

## STURBRIDGE ZONING BOARD OF APPEALS

### MINUTES OF

Wednesday, March 2, 2005

**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 members introduced themselves. The regular minutes and the executive session minutes of February 9, 2005 were reviewed.

**Motion:** to approve the regular minutes of February 9, 2005, as written, by M. Blanchard  
**2<sup>nd</sup>:** M. Cooney  
**Discussion:** None  
**Vote:** In favor - M. Cooney, M. Blanchard, G. Peabody, R. Cornoni and T. Beaudry  
Abstain - B. Sutter and P. Jeffries

**Motion:** to approve the executive session minutes of February 9, 2005, as written and hold in confidence, by M. Blanchard  
**2<sup>nd</sup>:** M. Cooney  
**Discussion:** None  
**Vote:** In favor - M. Cooney, M. Blanchard, G. Peabody, R. Cornoni and T. Beaudry  
Abstain - B. Sutter and P. Jeffries

G. Peabody commented that on February 4<sup>th</sup> revised plans which addressed issues noted in memorandums by department heads had been submitted by Michael Loin, of Bertin Engineering Associates for The Estates at Sturbridge Farms. These were the plans the Board would be reviewing and they would be rejected if there were major changes. She felt department head comments were not meant as a designer tool for the applicant. She noted that L. Adams had drafted a revision to the Board's Special Permit Rules and Regulations (adopted 10-23-02) which addressed these issues. Copies of the draft revisions had been circulated to the members for their review. M. Cooney stated that in reviewing the Regulations and Zoning Bylaws she noted housekeeping items which would need attention - Section 8.03 of the Special Permit Rules and Regulations, page seven, last line, Section 6.04 should read 7.04; and Chapter Twenty-one, Section 21.05 was followed by 21.07, should it read 21.06. The Board agreed to discuss and vote on these revisions following The Spaho Corporation public hearing.

M. Blanchard recused herself from the Board at 7:05 PM since she was an abutter to the project known as The Estates at Sturbridge Farms.

**PUBLIC HEARING – 02-09-05-1SP – THE SPAHO CORPORATION – TO PERMIT THE CONSTRUCTION OF TWENTY-ONE AGE RESTRICTED CONDOMINIUM UNITS LOCATED AT 30 FARQUHAR ROAD**

G. Peabody opened the public hearing and M. Cooney read the legal notice and added that the opening of the hearing had been postponed from February 9<sup>th</sup> to March 2<sup>nd</sup> by mutual agreement between the Board and the applicant.

G. Peabody read into the record the following correspondence and department head comments -

- Michael F. Loin - dated 02-04-05 - RE: Revised plans; request for waiver for driveway;
- Thomas Button, Police Chief - dated 01/27/05 - RE: Alternative entry/exit, traffic impacts (first submittal) and 02/08/05 - RE: Alternate point of egress, traffic impacts (revised plans);
- Leonard Senecal, Fire Chief - dated 02/08/05 - RE: No issues;
- Thomas Chamberland, Tree Warden - dated 1/24/05 - RE: Landscaping issues;
- James Malloy, Zoning Enforcement Officer, dated 1/20/05 - RE: Chapter 21 non-compliances;
- Lawrence Adams, Town Planner - dated 2/8/05 - RE: Comments to Planning Board;
- Gregory Morse, DPW Director - dated 02/08/05 - RE: Drainage, easement and gravel road;
- Kelly Doyle, Conservation Commission Agent - dated 2/08/05 - RE: Request for notification of revisions to plans governing Order of Conditions;
- Lawrence Adams, Town Planner - dated 02/09/05 - RE: Planning Board concerns;
- Carol Goodwin, Resident - dated 10/27/002 - RE: Petition in support of open space preservation;
- Kelly Doyle - dated 1/24/05 - RE: Order of Condition, DEP File No. 300-583;
- MassHighway - dated 2/15/05 - RE: 3/26/03 Curb cut permit #3-2003-0011;
- Board of Selectmen Minutes - dated 11/1/04 and 11/15/04 - RE: Sewer discussions and motion.

Michael Loin, of Bertin Engineering Associates, and Attorney Bob George were present on behalf of Walter Regep and The Spaho Corporation. M. Loin apologized to the Board for the multiple copies of plans and stated changes had been made to the slopes and grading, pipe crossings and the grading of the roadway. The revised plans lessened the impacts with less grading and less cuts. He asked to submit a third set of plans to the Board which addressed technical issues. G. Peabody commented on the political issues with the Board of Selectmen (BOS) and sewer connections reminding the Board that significant changes to the plans would send the project back to the BOS for approval. She was not in favor of accepting the submittal and added that the Board could not grant the requested waiver for a variance and relief from accessing the project by the lot's legal frontage. M. Loin stated the applicant would be applying for the variance.

G. Peabody asked the Board if it wished to review the submitted revisions. B. Sutter questioned whether or not the Board should review plans that had not been seen by department heads or if the Board should vote on a plan that had received negative memorandums. M. Cooney and P. Jeffries were not prepared to discuss or vote on the revisions. Both T. Beaudry and R. Cornoni agreed. M. Loin requested that the revised plans be submitted for an independent review. G. Peabody stated any special permit or comprehensive permit would go through peer review. The Board agreed to hear a presentation on the project's design, but noted there were a number of inconsistencies with the application submittal. M. Loin covered the following topics -

- The project consists of twenty-one condominium units measuring approximately 2,800 square feet, these units are proposed with full basements;
- Parking;
- The project would be age restricted to age 55 or older - M. Cooney felt it was ambiguous as to how the restriction was mentioned in the application;

- Impact statement - It was noted that the school impact statement referenced twenty-two (21) condominiums, fire department statement referenced a twelve inch (8") water main;
- An extension of time had been approved by MassHighway for the curb cut Permit #3-2003-0011 to March 26, 2006 - copy submitted to the Board;
- The units were spaced no closer than fifty feet.

The Board had the following comments -

- Felt the regulatory factor should be verified with the peer review;
- Clarification was requested for references to the gravel road on Sheet S2 relative to measurements - M. Loin stated the ten inches referred to the water line and the ten feet referred to the gravel drive;
- Turning radius onto Route 131 at thirty feet - M. Loin stated that MassHighway, as the governing factor, required the reduced radius;
- The configuration of the unit clusters placed two buildings on one side of the roadway and five on the other side which did not appear to be a good design - M. Loin stated that through working with the abutters, this had been the best design and provided for less cuts and walkout basements opening out to the wetlands. G. Peabody commented that she would like to see one of the five units moved;
- The garages were the most prominent view of the units;
- Would the units have lofts - M. Loin stated there would be no lofts, just high ceiling;
- Clarification was asked why the project was not accessed off of Farquhar Road - M. Loin stated the Conservation Commission conditioned that that access would be within the buffer zone of the wetlands, that access from Farquhar Road was detrimental to pristine area and that the access off Route 131 was driven by site conditions. G. Peabody requested that the Conservation Commission provide a letter to the Board stating as such.
- Would the ten foot gravel road be for emergency purposes only - M. Loin stated it was.
- Would like to see the addition of sidewalks to the project layout.

G. Peabody asked for comments from L. Adams who stated the following -

- Supported peer review for the project - suggested submitting the original plans along with department head memorandums to determine if the revised plans addressed the deficiencies, items for peer review - project design, recluster (4-3);
- Storm water calculations should be reviewed - M. Loin stated he would put together a clean packet for the drainage calculations.

After Board discussion relative to the quality of the application and submitted engineering plans, G. Peabody offered the following options as to how the Board might proceed - 1) to reject the application as incomplete, 2) to allow the applicant to withdraw without prejudice and "clean up" the submittal or 3) to send the plans/application out for peer review. M. Loin noted that a change to the plans would require the project to go back to the BOS and that he would like to stay with the present configuration.

G. Peabody asked if there were any comments from the public.

- Leonard Jalbert, Jalbert Engineering - asked which plans would be sent out for independent review. L. Adams suggested that the review start with the initial plans and after reviewing the various memorandums the independent reviewer could look at the revised plans and inform the Board if the concerns noted in the memorandums had been satisfied.
- Barbara Martel, 50 Farquhar Road - asked for clarification of the number of units and thanked the Board for its thoroughness.

- Guy Martel, 48 Farquhar Road - concerned that the emergency access to Farquhar Road was in an area that historically had trees fall and the roadway could be blocked - G. Peabody stated the special permit could be conditioned to provide that there be a schedule for clearing of debris.
- Carol Goodwin, 19 Orchard Road - submitted the previously mentioned petition supporting the purchase of this parcel for open space preservation. She presented the Board with a copy of the BioMap and Living Waters from Massachusetts Division of Fisheries and Wildlife which is intended as a tool to guide development and designated the most important critical habitats. She asked that the Board hire a herpetologist (studies reptiles and amphibians) to look for endangered species, namely the Wood Turtle and submitted copies of letters dated 03/10/04 and 04/07/02 from Massachusetts Division of Fisheries & Wildlife. M. Loin commented the project had been addressed by the Conservation Commission which had issued a Notice of Intent. He said the Natural Heritage & Endangered Species Program felt there were no impacts on endangered species.
- Jason Knott, 32 Farquhar Road - asked if the Board did evaluations of data relative to senior housing, was this M. Loin's first project with the Town, why was it a difficult project, would problems disappear when construction began, was the location of the entry driveway along the property line an issue, concerned with the safety in exiting onto Route 131, asked if traffic studies had been conducted.
- Carol Goodwin, 19 Orchard Road - submitted a letter to the Editor from the Southbridge Evening News, no date, which commented on issues pertaining to Willard Road.
- Lynn Sarty, 47 Farquhar Road - supported comments made by C. Goodwin and added that she saw this parcel as sensitive property.
- Ed Goodwin, 19 Orchard Road - stated that the Conservation Commission had not approved any problems.
- Chip Silvestry, Beaudry Road - felt projects presented were never complete and that it was a good idea for the applicant to withdraw without prejudice.

The Board had discussion on what it thought would be the best way to proceed given the quality of the submitted plans and application. M. Loin asked that the Board allow an extension to the review period and he would submit one final set of documents. G. Peabody cautioned M. Loin that if the plans were not "cleaned up" she would recommend the Board reject it.

**Motion:** to continue the public hearing for The Spaho Corporation and The Estates at Sturbridge Farms to March 30, 2005 at 7:05 PM, by P. Jeffries

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

**Discussion:** None

**Vote:** In favor - B. Sutter, M. Cooney, G. Peabody, P. Jeffries, R. Cornoni and T. Beaudry

**Motion:** to accept the letter requesting a time extension to the statutory deadline for the public hearing review period to June 8, 2005 from Attorney Bob George on behalf of The Spaho Corporation to be filed with the Town Clerk, by M. Cooney

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

**Discussion:** None

**Vote:** In favor - B. Sutter, M. Cooney, G. Peabody, P. Jeffries, R. Cornoni and T. Beaudry

The Board recessed from 8:50 to 9:00 PM.

M. Blanchard stepped back onto the Board.

## **DRAFT REVISION TO SPECIAL PERMIT RULES AND REGULATIONS (Adopted 10/23/02)**

The Board took up discussion with L. Adams relative to review process guidelines. He recommended the following additions to the regulations -

- 1) Failure to submit required items could be deemed deficiencies and the Board could deny the application on technical deficiencies;
- 2) No changes may be made to the plans once an application was submitted to the Board and the Town Clerk, after the opening of the public hearing changes may be made at the discretion of the Board;
- 3) Town of Sturbridge Subdivision Control design criteria and detail standards should apply unless the applicant included a formal itemized waiver with justifications for each deviation;
- 4) There should be no discussion between the applicant and department heads unless through the Board;
- 5) Waiver requests should be made "up front", be explicit and the argument be presented at the point of application.

L. Adams commented that the Planning Board would be reviewing its regulations to adopt the same revisions. He recommended the Board add these revisions to Section 5.00 by renumbering 5.02 to 5.03 and inserting the revisions.

**Motion:** to amend Section 8.03 of the Special Permit Rules and Regulations, last line Section 6.04 to read 7.04, by M. Blanchard

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

**Discussion:** None

**Vote:** All in favor

**Motion:** to adopt L. Adams memorandum dated 2/16/05 as Section 5.02 of the Rules and Regulations Governing Special Permits (adopted 10/23/02), 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 9:30 PM**