

**STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, JANUARY 28, 2014**

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: Charles Blanchard
Russell Chamberland
James Cuniff
Penny Dumas, Clerk
Heather Hart
Sandra Gibson-Quigley, Chair
Susan Waters

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 January 14, 2014.
2nd: Mr. Chamberland
Discussion: None
Vote: 7 – 0

ANR – SHERRIE L. ROUSE – SOUTH ROAD

Materials presented:

Application for Endorsement of Approval Not Required Plan – Form A – Sherrie L. Rouse
– South Road – received 1/23/2014

Lot Division Plan of Land in Sturbridge, MA for Sherrie L. Rouse – South Road – prepared
by Roger Woods & Co., 1415 Park Street, Palmer MA – plan date 1/23/2014 – project
#13188 – Drawing #D-252 – received 1/23/2014

Mr. Woods of Roger Woods & Co. spoke on behalf of the applicant. Mr. Woods stated that
the plan submitted is for the property on South Road. The plan shows the division of land
into Lot 3, Lot 2A which is being combined with Assessors Map 46 – Parcel 45, and the
remaining land which is 21 South Road. All of the lots meet the requirements.

Motion: Made by Mr. Chamberland to endorse the plan.
2nd: Mr. Blanchard
Discussion: None

Vote: 7 – 0

Ms. Dumas signed the plan.

WAIVER OF SITE PLAN APPROVAL – PORCHLIGHT INVESTMENT IS REQUESTING WAIVER OF SITE PLAN TO ENCLOSE THE EXISTING FRONT PORCH. THE PROPERTY IS LOCATED AT 502 MAIN STREET.

Materials presented:

Application for Waiver of Site Plan – Porchlight Investment – received 10/24/2013

Alta/ACSM – Land Title Survey – Whistling Swan Restaurant – 502 Main Street – received 10/24/2013

Site Plan & Demolition Plan – Whistling Swan – 502 Main Street - prepared by William J. Masiello Architect, Inc. – received 10/24/2013

Ms. Gibson-Quigley acknowledged the following department memos:

- Mr. Camacho, Building Commissioner
- Mr. Colburn, Conservation Agent
- Lt. Marinelli, Fire Inspector
- Ms. Bubon, Town Planner
- Ms. Rusiecki, BOH Agent
- Mr. Morse, DPW Director
- Mr. Ford, Police Chief

Mr. Gonya, General Manager of Porchlight Investment spoke. He stated that he is seeking a Waiver of Site Plan to allow the existing porch to be enclosed. The reason for the enclosure is to make the restaurant more visible from the street.

Mr. Gonya stated that the enclosure of the porch will be with French style glass doors, with screens, that open to the street and is keeping with the conceptual plan for the Commercial Tourist District Plan. The construction will not exceed the current footprint and will not impact setbacks or lot coverage requirements. No additional seating will be added, so there will be no impact to parking or circulation.

Mr. Gonya stated that this is an old building and has been modified many times. Mr. Gonya stated that enclosing the porch will enhance the front of the building.

The Board had the following concerns and questions:

- What type of lighting will there be in the inside – Mr. Gonya stated that the lighting will give a warm glow, making the restaurant more inviting
- Will the stairs change – Mr. Gonya stated that the stairs need to be brought to code and will be replaced with granite ones

- Will the seating be year round – Mr. Gonya stated that the seating will year round – there will be radiant heat
- The front of this building is so significant – some Board members could not go against the vote of DRC, which denied the proposal
- The sketches show the columns missing in the front of the building – Mr. Gonya stated that the sketches were only to show the doors and that the columns were never intended to be removed

Ms. Bubon stated that the DRC must review all architectural and signage changes within the Commercial and Industrial Zoning District. Mr. Gonya met with the DRC on November 5, 2013 and the proposed design was not approved by DRC. Mr. Gonya met with the DRC again on December 5, 2013, but the outcome did not change.

Ms. Bubon stated that the Zoning Bylaw does indicate that Design Review shall take place prior to or concurrently with the Site Plan Review Process, and shall inform that process. She also noted that Section 1.37 of the General Bylaw states that “A person aggrieved by the refusal of the Building Inspector to approve a submitted plan may appeal to the Zoning Board of Appeals.” Therefore, the applicant must go through all processes and then apply for a building permit and then if that permit is denied, may appeal the decision of the DRC.

Ms. Bubon stated that with a waiver of Site Plan the Board cannot put in conditions that pertain to architectural design, that is the job of the DRC.

Motion: Made by Mr. Cunniff to grant Waiver of Site Plan to Porchlight Investment to enclose the existing front porch at the property located at 502 Main Street with the following two conditions:

1. All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to.
2. All other necessary permits and approvals must be obtained prior to the start of construction. If any required approvals are not obtained and the plans must be modified, the applicant shall present revised plans to the Board for review and approval.

2nd: Ms. Waters

Discussion: Ms. Dumas stated that she is voting against the project because she cannot go against the wishes of the DRC and cannot put architectural design in the conditions.

Vote: 5 – 2 (Ms. Dumas & Ms. Hart)

**JENNY BOUNPHASAYONH (THAI ORCHID) IS REQUESTING AN
EXTENSION OF TIME FOR SITE PLAN APPROVAL FOR THE PROPERTY
LOCATED AT 505 MAIN STREET**

Materials presented:

Letter from Trifone Design Associates requesting an extension of time – received 12/27/2013

Ms. Bubon stated Site Plan Approval was granted for Thai Orchid to be located at 505 Main Street, on February 12, 2013. The applicant has been working on final construction plans and is now exploring financing and cost options. Since construction has not begun, the applicant is seeking an extension of this approval.

Ms. Bubon stated that she has no concerns with this request and recommends that the Board grant a one year extension of time to begin this project with the new expiration date of the Site Plan Approval of February 13, 2015.

Ms. Bubon also stated that she recommends that a condition of the extension be that the applicant shall provide a new time line for completion prior to the start of construction.

Motion: Made by Mr. Chamberland to grant a one year extension of time to begin this project with the new expiration date of the Site Plan Approval of February 13, 2015 for Jenny Bounphasaysonh (Thai Orchid) for the property located at 505 Main Street; with the condition of the extension be that the applicant shall provide a new time line for completion prior to the start of construction.

2nd: Mr. Blanchard

Discussion: None

Vote: 6 – 0

TOWN PLANNER UPDATE

Correspondence from Michael Suprenant – Re: Commercial Tourist District – his comments on the final conceptual design – Ms. Gibson-Quigley thanked Mr. Suprenant for his comments.

Cumberland Farms – Ms. Bubon stated that the groundwater level on site was higher anticipated. It will not be possible to install an underground propane tank. Correspondence and a plan have been provided showing the new location of the above ground tank. The tank will be moved closer to the dumpster for easier access by the propane truck. Both the tank and the dumpster will now be enclosed with white vinyl fence instead of the chain link fence originally shown on the approved plan.

Ms. Bubon stated that the subsurface infiltration basin had to be revised due to the groundwater elevations. The revision has been reviewed by Mr. Morse and Mr. Colburn and everything appears to be in order with this as well.

Patel – New Boston Road – Mr. Patel and Mr. Doherty will be meeting with the Board on February 11, 2014 to review design plans for the site at the corner of New Boston Road. Due to time lines for the project, they are targeting a March 25, 2014 Public Hearing date. Ms. Bubon stated that she would like to use Pare for Peer Review for this project since they have just completed the CT District Conceptual Plan and reviewed the Bylaw for this new District, they are the appropriate entity to conduct this review. The applicant has agreed to this review.

CONTINUATION OF THE DISCUSSION ON MEDICAL MARIJUANA FACILITIES BYLAW

Materials presented:

Proposed Draft Zoning Bylaw Amendment – December 4, 2013, Revision date: January 2, 2014

Ms. Bubon stated that per her earlier report, she provided the Board with a revised draft of the Medical Marijuana Bylaw for consideration and discussion. She also attached a copy of the materials provided by Pioneer Valley Planning Commission (PVPC). She added some of the standards found in the PVPC into our draft version. This should address concerns raised at the last meeting about impacts from the proposed operations. Ms. Bubon would like to continue review of this bylaw proposal. She stated that we should target a Public Hearing date in March to be ready for the Annual Town Meeting.

Ms. Bubon also stated that she is thinking of an overlay district for Medical Marijuana Facilities in portions of General Industrial (but not on Main Street in the CT District) and Industrial Park and take it of Special Use.

The Board is in favor of the overlay district and would like comments from Chief Ford on security for these facilities. These facilities are cash only facilities.

OLD/NEW BUSINESS

None

NEXT MEETING

February 11, 2014

On a motion made by Mr. Blanchard, seconded by Mr. Cuniff, and voted 7 – 0, the meeting adjourned at 7:35 PM.