

**STURBRIDGE ZONING BOARD OF APPEALS**

MINUTES OF

Wednesday, December 15, 2004

**Present:** Theophile Beaudry  
Mary Blanchard  
Marge Cooney  
Robert Cornoni  
Pat Jeffries  
Ginger Peabody, Chairman  
Bruce Sutter

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

G. Peabody opened the meeting at 7:00 PM and read the agenda. The Board member introduced themselves. The minutes of December 8, 2004 were reviewed.

**Motion:** to approve the minutes of December 8, 2004, as written, by M. Cooney  
**2<sup>nd</sup>:** M. Blanchard  
**Discussion:** None  
**Vote:** In favor – B. Sutter, M. Cooney, M. Blanchard, G. Peabody, R. Cornoni and T. Beaudry  
Abstain – P. Jeffries

**CORRESPONDENCE**

Memo – N. Campbell – 12-13-04 – requesting payment on invoice #0005920 from CME Associates, Inc. in the amount of \$990.00 for the professional services of Town Engineering Review (11-01-04 to 11-30-04) of Windgate at Sturbridge from the Outside Consultant Review Fee account # 89760-52000.

**Motion:** to approve the payment of invoice #0005920 for \$990.00 for the professional services of Town Engineering Review (11-01-04 to 11-30-04) from the Outside Consultant Review Fee for Windgate at Sturbridge, by M. Blanchard  
**2<sup>nd</sup>:** T. Beaudry  
**Discussion:** None  
**Vote:** All in favor

**WINDGATE AT STURBRIDGE – DISCUSSION/VOTE – COMPLETE LIST OF REQUESTED WAIVERS**

The Board took up the following list of waivers requested by the applicant for Windgate at Sturbridge -

Town of Sturbridge Zoning Bylaws

1) Chapter Six - Use Regulations - Suburban Residential District (SR) 6.02

2) Chapter Sixteen - Groundwater Protection District - 16.06 Use regulations B. Prohibited uses.

The following uses are prohibited: (6) Any use that will render impervious more than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot whichever is greater. Proposed – 26%.

3) Chapter Nineteen – Intensity Regulations – Frontage 125 feet – The existing parcel has no Frontage; Maximum Height (mean) 35 feet - Proposed mean height of 46 feet; and Maximum Number of Stories is two – The proposed building is three stories.

4) 20.21 Off-Street Parking and Loading Spaces - (a) Dwelling- Two (2) spaces per dwelling unit – 138 required, 101 parking spaces proposed;

5) 20.31 Driveways - (b) All driveways shall access on the way on which legal frontage for that lot is established. The existing parcel fronts on a private way.

6) 24.09 Special Permits – Application for Special Permits for the use of land or buildings as set forth in Chapter Four or elsewhere in this Bylaw may be made to the Board of Selectmen, the Zoning Board of Appeals or the Planning Board as indicated. If no permit granting authority is mentioned, the Zoning Board of Appeals shall be the permit granting authority. The Special Permit Granting Authority may authorize the issuance of said Special Permit in accordance with M.G.L., Ch. 40A, 4 & 17 provided all the requirements are met and provided that: The application is being filed under the requirements of MGL Chapter 40B Comprehensive Permits.

#### Town of Sturbridge - Zoning Board of Appeals - Rules and Regulations Governing Comprehensive Permits

1) 3.2.3 The plan shall be stamped by the Massachusetts registered land surveyor who performed the instrument boundary survey and who shall certify the accuracy of the locations of the buildings, setbacks and all other required dimensions, elevations and measurements, adjacent property wells and septic systems. The plans shall be signed under the penalties of perjury. The proposed development will be serviced by the municipal wastewater and water systems.

2) 3.2.7 The location of existing wetlands, unique vegetation, (shall be performed by a Massachusetts registered arborist) water bodies, wells, one-hundred year flood plain elevation, and other natural features; streams, wetlands, vistas, slope areas, geological features, unique vegetation, historic features, and others that may be important to the site. The wetland resources were delineated by a wetland specialist and approved by the Conservation Commission.

3) 3.2.10 Existing and proposed topographical lines at two-foot contour intervals on the tract and within 50' thereof. A majority of the adjoining property is either wetland or underwater.

#### 4) 4.0 LAYOUT AND DESIGN STANDARDS

4.6 Buildings shall be a maximum mean height of thirty (30) feet. The proposed mean building height will be 46 feet.

4.7 For attached unit buildings the minimum setback from the property lines shall be two (2) times the height of the building. The setback between separate unit buildings shall be equal to or greater than the height of the highest building. The minimum zoning setback requirements have been met.

4.9 No parking lot or building construction shall be allowed within 100 feet of a wetland area or within 200 feet of a wetland protected by the Rivers Act ( 310 CMR 10.00)

4.10 All drainage structures including outlets shall have a minimum thirty (30) foot vegetated buffer to wetlands. Two riprap drainage ways will be within 25 feet of the wetland.

4.12 A Paved secondary access road shall be provided, if deemed necessary or required by the ZBA.

#### Town of Sturbridge Zoning Board of Appeals Official Application Form and Check List Comprehensive Permit Project 40b

1) Plan and Documentations Submitted with Application - Topography within 50' thereof.

2) Layout and Design Standards - Maximum buildings height of thirty-five (35) feet and paved secondary access roadway.

#### Town of Sturbridge - Regulations for Administering the Wetland Bylaw

1) 1.2 PRACTICABLE ALTERNATIVES - Applicants are required to demonstrate that there are

no practicable alternatives to the proposed project with less adverse impact on the protected resource and interests. A practicable alternative is an available and feasible alternative, which will accomplish the project's purpose, taking into account costs, logistics, the proposed use, and the most current technology.

2 1.4 BUFFER ZONES - As of the date of these regulations a summary of the state and local conservation related buffer zones are as follows: 25-foot No Disturbance Buffer; 100-foot WPA and Local Wetland Bylaw buffer and 200-foot Wildlife Habitat buffer.

3) 3.7 STORMWATER – 3.7.2 80% Total Suspended Solids (TSS) removal – New Construction 80% TSS Removal is to be considered the absolute minimum. Understanding that removal rate decreases with the age of the system, the expected target for initial removal for new projects will be in excess of 90% TSS removal. – The proposal will meet Mass. DEP stormwater management policy, 80% TSS removal rates.

4) CHAPTER 5 - RESOURCE AREAS, VALUES, PRESUMPTIONS OF SIGNIFICANCE AND GENERAL PERFORMANCE STANDARDS - The following general performance standards shall apply for all resource areas. An alternative analysis commensurate with the scope of the project shall be presented. There shall be a minimum of a 25-foot no-disturb buffer surrounding all resource areas. There shall be a minimum of a 50-foot no-structure buffer surrounding all resource areas. Maximum allowable alterations are at the discretion of the Commission and will be allowed on a case-by-case basis, only in extreme and rare circumstances, and are not to be construed as a right of an applicant or landowner. – Two minor drainage related disturbances will occur in the 25 foot buffer and one proposed deck, on pilings, will intrude into the 50 buffer.

Following a discussion on the water/sewer fee proposed for the project the Board agreed to include the following waiver from the Town's Sewer Regulations -

#### Town of Sturbridge Sewer - Regulations and Bylaws

##### 3.01 Method of Assessing Betterments and Sewer Privilege Fees

##### (B) Time of Assessment

(2) Sewer Privilege Fees – For those properties not abutting the sewer line at the time of construction, but tying into the system at a future date, the time of assessment shall be the date upon which that property connects into the sewer system. For those properties serviced by the sewer system but subdivided at a future date, the time of assessment for the unsewered subdivision shall be the date upon which those subdivisions connect to the sewer system.

**Motion:** to approve the List of Waivers as Exhibit D, by M. Blanchard

**2<sup>nd</sup>:** P. Jeffries

**Discussion:** None

**Vote:** All in favor

**Motion:** to grant a waiver from the Town of Sturbridge, Sewer Regulations and Bylaws, Section 3.01 B (2) which regulates the sewer privilege fees, by M. Blanchard

**2<sup>nd</sup>:** P. Jeffries

**Discussion:** None

**Vote:** All in favor

Having included the List of Waivers Requested as part of the final draft Decision, the Board reviewed the document in its entirety. G. Peabody asked if there were any questions. There were none. She asked that the Board take formal action on the Decision for the project Windgate at Sturbridge.

**Motion:** to grant a comprehensive permit to Main Street Senior Housing, LLC for the project known as Windgate at Sturbridge, proposed for 450A Main Street, by M. Blanchard

**2<sup>nd</sup>:** T. Beaudry

**Discussion:** G. Peabody commented that the Board had worked long and hard on the Decision and thanked everyone for their service. She asked for a Roll Call Vote.

**Roll Call Vote:** B. Sutter – For, M. Cooney – For, M. Blanchard – For, T. Beaudry – For, R. Cornoni – For, P. Jeffries – For and G. Peabody – For. There were no members voting against the project.

G. Peabody reminded the applicant of the 20-day appeals period.

**Motion:** to adjourn, by M. Blanchard

**2<sup>nd</sup>:** M. Cooney

**Discussion:** None

**Vote:** All in favor

Next Zoning Board of Appeals meetings – January 12<sup>th</sup> and January 26<sup>th</sup>.

**Adjournment at 9:15 PM**