

**STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, MARCH 28, 2017**

Ms. Gibson-Quigley called the regular meeting of the Planning Board to order at 6:30 PM.

Ms. Gibson-Quigley noted the members present.

Present: Charles Blanchard
Russell Chamberland
James Cuniff
Penny Dumas
Heather Hart
Sandra Gibson-Quigley, Chair
Susan Waters, Clerk

Also Present: Jean M. Bubon, Town Planner
Diane M. Trapasso, Administrative Assistant

Ms. Gibson-Quigley opened the meeting and read the agenda.

APPROVAL OF MINUTES

Motion: Made by Mr. Blanchard to approve the draft minutes of March 22, 2017
2nd: Ms. Waters
Discussion: None
Vote: 6 – 0 – 1 (Ms. Dumas)

ANR _ KEN M. COURNOYER TRUSTEE – 34 SOUTH ROAD

Materials presented:

ANR Plan Content & Submittal Checklist

Form A – dated 3/24/2017

Plan of Land – 34 South Road – owned by Ken M Cournoyer – prepared by BC Engineering & Survey Inc. - Plan date 3/1/2017 – job #BC992

Ms. Bubon stated that the plan shows the division of land into Lot 1 and Lot 2. Ms. Bubon recommends that the Board endorse the plan since it meets the requirements.

Motion: Made by Mr. Cuniff to endorse the Plan of Land – 34 South Road for Ken M. Cournoyer prepared by BC Engineering.
2nd: Mr. Blanchard
Discussion: None
Vote: 7 – 0

Ms. Waters signed the plan.

PUBLIC HEARING – BACKINGTON, LLC IS REQUESTING SITE PLAN APPROVAL FOR THE CONSTRUCTION OF AN ACCESSIBLE ROUTE AND WALKWAY TO THE UNITS. THE PROPERTY IS LOCATED AT 572 MAIN STREET.

Materials presented:

Application for Site Plan Approval – Blackington, LLC. – received 2/16/2017

Existing Site Plan Blackington, LLC – prepared by Jalbert Engineering – plan date 2/01/2017– DWG # 17009 – received 2/16/2017

Ms. Waters read the legal notice.

Ms. Gibson-Quigley acknowledged the following department memos:

- Ms. Bubon, Town Planner
- Mr. Colburn, Conservation Agent
- Mr. Burlingame, Building Commissioner
- Lt. Marinelli, Fire Inspector
- Mr. Morse, DPW Director

Ms. Gibson-Quigley stated that Mr. Colburn, the Conservation Agent stated in his memo that the Commission would like to see the silt fence removed and ensure the plantings are established in the parking lot across the street.

Mr. MacConnell stated that his extension from the Architectural Access Board will expire in August and he is mandated to construct an accessible route and walkway to the units in order to continue use and occupancy of the building.

Mr. Bressette of Jalbert Engineering spoke on behalf of the applicant. Mr. Bressette stated that the applicant is requesting approval for construction of an accessible route and walkway to the units. Currently, there is no means of egress for the disabled or physically impaired on the premises. According to 521 CMR, Rules and Regulations of the Architectural Access Board and the amended decision of said Board dated 9/3/2014, accessible egress is required and mandated for continued use and occupancy of the building.

Mr. Bressette stated the existing lot and structures do not conform to the current zoning bylaw in lot area, street frontage and required yard setbacks for both street and property lines. There exists some on-street parking in front of the buildings; however the majority of the parking is located across the street at 595 Main Street, an address currently in common ownership with the subject property. The accessible parking spaces are located at 595 Main Street.

To provide the required egress for the premises a deck system consisting of sloped and ramped walkways is proposed. This deck system complies with the requirements of 521

CMR in regards to both accessible route and egress. This system is to be constructed over the existing sidewalk between the face of the buildings and the curb line of Route 20, Main Street. This sidewalk and curb line are located on the subject property and not within the street right of way. This condition has existed since at least 1912. A sidewalk of approximately four feet in width will remain between this proposed deck system and the face of the curb allowing for pedestrian travel through the premises. An upgrade to the façade of the building is proposed by mounting a canopy or awning to the building to provide shade and shelter to the occupants.

The Board had the following questions, concerns and comments:

- Will the awning over the windows be out year round – Mr. MacConnell stated no – it will be rolled up in winter
- Snow removal – Mr. MacConnell stated he will always keep the sidewalks open and clear
- Lighting – Mr. Bressette stated that there are lights on the building already and the fencing for the ramp have solar lights on the top
- Has the State approved the plans – Mr. MacConnell stated not yet – mandated by the State
- Will the remaining sidewalk and granite curbing remain – Mr. MacConnell stated yes
- During construction - sidewalk clear – Mr. Bressette stated a safety fence will be erected – Mr. MacConnell stated that he will have no parking in front of the building and keep the sidewalk open

Ms. Bubon stated that DRC has approved the design. She also stated that no storage or display of materials shall be permitted within the sidewalk area.

Motion: Made by Ms. Waters to close the Public Hearing.

2nd: Mr. Cunniff

Discussion: None

Vote: 6 – 0

Motion: Made by Mr. Blanchard to grant Site Plan Approval to Blackington, LLC for the construction of an accessible route and walkway to the units located at 572 Main Street; with the following conditions:

1. All construction and site improvements shall be in conformance with the plans submitted and approved by the Planning Board.
2. All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to.
3. All other necessary permits must be obtained prior to the start of construction including the necessary utility cut/install permit from MassDOT for water and sewer connections.
4. The site shall be kept in a neat and orderly condition throughout the construction process.
5. No storage or display of materials shall be permitted within the sidewalk area in front of 572 Main Street.

6. Exterior construction shall only occur during the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to Noon on Saturday. No exterior construction shall occur on Sundays or the following holidays – New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
7. An emergency contact phone list at least two names and numbers on it be supplied to the Stubridge Police Dept. to be used by the dispatchers, in case of an off hour emergency, prior to the start of the project. This must be updated whenever necessary for the duration of the project.
8. The applicant shall notify the Planning Department office forty-eight hours prior to the start of construction.
9. Two copies of the as-built plan shall be provided to the Planning Department after completion of construction.

2nd: Ms. Hart

Discussion: None

Vote: 7 – 0

PUBLIC HEARING – AMEND CHAPTER 17 – OPEN SPACE RESIDENTIAL DEVELOPMENT AND CHAPTER 2 – DEFINITIONS, AND CHAPTER 5, 14 AND 6 – PERMITTED USES

Materials presented:

Amended Chapter 17 – proposed revisions for 11/15/2016 PB Meeting – Chapter 2 – Definitions – Chapter 5, 14 & 6 – Permitted Uses

Ms. Waters read the legal notice.

Ms. Bubon stated that the purpose of the proposed amendments is to encourage greater diversity and design creativity. The existing OSRD Bylaw only allows single family detached homes and two family homes by special permit; however, single family, two family dwellings, multifamily dwellings and accessory dwelling units are allowed by right or by special permit in the underlying zoning districts. The proposed amendments would allow:

- Single family detached dwellings by right
- Single family attached dwellings by special permit
- Two family dwellings by special permit
- Multifamily dwellings by special permit
- Accessory dwelling units by special permit

Residential density would not change for allowed uses with proposed amendments to this bylaw. Also to encourage OSRD as the preferred method of development the ten acre minimum tract requirement for an OSRD would be eliminated and the 100 foot buffer requirement along public ways would be eliminated.

Other proposed changes

- The existing term “Single family dwelling” would need to be updated throughout the entire Sturbridge Zoning Bylaw to “single family detached dwelling.”
- Single family attached dwelling would need to be defined in Chapter Two: Definitions, and would need to be allowed by Special Permit in an OSRD in Chapters Five and Six.
- Single family attached, two family dwelling, and multi family dwelling would need to be allowed by Special Permit in an OSRD in Chapter 14.

Motion: Made by Mr. Blanchard to close the Public Hearing.

2nd: Mr. Chamberland

Discussion: None

Vote: 7 – 0

Motion: Made by Ms. Waters to support the proposed zoning bylaw amendments to Chapter 2, 5, 6, 14 and 17 with edits as recommended by KP Law and to forward the proposed amendments to the BOS for inclusion on the Annual Town Meeting warrant.

2nd: Ms. Hart

Discussion: None

Vote: 7 - 0

PUBLIC HEARING – AMEND CHAPTER 2 AND 21 – MULTIPLE DWELLING BYLAW

Materials presented:

Chapter Two, Chapter Seventeen Proposed Amendments – related amendments to Chapter 2, 5, 6 and 14 – Permitted Uses

Ms. Waters read the legal notice.

Ms. Bubon stated that the proposal is to delete Chapter 21 in its entirety since, as per our work with CMRPC, we have proposed modifications to the OSRD Bylaw to incorporate a variety of housing types within a bylaw that encourages flexibility and creativity in the design of residential developments. Also, OSRD encourages a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than traditional subdivisions and preserves open space.

Motion: Made by Ms. Dumas to close the Public Hearing.

2nd: Ms. Hart

Discussion: None

Vote: 7 - 0

Motion: Made by Mr. Chamberland to support the proposed zoning bylaw amendments to Chapter 2 and 17 and to forward the proposed amendments to the BOS for inclusion on the Annual Town Meeting warrant.

2nd: Ms. Dumas
Discussion: None
Vote: 7 – 0

**PUBLIC HEARING – INSERT A NEW CHAPTER 21 – OFF STREET
PARKING, LOADING AND DRIVE THRU STANDARDS**

Materials presented:

Chapter 21 – Off Street Parking, Loading and Drive Thru Standards – updated 3/23/2017
per Jonathan Eichman's Comments

Ms. Waters read the legal notice.

Ms. Bubon stated that this proposal is to create a new Chapter that combines all of the parking details found within Chapter Twenty and Twenty Five and adds new standards for alternative vehicle parking, adds a new table for required parking spaces and inserts new procedures in for reductions in parking spaces. The language that is being moved will be deleted from Chapter Twenty and Twenty Five.

Motion: Made by Mr. Blanchard to close the Public Hearing.
2nd: Ms. Hart
Discussion: None
Vote: 7 – 0

Motion: Made by Mr. Chamberland to support the proposed zoning bylaw amendments with edits as recommended by KP Law to create a new Chapter 21 and amendments to Chapter 20 and 25 and to forward the proposed amendments to the BOS for inclusion on the Annual Town Meeting warrant.

2nd: Ms. Waters
Discussion: None
Vote: 7 – 0

**PUBLIC HEARING – AMEND DEFINITIONS IN CHAPTER 2 FOR FAST
FOOD AND RESTAURANT AND INSERT A NEW DEFINITION IN
CHAPTER 2 FOR FAST CASUAL RESTAURANT AND AMEND CHAPTER 7 –
COMMERCIAL DISTRICT AND CHAPTER 11 – COMMERCIAL II DISTRICT
BY INSERTING WALK UP ESTABLISHMENT AND FAST CASUAL
RESTAURANTS AS PERMITTED USES**

Materials presented:

Revised J.Eichman edits – 3/23/2017

Ms. Waters read the legal notice.

Ms. Bubon stated that this proposal amends the definitions as noted above to better define three distinct categories of restaurant. A Fast Food Establishment which has no square footage minimum and allows a drive thru window subject to the new proposed standards contained in Chapter 21 noted above, a Fast Casual Restaurant as proposed would have a minimum square footage of 4,000 square feet and contains seating for on premise dining within limited or no table service and may include a drive thru window. The Restaurant definition is proposed to be amended to indicate that it is full service and does not contain a drive thru window.

This proposal would also insert Fast Casual Restaurant and Walk Up Establishments as permitted uses in the Commercial and Commercial II Districts.

Motion: Made by Ms. Hart to close the Public Hearing.
2nd: Mr. Chamberland
Discussion: None
Vote: 7 - 0

Motion: Made by Mr. Chamberland to support the proposed zoning bylaw amendment with edits as recommended by KP Law to Chapter 2, Chapter 7 and Chapter 11 as noted above and to forward the proposed amendments to the BOS for inclusion on the Annual Town Meeting warrant.
2nd: Mr. Blanchard
Discussion: None
Vote: 7 – 0

Ms. Gibson-Quigley stated that she just wanted to clarify that the zoning amendment on the Temporary Moratorium on Recreational Marijuana Establishments is proposed by the Planning Board. The proposal to prohibit Recreational Marijuana Establishments by vote at the Town elections is by the BOS

**PUBLIC HEARING – PROPOSED NEW CHAPTER 31 – TEMPORARY
MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS
AND INSERT A NEW DEFINITION IN CHAPTER 2 FOR RECREATIONAL
MARIJUANA ESTABLISHMENT**

Materials presented:

Revised – J. Eichman edits – 3/23/2017

Ms. Waters read the legal notice.

Ms. Bubon stated that similar to what the Board did for Medical Marijuana, this temporary moratorium would be to allow sufficient time to engage in a planning process to address the impact of recreational marijuana establishments in the Town and to enact Bylaws in a manner consistent with sound land use planning goals and objectives. This moratorium as proposed would expire December 30, 2018 or until such time as the Town adopts zoning bylaw amendments to regulate Recreational Marijuana Establishments, whichever occurs earlier.

Ms. Bubon also stated that Attorney Eichman has recommended that we not insert the definition in Chapter 2 – definition can be added if the Board develops a bylaw.

Motion: Made by Mr. Blanchard to close the Public Hearing.
2nd: Ms. Hart
Discussion: None
Vote: 7 - 0

Motion: Made by Ms. Waters to support the proposed zoning bylaw amendments to add a new Chapter 31 with edits as recommended by KP Law as noted above and to forward the proposed amendments to the BOS for inclusion on the Annual Town Meeting warrant.

2nd: Mr. Chamberland
Discussion: None
Vote: 7 – 0

PUBLIC HEARING – PROPOSED NEW CHAPTER 32 – PROHIBITION ON RECREATIONAL MARIJUANA ESTABLISHMENTS

Materials presented:

Recreational Marijuana Ban – dated 3/2/2017

Ms. Waters read the legal notice.

Ms. Bubon stated that this bylaw was petitioned by the Board of Selectmen and would follow a successful ballot question in April to ban recreational marijuana facilities and would also note the ban within the zoning bylaw. If the ballot question does not pass we would not move this forward for action at Town Meeting.

Dr. Rotty of 62 Shattuck Road stated that through the referendum process the state voted to legalizing Recreational Marijuana and now the Town wants to ban it. Doesn't seem fair.

The Board had the following comments, concerns and questions:

- The Town has the right to ban

Motion: Made by Ms. Waters to close the Public Hearing.
2nd: Mr. Chamberland
Discussion: None
Vote: 7 -0

Motion: Made by Ms. Dumas to support the proposed zoning bylaw amendments to add a new Chapter 32 as noted above and to forward the proposed amendments to the BOS for inclusion on the Annual Town Meeting warrant.

2nd: Ms. Hart
Discussion: None
Vote: 7 - 0

TOWN PLANNER UPDATE

Publick House will be tearing down the Orchard building next week

The Historic Commission voted to allow the Publick House to move the barn pending approval of the Planning Board Site Plan – need to show the barn on a new site plan

Ms. Dumas stated that the Publick House should show all the improvements to the site – have a master site plan showing all – Ms. Bubon stated that all the projects the Publick House have done there is always a site plan for the project – Ms. Bubon stated that existing conditions are on a perimeter plan

OLD/NEW BUSINESS

None

NEXT MEETING

April 11, 2017

On a motion made by Ms. Waters, and seconded by Mr. Blanchard and voted 7 - 0, the meeting adjourned at 8:25 PM.