

**STURBRIDGE PLANNING BOARD  
MINUTES OF  
TUESDAY, MAY 8, 2012**

Ms. Gibson-Quigley called the regular meeting of the Planning Board to order at 6:30 PM.  
On a roll call by Ms. Dumas the following members were present:

**Present:** Charlie Blanchard  
Russell Chamberland  
James Cunniff  
Penny Dumas  
Sandra Gibson-Quigley, Chair

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

**Absent:** Ginger Peabody  
Brian McSweeney

Ms. Gibson-Quigley opened the meeting and read the agenda.

**APPROVAL OF MINUTES**

**Motion:** Made by Mr. Blanchard to accept the minutes of April 24, 2012.  
**2<sup>nd</sup>:** Mr. Cunniff  
**Discussion:** None  
**Vote:** 5 – 0

**ANR – LAND SWAP PLAN – BURGESS ELEMENTARY SCHOOL**

**Materials presented:**

Plan of Land in Sturbridge, MA – prepared for the Town of Sturbridge - by The Berkshire Design Group, Inc., 4 Allen Place, Northampton MA – Project # 5.2008-59 – date 9/14/2011 – revised 4/26/2012

Ms. Bubon stated the applicant had submitted a plan for the proposed “Burgess Land Swap” as approved by Town Meeting. The plan notes that Parcel A is to be conveyed to the Town of Sturbridge by Om Shri Bhavani LLC for the Burgess Elementary School Project, and that Parcel B is to be conveyed Om Shri Bhavani LLC by the Town of Sturbridge. The plan is further noted “See Massachusetts State Legislation House Bill H.574 approved and signed by the Massachusetts State Governor on 7/6/2011 Chapter 63 of the Acts of 2011, enabling the land swap”.

**Motion:** Made by Mr. Blanchard to endorse the plan.

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2<sup>nd</sup>: Mr. Cunniff  
Discussion: None  
Vote: 5 – 0

Ms. Dumas signed the plan.

**CONTINUATION OF THE PUBLIC HEARING FOR SITE PLAN APPROVAL – MATTHEW ROUSSEAU IS REQUESTING SITE PLAN APPROVAL FOR TWO PROPOSED ADDITIONS TO THE EXISTING BUILDING AND RELATED SITE IMPROVEMENTS. THE PROPOSED USE FOR BOTH WILL BE PROFESSIONAL OFFICES. THE PROPERTY IS LOCATED AT 49 MAIN STREET.**

**Materials presented:**

Revised plans – Matthew Rousseau – prepared by Bertin Engineering – 39 Elm Street, Southbridge MA – received 5/2/2012

Mr. Loin of Bertin Engineering spoke on behalf of the applicant. Mr. Loin stated that since the last meeting the plans have changed significantly. The proposed site will include added landscape island and grassed areas, which reduces the overall impervious area. There are also proposed underground recharge units located on either side of the building, which will recharge roof water. The proposed site will have less runoff than existing due to the reduced impervious area.

Mr. Loin also stated that the proposed site will incorporate two new trees near the proposed additions to soften the mass and overall scale of the building once the additions have been incorporated.

Mr. Loin stated that he has applied for an access permit from MassDOT that will incorporate the additional landscaping, and the narrowing of one curb cut on the easterly side and changing that to exit only for right hand turns. This is a change from the initial submittal but is required to better facilitate internal circulation. The previous configuration would have made it difficult for some of the proposed parking spaces to be used in a safe manner.

The board had the following questions and concerns:

- Will the trees in front of building remain – Mr. Loin stated that the trees will remain and be enhance by further landscaping
- Sewer flowage calculations – Ms. Bubon stated that Mr. Morse had no concerns with the flow

Ms. Robbins of 45 Main Street wanted to know about the trees that line her property and 49 Main Street.

Mr. Loin stated that the trees will remain and be trimmed.

Mr. Loin stated that he has a meeting Wednesday morning with MassDOT and is filing for an access permit. His meeting is also to clarify what is permitted for landscaping.

**Motion:** Made by Mr. Cunniff to close the Public Hearing.

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

**Discussion:** None

**Vote:** 5 - 0

Ms. Gibson-Quigley read the ten conditions for the approval.

The Board made the following modifications to the conditions:

- Condition #9 – add a minimum of two trees adjacent to new additions in front
- Condition #10 – add by the design engineer prior to final occupancy being granted for the project
- Added Condition #11 – Directional signs and arrows as shown on the plan need to be maintained so that they are visible at all times.

**Motion:** Made by Mr. Chamberland to grant Site Plan Approval for Matthew Rousseau for two proposed additions to the existing building and related site improvements for the property located at 49 Main Street – plans dated 2/29/2012 and as revised through 5/1/2012 revision 2.

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

**Discussion:** None

**Vote:** 5 - 0

### **PILOT TRAVEL QUARTERLY REPORT**

Mr. Loin spoke on behalf of Pilot Travel Center, Route 15. Mr. Loin stated that at the September 13, 2011 Planning Board meeting, Joey Cupp from Pilot Travel Centers was present when Mr. Loin presented a concept plan showing the re-aligned curb cut at the truck entrance. Over the past months Mr. Loin has had meetings with MassDOT officials to determine the feasibility of this re-design. Mr. Loin has another meeting scheduled in two weeks with the Right of Way engineer to finalize details of the design. The new design will eliminate the traffic congestion that presently exists at certain times of the day at the site. It will also solve the stop sign issue.

Mr. Loin stated that there are presently two sections of guard rail that are in need of repair. This will be completed in the near future during re-construction of the dam that was approved by DCR.

Mr. Loin stated that the logs reflect trash collection efforts on the site. Periodic inspections have revealed some trash along the interior of the property. This is addressed daily.

Mr. Loin stated that there has been a generator failure on site and will need to be replaced. Mr. Loin stated that he will be filing a Waiver of Site Plan for this project.

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Ms. Bubon stated that she asked for Pilot to file a Waiver, so that the Site Plan can be updated and that the department will have some record of projected noise levels from the generator. As we are all aware, noise levels of generators vary greatly and documentation should be provided prior to installation.

The Board felt that a manually done log sheet would be more beneficial because a person is actually initialing the sheet that all is done.

### **COVENANT RELEASE – HIGHLANDS – LOT 9**

Ms. Bubon stated that the incorrect Book and Page number on the release that the Board endorsed at the last meeting was wrong. Fortunately, the Closing did happen but the Board needs to endorse the corrected release for recording.

The Board did endorse the corrected Covenant Release for Lot 9

### **DISCUSS WHITTEMORE WOODS SUBDIVISION**

Ms. Bubon stated that she has been working on Whittemore Woods subdivision since she was provided information from a homeowner in that development that led her to the conclusion that Mr. Swiacki was either unable or unwilling to complete the development.

The Whittemore Woods Subdivision was approved by the Planning Board in 2004. The Board approved two roads, Turner Lane and Woods Road. However, Woods Road was never constructed since it failed to gain Conservation Commission approval. Turner Lane contains seven lots and a stormwater management parcel with a drainage easement.

Ms. Bubon stated that a resident came into the office in the middle of October to drop off a letter that he had received from Mr. Swiacki. The letter indicated that he would not be able to complete the work at the subdivision this year since there was a gap between the projected cost of completing the site improvements at Turner Lane and the remaining balance on the construction completion security that was in place with the town. He further suggested that the cap on assessments for the Homeowner's Association be removed and/or that the roadway and infrastructure be conveyed to the Association and that he resign as Trustee.

A second letter was sent to homeowners (dated December 23, 2011) and a copy was provided to the Planning office on December 28, 2011. This letter states that ownership of the Turner Lane roadway and stormwater management parcels have been conveyed to the Turner Lane Homeowner's Association by deed recorded on December 23, 2011. The letter also indicates that Mr. Swiacki resigned as Trustee of the Association effective on December 31, 2011. Ms. Bubon has spoken to Hometown Bank as it continues to hold the Tripartite Lenders Agreement in the amount of \$31,756.75.

Ms. Bubon has been in contact with Kopelman & Paige regarding this on-going situation and received guidance on how to proceed. Assuming that the Planning Board wishes to

intervene and complete as much of the work as the funds being held will allow, the recommendation is that the Planning Board vote to notify the bank that based upon his recent actions, Mr. Swiacki had indicated that he has neither the ability nor the intent to complete the work and thereby has defaulted on his obligation and that the Planning Board is requesting the remaining funds to complete the improvements. We shall notify the bank that the release the bank wants from the Town must also be signed by Swiacki releasing any claim to the funds. We shall also notify the bank that we do not want the funds released until after the 2012 Annual Town Meeting when presumably the Town will vote to accept the Section of G.L. c 41, S 81U allowing the funds to be segregated from the General fund and used without appropriation. It is important to note that based upon the above estimate from Mr. Morse, it is clear that the funds being held will not be sufficient to complete the development. However, we do believe that sufficient funds exist to complete the roadway, sidewalks and drainage. (Assuming that is what the Planning Board would like to do and that the Board of Selectmen approve the use of the funds). If this is done, then the roads will have been completed to town standards. If the Homeowner's Association wishes for the roads to be accepted by the town, it could contract for any remaining work, presumably, the planting of street trees, setting of bounds and having as-builts prepared.

The Board stated that it will be important to let the Homeowner's Association know that the town is not legally responsible for completing this work, nor can any additional town funds be expended to complete this work.

**Motion:** Made by Mr. Blanchard to notify the bank that the board believes Mr. Swiacki has defaulted on his obligation and the board is requesting release of the remaining funds of \$31,756.75 and to authorize Ms. Bubon to meet with representatives of the Homeowner's Association to explain the situation to them and to take any other necessary action as described above to try to resolve this situation. Also, the Board wants a letter from the homeowners association acknowledging that the Town is not legally responsible for completing the work.

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

**Discussion:** None

**Vote:** 5 - 0

**PLANNING BOARD RECOMMENDATIONS PURSUANT TO MGL c.41,  
SECTIONS 81G AND 81L ON THE FOLLOWING:**

**REGEF LANE**

**HUNTER LANE**

**EVERGREEN LANE**

**HIGHLAND LANE**

**MEADOWVIEW LANE**

Ms. Bubon stated that the Town Administrator has provided has provided email correspondence on April 24, 2012 indicating that the Board of Selectmen voted its intention to layout the following ways as town ways and to forward the layout petitions and plans to the Planning Board for its comment and recommendations pursuant to MGL c. 41, Sections 81G and 81L:

- Regep Lane (Estates at Sturbridge Farms)
- Hunter Lane (The Sanctuary)
- Evergreen Lane (The Sanctuary)
- Highland Lane (The Highlands)
- Meadow View Lane (The Highlands)

Since the Planning Board was actually the petitioner, you are aware that these were all approved subdivision roadways that have been constructed to Town standards. All punch list items on the memorandum issued by Ms. Bubon and Greg Morse on April 9, 2012 have been completed. Additionally, a water line break was discovered at the Sanctuary and that is being repaired now.

**Motion:** Made by Ms. Dumas that the Planning Board send a report to the BOS indicating that the roadways have all been completed to town standards and that the Planning Board is supporting acceptance of Regep Lane.

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

**Discussion:** None

**Vote:** 4 – 0 – 1 (Mr. Blanchard)

**Motion:** Made by Ms. Dumas that the Planning Board send a report to the BOS indicating that the roadways have all been completed to town standards and that the Planning Board is supporting acceptance of the roadways of Highland Lane and Meadowview Lane.

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

**Discussion:** None

**Vote:** 5 - 0

**Motion:** Made by Ms. Dumas that the Planning Board send a report to the BOS indicating that the roadways have all been completed to town standards and that the Planning Board is supporting acceptance of the roadways of Hunter Lane and Evergreen Lane pending installation of street lights and repair of the water line beak.

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

**Discussion:** None

**Vote:** 5 – 0

### **DISCUSS MPIC APPOINTMENT**

Ms. Bubon stated that Ms. Dumas was appointed to the MPIC for one year and her term has expired.

**Motion:** Made by Mr. Blanchard to nominate Ms Dumas to the MPIC for a term of five years.

**2<sup>nd</sup>:** Ms. Gibson-Quigley

**Discussion:** None

**Vote:** 5 – 0

Ms. Dumas accepted the position.

### **TOWN PLANNER UPDATE**

Tax Possessions Update – Ms. Bubon stated that you have in your packets maps of 226 and 284 Cedar Street. These are both zoned Rural Residential and contain at least 150’ of frontage and one acre so they do meet the dimensional requirements for single family homes. Ms. Bubon does not recommend the use of pocket parks for these parcels.

The Board will take no action on these parcels.

CMRPC Annual Dinner

### **OLD BUSINESS/NEW BUSINESS**

Ms. Bubon thanked Ms. Dumas for her research and pictures of street trees located in small areas.

### **NEXT MEETING**

Next meeting date is May 22, 2012.

On a motion made by Mr. Cunniff and seconded by Mr. Chamberland and voted 5 – 0, the meeting adjourned at 8:15 PM.