

# **STURBRIDGE ZONING BOARD OF APPEALS**

## **MINUTES OF**

**WEDNESDAY, September 29, 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  
Scott Young, CME Associates for DPW Director  
Attorney Mark Bobrowski, ZBA facilitator

G. Peabody opened the meeting at 7:00 PM and read the agenda. The minutes of September 22, 2004 were reviewed.

**Motion:** to approve the minutes of September 22, 2004, as amended, by M. Blanchard  
**2<sup>nd</sup>:** T. Beaudry  
**Discussion:** None  
**Vote:** All in favor

### **PUBLIC HEARING CONTINUATION – 08-18-04-1CP – COMPREHENSIVE PERMIT – MAIN STREET SENIOR HOUSING, LLC – TO PERMIT THE CONSTRUCTION OF A SIXTY-NINE UNIT ACTIVE ADULT CONDMINIUM COMPLEX CONSISTING OF 57 GARDEN STYLE AND 12 COTTAGE STYLE UNITS AT 450A MAIN STREET**

G. Peabody continued the public hearing at 7:05 PM and recognized Police Chief Thomas Button who felt the proposed project would cause confusion and congestion which would significantly and certainly impact safety. After reviewing the plans and traffic study report he reviewed his memorandum to the Board, dated 07-21-04 which expressed the following concerns –

- The traffic report stated that the estimated 380 vehicle trips per day from the proposed project were not significant – Chief Button disagreed;
- In observing the traffic at the location of the driveway relative to Dunkin Donuts, Fiskdale Post Office and Churchill's Restaurant, exiting Dunkin Donuts and making a left hand turn from the Fiskdale Post Office during peak time could not be done. He felt the additional vehicle trips would definitely have a negative impact on the traffic;
- Though the accident report does not indicate numerous accidents, he noted that Sturbridge had the sixth highest injury rate by accident in the State;
- The traffic study did not show behaviors or reactions that develop from frustrations in heavy traffic volumes;
- Since 70% to 80% of the vehicles would be turning east (left) this would result in vehicles stacking up – a suggestion was made to create a turning lane;
- Issues brought up in a meeting with Wayne Belec, of Waterman Design, Fire Chief Leonard Senecal and himself had not been addressed;
- The stone wall on the west side of the entrance to the project prohibited sight visibility and though it was noted that the wall's height would be reduced, a measurement had not been indicated nor a calculation given as to how much the visibility would be improved; and

- The age of the residents in the proposed project would eventually create an increase in the elderly driving population. Of the sixth highest injury rate by accident, the highest category of people involved was elderly.

G. Peabody recognized traffic engineer, Douglas Prentiss, of Judith Nitsch Engineering, Inc., who had been contracted by the Town to assist in reviewing the submitted traffic study and site plans for issues and deficiencies. The review covered the following items –

- A site visit was conducted independently to observe the roadway network, operations, land use, turn lanes, physical restrictions and sight distance issues;
- A speed study on Route 20 was conducted which showed speeds higher than the posted limit;
- The site plans were tested with templates to determine if larger vehicles could maneuver within the proposed project;
- Conducted technical analysis reviewing traffic data for its validity;
- Performed a level of service for the site access onto Route 20 (not submitted by the applicant) which indicated the left turn presently was a level F in the morning (7:00 – 9:00) and afternoon (4:00 – 6:00) peak time (level A – best with a less than 10 second vehicle delay; level F – worst with a 60 to 80 second vehicle delay);
- Reviewed accident reports, site distances, traffic generations and speeds.

D. Prentiss outline the review summary which recommended –

- Sidewalks on the site drive which would connect onto the site access drive;
- Entrance to the project was a substandard intersection because it lacked full visibility due to its acute angle – a 90 degree angle was recommended and would make the turn easier from delivery trucks going from the proposed project to Autumn Ridge;
- To help direct drivers stripping, arrows, pavement markings and angled spaces on the site access drive were recommended;
- The access should be designed so the Fire Department is comfortable with it and
- The traffic generation from an age restricted complex typically has a different peak hour (9:00 – 10:00 AM and 3:00 – 4:00 PM) than the commuter peak hour.

The Board expressed the following concerns to D. Prentiss –

- The intersection's 8% slope – D. Prentiss felt it was a trade off, but recognized it could be an issue;
- Surges of traffic that were not addressed in traffic study;
- The community was active adults, not retired adults, and there would be commuters during peak hours;
- The vicinity of Dunkin Donuts was not a 7:00 – 9:00AM traffic issue, but an all day situation – D. Prentiss agreed – D. Prentiss stated that the volume of traffic was not high enough to warrant a request for a traffic light at site access onto Route 20; and
- Felt the 90 degree access was very important due to the 24 foot road and that a larger radius was needed – D. Prentiss commented that the radius was adequate for the type of traffic. G. Peabody commented that the 90 degree angle was a major concern of the Planning Board. Scott Young, CME Associate representing the DPW Director, suggested shifting the curve of the entrance closer to Route 20 allowing for the 90 degree angle and a lesser slope.

W. Belec had discussion with the Board as follows –

- Submitted a copy of the permit from MassHighway which allowed the construction of a residential access onto Route 20. Permission was required from MassHighway because more than 50 units would be serviced by the proposed access drive;

- Stated that the retaining wall would be moved back from Route 20 approximately 10-13 feet, the height would be reduced to approximately two feet and low profile bushes would be used atop the wall. S. Young suggested the applicant obtain a sight line easement so larger plants could not be used. M. Fougere said he would approach the abutter to discuss a sight line easement possibility.
- Conducted a demonstration to show the Board the slope of the access drive at an 8% grade. L. Adams commented that under Subdivision Control a grade greater than 8% were not allowed. Though this was a private way, he felt the standards should not be lessened. He requested a profile of the slope at both the toe and the run if a 90 degree was created. S. Young stated that Sturbridge Subdivision Regulations require the toe of an intersection to not exceed 1½ %.

Comments from the Board –

- G. Peabody suggested that the site of the first cottage could be used to relocate the intersection.
- G. Peabody noted the Planning Board recommended binding agreements filed with the Worcester Registry of Deeds for the area to be used for snow storage to ensure that future owners of the Bramble House property be bound to the same agreement as the present owner.

G. Peabody recognized Fire Chief, Leonard Senecal who expressed the following concerns and recommendations –

- For his operations a 90 degree angle intersection would be better than the present design because fire apparatus leaving an emergency call from the proposed Windgate at Sturbridge project to respond to a call at Autumn Ridge, as well as the reverse, would have difficulty making the turn;
- Would like the driveway to have a tapered berm so emergency equipment could drive onto the sidewalk – W. Belec said a tapered bituminous concrete berm would be used.
- Set trees back from the roadway enough that emergency equipment could pass by a disabled vehicle;
- Felt the interior roadways were adequate for his emergency equipment; S. Young commented that radii measured 10 feet to 5 feet. He felt the 5 foot turns were too sharp, 10 foot turns would minimize destruction to the curbing, etc. W. Belec stated he had run AutoTurn 4.2 software using templates of the town's equipment and found the turning radii to be adequate. He reviewed the diagrams with the Board. G. Peabody asked if the simulations took into account the snow storage areas. W. Belec said it did. P. Jeffries was concerned with the roadway narrowing due to snow plowing and the building up of snow. W. Belec felt that since this was a private client this would be an issue for the residents. L. Adams asked if the project could accommodate the sidewalks and the traffic circulation widths, as reviewed, without conflict. W. Belec said it could.
- The height of the proposed villa building was not an issue since the fire department had a 200 foot ladder truck;
- Commented that after reviewing the Code Summary, dated September 28, 2004, he was satisfied with the construction and fire protection of the buildings and the parking garage;
- Since the project had 69 units he asked that consideration be given to have a generator in the main building. He said that in the instance of a power outage, this would allow the residents to remain on the site. He had made this request to Autumn Ridge and was turned down. A generator would provide lighting and heat for the elderly residents.
- Lights in sidewalks (G. Peabody to verify) – low profile – W. Belec would check the photometric plan.

David Udelsman, project architect, submitted and reviewed the Code Summary for the proposed 22,050 (approx.) square foot per floor building measuring 40 feet 6 inches in height as defined by Massachusetts State Building Code –

- Chapter 3 - Use or Occupancy
- Chapter 4 – Special Use and Occupancy

- Chapter 5 – General Building Limitations – R-2 Multi-Family Residential; S-2 Low Hazard Storage
- Chapter 6 – Types of Construction
- Chapter 7 – Fire Resistant Materials and Construction
- Chapter 8 – Interior Finish
- Chapter 9 – Fire Protection Systems
- Chapter 10 – Means of Egress

S. Young noted there was a gasoline sand trap which would drain water from the underground parking garage to the sanitary sewer and felt there should be a maintenance and inspection schedule for it. He questioned the relocation of the fire hydrant. L. Senecal felt the hydrant should not have been moved. G. Peabody requested a maintenance schedule for the gasoline sand trap.

L. Adams stated the Planning Board asked if there was an emergency egress plan to direct residents of the villa away from the project site while emergency equipment entered the site.

Attorney Mark Bobrowski, facilitator for the Zoning Board of Appeals, inquired as to the length of the villa building from end to center to end and the number of stories – D. Udelsman calculated the building's length at approximately 350 feet, said it was three stories and had the underground garage.

The Board took a short recess at 8:40 PM.

G. Peabody acknowledged the following memorandums

- Scott Young, CME Associates, dated September 27, 2004;
- Nick M. Fomenko/Douglas C. Prentiss, Judith Nitsch Engineering, Inc., traffic peer review, dated September 29, 2004;
- Code Summary, Windgate at Sturbridge, and
- MassHighway Permit Number: 3-2004-0178, dated September 22, 2004.

Additional comments, questions and discussions of the Board –

- Evacuation from building and from the site, a second means of egress – Steven Paquette noted that the site was entirely surrounded by wetlands and they could not see a way to get a second way of vehicular access out of the site.
- Planning Board's concern with lack of parking since 113 spaces were proposed and 138 were the required number of spaces. It questioned where visitors would park. S. Paquette stated that based on his experience the parking should be sufficient for residents and visitors. L. Adams asked to designate a Phase II parking area for the future should more spaces be needed. S. Paquette said he could do that. S. Young asked if the applicant planned to widen the cottage driveways eliminating parking within the main access road as had been proposed at an earlier public hearing. W. Belec felt too much green space would be sacrificed to be aesthetically pleasing. G. Peabody wanted driveways to be one and a half car width wide. P. Jeffries asked if a resident owned a camper could it be parked on the site. S. Paquette said it was not allowed within the condominium documents.

L. Adams requested a revised site plan showing the proposed changes to the project.

G. Peabody asked S. Young to review his memorandum Items #1 - 25, dated September 27, 2004 and agreed that technical issues could be discussed further outside of the public hearing forum with the working subcommittee. S. Young commented on the proposed walking trail as he felt the Conservation Commission and Tree Warden should assist in the review given the steep slopes, erosion and cuttings. L. Adams suggested a walking loop for the "not so active adults." Other items – trash racks, catch basin and

special drain manhole hoods, foundation drains, rooftop discharge, stormceptor units, water quality calculations for Zone II aquifer protection zone, pretreatment of detention ponds and infiltration basins, street sweeping, infiltration testing, construction notes in Stormwater Management Report, temporary stockpiles, drainage inverts, snow stockpiling, fire hydrant locations, water pressure and flow volume documentation, drainage calculations and housekeeping notes. At W. Belec's request, the Board agreed to allow the applicant's engineers to meet in a work session with S. Young for the purpose of addressing these technical issues. Updates to the plans would be made as necessary.

Attorney Bobrowski encouraged the revisions to the plans as part of the procedural process. Changes agreed upon, but not reflected on the plans, could be documented in the decision conditions. His draft decision would be sent to S. Young, L. Adams, the Fire Chief and Police Chief for their review. He asked if the fire flow was an item that needed to be verified or was there a possibility that it was inadequate. S. Young had no documentation indicating that the flow was adequate and he did not have the DPW's data. M. Fougere agreed to order a flow test before the public hearing closed. Having spoken with various department heads, L. Adams felt it was a question of verification.

The Board expressed the importance of the 90 degree angle modification for the access intersection. It had been a concern on all department input. L. Adams added that the applicant was asking for a waiver from frontage. He did not want to compound that inadequacy by foregoing the 90 degree intersection when the project already lacked frontage and had limited easement. He emphasized that the lack of frontage was a critical element for the Planning Board since the project had only one means of egress.

M. Blanchard asked if the applicant was requesting approval from the Board for water and sewer permits or would they go to the Board of Selectmen (BOS). Attorney Bobrowski stated that the comprehensive permit was a permit from water and sewer, but the final design approval should come from the Board that normally dealt with the subject matter. M. Fougere would provide N. Campbell with the applicant's letter sent to the BOS for distribution to the Board.

Attorney Bobrowski addressed a concern the Board had relative to the issue of the applicant's legal access to the site. He had reviewed the documents and found that they had legal access to the site. He also recommended that once the Board had imposed its final conditions and they were reflected in the applicant's pro forma, it should be reviewed, as recommended by Attorney Bobrowski, by Ed Marchant, a MassHousing Partnership 40B consultant, Brookline, MA. Attorney Bobrowski asked that the Wrap-up and pro forma review session be moved to October 27, 2004 when he and Ed Marchant could both be in attendance. If necessary the Board could add another meeting in November. The Board agreed to allow the applicant to approach the Fire Chief and Police Chief directly with questions of minor issues.

**Motion:** to continue the public hearing for Main Street Senior Housing to October 20, 2004 at 7:05 PM, by M. Blanchard  
**2<sup>nd</sup>:** P. Jeffries  
**Discussion:** None  
**Vote:** All in favor

**Motion:** to adjourn, by M. Blanchard  
**2<sup>nd</sup>:** P. Jeffries  
**Discussion:** None  
**Vote:** All in favor

#### **Adjournment at 9:40 PM**

Next regularly scheduled meeting of the Board – October 13, 2004