

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

WEDNESDAY, January 8, 2003

Present: Theophile Beaudry
Mary Blanchard
Lawrence Boniface
Jeff Bonja
Robert Cornoni
Pat Jeffries
Ginger Peabody, Chairman

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

G. Peabody opened the meeting at 7:00 PM and read the agenda. The minutes for December 11, 2002, were reviewed. M. Blanchard noted a spelling correction on page 4, resident's name should read Scoble.

Motion: to accept the minutes of December 11, 2002, as corrected, by M. Blanchard
2nd: J. Bonja
Discussion: None
Vote: In favor – T. Beaudry, M. Blanchard, L. Boniface, J. Bonja, R. Cornoni and G. Peabody
Abstain – P. Jeffries

G. Peabody asked the Board's permission to apply for a grant in the amount of \$10,000 to the Massachusetts Housing Partnership Fund for Review Assistance for the Stallion Hill Village project.

Motion: to allow the Zoning Clerk to forward an application for Chapter 40B Review Assistance to the Massachusetts Housing Partnership, by M. Blanchard
2nd: T. Beaudry
Discussion: G. Peabody stated this was to be a full grant with no cost to the Town.
Vote: All in favor

G. Peabody asked to have Attorney Mark Bobrowski act as the Board's facilitator. His services would be financed entirely through funds received from the Massachusetts Housing Partnership.

Motion: to ask Attorney Mark Bobrowski to act as facilitator financed entirely through funds received from Massachusetts Housing Partnership, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: All in favor

G. Peabody asked to have a subcommittee work with the Town Planner to select an engineering firm, if necessary, to review the plans for Stallion Hill Village. She would like to have J. Bonja, herself and Town Planner, Lawrence Adams, on the subcommittee.

Motion: to create a subcommittee that will work with the Town Planner to select an engineering firm to review the Stallion Hill Village plans, by M. Blanchard
2nd: J. Bonja
Discussion: None
Vote: All in favor

PUBLIC HEARING CONTINUATION FOR MARK FARRELL – VARIANCE AND SPECIAL PERMIT – TO ALLOW THE CONSTRUCTION OF A GARAGE AND SECOND FLOOR PROFESSIONAL OFFICE, WITH A SETBACK OF 18 FEET FROM THE FRONT PROPERTY LINE AT 10 MAIN STREET

G. Peabody opened the public hearing continuation at 7:05 PM. After a short delay, Mark Farrell was present to answer questions the Board had regarding parking issues and the waterline to the proposed 28 foot by 32 foot garage/office that was to be relocated. He presented a plan of the new waterline done by Jalbert Engineering. Calculations were submitted to the Board stating the flow rate to the sites served would not be affected. The pressure at the end of the line would be approximately 55 pounds per square inch at 25 gallons per minute. J. Bonja was concerned about the flow rate and asked the current rate. M. Farrell stated it was estimated to have 35 gallons per minute. He also said the abutters would be without water for a maximum time of two to three hours and he would be sure to coordinate the timing with them. The waterline would be moved by a licensed plumber. G. Peabody asked if M. Farrell would need a sewer permit for the proposed garage/office. He said he would, but that Greg Morse, DPW Director, said there would not be a problem. The parking issue was again questioned by the Board. M. Farrell submitted a plan showing two parking spaces for the tenants and three spaces for the proposed garage/office, all spaces measured 10 feet by 20 feet. J. Bonja asked L. Adams if there was a standard set for number of parking spaces per employees. L. Adams stated one space was required for 500 feet of floor space and one space for each employee. The height of the structure was proposed at approximately 24 feet, with the first floor used for storage and the second floor as office space. G. Peabody commented the parking would be addressed under Site Plan Review with the Planning Board if the variance and special permit were granted.

G. Peabody recognized Richard Hamelin, son of Robert Hamelin, an abutter. Richard Hamelin told the Board that the waterline was privately owned by his father. M. Farrell had not sought permission to cut the line. Richard Hamelin was concerned who would own and be responsible for repair costs of the waterline and asked if there would be sufficient water to service all residences connected to that line. G. Peabody recommended the hearing be continued to allow M. Farrell and R. Hamelin to negotiate the arrangements for the waterline. She felt it was the Board's responsibility to protect the interests of the abutter, but not to participate in the negotiations. L. Adams suggested the Board request M. Farrell sign an extension for the public hearing process to February 26, 2003, to avoid constructive approval. M. Farrell agreed to the extension.

Motion: to continue the public hearing for Mark Farrell to January 22, 2003, at 7:05 PM, by M. Blanchard
2nd: J. Bonja
Discussion: None
Vote: All in favor

G. Peabody explained that the Stallion Hill Village project was coming before the Board under Chapter 40B, also know as a Comprehensive Permit. The Board would be relying on the advice and opinions of other local boards and officials when reviewing the application. She further explained the duties of the Board for this application process from its distribution to the decision making process. She considered this a daunting responsibility for the Board.

PUBLIC HEARING FOR STALLION HILL VILLAGE, LLC – COMPREHENSIVE PERMIT – TO CONSTRUCT FIFTY-SIX TOWNHOUSE CONDOMINIUMS LOCATED OFF STALLION HILL ROAD

G. Peabody introduced the Board, the Town Planner and the Board's Clerk. The applicants, Tyrone Jones and Mark Zulkiewicz; their attorney, Edith M. Netter and project engineers, Dennis Rice and Vito Colonna, of Cullinan Engineering, Auburn, MA were introduced. G. Peabody reviewed the Schedule of Topics to which M. Blanchard asked for changes to Session #3, Safety – Water and Sewer would be addressed by the Board of Selectmen, not the Board of Health and #6, Review and Endorsement – she felt should read, Review and Decision. G. Peabody concurred. L. Adams commented that this was a working draft and could be modified by the Board, as necessary. G. Peabody assured the public that all parties wishing to be heard would have an opportunity at some point within the public hearing process.

G. Peabody opened the public hearing at 7:35 PM. J. Bonja read the legal notice. Attorney Edith M. Netter stated she had a background of thirty years in Land Use Law, her specialty being in affordable housing. She, like Attorney Mark Bobrowski, worked on behalf of the Massachusetts Housing Partnership. The applicant was introduced as Stallion Hill Village, LLC, the principles being Tyrone Jones and Mark Zulkiewicz, the property owner is J&W Company, Inc., with the same principles.

Atty Netter gave an overview of the project:

- Parcel location – across from Old Sturbridge Village and along the Quinebaug River
- Size – 73 acres; the proposed project would be 18.6 acres (14 acres of open space) with the 54 remaining acres kept as woodlands
- # of Units – 56 Townhouse condominiums, colonial style three bedroom homes with 2 ½ baths, full basements and attached garages
- # of Affordable Units – 14 units (25%) would be available to households that earn below \$46,720 (represents 80% of the median income for families of four within the Worcester Metropolitan Statistical Area)
- Cost – Approximately \$135,000 for affordable units and \$210,000 for market rate units
- A preference for local residents would be provided for a greater majority of the affordable units
- Exteriors of market rate units would be identical to those of the affordable units

Atty. Netter commented that the principle obligation of the law is that communities are required to have a fair share of affordable housing. The state maintains that to be 10%, Sturbridge presently has 5.22% of its total year round housing stock available for low/moderate income families. This project could help add to the Town's inventory of affordable units. The law also requires the project have a Project Eligibility Letter stating the type of financial subsidy to be provided. The Mass Housing Finance Agency has provided such a letter and it is done pursuant to the Mass Housing Starts Program. She stated that the applicants wanted to work cooperatively with the Town and their abutters.

Dennis Rice, of Cullinan Engineering Co., Auburn, MA, presented the plans and added the following information to Atty. Netter's overview:

- The parcel consisted of various growth uplands and significant wetland resources – the Quinebaug River, two unnamed streams, isolated wetlands and woodlands
- Electric transmission lines located on an abandoned railroad bed crossed the property, as did a pipeline
- 18 buildings containing two to six units would have two parking spaces per unit, one in the driveway and one in the garage
- The project layout would preserve the wetland resources and the areas of critical concern
- 1,400 linear feet made up the access drive to a looped road; proposed drive measured 24 feet with a sidewalk on one side continuous around the loop road
- The development was to be setback from Stallion Hill Road with little or no visibility of it from Stallion Hill Road or Route 20
- 78% of the site was proposed as unaltered
- Municipal sewer and water was being proposed
- A stormwater system would preserve runoff around the site (without directing it through the site) to drainage swales and not onto the road
- The project did not develop the property to its maximum density (120 units)

M. Blanchard asked how the interior of the affordable and market value units would differ and since the plans indicated the contractor would be applying for the water/sewer tie-ins, did that mean the applicant was not asking the Board to grant the tie-in under the Comprehensive Permit. Atty. Netter said she had not talked about that with the applicants, but would be glad to discuss the interiors of the units with the Board. She did offer that generally no

unit should be distinguishable from another. She requested getting back to the Board regarding the issue of the water/sewer tie-in. L. Boniface asked for the square footage of the units. M. Zulkiewicz stated the proposed size of the units was 1,600 square feet.

G. Peabody read the following letters (attached) submitted to the Board regarding the project:

- Memo from Conservation Commission dated 01/08/03
- Memo from Greg Morse, DPW Director dated 01/06/03
- Memo from James Malloy, Town Administrator dated 01/08/03
- Letter from Bill Muir dated 01/04/03
- Memo from Conservation Commission dated 12/20/02

J. Bonja read the following letter (attached) submitted to the Board regarding the project:

- Memo from Conservation Commission dated 12/12/02

G. Peabody asked for comments from L. Adams. He mentioned the following items:

- 1) the quality of the application as to its completeness;
- 2) the applicants request for waivers;
- 3) application fees in the amount of \$11,000 for review fees and \$7,600 for administrative fees had been collected;
- 4) the Planning Board would have comments prepared for the next meeting;
- 5) the initial application listed market values at \$189,000, they are now at \$210,000 (the *pro forma* would reflect whatever the current market value was at that time);
- 6) subsidized unit cost had been changed from \$145,000 to \$135,000 (L. Adams noted that the changes would have to balance out);
- 7) information on adjacent property wells and septic systems omitted from the application would need to be provided;
- 8) the need for an on-site recreational area, per the Zoning Bylaws, Chapter 21, Multiple Dwelling Project;
- 9) exterior lighting would need to be added to the plans;
- 10) rubbish and trash containers in the form of a private collection system should be addressed;
- 11) the lack of a secondary access (applicant noted this was not available) – the Fire Chief would comment on the single means of egress off the property;
- 12) a clarification regarding a bond or surety – the application said one would be provided, but it also requested it be waived
- 13) he would ask the Planning Board to look at and make its recommendation to the Board on the requested waivers
 - 6 buildings proposed as opposed to the 5 building maximum allowed
 - why one of the buildings was an isolated duplex and not clustered
 - the spacing between buildings from 50 feet to 40 feet should be justified
 - the requested setback reduction of 75 feet to 35 feet created a higher density project to the abutters;
- 14) Conservation Commission noted the absence of an in-depth impact statement and environment study.

M. Blanchard noted the setback dimensions from the property line given on the application were also in conflict with the Board's Comprehensive Permit Rules and Regulations.

G. Peabody asked for public comments.

- William Muir, Shattuck Road, was concerned with the safety issues stated in his letter; that there had been no application submitted or approved for a sewer system and that the long process of public hearings would lead to the possibility of only three or four members being eligible to vote the project. G. Peabody responded that the Board would be going forward with the public hearings and it would work in good faith with the applicants.

- Nancy Ryder, Conservation Commission requested the help of outside consultants with an initial cost of \$2,000.

Motion: to approve a maximum of \$2,000 to the Conservation Commission for engineering consultant purposes, by M. Blanchard

2nd: P. Jeffries

Discussion: J. Bonja asked what the output would be from the consultant's work and for a quote in writing to be provided to the Board for filing. N. Ryder said the evaluation report would outline the environment issues and the impact to the Quinebaug River, the perennial stream, both wetlands, endangers species and stormwater evaluations. Information should be available by Conservation Commission's scheduled meeting (#4) with the Board. L. Adams recommended asking the proponents if they knew and were comfortable with the selection of consultants (Arthur Allen – EcoTek, Inc. and Mickey Markus – New England Environmental). Atty. Netter asked that there be an agreement to the consultants used and the scope of work to be done to avoid duplication.

G. Peabody announced a five minute recess at 8:50 PM to allow the proponent and Atty. Netter time to consult. The hearing resumed at 8:55 PM.

L. Adams recommended, with the concurrence of the proponent, that the Board release sufficient funds to have one of the two engineering firms develop a scope of services and that the Conservation Commission, the proponent and a subcommittee of the Board concur on the scope of services and then grant the authority to the subcommittee to release additional funds to commence on the scope of services. Atty. Netter concurred, but added that she hoped the boards coordinated their requests for financial help.

M. Blanchard withdrew her motion. P. Jeffries withdrew her second.

Motion: to release sufficient funds to allow a consultant firm to develop a scope of services; the Conservation Commission, the proponent and Board shall agree to the scope of services or amend it accordingly and then the subcommittee shall move ahead to release additional funds to follow-up on finishing that scope of services, by M. Blanchard

2nd: P. Jeffries

Discussion: The Board's subcommittee shall be the negotiation team.

Vote: All in favor

L. Adams reiterated that the proponents had done a great deal of work on the project. He appreciated this effort.

Motion: to continue the public hearing for Stallion Hill Village, LLC – Comprehensive Permit to February 12, 2003, at 7:40 PM, by M. Blanchard

2nd: J. Bonja

Discussion: None

Vote: All in favor

March 5, 2003 - tentative meeting date for Stallion Hill Village, LLC

OLD BUSINESS

Regep Corp. Refund Check – A check in the amount of \$715.00 was refunded to Regep Corp. from funds approved at the Special Town Meeting. This refund was for the special permit application – Park Place – withdrawn by the applicant. The original fee collected was \$800.00, \$85.00 was retained for normal administrative fees and the balance returned per request of Walter Regep in his letter dated 08-14-2002.

Discussion – Lakefront Property – G. Peabody asked if the Board would be interested in a workshop conducted as an open forum to cover the problems connected with lakefront properties. J. Bonja supported the proposal, but was concerned the Board would not be able to give enough attention or detail, at this time, to such a forum given the Comprehensive Permit presently before the Board. Some members felt a workshop would be beneficial. Others felt

it would be a session for complaining and expressing opinions. It was suggested that the Board give the Special Permit for Non-Conforming Use and Structure a chance to work and then fine tune it with some input. L. Adams commented that he had been working with Town Counsel and would be presenting the Board with guidelines from the November 13, 2002 workshop relating to Non-Conforming Uses, Structures and Lots.

G. Peabody recognized Charles Blanchard who felt that the Town had tried to adjust the lakefront property issue with its bylaw change and that it had not been communicated to the Board so they understood it. He did feel that the workshop in November had helped clarify the process of Special Permits.

Motion: to adjourn, by G. Peabody

2nd: M. Blanchard

Discussion: None

Vote: All in favor

Adjournment at 9:25 PM