

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, MAY 4, 2016

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

Also Present: Diane M. Trapasso, Administrative Assistant
Judi Barrett, RKG Economic Planning & Real Estate, Consultant
Michael Andrade, Graves Engineering, Inc.
Robert Engler, SEB, LLC (40B Consultant)
Robert Morris, Morris Architects
Brandon St. Laurent, NBM Realty
Nick St. Laurent, NBM Realty
Matthew St. Laurent, NBM Realty
Andy St. Laurent, NBM Realty

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

Ms. Cooney opened the meeting at 6:00 PM.

The Board introduced themselves.

CONTINUATION OF THE DETERMINATION FOR PATRICIA KRITZMAN IS REQUESTING A DETERMINATION TO DEMOLISH AND REBUILT AN EXISTING TWO STORY SINGLE FAMILY RESIDENCE WITH AN ATTACHED GARAGE. THE PROPERTY IS LOCATED AT 17 BENNETTS ROAD.

Materials presented:

Application for Determination – Patricia Kritzman – received 2/11/2016

Proposed Site Plan for Patricia H. Kritzman – 17 Bennetts Road – prepared by Jalbert Engineering – plan date 1/20/2016 – DWG #15081- P – Revision # 2 dated 3/22/2016

Architectural plans – prepared by Architectural Insights – received 2/11/2016

Mr. Jalbert of Jalbert Engineering stated that after the Conservation Meeting on March 3, 2016 the following revisions were made: the porch area located at the northwest side of the

house was removed as per Conservation. The erosion control around the 24" oak was enlarged to protect the root system of the tree.

Mr. Jalbert stated that the applicant is proposing to demolish and rebuild an existing single family residence. The new residence will be two story with an attached garage.

Ms. Cooney acknowledged the following department memos:

- Ms. Bubon, Town Planner
- Mr. Colburn, Conservation Agent
- Mr. Burlingame, Building Commissioner
- Lt. Marinelli, Fire Inspector
- Ms. Terry, Interim Health Agent

The Board had the following concerns and question:

- Will the privies remain – Mr. Jalbert stated that the applicant wants them to stay - nostalgic reasons
- Will the existing garage and privies be modified – Mr. Jalbert stated “no” just painted
- Existing shed in poor condition – Mr. Jalbert agreed

Motion: Made by Mr. Kelley to grant the Determination requested by Patricia Kritzman: as requested to demolish and rebuild an existing two story single family residence with an attached garage. The Determination does not intensify the existing or create additional non-conformities and the owner may apply for a building permit for the described activities as shown on the Proposed Site Plan Plan for property at 17 Bennetts Road, Sturbridge MA, prepared by Jalbert Engineering. – plan date 1/20/2016 – DWG #15081-P – Revision #2 dated 3/22/2016 and Architectural Plans prepared by Architectural Insights – received 2/11/2016 – option #3 Lg revised. All necessary permits must be obtained prior to the start of construction.

2nd: Ms. Thorpe

Discussion: None

Vote: 7 – 0

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.

New Materials presented:

Email from Mr. Brubaker – Kinder Morgan – Re: Meeting with Town Officials – concerns about emergency or alternate access at the site of the 40B – Five Leaves at Sturbridge – received 4/25/2016

Email from Michael Andrade – Graves Engineering – dated 4/27/2016 – Re: Emergency Access Lane with plan – 40B Five Leaves at Sturbridge – received 4/27/2016

Emails from Chief, Police Department & Lt. Marinelli, Fire Inspector Re: Emergency Access Lane – received 4/28/2016

Emails Michael Andrade & Lance Brubaker – dated May 2, 2016 – Re: 5 Leaves at Sturbridge Emergency Access Lane – received 5/2/2016

Memo from Glen Colburn, Conservation Agent – Re: 40B Emergency access lane – received 5/2/2016

Email from Judi Barrett – Re: Five Leaves – Work Session Summary – received 5/4/2016

Letter from NBM Realty, LLC – dated May 4, 2016 – Request for Continuation of Public Hearing Comprehensive Permit Application Five Leaves at Sturbridge

Comment sheet from Mr. Earls, Board member, Relating to Board decisions – 760 CMR 56.05 8 (b) 1

Mr. Andrade stated that there was a meeting with Town Departments at the request of Kinder Morgan. Kinder Morgan raised concern with the project because of only one way of egress and ingress. If the pipeline needed maintenance or repair work needed to be done, the residences of this project would have no means to exit or enter the complex. Kinder Morgan requested an emergency access lane.

Mr. Andrade stated that they met with the abutting Scottish Inn owner and have come to an agreement for a temporary access lane will be constructed. The lane will constructed of reinforced turf similar to the proposed fire lane but with engineered “box out” area in order to maintain the proposed continuous line of perennial tall grass plantings through the center of the island separating the project site and the Scottish Inn. There will be a flush concrete curb on the project over it without modification other than removal or cutting flush of tall grass plantings. The grade of the emergency access lane varies but will not exceed a 7% slope which is easily passable by passenger and emergency vehicles alike.

Mr. Andrade stated that both the Scottish Inn and Kinder Morgan have agreed to this plan.

The Board had the following concerns, questions and comments:

- Will the access road be blocked when not in use and who is responsible to maintain it – Mr. Andrade stated that when not in use it will be grassed and tall grass planted and the owner (NBM Realty) is responsible
- Left side of all the buildings how will the residences get out in case of fire or emergency – Mr. Andrade stated that there are windows on that side

and the fire truck ladder can reach them plus it was all approved by the Fire department

- Concern still with the density – too much building for the site – scale back to only three stories – review proforma – Ms. Barrett stated it's a little late in the process to ask for a proforma review, it takes a lot of time – the architectural designs are basically finished
- The Board feels there is still not enough parking
- Board feels that they have received sufficient information in detail to go forward to work on conditions and make a decision
- Two issues that ZBA has to consider and that has been resolved by Police and Fire having no issues – plus Peer reviews have no issues
- Concern about the safety of the school bus stop – school department makes all decisions on the bus stops

Ms. Barrett stated that there was a work session on May 3, 2016 with the applicants and their consultants. The meeting was held at Beals & Thomas's office in Southborough. In attendance: the applicant and their consultants, Mr. Angler, Mr. Andrade from Graves Engineering; the Board's site/civil and architectural peer review consultants, Mr. Preble and Mr. Cote from Beals & Thomas and Mr. Boehmer from Davis Square Architects and Ms. Barrett.

At this point, the goal is for the applicant's team to get all of their revised plans and documentation to the Board by next Wednesday, May 11th. Ms. Barrett will be working on a draft set of conditions for the Board to consider on May 18th. The Board needs to be prepared to close the public hearing on May 18th, as the 180-day deadline is fast approaching. As Ms. Barrett understands it, the applicant will agree to a continuance to May 18th. If the Board closes the hearing that night, they will have 40 days to issue the decision. We will need to continue to work on it after May 18th, but the Board will not be able to accept new evidence or testimony from the applicants or the public.

Ms. Barrett stated that she would like permission from the Board to send the draft conditions to Attorney Goldrosen at Kopelman & Paige before May 18. He should be given the opportunity to review them and if necessary add to or edit the draft.

The Board agreed to have Ms. Barrett work on the draft conditions and to send them Attorney Goldrosen

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

- Ms. Santosuosso of 139 Fairview Park Road still has concerns about not being notified
- Mr. Patel of the Scottish Inn is still concerned about residents driving through his property
- Still concerns about safety and traffic
- Feel the ZBA and State officials do not know what is best for the Town

- Concern with the number of children playing in the complex and waiting for the school bus
- Doesn't fit in the neighborhood – out of character
- Will there be blasting and how are the abutters protected – Mr. B. St. Laurent stated that they are not sure yet if and how much blasting will happen – have to follow the rule and regulations according to State Marshal's office and guidelines with the Fire department

Mr. Engler stated that during the comment time, the plan had changed from four buildings to three buildings. There are no safety or traffic issues.

Motion: Made by Mr. Kelley to continue the Public Hearing for Five Leaves at Sturbridge to May 18, 2016 @ 6:30 PM at Center Office Building.

2nd: Ms. Thorpe

Discussion: None

Vote: 7 – 0

CORRESPONDENCE

None

OLD/NEW BUSINESS

None

NEXT MEETING

May 18, 2016, - 40B Comprehensive Permit – Five Leaves at Sturbridge – Center Office Building @ 6:00 PM - Determination

On a motion made by Ms. Banks, seconded by Ms. Thorpe, and voted 6 – 1 (Mr. Earls), the meeting adjourned at 9:15 PM.