

**STURBRIDGE ZONING BOARD OF APPEALS**

MINUTES OF

WEDNESDAY, JUNE 8, 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  
Attorney John Goldrosen, Kopelman & Paige

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.

**TO DISCUSS AND VOTE ON THE COMPREHENSIVE PERMIT 40B  
DECISION FOR FIVE LEAVES AT STURBRIDGE – 152 & 158 MAIN STREET**

**New Materials presented:**

Stormwater Management Report - received 10-21-15 - prepared by Graves Engineering, Inc. dated 10/19/2015

Traffic Impacts prepared by Conley Associates - received 10/21/2015 - dated 8/7/2015

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 10/21/2015

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 Pravin 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

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

The list of documents and exhibits were eighty (80).

Ms. Cooney stated that since the Board voted on the Mullin Rule, Mr. Onwubueke can participate in this meeting. He stated that he watched the video of the meeting and signed the Certification – Pursuant to G. L. c. 39, Section 23D of participation in a session of an Adjudicatory Hearing Where the Undersigned member missed a single hearing session.

Ms. Cooney stated that the Public Hearing was closed at the last meeting and the purpose of this meeting is for the Board and its consultant Ms. Barrett and Town Counsel, Attorney Goldrosen to discuss and vote on the Comprehensive Permit decision for Five Leaves at Sturbridge – 152 – 158 Main Street.

Ms. Cooney reminded the members that based upon the comments on the proposed conditions provided at the last meeting and based upon the record of the case, Ms. Barrett with input from the working group of Ms. Cooney and Mr. Kelley had prepared a draft decision and conditions which the Board is reviewing.

Ms. Cooney stated that the best way to review the decision is to go through each section and if any member has a correction or comment on a particular portion of that section they should indicate such.

The Board, Attorney Goldrosen and Ms. Barrett went through the decision and the following are comments or edits:

- Page 4 - #11 after Kevin Kelley – should be Clerk/Vice Chair
- Page 16 – F.2 - should be and provide an emergency contact.....
- Attorney Goldrosen had an edit on page 2 – 8. (b)
- Attorney Goldrosen edit on page 5 – III Findings – 17.
- Attorney Goldrosen edit on page 13 – C.2 – c.
- Attorney Goldrosen edit on page 14 – f.
- Still concern about density and the pro-forma – Attorney Goldrosen stated that MassHousing and DHC review the pro-forma for loss and gain – what makes economic sense
- Question - if only building 1 and 2 are built – how is the percentage of affordable units maintained – Ms. Barrett stated that MassHousing maintains the percentage proportionate to the buildings

**Motion:** Made by Mr. Kelley to grant the Comprehensive Permit requested by NBM Realty, LLC to construct 97 rental units in three garden style buildings on the property located at 152 – 158 Main Street, Sturbridge as shown on the plans and supporting documentation submitted and subject to the conditions of approval enumerated in the document entitled Zoning Board of Appeals of the Town of Sturbridge Decision on the Application of NBM Realty, LLC for a Comprehensive Permit under G. I. c. 40B§§ 20 – 23.

**2<sup>nd</sup>:** Mr. Onwubueke

**Discussion:** None

**Vote:** 6 – 1 (Mr. Earls)

Elizabeth Banks voted to grant.

Margaret Cooney voted to grant.

Kevin Kelley voted to grant.

Fidelis Onwubueke voted to grant.

Maryann Thorpe voted to grant.

Michael Young voted to grant

Thomas Earls voted to deny.

## **CORRESPONDENCE**

None

## **OLD/NEW BUSINESS**

None

**NEXT MEETING**

June 15, 2016 @ 6:30 PM

On a motion made by Mr. Kelley, seconded by Ms. Thorpe, and voted unanimously, the meeting adjourned at 7:50 PM.