

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
WEDNESDAY, FEBRUARY 10, 2016

**Present:** Elizabeth Banks  
Margaret Cooney, Chair  
Thomas Earls  
Kevin Kelley, Clerk/Vice/Chair  
Fidelis Onwubueke  
Maryann Thorpe  
Michael Young

**Also Present:** Jean M. Bubon, Town Planner  
Diane M. Trapasso, Administrative Assistant  
Judi Barrett, RKG Economic Planning & Real Estate, Consultant  
Michael Andrade, Graves Engineering, Inc.  
Robert Engler, SEB, LLC (40B Consultant)  
Branden St. Laurent, NBM Realty  
Nick St. Laurent, NBM Realty  
Matthew St. Laurent, NBM Realty  
Andy St. Laurent, NBM Realty  
Matthew Cote, PE Project Engineer, Beals & Thomas  
Stacy Minihane, PWS, Beals & Thomas

The meeting was held at Center Office Building – Meeting Room – 301 Main Street.

Ms. Cooney opened the meeting at 6:30 PM.

The Board introduced themselves.

**CONTINUATION OF THE PUBLIC HEARING – THE APPLICANT SEEKS A COMPREHENSIVE PERMIT UNDER M.G.L. CHAPTER 40B TO ALLOW THE CONSTRUCTION OF “FIVE LEAVES AT STURBRIDGE” A 103 UNIT APARTMENT COMPLEX TO BE LOCATED AT 152/158 MAIN STREET. THE SUBJECT PROPERTY IS OWNED BY NBM REALTY, LLC.**

**Materials presented:**

Letter from Peter D. Jordan, Attorney at Law – representing Fravin Patel, owner and operator of the Scottish Inn at 142 Main Street – Re: 152 Main Street – dated 12/28/2015

Conley Associates Memorandum – Re; Response to Peer Review Comments of Five Leaves at Sturbridge – Dated 1/4/2016

Fuss & O'Neill – Re; Five Leaves at Sturbridge – Traffic Peer Review – dated 12/23/2015

Graves Engineering – dated 12/23/2015 – to: David Wood, Project Manager – Operations – Tennessee Gas Pipeline Company. LLC – Subject: Response to gas Utility Review Comments 152 & 158 Main Street

Graves Engineering – dated 12/19/2015 – to: Jean Bubon, Town Planner – Subject: Engineering Response to Town Department Review Comments Comprehensive Permit Application Five Leaves at Sturbridge (Comments from Sturbridge Planning Board dated 11/17/2015)

Fuss & O'Neill Memorandum – dated 1/5/2016 – to: Jean Bubon, Town Planner – from: William R. Van Duzer, PE, PTOE – Re: Response to Peer Review Comments for Five Leaves at Sturbridge by Conley Associates

Existing Conditions Plan With Aerial – Comprehensive Permit Application – Five Leaves at Sturbridge – 152 & 158 Main Street – prepared by Graves Engineering, Inc. plan date 12/8/2015 – project # 15108 – received 1/6/2016

Beals & Thomas Site Plan Review – Five Leaves at Sturbridge – MGL 40B Comprehensive Permit Review – 152 – 158 Main Street – project # 2678.00 – dated January 14, 2016

Five Leaves at Sturbridge – Comprehensive Permit Application – 152 – 158 Main Street – prepared by Graves Engineering – revision #3 – dated 1/25/2016

Beals & Thomas – Supplemental Site Plan Review – dated February 3, 2016 – received February 4, 2016 – project # 2678.00

Graves Engineering – Response to Beals & Thomas Peer Review – Comprehensive Permit Application – Five Leaves at Sturbridge – dated February 9, 2016 – received February 9, 2016

Conservation Commission Memo – Dated February 9, 2016 – Re; 152 Main Street Comprehensive Permit – Addressing the request of waivers

Letter from Attorney Peter D. Jordon - dated February 9, 2016 – received February 10, 2016 – Re: 152 Main Street, Sturbridge MA , NBM Realty, LLC – follow up letter dated December 28, 2015 – concerning Parvin Patel – Scottish Inn

Ms. Cooney stated that the Conservation Agent, Mr. Colburn, was present as well as several Commission members and would like to review their memo to the Board. The applicant had allowed Mr. Colburn to be first to present.

Mr. Colburn stated that on February 4, 2016, at a regularly scheduled meeting, the Commission had a discussion on the most recent request by Five Leaves at Sturbridge seeking waivers of various local bylaws and regulations. There are ten specific requests for waivers of regulations dealing with wetlands setbacks and performance standards.

Mr. Colburn stated that it should be pointed out at the onset that the wetland delineation shown on the plans presented to the town had not received a peer review for accuracy. In fact, on February 2<sup>nd</sup> some members of the Commission were on site to familiarize themselves with the location of the project when they noted an area of standing water and soft rush outside the wetland delineation. With parts of this project within 4 feet of the wetlands shown on the plan it is imperative that the wetland delineation undergo a peer review for accuracy. Until a peer review, the Commission will base their comments on the plan dated 1/25/2016. Comments may change based on the verification of the delineation.

Mr. Colburn had the following explanations to the ten waivers requested:

- #1 Parking lot or building setbacks (RRCP 4.9) - review under Wetlands Protection
- #2 Drainage outfall vegetated wetland setback (RRCP 4.10) – suggest 25’ much better than the requested 15’ – the longer the run through a swale the better treatment
- #3 Removal of soil to less than 5’ above groundwater table (RRCP 4.11) – waive
- #4 500 – foot buffer (SWB 6.1) – waive
- #5 200 foot resource area buffer zone (SWB 1.4) waive
- #6 50 foot no structure buffer zone (SWB 1.4) – waive
- #7 25 foot no disturbance buffer zone (SWB 1.4) – waive
- #8 TSS removal (SWB 3.7.2) – waive
- #9 Tree cutting (SWB 6.2) – removal of all trees and brush will compromise wildlife habitat
- #10 Alternatives analysis (SWB appendix) – different ways to access to open space, location of detention basins and stormwater structures and any other considerations that may result in less impact to resource areas

Mr. Colburn also stated that the applicant should carefully examine snow removal and storage areas. The commission will not allow parking lot snow to be pushed into the wetlands under any circumstances. Removal off site may become a necessity.

Ms. Minihane of Beals & Thomas stated that she supports Mr. Colburns comments. The waivers should be allowed and work with the applicant and condition the permit.

The Board had the following concerns, comments and questions:

- Building #3 is there enough room in the back for fire apparatus – Mr. Andrade stated that there is enough room – 25’ wide is enough to maneuver fire apparatus – plus the Fire Chief had no comments at this time

- Building #3 has four stories can fire apparatus get behind the building – Mr. Andrade stated not required to have access on all four corners – Fire Department will have more detail plans at the time of the building permit
- Will the units be sprinkled – Mr. Andrade stated “yes”
- Building #3 is the parking garage in the back ground level – Mr. Andrade stated entry to the garage is entry level
- Mr. Patel is concerned with trespassing being an issue – how are you resolving the issue – Mr. Andrade stated that they are working with Mr. Patel to close the curbing and have a temporary fence and planters - all needs to be approved with the pipeline because they are very strict about what can be over the pipeline

There were abutters present at the meeting and had the following comments, questions and concerns:

- Concerned with increase traffic – more population – increase in crime
- Clearing all the trees – will be able to see the back of the building – Mr. Andrade stated the trees being cut down are on the site - the trees in the buffer zone will remain – maybe you will see the top of the building
- No individual access – it would be better to have individual access not hallway access
- Can the height of the buildings decrease – Mr. Andrade stated that a balloon test revealed the project is set down – you can see the top of the building and the existing tree line
- Impact on the school system – Ms. Barrett stated not allowed to consider impact on the school system
- Can the placement and orientation of the buildings be changed – Mr. Andrade stated that this project went through several levels site revisions to maximize the best plan for the site – make the site balance and use the natural topography of the site
- Will all three building be built at once – Mr. M. St. Laurant stated one building must be fully occupied before the other can be built – building #1 will be built first
- Affordable housing need public transportation – Ms. Barrett stated no

Mr. M. St. Laurant stated that before NBM Realty took over it was a mess. NBM Realty came in cleaned the place and renovated all the apartments it is all excellent quality. It’s a better place and the tenants respect the rules and are happy living there.

Mr. Engler asked when will the Design Review peer review be done?

Ms. Barrett stated that it will be done by the next meeting.

The Board decided that it needed more information and the applicant agreed to the following:

1. The Board requested a management plan from NBM Realty and 24 hour site management will be provided
2. The Board requested that Design Review Peer Review be done

Ms. Barrett stated that it is not in the best interest of the Board to deny a 40B because it will then go to Mass Housing and they will approve it the way it is. It is always better to work with the applicant and get the best project possible.

**Motion:** Made by Mr. Young to continue the Public Hearing for Five Leaves at Sturbridge to March 9, 2016 @ 6:30 PM at Center Office Building.

**2<sup>nd</sup>:** Ms. Thorpe

**Discussion:** None

**Vote:** 7 – 0

### **APPROVAL OF MINUTES**

The Board decided to postpone the approve the minutes of the November 18<sup>th</sup> and January 6<sup>th</sup> to their regular meeting of March 16, 2016

### **CORRESPONDENCE**

None

### **OLD/NEW BUSINESS**

None

### **NEXT MEETING**

March 9, 2016 @ 6:30 PM at Center Office Building

March 16, 2016 @ 6:30 PM Center Office Building – regular ZBA meeting

On a motion made by Ms. Thorpe, seconded by Mr. Kelley, and voted unanimously, the meeting adjourned at 9:05 PM.