

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

Wednesday, May 11, 2005

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

Also in Attendance Nancy Campbell
Scott Young, CME Associates, Inc.

G. Peabody opened the meeting at 7:00 PM and read the agenda. The Board introduced themselves. The executive session and regular session minutes of April 27, 2005 were reviewed.

Motion: to approve the executive session minutes of April 27, 2005 and hold them in confidence, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: In favor – B. Sutter, M. Blanchard, G. Peabody, P. Jeffries, R. Cornoni and T. Beaudry
Abstain – M. Cooney

Grammatical corrections for these minutes were noted.

Motion: to approve the minutes of April 27, 2005, as amended, by P. Jeffries
2nd: T. Beaudry
Discussion: None
Vote: In favor – B. Sutter, G. Peabody, P. Jeffries, R. Cornoni and T. Beaudry
Abstain – M. Blanchard and M. Cooney

CORRESPONDENCE

N. Campbell – letter dated 05-02-05 – RE: The Estates at Sturbridge Farms – Peer Review Submission

PUBLIC HEARING CONTINUATION – 01-26-05-1V/SP – BLUE & GOLD DEVELOPMENT – TO PERMIT THE CONSTRUCTION OF THE PROPOSED DEVELOPMENT OF A 71 UNIT ACTIVE ADULT HOUSING COMMUNITY, NAMELY STONELEIGH WOODS, ON APPROXIMATELY 35.5 ACRES OF LAND AT 72 HALL ROAD

G. Peabody continued the public hearing at 7:05 PM and noted that the original submittal for the project had variance requests. The revised plans of April 2005 required no variances and on behalf of Blue & Gold Development, Attorney Mark Donahue had requested in a letter, dated 04-07-05, that the Board allow the variance petition to be withdrawn without prejudice.

Motion: to allow the withdrawal without prejudice of the variance petition, page five of the application received November 10, 2004 from Blue & Gold Development Group, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: All in favor

M. Cooney read the legal notice for the reposting of this public hearing continuation. Attorney M. Donahue, representative of Blue & Gold Development, was present and acknowledged the presence of Robert Havasy, of Blue & Gold Development, and John Massauro and Wayne Belec, of Waterman Design Associates, Inc., design engineers. Attorney M. Donahue reviewed the history of the project as follows –

- Original plans submitted and the concerns raised by the Board
- Concept plan which addressed the significant issues expressed by the Board – variance requests, the functionality and quality of the open space, integrated trail system and architectural designs
- Benefits of the revised plans

John Massauro thanked the Board for the productive work session of 05-06-05; presented Waterman Design's written comments to CME Associates' preliminary review, dated 05-06-05; and reviewed the design details of the revised plans as follows –

- The site location layout – access from the previously approved (Planning Board) public roadway "C" which provided the legal frontage for the overall parcel; aerials of the site; and detention basins
- No variance requests sought
- The reconfiguration of the open space had a 2.5 mile walking trail system with public access via a Fiske Hill Road trailhead which would provide for three to four parking spaces and trail maps, and a second trail head within the project
- The location of the underground Exxon Mobil pipeline within the project
- Location and brief description of the clubhouse
- Layout and mix of three and four unit buildings with front and side garage entries

W. Belec presented the technical details of the project as follows –

- The location and description of the five stormwater quality basins which would meet the State's required 80% TSS (total suspended solids) removal; storm septic type units would provide for the town wetlands regulations required 90% TSS removal
- A gravity flow sewer system would minimize infrastructure
- Utilities – underground electric, cable and telephone

G. Peabody noted that the work session mentioned by J. Massauro covered items relative to drainage and sewerage; P. Jeffries agreed that the session was engineer driven and M. Cooney added there was discussion that a phasing schedule should be submitted; that a general traffic study was needed; that G. Morse should be consulted with regard to the water tank base and the water pressure calculations; that the survey along Hall Road needed to be updated (Waterman Design concurred); that the riprap areas should be reflagged and that Unit #66 was inverted. W. Belec gave the Board an explanation of the last issue. M. Cooney requested copies of all sales agreements and asked to see that the open space be held in perpetuity.

G. Peabody read the following department comments reviews on the revised plans –

- Board of Health – no input since the project would be on town water and sewer
- Conservation Commission – would be reviewing the project once a permit application was submitted
- DPW Director – felt domestic water and fire protection would be inadequate as designed and sanitary pump stations should be monitored for a predetermined amount of time by the project
- Fire Chief – no comments to date
- Town Planner/Planning Board – this review will be conducted on May 24th and a report will be submitted to the Zoning Board of Appeals
- Police Chief – written by Sgt. Alan Curboy – opposed to the access intersection layout; the cul-de-sacs lack sufficient turnarounds for emergency equipment

- Water and Sewer Commissioners – no comments submitted for revised plans, James Malloy stated the revisions were not significant and referred the Board to the original comments dated 12-08-04 – Arnold Wilson asked that a copy of the request be given to the Board of Selectmen as they had not seen the Board’s request or the comments from the Town Administrator.

M. Blanchard referenced CME Associates’ preliminary review letter, dated 05-06-05, Item #1 – Anticipated sewer flow – she commented that the units did not have three bedrooms, but three beds. Scott Young stated that the work session had clarified this item. M. Cooney clarified that the design was for two bedrooms with a loft and that it should be monitored so that the loft did not become a third bedroom.

J. Massaro spoke relative to the traffic issue and offered that the applicant would make a contribution to the Route 20 Study rather than conducting a traffic study. A. Wilson noted that the Route 20 Study was complete and included in its scope some accident and traffic counts which could be obtained from the Planning Department.

G. Peabody asked if there was anyone wishing to speak from the public –

- Maureen Ouellette, 98 Fiske Hill Road – asked if the “company” had plans to develop the site further or would be creating an access on to Fiske Hill Road. G. Peabody answered that if the permit was granted she would be suggesting a condition that no other roads would be accessed from this development; that it would be a stand alone project with no other spur roads.
- Elizabeth Sheldon, 179 Fiske Hill Road – concerned with the parking area and trailhead proposed for Fiske Hill Road which could result in bringing strangers into the area, dumping and littering; entrance from the commercial area was okay, but access from Fiske Hill with its residential use was a concern.
- Carol Goodwin, 19 Orchard Road – felt the open space should be accessed from within the project and not impede the neighbors and asked how there could be a trailhead on property the applicant would not own; thought the applicant needed an additional 10% of open space given the 71 units on 35.5 acres. Attorney M. Donahue clarified the 10% open space issue; noted that there was public access to the trailhead within the project; that the Fiske Hill access was a result of conversation with the Board; and an easement would be granted by the owner to the condominium association over the gas line easement.

S. Young stated he would continue to look into the stormwater management issues to be sure the Town was protected. J. Massaro commented that a field test flow had been performed and a report had been submitted to the Board with the test results. G. Peabody reiterated that she supported the DPW Director in his request that the applicant ensure there be adequate water pressure for the project.

Attorney M. Donahue summarized the applicants “assignments” –

- 1) Submit a phasing schedule and methodology in narrative form for the development
- 2) Flag the riprap areas and notify the Board when this was completed
- 3) Submit a copy of the conceptual draft of the condominium documents (reflecting open space issues) before the Board’s next meeting
- 4) Visit with CME and the DPW Director regarding technical water issues
- 5) Potential realignment or relocation of the roadway – the concept for three residential homes and an assisted living facility was discussed during the subdivision approval process; to move the road south would encroach on wetlands resource areas. Therefore, he was not looking to change the roadway layout.
- 6) Traffic analysis – should the applicant make a monetary contribution to a traffic fund or provide a third party traffic analysis; G. Peabody asked Attorney M. Donahue to contact the Town Planner and have the Town Planner share his suggestions which the Board would accept. Attorney M. Donahue would have the recommendations for the Board’s next meeting.

G. Peabody requested that N. Campbell forward Sgt. Curboy's letter to the Conservation Commission for its input on the roadway relocation and its impact to the wetlands. The Board discussed moving the roadway to the north and the pros and cons of this realignment. S. Young suggested a realignment of the access driveway for the commercial site opposite the development; suggested documentation be provided for easements allowing access for the proposed walking trails. R. Cornoni reminded the applicant of the cul-de-sac issues raised by Sgt. Curboy for emergency equipment turnarounds. M. Cooney added a reminder for the updated survey. W. Belec stated an instrument survey would be done and submitted to the Board.

G. Peabody again recognized -

- Maureen Ouelette – commented that if the walking trails were designed over the existing pipeline, what added benefit was this to the Town and expressed a concern that the proposed parking area might block the pipeline for access in the case of an emergency.

Motion: to continue the public hearing for Stoneleigh Woods special permit to June 8, 2005 at 7:05 PM, by M. Blanchard

2nd: P. Jeffries

Discussion: M. Cooney noted that this was the constructive approval date and that the applicant would need to provide the Board with another request to extend the statutory deadline date.

Vote: All in favor

REQUEST FOR DETERMINATION (cont.) – 04-13-05-1D – WARD PALMER, 233 HOLLAND ROAD

Ward Palmer – letter submitted 05-04-05 – requested that the Board allow a withdrawal of this determination as he found the cost of performing a boundary survey for his front property too expensive. He would not be building the farmers porch. G. Peabody stated that a determination would be required to construct the side dormers. N. Campbell would contact W. Palmer and obtain a revised letter withdrawing the request for the construction of the farmers porch and allowing the construction of the side dormers. The Board would take this matter up at its May 25th meeting.

COORESPONDENCE (cont.)

Blatman, Bobrowski and Mead – Invoice # 10271, dated 05-02-05 – requested payment for professional services to review of Crescent Gate documents – Regulatory Agreement, Deed Rider and Monitoring Agreement

Motion: to pay Blatman, Bobrowski and Mead's Invoice # 10271 in the amount of \$480.00 from the Crescent Gate Outside Consultant Review Fee Account, by T. Beaudry

2nd: M. Cooney

Discussion: None

Vote: All in favor

Wayne Belec – letter dated 05-11-05 – RE: Crescent Gate at Sturbridge - Construction Report

M. Blanchard recused herself from the Board at 8:17 PM.

Attorney Robert E. George – letter dated, 05-06-05 – RE: The Spaho Corporation – request to withdraw without prejudice its variance petition due to Board procedural issues.

Motion: to allow The Spaho Corporation to withdraw without prejudice its variance petition for The Estates at Sturbridge Farms, by M. Cooney
2nd: P. Jeffries
Discussion: None
Vote: In favor - B. Sutter, M. Cooney, G. Peabody, P. Jeffries, R. Cornoni and T. Beaudry

M. Blanchard returned to the Board at 8:19 PM.

Jim Malloy, Town Administrator – memorandum dated 05-10-05 – RE: Zoning Study Committee – requesting the Board select a member to serve on this committee by June 10th – M. Cooney and M. Blanchard expressed an interest in serving on this committee. After hearing from each member as to what they felt they could bring to the committee, members felt it appropriate to make the selection by a vote from each Board member, as opposed to an appointment by the Chair. The Board, by majority vote, selected M. Cooney to serve on the Zoning Study Committee.

Spring Refresher – G. Peabody announced that the Senior Center would be holding a Spring Refresher on June 11th for the cost of \$10 and that it was open to all ages. Deadline for registration was June 6th.

Board Reorganization – G. Peabody would conduct the reorganization of the Board at its May 25th meeting following the Board of Selectmen's appointments scheduled for May 16th.

Motion: to adjourn, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: All in favor

Adjournment at 8:27 PM