

**STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, SEPTEMBER 10, 2013**

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

Present: Charles Blanchard
Russell Chamberland
James Cunniff
Penny Dumas, Clerk (arrived 6:35 PM)
Heather Hart
Susan Waters
Sandra Gibson-Quigley, Chair

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

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

APPROVAL OF MINUTES

Motion: Made by Mr. Blanchard to accept the amended minutes of August 13, 2013.
2nd: Mr Chamberland.
Discussion: None
Vote: 5 – 0 – 1 (Ms. Gibson-Quigley)

ANR – RICHARD S. PANEK & BRUCE M. & MIRIAM HUGHES MCGUIRE – WELLS PARK & WALKER POND ROADS

Materials presented:

Form A Application for Endorsement of a Plan Believed Not to Require Approval – Richard S. Panek & Bruce M. & Miriam Hughes McGuire – Wells Park & Walker Pond Roads – received September 3, 2013

Plan of Properties Owned by Richard S. Panek & Bruce M. & Miriam Hughes McGuire – Wells Park & Walker Pond Roads – prepared by Jalbert Engineering – plan date 8/20/2013 – DWG #13168 – received 9/3/2013

Mr. Jalbert of Jalbert Engineering spoke on behalf of the applicants. Mr. Jalbert stated that Parcel A is to be conveyed from McGuire to Panek and Parcel B is to be conveyed from Panek to McGuire. Lot 28, Parcel A and the remainder of Lot 3 are to be combined to form

one lot - Lot 28 R to be owned by Panek. Lot 2 and Parcel B are to be combined to form one lot – Lot 2R to be owned by Bruce and Miriam Hughes McGuire.

Ms. Bubon recommends that the Board endorse the plan.

Motion: Made by Mr. Blanchard to endorse the plan submitted - Plan of Properties Owned by Richard S. Panek & Bruce M. & Miriam Hughes McGuire – Wells Park & Walker Pond Roads – prepared by Jalbert Engineering – plan date 8/20/2013 – DWG #13168 – received 9/10/2013

2nd: Ms. Waters

Discussion: None

Vote: 7 – 0

Ms. Dumas signed the plan.

WAIVER OF SITE PLAN APPROVAL- JAMES DHEMBE IS REQUESTING WAIVER OF SITE PLAN APPROVAL TO OPEN AN ICE CREAM SHOP AND CAFÉ WITH LIMITED INDOOR AND OUTDOOR SEATING. THE PROPERTY IS LOCATED AT 413 MAIN STREET.

Materials presented:

Application for Waiver of Site Plan Approval – James Dhembe – 413 Main Street – received 8/20/2013

Proposed Site Plan – Yervant Realty, LLC – 413-419 Main Street – prepared by Bertin Engineering – plan date 1/5/2012 – project # 11-692

Ms. Gibson-Quigley acknowledged the following department memos:

- Mr. Colburn, Conservation Agent
- Ms. Bubon, Town Planner
- Ms. Rusiecki, BOH Agent
- Lt. Marinelli, Fire Inspector
- Mr. Ford, Police Chief

Mr. Dhembe, the applicant, spoke on his own behalf. Mr. Dhembe stated that his intention for 413 Main Street is to open up an ice cream shop and café with indoor and outdoor seating. He plans to serve soup, sandwiches, salads and ice cream. He plans to be open year round.

Ms. Bubon stated that as the Board will recall, this operation was approved for Greg and Eileen Vitello in June of 2012, but the business never opened. As discussed at the time parking is suitable to handle this use on the premise with the mix of uses in the main building since a restaurant was originally proposed for the main building.

The Board had the following questions:

- The tree that was removed near the former La Petite France Bakery – Ms. Bubon stated that all landscaping is part of the whole Yervant Realty landscape plan
- How long is the permit legal – Ms. Bubon stated that the time frame for the permit is a year from the date issued

Motion: Made by Mr. Chamberland to grant Waiver of Site Plan Approval to James Dhembe to open an ice cream shop and café with limited indoor and outdoor seating for the property located at 413 Main Street with the following six conditions:

1. All construction and site improvements shall be in conformance with the plans submitted and approved by the Planning Board.
2. All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to.
3. All other necessary permits must be obtained prior to the start of construction
4. The site shall be kept in a neat and orderly condition throughout the construction process.
5. Exterior construction shall only occur during the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to Noon on Saturday. No exterior construction shall occur on Sundays or State Holidays.
6. The applicant shall notify the Planning Department office forty-eight hours prior to the start of construction.

2nd: Ms. Waters

Discussion: None

Vote: 7 - 0

REVIEW AND DISCUSSION OF THE PROPOSED ZONING AMENDMENT – WIND BYLAW

Ms. Bubon stated that based on the feedback at the last Planning Board meeting, she has re-written the draft wind bylaw to allow only small scale wind energy facilities. She had also provided responses to the questions that were posed that evening that she was able to answer. She would like to review and discuss this new proposal tonight and if acceptable to the Board we could make any necessary edits.

The Board had the following edits and comments:

- Keep the word small when referring to all wind turbines in the bylaw
- Section 1 – Purpose – change facilities to turbine conversion system
- Section 3 – Design & Siting Requirements - #1 add only one turbine may be erected on a parcel (unless the applicant can demonstrate that more than one turbine will be required to provide power for the on-site use – no more than two)
- Roof mounted clearance – one and half times the height of the building not to exceed 20 feet – height shall be measured from the surface of the roof on which the turbine is mounted to the highest point of the wind turbine structure, including blades

- Section 3 – Design & Siting Requirements – add to #6 no advertising of company
- Section 3 #7 – more information and what to do about the flickering/shadow
- Section 5 – Maintenance Requirements - #2 – who enforces and determines disrepair; and shutdown of turbine until the problems are fixed
- Section 6 – Removal Requirements - #1 – who keeps track
- H – Waiver Provisions – wording should be the same as what is in the bylaw already
- All punctuation should be uniform to what is already in the zoning bylaws
- Safety – non climbable grip on the poles – maybe 20 feet
- High wind shut down of the turbine – automatic

Ms. Bubon stated that she will make the revisions and email the bylaw to the Board for further edits and then at the September 24th discuss and review.

TOWN PLANNER UPDATE

Pilot Travel – submitted the required quarterly report and is scheduled for the October 8th meeting

CT District Plan - Public Forum is September 25, 2013

Multi-tenant unit looking at solar energy as a primary use to power their facility – may want to make a presentation to the Board at some point.

RE-ORGANIZATION OF THE BOARD

Motion: Made by Mr. Blanchard to nominate Ms. Gibson-Quigley as Chair.
Ms. Gibson-Quigley accepted.

2nd: Mr. Chamberland

Vote: 7 – 0

Motion: Made by Mr. Chamberland to nominate Ms. Dumas as Vice Chair/Clerk.
Ms. Dumas accepted.

2nd: Ms. Gibson-Quigley

Vote: 7 – 0

Motion: Made by Ms. Dumas to nominate Ms. Gibson-Quigley as the primary delegate to CMRPC.

Ms. Gibson-Quigley accepted.

2nd: Mr. Chamberland

Vote: 7 – 0

Motion: Made by Ms. Gibson-Quigley to nominate Ms. Hart as the secondary delegate to CMRPC.

Ms. Hart accepted.

2nd: Mr. Chamberland

Vote: 7 – 0

OLD/NEW BUSINESS

None

NEXT MEETING

September 24, 2013

On a motion made by Mr. Cunniff, seconded by Mr. Chamberland voted 7 – 0, the meeting adjourned at 8:00 PM.