

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, MAY 22, 2002

Present: Theophile Beaudry
Mary Blanchard
Jeff Bonja
Pat Jeffries
Ginger Peabody, Chairman

Also in Attendance Lawrence Adams, Town Planner
Nancy Campbell, Clerk
Charles Blanchard

Absent: Lawrence Boniface

G. Peabody opened the meeting at 7:00 PM and read the agenda. The minutes for May 8, 2002 were reviewed.

Motion: to accept the minutes of May 8, 2002 as corrected, by M. Blanchard
2nd: J. Bonja
Discussion: None
Vote: All in favor

DISCUSSION AND ADOPTION OF CHAPTER 40B RELATED RULES AND REGULATIONS

G. Peabody opened the discussion at 7:05 PM. L. Adams, with input from P. Jeffries, T. Beaudry and suggestions from the rest of the Board, had drafted the Sturbridge Rules and Regulations Governing Comprehensive Permits (see attached) under the State's authorized 40B Comprehensive Permit Rules. Copies of the Sturbridge Rules and Regulations to be adopted, along with a draft for an application form and checklist for Comprehensive Permit Project 40B was distributed to the Board for their review. L. Adams would also have the Regulations reviewed by Town Council. Items changed from the Board's last discussion (05-08-02): review period from 45 days to 30 days because the law requires 30 days for the start of the public hearing; distribution to other boards would remain at 5 days, not the suggested 10 days; boards would have 20 work days to review the 40B application. If the Board chooses not to adopt the Sturbridge Rules and Regulations and a 40B application comes in to them, the application would come under the State's model governing Comprehensive Permits.

G. Peabody wanted the Town's Regulations to be strict and then, if necessary, negotiate down by waiving any requirements agreed upon by the Board. The Regulations could not be challenged independently of an appeal of a decision. If the permit was denied, the applicant could appeal to the Housing Appeals Committee. Other sections discussed by the Board were: 5.1 Administrative Fees – may be waived and 5.2.1 Consultant/Legal/Review Fee/Special Account. Changes to the Regulations could be made after adoption by placing them on the agenda posted on the Town Clerk's Board. A public hearing would not be necessary. The Board felt the draft reflected the requirements they were looking for and liked that they could modify it in the future.

Motion: to adopt the Rules and Regulations Governing Comprehensive Permits dated May 22,2002, by P. Jeffries
2nd: M. Blanchard

Discussion: None
Vote: All in favor

OLD BUSINESS

G. Peabody informed the Board she had submitted a memorandum to Arnold Wilson and James Malloy with a copy to L. Adams, requesting they review the fee schedules for Multi-dwelling Special Permits. J. Malloy had replied that fees are normally taken up together and not individually.

C. Blanchard offered that the Board of Selectmen usually rely on the respective Board's recommendation when setting fees. Presently, no fee was set, as the Town had not seen this type of project in the last 10 years. He suggested it be patented similar to Subdivision plans. G. Peabody would like to see the fee amount for Multiple Dwelling Projects higher than that of the Comprehensive Permits and on a sliding scale. L. Adams offered to provide the Board with examples of appropriate fee schedules.

NEW BUSINESS

M. Blanchard had started work on updating the Variance Application and would have the final draft for the June 12th meeting. Board members should contact her with any suggestions they might have.

Stallion Hill Project, Tyrone Jones –T. Jones had contacted L. Adams informing the him that the Stallion Hill project would be presented to the Town under a Comprehensive Permit 40B Units Only and not the original Chapter 40B Comprehensive Permit. A Units Only project is a conventional housing development application where the community and the developer agreed to set aside affordable housing units within their projects. Under the LIP (Local Initiative Partnership) Program, which had been T. Jones' proposed plan, 70% of the affordable/moderate income units would have been set aside for Town residents. The Units Only application would not allow any local preference to the residents. L. Adams suggested that T. Jones be asked to meet with G. Peabody, J. Malloy and himself to determine what his intentions were for the project. T. Jones had previously stated he would like to break ground in September/October 2002 and have the project completed in 2003.

The Spaho Corp. (Park Place) Special Permit Application – A public hearing for this special permit is scheduled for the Board's June 12th meeting. It was determined that there would not be a sufficient number of voting members present to conduct the hearing. P. Jeffries would not be in attendance, M. Blanchard would be recusing herself from the Board, as an abutter, and Kim Adams' seat has not yet been filled. A Special Permit requires a super majority vote and being a seven member Board, at least five voting members are needed. N. Campbell will call the Southbridge Evening New to cancel the Legal Notice submitted for posting and G. Peabody will contact Mike Loin to let him know the hearing has been moved to the June 26th meeting.

G. Peabody recognized Charles Blanchard of Farquhar Road, who presented himself as a private citizen, to discuss his letter dated 05-12-02 sent to J. Malloy, S. Gibson-Quigley and G. Peabody. At this time M. Blanchard recused herself from the Board. G. Peabody asked C. Blanchard to hold the discussion of his letter until the public hearing, he chose not to. In his letter, C. Blanchard stated that he felt the public hearing should not be opened until the applicant was in receipt of the permit needed for Town water and sewer. C. Blanchard emphasized that he felt the issue was the fact that the process would start without the required permits in hand. Presently, The Spaho Corp. did not hold such a permit. It was G. Peabody's opinion that the Board was obligated to hold the public hearing since the application had been submitted. The Board had the options of denying the application for lack of a water and sewer permit or placing conditions to the decision. She did not want any discussion pertaining to this project until the public hearing. She would permit the Board to continue the discussion on the process only. J. Bonja stated that a special permit process allows the Board to apply

conditions to their decision. The fact that the water and sewer permit was not in hand did not concern him. L. Adams cautioned the Board that under due process they could not defer an application to another Board. If a project did not have the permit at the close of the public hearing, the Board could deny the special permit.

At the end of the discussion M. Blanchard returned to the Board. P. Jeffries suggested the Board make note of these issues and address them at the next Town Meeting. G. Peabody noted that this was the reason why she was beginning to redraft the Board's application process.

Motion: to adjourn, by M. Blanchard
2nd: P. Jeffries
Vote: All in favor

Adjournment at 8:45 PM