications Bureau – Radio Station Authorization;
- Towair Determination Results;
- Document entitled “New Policy Regarding Radiofrequency Facility Installation Approval” issued by The Commonwealth of Massachusetts Executive Office of Health and Human Services Department of Public Health Radiation Control Program.

Staff Reports Submitted for Review:

- Memorandum from Jean M. Bubon, AICP, Town Planner to the Planning Board dated 06/17/2010;
- Memorandum from Jean M. Bubon, AICP, Town Planner to the Zoning Board of Appeals dated June 8, 2010;
- Memorandum from Thomas J. Ford III – Chief of Police to Jean M. Bubon, Town Planner dated 06/07/10;
- Memorandum from Gregory H. Morse, DPW Director to the Zoning Board of Appeals dated 05/12/10;
- Memorandum from Erin Jacque, Conservation Agent to Jean Bubon, Town Planner and Diane Trapasso, Administrative Assistant dated 06/28/10;
- Memorandum to the Planning Board from Jean M. Bubon, Town Planner dated 06/29/10 (entitled Agenda Items).

Items submitted at the Public Hearing:

- Correspondence from Anderson & Kreiger LLP to Sandra Gibson Quigley, Chair dated June 28, 2010.
- A document entitled Photo Simulation, WOR0094B – Sturbridge DPW, #67 Route 84, Sturbridge, MA 01566, prepared by Chappell Engineering Associates, LLC dated May 27, 2010 containing the following photo exhibits:
 - Photo Location 1 - taken from New Boston Road, 600 feet northeast of the proposed site (existing and proposed condition);
 - Photo Location 2 - taken from Colonial Drive, 1150 feet north of the proposed site (existing and proposed condition);
 - Photo Location 3 – taken from Haynes Street, 1200 feet southeast of the proposed site (existing and proposed condition);
 - Photo Location 4 – taken from Haynes Street, 1100 feet northeast of the proposed site (existing and proposed condition);
 - Photo Location 5 – taken from Sturbridge Common, 2500 feet northeast of the proposed site (existing condition); and
 - Photo Location 6 – taken from the Sturbridge Village Museum Parking Lot, 1500 feet west of the proposed site (existing condition).
- Correspondence from Anderson & Kreiger LLP to Adam Gaudette, Chairman of the Zoning Board of Appeals dated June 8, 2010. The correspondence includes Exhibit 1 – Email from Lieutenant David Sprague of the Massachusetts State Police to John Nestor of Nanepashemet Project Management Inc. (“NPMI”) dated May 19, 2010; Exhibit 2 – Map of the Town’s Wireless Communication Overlay District (“WCOD”); Exhibit 3 – Supplemental RF Report with the following exhibits:
 - Exhibit 3A: Sturbridge, MA – Proposed sites coverage with 42 Cedar Lake Drive @127’;
 - Exhibit 3B: Sturbridge, MA - Proposed sites coverage with 60 Cedar Street @127’;
 - Exhibit 3C: Sturbridge, MA - Proposed sites coverage with 75 Farquhar Road @127’;
 - Exhibit 3D: Sturbridge, MA – Proposed sites coverage with 10 Shattuck Road @ 127’;
 - Exhibit 3E: Sturbridge, MA – Proposed sites coverage with Whittemore Road Water Tank @ 50’;
 - Exhibit 3F: Sturbridge, MA – Proposed sites coverage with Water Tank @ 50’; and
 - Exhibit 3G: Sturbridge, MA – Proposed sites coverage with WOR0094B – 15’ above trees.

Planning Board Minutes

June 29, 2010

Exhibit 4 – A Domestic Return Receipt addressed to Sturbridge Hills Condominium Trust, 509 Main Street, PO Box F, Sturbridge (Fiskdale), MA 01518 signed by Nancy Koske (date not visible on copy provided)

- Correspondence from the Sturbridge Hills Condominium Association Board of Trustees to the Sturbridge Planning Board dated 06/27/2010;
- Correspondence from the Sturbridge Hills Condominium Association Board of Trustees to the Sturbridge Zoning Board of Appeals dated 06/09/2010;
- Correspondence from the Sturbridge Hills Condominium Association Board of Trustees to the Sturbridge Board of Selectmen dated 05/17/2010;
- Correspondence from the Sturbridge Hills Condominium Association Board of Trustees to the Sturbridge Zoning Board of Appeals dated 05/10/2010;

All items noted above are on file in the records of the Planning Department.

The Public Hearing for Metro PCS was opened by the Chair and the legal notice was read by Ms. Morrison. Present to represent the applicant were Art Kreiger of Anderson & Kreiger, John Nestor of Nanepashemet Project Management Inc. and Ben Orichi, Radio Frequency Engineer.

Ms. Gibson-Quigley stated that since the applicant had not concluded the process with the ZBA, the Planning Board would be unable to render a decision since one of the criteria of site plan is that the project complies with zoning. The applicant has applied for a special permit and several variances for this project. The ZBA hired a Radio Frequency Engineer to review the submittal and the alternatives analysis and that report is expected to be available for the ZBA meeting on July 14, 2010.

Mr. Kreiger stated that he needed to disclose that he had represented Ms. Dumas several years back on a totally unrelated matter.

Mr. Kreiger of Anderson & Kreiger, LLP spoke on behalf of MetroPCS. He stated that MetroPCS is requesting a special permit and several variances to allow the installation of a new monopole and associated equipment at 67 Route 84 and that process is ongoing at this time. The application before the Board this evening is for Site Plan Approval. He stated that Metro PCS had submitted a proposal in response to an RFP issued by the Town Administrator and that after analysis of the sites listed as available on the RFP it was determined that this site would fill a coverage gap experienced by MetroPCS on I84. The RFP indicated that the Town would enter into a lease agreement for the property at 67 Route 84.

Mr. Orichi, MetroPCS Radio Frequency Engineer provided an overview of the coverage gap maps as submitted and noted above. He indicated that the site selected would represent a significant improvement in coverage for MetroPCS.

Mr. Kreiger submitted photo simulations to the Board as noted above and explained each photograph. He also displayed a photograph of the State Police Tower as viewed from the condominium complex (that photograph was not left as part of the packet submitted).

Ms. Dumas questioned the relevance of the State Police Tower photograph questioning if it was appropriate to say that if your neighbor does not comply with zoning you would not have to either.

Mr. Kreiger indicated that he assumed that the State Police Tower either complied with zoning or was exempt. He was not making the comparison as indicated by Ms. Dumas. He stated that he was providing the photograph because at other hearings residents of the condominium complex commented that they live in an unbroken pristine setting and he wanted to show the photograph because it did show the view for some residents in the complex.

Ms. Dumas questioned the statement in the RFP that the town reserved the right to reject any and all bids that are determined in its sole opinion not to be in the best interests of the Town of Sturbridge. She asked if the Planning Board had any role in that determination. Ms. Bubon stated that since the RFP was issued by the Town Administrator she assumed that would be the party reviewing the proposals and making that determination.

Ms. Dumas asked for clarification on the existing gap and the gap if this tower were erected. Mr. Kreiger stated that the current gap on I 84 is just less than 2 miles and that there would be about $\frac{3}{4}$ mile gap after construction. Ms. Dumas also questioned if gaps of all providers were being reviewed. Ms. Bubon stated they were not.

Ted Haywood of 95 Colonial Drive presented correspondence to the Board (noted above) that he read to the Board. The letter outlined opposition to the tower. He also stated that the certified mail card provided was not accurate – no mail had been sent to or signed for by the condominium board. He also stated that the association had not received notice of the state police tower if there was a process because they are not near enough to receive notice; but if they had they would have had similar concerns.

Mary Ferron of 74 Colonial Drive stated that she realized the Federal Telecommunications Act did not allow health concerns to be raised as an objection. But, she had read that towers within a $\frac{1}{4}$ mile could pose a risk. She also thought the drop zone could be a dangerous element since the property is only 300' away and it is proposed to be a 130' tower.

Susan Hapgood of 110 Colonial Drive asked if this was only proposed to be a single service and a single location. Mr. Kreiger stated that was correct. Ms. Gibson-Quigley stated that the application and plan submitted showed 3 additional carriers on this monopole. Ms. Hapgood stated the photo simulations were not correct then because they show only one carrier.

Robert Cass of 112 Colonial Drive stated that he felt the State Police tower was visually obtrusive. He asked if it was true that real estate agents had to disclose towers and the WWTF. Mr. Loin stated that he was a licensed realtor and worked for Garden Gate Realty. He stated that any proposed tower or the proposed expansion of the WWTF had to be disclosed because it is publicly known that they are proposed. Once they have been erected there no longer needs to be a disclosure.

Ann Gibson of 106 Colonial Drive asked if they looked at the possibility of moving it further into the ball fields. Ms. Gibson-Quigley stated that they did; that was one of the exhibits shown earlier. Mr. Orichi stated that there was a significant difference in coverage on Route 20 if they moved the tower further into the ball fields.

Ms. Dumas asked if there was any known negative impact on public safety communications from this proposal. She questioned if the waves could interfere with each other. Mr. Kreiger stated that they had never objected to a tower, but he could look into that and provide a technical demonstration to address that concern.

Donald Farren of 74 Colonial Drive asked if anyone ever had a say about the State Police Tower. Ms. Gibson-Quigley stated that she was unsure of the answer to that.

Mr. Haywood of 95 Colonial Drive stated that he also wanted to note that this proposal still left a significant gap on I84 and that was the coverage target.

Mr. Chamberland asked if the Association could provide back up for the comments in the letter about a tower lowering property values. He indicated that he had spoken to a long term Assessor who indicated that no property values had been reduced in town due to a tower being constructed.

Ms. Gibson-Quigley asked if the Association could also provide further clarification on what they refer to when they say reduced beneficial interest.

Ms. Dumas asked if a plan could be provided showing the extent of the fall zone. Ms. Bubon stated that had also been requested by Mr. Morse and Mr. Nestor had indicated he would be providing that. Once that was received she would distribute the plan to the Board.

The Board discussed continuing the Hearing to allow the ZBA time to act and considered August 3, 2010. However at the request of the applicant a later date was chosen.

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| Motion: | Made by Ms. Morrison to continue the Public Hearing on August 24, 2010 at 6:35 p.m. |
| Second: | Mr. McSweeney |
| Discussion: | None |
| Vote: | 6-0 |

THE ARENA COMPLEX PUBD – ROUTE 15 – INFORMAL PRESENTATION

Materials Reviewed:

- Correspondence from Michael D. Cimini to the Planning Board dated June 28, 2010. The correspondence includes an overview of the proposal and photographs of a disk golf course, a photograph of a soccer dome, a conceptual

plan and photo-simulation of the view from Sturbridge Retirement Cooperative of the proposed sports dome; and

- A publication from Innova Disk Golf.

All items noted above are on file in the records of the Planning Department.

Mike Loin from Bertin Engineering and Arnold Lundwall were present to explain the proposed PUBD to the Board and to explain the issues that will have to be addressed for them to move forward with this project. Mr. Cimini had previously provided correspondence to the Board since he was away on a previously scheduled trip and could not attend the meeting.

Mr. Loin stated that the proposal would be to construct a PUBD on just over 26 acres off of Route 15 on property owned by Mr. Galonek. A sports dome would be erected such as the one in New Hampshire or Enfield Connecticut that could be used for soccer, lacrosse, field hockey and other sports. Two playing fields would also be outdoors. There would be a disc golf course constructed that could also be used for Nordic sports in the winter. A pro-shop to provide disc golf and other sports gear would be on site as would a concession area. There would be bathrooms but no showers. The plan would meet all the buffer and open space requirements of the PUBD bylaw. A public water supply well and septic system would be installed. Low Impact Development techniques would be used to handle stormwater and grass pavers would be used for the overflow parking area.

Issues to be addressed include the height of the dome. The dome must be 80' high to accommodate the size field they are proposing. The maximum height allowed by the bylaw is 60'. They plan to apply for a variance to the height limitation from the Zoning Board of Appeals. The dome is made of fire retardant materials and they have spoken to Chief Senecal; at this time that did not seem to be an issue for the Chief.

The PUBD would not be 50 acres; it would be just over 26 acres; they would therefore need a Special Permit from the Zoning Board of Appeals to allow the reduced acreage.

The PUBD bylaw also says that there must be direct access from Route 15. They would be asking the Planning Board to make a determination that using Kelly Road would be providing direct access to the PUBD. Mr. Loin stated that they could create a driveway from Route 15, but there is a wetland area to avoid and there would be a lot of clearing. Also, this would leave the front portion in tact for future development of a compatible use. Ms. Bubon stated that she encourage the proponents to discuss access through Kelly Road with the Board. She thought it would eliminate the need for a great deal of clearing and would leave the front portion wooded at this time. Since it could be some time before that piece was developed, she thought it was the better option if the Board would support that. Mr. Loin stated that they still have some issues to work out on the status of the road and on some mechanisms that would help Sturbridge Retirement Cooperative not be subject to a lot of cut through traffic. When the proponents met with them and made a presentation that was one of the concerns raised.

The last issue is that the Planning Board must make the determination that the uses proposed are an appropriate mix of uses to comprise the PUBD. They wanted to present

this now so that if the Board had any concerns they could be aware of them before they went too far on the plan. Ms. Gibson-Quigley asked if the sport shop would just be an accessory use and not a large retail operation. Mr. Lundwall stated that it would be an accessory and would carry things for the disk golf and the other sports played on site.

Ms. Dumas asked about an outdoor track. Mr. Loin stated that they may have one inside, but the area around the dome had to be paved for snow removal and they thought that could make a nice walking area. The Board encouraged connections from the Retirement Cooperative.

Mr. Loin thanked the Board for its time and said that they would move forward with the ZBA and then would be back to the Planning Board for Special Permit and Site Plan approval if all went well.

CUMBERLAND FARMS – 506 MAIN STREET - WAIVER OF SITE PLAN APPROVAL – REMEDIATION ACTIVITIES

Materials Reviewed:

- Application for Waiver of Site Plan dated June 17, 2010;
- Plan entitled “Site Plan with Groundwater Contours (12/1/06)” prepared by ECS, 588 Silver Street, Agawam, Ma. 01001;
- Memorandum from David G. Lindberg, Building Commissioner to Jean Bubon, Town Planner dated June 29, 2010;
- Memorandum from Erin Jacque, Conservation Agent to Jean Bubon, Town Planner and Diane Trapasso, Administrative Assistant dated June 28, 2010;
- Email from Shaun Suhoski to Jean Bubon dated June 28, 2010; and
- Memorandum from Jean M. Bubon, AICP, Town Planner to the Planning Board dated June 29, 2010; the memorandum includes pages 9-11 of the Phase IV – Remedy Implementation Plan for 506 Main Street.

All items noted above are on file in the records of the Planning Department.

Kelly Doherty from ECS was present on behalf of Cumberland Farms. Ms. Bubon stated that when the Underground Storage Tanks were replaced in 2005, a release was detected and a remediation plan and monitoring program was developed for the site and approved by DEP. Ms. Doherty explained the proposed monitoring wells and underground piping that would be installed and pointed out the location of the trailer that would be used to house the equipment.

Mr. Chamberland asked if there would be noise coming from the trailer. Ms. Doherty indicated that they used sound proof trailers. Mr. Chamberland asked if there was any concern with the above ground piping in winter. Ms. Doherty stated that it was wrapped in heat tape. There are also shut down mechanisms and a leak detection system. Any odors would be treated through a carbon system and the vapors are monitored. Once the levels reach a certain threshold the system is shut down and the carbon is replaced.

Ms. Dumas stated that she understood that this had to be done and that this may not be the best time to raise this issue. However, she wondered if during construction of the system it would be possible to install some greenery and perhaps even a small tree in the triangular area near the building. Ms. Dumas explained the Revitalization Plan just adopted by the Board and some of the recommendations within that plan. Ms. Doherty stated she would bring the request back to Cumberland Farms. Ms. Gibson-Quigley thought some greenery would be nice but questioned if the area Ms. Dumas was discussing was left open for visibility. Mr. Chamberland said he liked the idea but thought it could hinder plowing. Ms. Gibson-Quigley asked Ms. Doherty if she could ask Cumberland Farms to think about ways to add some greenery to this site.

Ms. Doherty was advised to meet with Erin Jacque, Conservation Agent and David Lindberg, Building Inspector to review necessary permitting requirements. Additionally, an on site pre-construction meeting would have to be scheduled with Greg Morse, DPW Director.

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| Motion: | Made by Mr. Cunniff to Waive Site Plan Approval as requested with the condition that all other necessary approvals and permits be obtained. |
| Second: | Ms. Morrison |
| Discussion: | None |
| Vote: | 6-0 |

TOWN PLANNER UPDATE

DLTA FUNDING

Ms. Bubon asked the Board to send a letter to Senator Brewer in support of funding the District Local Technical Assistance Program. This was the same program used for the Commercial Tourist District Revitalization Plan. The Board agreed and the letter provided by Ms. Bubon was signed by the Chair.

PUBLIC HOUSE OVERFLOW PARKING

The Board was provided with a copy of a Letter Permit request from Michael Glick of the Publick House to Erin Jacque Conservation Agent dated June 18, 2010. The letter provides an overview of work that occurred in the overflow parking area at the Publick House. Once this is approved by the Conservation Commission, Ms. Bubon will have the Publick House provide updated plans for the Planning Department files.

UPCOMING MEETINGS

July 12, 2010 – Board of Selectmen Work Session to discuss implementation of the Commercial Tourist District Revitalization Plan. Ms. Gibson-Quigley asked if Board

members could review the matrix provided to them for the meeting. Ms. Morrison reminded the Board that she had a conflict and would be unable to attend.

July 13, 2010 – Master Plan Steering Committee

July 20, 2010 – Planning Board Meeting – Green Communities Presentation

August 3, 2010 – Planning Board Meeting

August 10, 2010 – Planning Board Meeting

Ms. Bubon will send fall meeting dates to the Board for consideration soon.

OLD BUSINESS/NEW BUSINESS

Ms. Dumas stated that she had met with Ed Goodwin and Pat McGarrah and walked along the river in Fiskdale to identify areas that may provide better access to the river. Several locations were noted that may be appropriate for bridges and there was a very scenic wetland area near the 1738 House that was of interest. She will continue working on this and reporting to the Board. Ms. Gibson-Quigley stated that this project really went hand in hand with finding appropriate parking locations too.

Mr. Cunniff asked about the status of the gas station proposed for land near the former Roms. Ms. Bubon stated there was an appeal pending on the Conservation Commission decision.

On a motion made by James Cunniff, seconded by Jennifer Morrison and voted 6-0 the meeting adjourned at 8:52 p.m.