

STURBRIDGE ZONING BOARD OF APPEALS

MINUTES OF

Wednesday, April 13, 2005

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

Absent: Theophile Beaudry

Also in Attendance Lawrence Adams, Town Planner

G. Peabody opened the meeting at 7:00 PM and read the agenda. The minutes of March 30, 2005 were reviewed.

Motion: to approve the minutes of March 30, 2005, as written, by M. Blanchard
2nd: M. Cooney
Discussion: None
Vote: In favor – B. Sutter, M. Cooney, M. Blanchard, R. Cornoni and T. Beaudry
Abstain – G. Peabody and P. Jeffries

CORRESPONDENCE

Massachusetts Federation of Planning and Appeals Boards – Annual Meeting – October 22, 2005

Massachusetts Federation of Planning and Appeals Boards – Registration Spring Meeting – April 28, 2005

Steven Paquette – dated 04-06-05 – RE: Crescent Gate at Sturbridge (Chapter 40B, formerly Windgate at Sturbridge) – discussed a minor discrepancy in the layout of cottage units 2 and 3 (duplex building) stating that the building footprint was approximately four feet wider than referenced on the site plan placing it to within approximately twelve feet of the property line. The letter requested approval from the Board for the minor change.

G. Peabody noted Attorney Bobrowski, facilitator for the Board on the project, had been consulted regarding the request and advised that there was not a variance process under comprehensive permitting and that if the change was insignificant a public hearing was not necessary. She noted that a letter from the abutter, SK Management (Autumn Ridge) indicated there was no objection to the proposed change. Wayne Belec, of Waterman Design, spoke on behalf of S. Paquette and stated that the discrepancy between the engineering and the architectural drawings had been “caught” in the field. Board members felt the change was insignificant and voted to execute the Certificate of Action.

Motion: that there was no significant impact with the minor change as per SPL Development Group, LLC letter, dated 04-06-05 for Crescent Gate at Sturbridge, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: All in favor

Wayne Belec – dated 03-09-05 – RE: Crescent Gate at Sturbridge - Construction Report

Wayne Belec – dated 03-21-05 – RE: Crescent Gate at Sturbridge - Construction Report

Judith Epstein – RE: Crescent Gate at Sturbridge – preliminary advertising notice

Hazel Hopkins – dated 03-10-05 – RE: Yankee Spirits – waived the statutory deadline date for the Board to take final action on the special permit/variance applications.

Green Valley Institute – April 16th seminar

Carol Goodwin – copy of letter dated 07-03-02 by Charles Blanchard to the Sturbridge Planning Board – RE: Spaho Corp., Park Place

Attorney Mark Donahue – dated 04-07-05 – RE: Blue & Gold Development Group, Inc. – revised plans submitted

Kopelmen & Paige – dated 03-23-05 – VanFleet - to be held in confidence

Kopelmen & Paige – dated 04-05-05 – Cottone - to be held in confidence

PUBLIC HEARING – 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 noted that since T. Beaudry was absent from this meeting, he would not be eligible to vote on the project if the applicant chose to proceed with the evening's scheduled public hearing continuation. Attorney Mark Donahue, on behalf of Blue & Gold Development, requested the Board continue the hearing to May 11th. He provided a letter extending the deadline date to mid June and asked that the Board proceed by sending the submitted revised plans to the Board's consulting engineer for review. G. Peabody added that the revised plans would be distributed to the department heads for their review and comments. Attorney Donahue submitted a letter to the Board extending the Board's decision deadline date to and including June 8, 2005. He stated the applicant would extend beyond that time frame if necessary.

Motion: to continue the public hearing for Stoneleigh Woods special permit to May 11, 2005 at 7:05 PM, by M. Blanchard

2nd: M. Cooney

Discussion: None

Vote: All in favor

Motion: to accept Attorney Donahue's letter extending the special permit decision deadline date to and including June 8, 2005, by M. Blanchard

2nd: P. Jeffries

Discussion: None

Vote: All in favor

Upon request from the applicant, the Board agreed to allow the consulting engineers to have discussion with Waterman Design before the May 11th meeting in a subcommittee meeting forum. The Board allowed John Massauro, of Waterman Design, to show drawings of architectural revisions and give a brief review of the project. L. Adams commented that the Planning Department was now requesting that applicants leave materials presented in a meeting with the appropriate Board for the public to view at Town Hall. Attorney Donahue would provide smaller versions of the drawings once they were officially submitted to the Board.

Motion: to send the revised plans and reports for Stoneleigh Woods to CME Associates, Inc. for peer review, by M. Cooney

2nd: M. Blanchard

Discussion: None
Vote: All in favor

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

Ward Palmer presented his request to construct a farmers porch to the front of his house and dormers on the second floor. He provided the Board with photos of the house and stated that one front corner of the house was 28 feet, 6 inches from the street. G. Peabody noted that this placed the structure within the front setback which made the structure non-conforming. She clarified that when the house was built the road was one lane. At the time the road was widened, the house became non-conforming. It was W. Palmer's intention to locate the porch back 30 feet from the street. G. Peabody felt the dormers were not a concern to the Board. M. Cooney asked if W. Palmer had a plot plan of the property. W. Palmer stated he did not. M. Cooney commented that that lot size was four acres, but noted that the first item required for a determination was a plot plan and that the applicant had been so advised. She was uncomfortable approving the request without the plot plan survey. G. Peabody noted the Board was not a precedent setting board and felt that since this was a four acre lot and that the house was close to the road, not the setbacks, she did not have issues with the request. M. Blanchard was in agreement with M. Cooney and would like a plot plan submitted to verify the applicant's measurements.

L. Adams suggested that W. Palmer did not need a plot plan, but felt the front yard boundary should be established using the right of way owned by the Town and not the edge of pavement. The Board agreed to proceed with the request when W. Palmer returns with a surveyed measurement from a certified engineer which establishes the front property line.

Motion: to continue the Request for Determination for Ward Palmer to May 11, 2005 at 8:00 PM, by M. Blanchard
2nd: M. Cooney
Discussion: None
Vote: All in favor

Crescent Gate at Sturbridge Decision – Exhibit C – Methodology – G. Peabody noted that Edward Marchant, financial advisor to the Board on this project had discovered an inconsistency in the figures between the Decision and Exhibit C relative to the percentage used to calculate the pricing on the affordable units. The Decision referenced seventy (70%) percent which was correct and Methodology, Exhibit C, referenced eighty (80%) percent which was in error. The Board agreed to direct a change to correct the error.

Motion: to correct the affordable unit pricing figures in the Crescent Gate (Windgate) Decision from eighty (80%) percent to seventy (70%) percent so that they be consistent with the Methodology, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: All in favor

Reorganization of the Board – The Board would reorganize at its May meeting.

Meeting Dates – April 27th – Spaho Corp., The Estates at Sturbridge Farms
May 11th – Blue & Gold Development, Stoneleigh Woods
May 25th – Tentative
June 8th – Spaho Corp. and Blue & Gold Development deadline dates

Annual Town Meeting – April 25, 2005 – Tantasqua Senior High School

M. Blanchard stepped off the Board.

Engineering Firms for Peer Review – Judith Nitsch Engineering, Boston, MA
Graves Engineering, Worcester, MA

The Board recessed until 8:00 PM at which time all members returned to the Board.

PUBLIC HEARING – 01-12-05-1V/SP – YANKEE SPIRITS – TO REPLACE THE EXISTING 42 SQUARE FOOT GROUND SIGN WITH A 39 SQUARE FOOT GROUND SIGN AT A HEIGHT OF 21 FEET, 1 INCH AT THE CURRENT ZERO SETBACK; TO REPLACE A SECOND PRIMARY 50 SQUARE FOOT WALL SIGN WITH A 194 SQUARE FOOT BANNER SIGN; AND TO REPLACE A THIRD 26 SQUARE FOOT WALL SIGN WITH A 35 SQUARE FOOT BANNER SIGN AT 376 MAIN STREET

G. Peabody noted that with the absence of T. Beaudry and M. Cooney's ineligibility to vote on this application, the remaining five members would need to vote in favor of the special permit for the request to be granted. The applicant chose to proceed with the public hearing continuation. Hazel Hopkins and Larry Laureture were present on behalf of Yankee Spirits and briefly reviewed the request for wall signs as follows –

- Two walls sign – Yankee Spirits and Redemption Center
 - ⇒ Redemption Center sign would not require a variance or special permit as the Board had agreed it was an entity on its own and a 30 square foot wall sign was allowed;
 - ⇒ Yankee Spirits (Discount Liquors) sign was to be reduced in size

H. Hopkins submitted a drawing to the Board showing a reduction in size from 194 square feet to 120 square feet. M. Cooney noted that receipts for bottles/cans needed to be redeemed for payment at the Yankee Spirits store. For this reason she asked for clarification as to the applicant's claim that the Redemption Center was an entity unto itself. The applicant noted that the two stores were separate physical structures with their own entrances. The Board preferred the current "Yankee Spirit" wording to the previously proposed "Discount Liquors".

Motion: to grant the special permit for the Yankee Spirits revised drawing print #8244BR-6, dated 02-04-05, consisting of a 120 square foot banner sign "Yankee Spirits", by M. Blanchard

2nd: P. Jeffries

Discussion: None

Vote: In favor – B. Sutter, M. Blanchard, G. Peabody, P. Jeffries and R. Cornoni
Abstain – M. Cooney

- Ground sign existing on a single pole located inside the front setback – requested a replacement sign measuring 39 square foot, at an overall height of no more than 21 feet, one inch and to allow the sign to remain within the existing front setback.

Previous discussion by the Board indicated a reluctance to allow the requested height and size, as well as the products listed on the bottom of the sign. H. Hopkins showed the existing sign with the product listings and submitted a suggestion for a revised sign showing a representation of the products without the names.

The Board found this revised sign to be less desirable than the original submittal. L. Laureture presented the Board with a new design (Yankee Spirits with tankard) which it felt was more tasteful, provided the bottles on the bottom were removed. Michael Cimini, Sidney Road, owner of Yankee Spirits, stated money could not be accepted from his business's providers. He explained that the names listed were for marketing purposes to attract customers. He hoped that the Board would work with Yankee Spirits on the size and setback issues; otherwise he would consider keeping the existing sign. G. Peabody felt the Board was not concerned with the setback issue, but if the sign was to be changed, felt displaying products on the sign to draw customers to Yankee Spirits was not necessary. The Board agreed that the size of the sign was not of issue, but that the height should conform to the allowed eighteen feet. H. Hopkins accepted the height at eighteen feet and noted that they would withdraw the requested variance petition. P. Jeffries stated that she had a problem with signs that had labels on them. B. Sutter expressed a concern as to the appropriateness of brand name liquors on the town street signs. The applicant would work to revise the ground sign and asked that the hearing be continued.

Motion: to continue the public hearing for Yankee Spirits to May 25, 2005 at 7:40 PM, by M. Blanchard
2nd: P. Jeffries
Discussion: None
Vote: In favor – B. Sutter, M. Blanchard, G. Peabody, P. Jeffries and R. Cornoni
Abstain – M. Cooney

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

Adjournment at 8:35 PM