

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, MAY 18, 2016

Present: Elizabeth Banks
Margaret Cooney, Chair
Thomas Earls
Kevin Kelley, Clerk/Vice Chair **(arrived at 6:20 PM)**
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)
Brandon St. Laurent, NBM Realty
Nick St. Laurent, NBM Realty
Matthew St. Laurent, NBM Realty
Andy St. Laurent, NBM Real
Lt. Mark Saloio, Police Department
Attorney John Goldrosen, Kopelman & Paige
Chief Zinther, Fire Department
Wendy McCoy, Transportation Superior

Absent: Fidelis Onwubueke

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.

**DETERMINATION FOR BARBARA BOITEAU IS REQUESTING A
DETERMINATION TO REPLACE THE EXISTING CONCRETE STEPS WITH
A 12'X12' TREK DECK. THE PROPERTY IS LOCATED AT 12 SNELL STREET.**

Materials presented:

Application for Determination – Barbara Boiteau– received 4/14/2016

Tape Survey for Wayne A. & Barbara Boiteau – property located at 12 Snell Street –
prepared by Jalbert Engineering – job #94200

Assessor's record card – 12 Snell Street

Property Map – Vision – dated 4/6/2016

Ms. Boiteau spoke on her own behalf. Ms Boiteau stated that she wants to replace the existing concrete steps which are in bad shape with a 12'X12" trek deck.

Ms. Cooney acknowledged the following department memos:

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

The Board had no questions or concerns.

Motion: Made by Mr. Earls to grant the Determination requested by Barbara Boiteau: as requested to replace the existing concrete steps with a 12'X12' trek deck. 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 Tape Survey for property at 12 Snell Street, Sturbridge MA, prepared by Jalbert Engineering. – field inspection date 5/2/1994. All necessary permits must be obtained prior to the start of construction.

2nd: Ms. Thorpe

Discussion: None

Vote: 5 – 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:

- | | |
|---|----------------------|
| Stormwater Management Report prepared by Graves Engineering, Inc. dated 10/19/2015 | received 10-21-15 |
| Traffic Impacts prepared by Conley Associates dated 8/7/2015 | received 10/21/2015 |
| Project Data Summary | received 10/21/2015 |
| Site Approval Letter from MassHousing | received 6/29/2015 |
| Five Leaves at Sturbridge Site Plan, prepared by Graves Engineering, Inc. plan date 10/19/2015, revision #1 dated 10/19/2015, project #15108 | received 10/21/2015 |
| Comprehensive Permit Application – Five Leaves at Sturbridge – 152 – 158 Main Street | received 10/21/2015 |
| Waiver Requests from Zoning Requirements – Five Leaves at Sturbridge –dated 10/21/2015 | received 10/201/2015 |
| Email from Michael Andrade - Graves Engineering | dated 11/3/2015 |
| Email from David Wood Tennessee Gas Pipeline Co., LLC | dated 11/3/2015 |
| Memo from Fire Department | dated 11/10/2015 |
| Memo from Building Commissioner | dated 11/17/2015* |

Memo from Planning Board dated 11/17/2015*
Memo from DPW Director dated 11/18/2015
Memo from Conservation Commission dated 11/10/2015
Email from BOH Agent dated 11/18/2015

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 – Ops – 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

Sturbridge Fire Department – Chief Zinther – dated 2/18/2016 – 152 Main Street – Supplement information request

Conley Associates – dated 2/16/2016 – Re: Additional Traffic Information Five Leaves at Sturbridge

Memorandum Fuss & O’Neill – Re: Background Traffic Observations near Sturbridge Plaza on Main Street (Route 131) – dated 2/29/2016 – received 3/2/2016

Management Plan for Five Leaves at Sturbridge – 103 Unit Apartment Complex – NBM Realty, LLC – received 3/8/2016

Management Plan for Five Leaves at Sturbridge – 103 Unit Apartment Complex – NBM Realty, LLC – received 3/8/2016

Five Leaves at Sturbridge 152 & 158 Main Street – prepared by Morris Architects – plan date 3/7/2016

Item/Color Specification Detail – received 3/30/2016

Five Leaves at Sturbridge 40B Development – Architectural Peer Review Report – Davis Square Architects – dated 4/4/2016

3D Rendering Five Leaves at Sturbridge – Bldg. #1 – received 4/8/2016

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

Ms. Cooney read the list of new documents.

Graves Engineering – Re: Response to Architectural Peer Review & Consolidated Project Drawing Set Comprehensive Application – Five Leaves at Sturbridge

Project Outline – dated 5/11/2016 – prepared by NBM Realty, LLC – project location: 152 Main Street

Waiver Requests from Zoning Requirements – Comprehensive Permit Application – Five Leaves at Sturbridge – revised 5/11/2016

Five Leaves at Sturbridge Comprehensive Permit Application 152 & 158 Main Street – prepared by Graves Engineering – 10/19/2016 – revision #5 dated 5/11/2016

Chain of emails from Carol Goodwin – Re: Comments on Five Leaves at Sturbridge – dated from 4/19/2016 to 5/11/2016

Email from Chief Zinther, Fire Chief – Re: Safety concerns 40B Five Leaves at Sturbridge

Email from Sarah Santosuosso – 139 Fairview Park Road

Email from Judi Barrett – Re: Five Leaves Comprehensive Permit: DRAFT Conditions & Waiver List

Article from Sturbridge Times – April edition – 40B Five Leaves at Sturbridge

Letter to the ZBA – dated 5/13/2016 – Re: Five Leaves Apartment Complex – from Kenneth Pousland – 75 Fairview Park Road

Mr. Andrade stated that the applicant was forced to come up with an alternate to the Kinder Morgan requested emergency site access that was previously proposed through the abutting Scottish Inn property. Despite the applicant's best efforts, an agreement with the Scottish Inn could not be reached.

The 24 ft. wide lane is located as shown in green and would be constructed of the same reinforced turf material that the applicant proposed for the fire lane behind Building #3. The entire route will be capable of supporting the fire apparatus and at a grade such that it is passable by all vehicles including passenger vehicles. As a result of this new location, the applicant had to shorten Building #1 by 40 feet and reduce the number of units by 6 for a new project total of 97 units. No other site changes are proposed from the plans.

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 – Chief Zinther stated that the project meets all the Fire codes and is safe
- Concern with parked cars during an emergency – Chief Zinther there is plenty of room for fire apparatus to manipulate
- The Board feels there is still not enough parking
- Pipeline a concern for the Fire department – Chief Zinther stated “no”
- Getting to the elevators in an emergency – Chief Zinther stated that there will be a key in a designated place for Fire to use

- Can emergency vehicles get to the playground area – Chief Zinther stated that it will be handled the same way as an emergency at the ballfields
- Preference for veterans for the rentals – Mr. Engler stated that DHCD does not make preference for veterans
- Storage of snow removal – Mr. M. St. Laurant stated that snow removal will be hired out and any small equipment will be stored in the basement of Building #1
- Number of parking spaces will remain the same despite the six apartments being removed

Chief Zinther stated that he has “no” safety issues with the project any concerns he had earlier have been addressed by the applicant.

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 – Attorney Goldrosen stated that there was a clerical error with the mailing – there have been seven meetings and you have been present at four of those meetings, ample time to know the details of the project – no need to start over
- Mr. Patel of the Scottish Inn is still concerned about residents driving through his property – Mr. Andrade stated that this is a civil issue and their lawyers will figure it out
- Still concerns about safety, traffic and crime – Lt. Saloio stated that Chief Ford has no concerns with the project and will make adjustments if needed
- 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 – Ms. McCoy, Transportation Superior, who was requested to attend the meeting by Ms. Meunier, stated that she would like to see a pull off on Route 131 but that is MassDOT decision
- 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
- Was a new truck purchased for this project – Chief Zinther stated that “NO”
- Concern about the traffic – Sturbridge Retirement Cooperative should be counted towards the Town ‘s affordable percentage – need to talk to State representatives
- Owner of the Hamilton Inn wants to have a fence erected between his property and NBM Reality – concerned about children in the playground crossing into his property

Ms. Barrett and the Board went through the draft conditions:

- Page 1 –A.1 change 11.22 acres to 9.3 acres – should be 158
- Page 3 – A.5 – 97 units

STURBRIDGE ZONING BOARD OF APPEALS MINUTES OF MAY 18, 2016

- Page 6 – no speed bump – question what is appropriate treatment for access road
- Page 6 – B.1 change 26 to 25 – B.2 change 103 to 97
- Page 9 (e) – 24/7 maintenance
- Page 11 - (c) incorporate monitoring State
- Page 12 C.3 add play area be finished – any portion of the project
- Page 13 – (d) add As-built after each building completed
- Page 13 – (e) add – provide an off street pull off – approval by MassDOT and School department
- Page 13 – (b) delete
- Page 14 D.1 – Conservation Commission
- Page 15 merge D.1 and D.8
- Page 15 – D.9 in a previous condition
- Page 15 D.11 add 24 hours off the property
- Page 16 E.2 revised May 18, 2016Page 17 – H.1 add snow storage
- Add lines for each Board member to sign – Marge should be Margaret – after Kevin’ name add Clerk/Vice Chair
- The majority of the Board agreed to the List of Waivers of Local Regulations

Motion: Made by Mr. Young to close the Public Hearing for Five Leaves at Sturbridge for the property located at 152 & 158 Main Street.

2nd: Ms. Thorpe

Discussion: None

Vote: 5 – 1 (Mr. Earls)

Ms. Barrett asked the Board for two members to work with her on drafting the conditions and approval. The two members are Ms. Cooney and Mr. Kelley, they will meet with Ms. Barrett of June 2, 2016 at 2:00PM at the Center Office Building.

CORRESPONDENCE

None

OLD/NEW BUSINESS

None

NEXT MEETING

June 8, 2016 – discuss and vote on application for the Comprehensive Permit for Five Leaves at Sturbridge – 152 & 158 Main Street

June 15, 2016 – regular ZBA meeting – Center Office Building – 6:30 PM

On a motion made by Ms. Thorpe, seconded by Ms. Banks, and voted unanimously, the meeting adjourned at 10:00 PM.