

**Sturbridge Planning Board  
Meeting Minutes  
Tuesday, September 28, 2021  
Burgess School**

**Present:**

Charlie Blanchard  
Jeff Adams  
Wally Hersee  
Dane LaBonte  
Sue Waters  
Christopher Bouchard  
Michael Chisholm  
Jean Bubon, Town Planner  
Jeneé Lacy, Administrative Assistant



**Also Present:**

There were 75 members of the public present, sign in sheets attached.  
Bob George, George & Davis, P.C.  
Karen Davis, George & Davis. P.C.  
Gregory Hoss, David M. Schwarz Architects  
Edward Hershfield, Greenberg Traurig, LLP  
John Stefanini, Sturbridge Agricultural & Equestrian Center  
Richard Fields, Sturbridge Agricultural & Equestrian Center

**C. Blanchard called the meeting to order at 6:30pm and read the agenda.**

**Approval of Minutes**

September 14, 2021

**Motion: To approve the minutes of September 14, 2021 as written.**

**By: J. Adams**

**2<sup>nd</sup>: W. Hersee**

**Vote: 6-0-1 (M. Chisholm abstained)**

**ANR – 40 Champeaux Road – Jean Sullivan**

J. Bubon explained that Parcel be will be carved from land known as 800 Main Street to create a new Parcel 2 on the plan submitted, the remaining land of Jean M. Sullivan has frontage in the Town of Brimfield. Since the plan meets the requirements J. Bubon recommended that the Board endorse the plan as submitted.

**Motion: To endorse the ANR for 40 Champeaux Road as presented.**

**By: S. Waters**  
**2<sup>nd</sup>: W. Hersee**  
**Vote: All in Favor (7-0)**

*Documents Reviewed:*

- *Form A – Application for Endorsement of Plan Believed Not to Require Subdivision Approval 40 Champeaux Road;*
- *ANR Plan Content and Submittal Checklist 40 Champeaux Road;*
- *Plan titled “Plan of Land in Sturbridge, MA prepared for Jean M. Sullivan – Lot Reconfiguration Plan Champeaux Road” Prepared by Sherman & Frydryk (3 Converse Street, Suite 203, Palmer, MA 01069) dated: September 20, 2021*

**ANR – 195 Charlton Road – Noble Energy**

J. Bubon explained that the plan submitted shows the consolidation and re-division of land at 195, 197, 201 and 201A into two lots. The lots shown meet the requirements with Lot 1 containing 4.326 acres and 496.92’ of frontage and proposed Lot 2 containing 2.944 acres and 263.64’ of frontage and is consistent with the Site Plan Approval that was previously approved by the Planning Board. Since the plan meets, the requirements J. Bubon recommended that the Board endorse the plan as submitted.

**Motion: To endorse the ANR for 195 Charlton Road as presented.**

**By: C. Bouchard**  
**2<sup>nd</sup>: W. Hersee**  
**Vote: All in Favor (7-0)**

*Documents Reviewed:*

- *Form A – Application for Endorsement of Plan Believed Not to Require Subdivision Approval 195 Charlton Road;*
- *ANR Plan Content and Submittal Checklist 195 Charlton Road;*
- *Plan titled “Approval Not Required Plan of Land Noble Energy Real Estate Holdings, LLC 195 Charlton Road” Prepared by Control Point Associates, Inc. (352 Turnpike Road, Southborough, MA) dated: September 10, 2021.*

**Town Planner Update**

J. Bubon discussed the following:

- Next meeting dates:
  - October 12<sup>th</sup>
  - October 26<sup>th</sup>
- Special Town Meeting – October 28th

**Public Hearing – Proposed Zoning Amendments – Agricultural Entertainment Overlay District**



S. Waters read the legal ad that was published in the Southbridge Evening News.

C. Blanchard discussed the process of adopting a zoning bylaw and discussed the appropriate conduct for this public hearing.

J. Bubon discussed the proposed Agricultural Entertainment Overlay District zoning amendment and zoning map amendment. Background on what the process has been so far was discussed; drafting the bylaw, research, Board of Selectmen meetings, notifying abutters and others. She spoke about the public comments that have been received by the Planning Office and discussed what it would mean if the Planning Board voted to accept the proposed Bylaw. J. Bubon then read through the proposed bylaw and explained.

C. Blanchard asked the Board if they had any questions.

D. LaBonte asked the following questions:

- Is there a maximum of racing days?
  - J. Bubon stated that the maximum racing days would be 10 per year or 12-month period.
- Is it appropriate to reflect maximum racing days in a revision for this bylaw?
  - J. Bubon stated that it is Town Counsel's recommendation the information regarding racing days be located in the Host Community Agreement.
- Located a typo to be fixed in the document.
- Stated that he was curious why the requirements about the 8% exclusion zone with conditions does not apply, since there is going to be significant work in proximity to wetlands.
  - J. Bubon stated that it is not excluding the applications to the Conservation Commission, it is excluding the requirement for additional permits for earth removal. The Planning Board acting as a Special Granting Authority would be reviewing the earth removal along with the Site Plan and Special Permit applications. This section is merely to not have a duplication of efforts so the applicant would not need to go to the Board of Selectmen for an earth removal permit.
- Stated that the word "reasonable" is in a lot of locations and asked if that is a typical methods in language from similar ordinances.
  - J. Bubon stated that it was.
- Asked what qualifies as a special event in regards to the proposed Bylaw.
  - J. Bubon stated that a special event would be anything not enumerated as a permitted use, for example fairs and festivals, anything that is going to happen on a very limited basis, not something that would take place on a daily basis. It will be a part of the overall application to the Planning Board but within the Planning Boards order of conditions.
- Commented on the grassed overflow parking areas and suggested that lighting, as a safety item, should be required.

- J. Bubon stated that it would not be that the grassed overflow parking areas would not be lighted but that it would not be appropriate for those areas to have permanent lighting, and if ever used as overflow parking, temporary lighting would be used.
- Asked if the required distance for manure be increased from 125' to 300', as is consistent in other parts of the Zoning bylaw.
  - J. Bubon agreed that it was an inconsistency and would be fine to change to 300'.
- Stated that proposed 60% impervious seems excessive for the location and use.
  - J. Bubon discussed what other districts in town require for impervious coverage.
  - D. LaBonte and J. Bubon discussed the percentage of impervious coverage.
- Asked what would be defined as temporary in regards to the section stating recreational vehicles as temporary residence.
  - J. Bubon stated that the recreational vehicles as temporary residence is for participates in the racing and/or other equine events such as horse shows.
- Stated that in the proposed bylaw in regards to signage it stated approval is with advice of the Design Review Committee and asked if that was the normal process.
  - J. Bubon stated that the Design Review Committee is an advisory committee to the Planning Board.
- Brought up a grammar typo.

C. Blanchard opened the floor to the public.

Jamie Goodwin – 262 Main Street

- Asked where section 300-18.2 was in the bylaw that is referenced in the proposed bylaw providing the Planning Board as the permitting entity.
  - J. Bubon responded that Section 300-18.2 talks about the Zoning Board of Appeals being the Special Granting Authority unless otherwise designated as the Planning Board, so in this case it is otherwise designated as the Planning Board.

Jamie Goodwin – Continued with the following concerns:

- Stated that 300-21.4 A. (1), is using expansive language and seems like this section is something that should be targeted, this type of language is inviting comparable uses that are unforeseen.
- Referenced 300-21.4 B. and stated that the language is confusing when it comes to additional uses. Stated that he thinks the language is far too broad and could invite litigation.
  - J. Bubon stated that Town Counsel assisted her on drafting this section and it was written to make sure that you always had the equine center and then these are accessory uses that may be permitted as accessory to the equine center. She stated that she will defer to Town Counsel for the language.
- J. Goodwin stated that he thinks the language should be tightened up because it will allow anything to be done with the rest of the property as long as there is horseracing.



- J. Bubon stated that while working with Town Counsel on this section and stated that even through its been send that the off track betting is really what is going to help subsidize this facility, the main crux of it will be the horse racing, the horses retirement facility, therapeutic riding and other horse related events.

#### Tom Creedon – 14 Westwood Drive

- Stated that he had questions regarding the last section on page three, and suggested that tattoos should also be included in this section.
- Stated that he also had questions regarding traffic site and stated that he would like to see both Benton Road and Leadmine Road, the southern section, included into the traffic study, because he is worried of those roads becoming a short cut.
- Asked that the proponents of the project release what the proposed access from 84 is going to look like.
- Asked how the shape of the overlay district was determined since all the other zones in town were planned and the shape of the proposed district seems odd.
  - J. Bubon stated that it is similar to the Village Gateway District which is based on the parcel shape. And stated that more and more communities are moving towards parcel based zoning.

#### Donald Miller – 501 Leadmine Road

- Stated that this project is going to have huge impacts on the community and that given the importance of this vote, the Town should have given people more time to better understand what is involved so they are able to make an informed intelligent decision.
  - J. Bubon stated that she became aware of the proposal in June of 2020, and the Board of Selectmen meeting in August of 2020, they voted to move forward with the process and she started working actively with the proponents.
  - C. Blanchard stated that all the information the Planning Board has been working with since the process started has been available to the public.
  - J. Bubon stated that all the information they have received from the proponents have been posted on the Town website on the Planning Board page under recent filings.
- D. Miller stated that he does not believe the community has had an appropriate amount of time or information to go forward with the Special Town Meeting vote in October and asked what would be the downside of delaying the vote to give people adequate time to gather more information.
  - C. Blanchard stated that projects have to move forward in certain time frames that are established by the State.
- D. Miller asked if there had been any public meetings in regards to this project before September 2021.
  - J. Bubon stated that the Planning Board had one last year and a couple this year, the Selectmen have had at least two if not three meetings last summer and then some additional ones this year.

#### Greg Lennon – 76 Breakneck Road

- Asked if the Board could clarify the amount of racing days.

- J. Bubon stated that her understanding was that the racing days would be three weekends that would consist of ten races for a 12-month period. She stated that the maximum race days would be included in the Host Community Agreement that would be negotiated with the Board of Selectmen.
- G. Lennon asked why the Host Community Agreement hasn't been transparent.
  - J. Bubon stated that it was the same process as the Marijuana Overlay District, the Host Community Agreement wouldn't be finalized unless the project were legally able to go forward by changing the zoning.
- G. Lennon asked for clarification on Section 300-21.4 C (a).
  - J. Bubon stated that that section means that off track betting may be permitted but that casinos and slot machines would not be permitted.
- G. Lennon asked about the process of the proponent going ahead with the studies for the project including the traffic studies before being granted permits.
  - J. Bubon stated that the process is similar to any other permitted use that the Town has in the Zoning Bylaw, unless the Zoning Bylaw allows it an applicant wouldn't go through with engineering studies until the zoning was changed to allow such a project to exist.
- G. Lennon stated that lighting requirements have been brought up, and asked if there were actually studies regarding lighting or is that based on what other tracks have.
  - J. Bubon stated that there are sections in the Town's existing Zoning Bylaw that have specific lighting requirements. J. Bubon discussed what was previously brought up regarding temporary lighting in the grassed overflow parking areas. And stated that in the performance standards, the applicant is required to submit a traffic management plan that gives traffic indicators for events. And is required for submittal every time there is an event. J. Bubon discussed the submittal requirements and studies.

#### Barbara Search – 501 Leadmine Road

- Inquired as to how many horses were going to be in the facility, how many stables, how many facilities would be set up for people to live and how many people would be living there.
  - J. Bubon stated that the number of stables would be project based so that applicant would have to identify how many stables. The number of dwelling units is limited by the Bylaw in Section 300-21.4 N, it stated up to two free-standing dwelling units may be allowed on premise to be occupied by the owner of the facility or by an employee operator of the facility, caretaker or watchman of the facility.
- B. Search asked if the housing was dormitory type housing and how many people are going to be on the grounds on a regular basis.
  - J. Bubon stated that we wouldn't know that information until there was an application for a project.
  - C. Blanchard stated that the number of housing and stables would have to meet the intended requirements of this bylaw, detailed information on those items would be presented by an applicant and reviewed by the Planning Board. Specific information wouldn't be in the proposed bylaw because it is created to establish guidelines, rules and regulations for this type of overlay district.



- B. Search asked if there will be any type of policing to catch if anything is going on that shouldn't be.
  - o J. Bubon stated that it will be policed on many levels, one will be the Planning Board Special permit with it's order conditions that will be enforced through the Planning Department and the Zoning Enforcement Officer, a second level would be the Host Community Agreement which will be enforced by the Board of Selectmen and another level life safety and traffic management that will be enforced through the Police Department.

Chris DeRose – 117 McGilpin Road

- Inquired about the definition of race days and asked if there were regulations to define what a horse race constitutes.
  - o J. Bubon stated that her understanding was that what constitutes a race is defined through the State Gaming Commission regulations.
  - o B. George stated that the racing regulations from the Gaming Commission is very specific, seven to ten races a day, three days per week, and races consist of more than one horse, most race days consist include upward of 200 horses.

Alan Curboy – 119 River Road

- Brought up a possible loophole in regards to historical horse race machines that look just like slot machines and that language should be added to the proposed zoning bylaw that also prohibits historical horse race machines.
- Stated that he has concerns regarding access to the location since local roads can not handle the traffic and access from a rest area off the highway isn't allowed, he also stated he had traffic back up concerns.
  - o J. Bubon stated that there is a section in the performance standards that talks about roadway regulations in regards to access to the equine center. She stated that the local roads are not of sufficient capacity to handle access and that the proponent has initiated discussion with MassDot to create an off ramp for access but if that is not permitted there is no project.
- A. Curboy stated that he believes if the proponent is not allowed access from the highway then there is not to prohibit them from using local roads for access.
  - o C. Blanchard stated that if the project can't get access off the highway, they won't be allowed to use local roads and wouldn't be permitted by the Planning Board. The proposed Zoning Overlay District Bylaw are the regulations that gives the Planning Board the ability to approve a project in that location if all conditions are met and if the conditions aren't met then a Special Permit won't be granted by the Planning Board and the project wouldn't be able to move forward.

Bob George - George & Davis, P.C.

- Stated that the historic gaming machines and casino gambling are not going to happen at the proposed facility and that as they will only have access off of Route 84 and that, that is their commitment and it will be in the Host Community Agreement.

Erik Gaspar – 4 Deer Run Circle

- Asked why the regulation of the equine center only being accessed from 84 can't be in the proposed Zoning Overlay District document, since the Host Community Agreement is going to be negotiated by five people, the Zoning Overlay District is going to be voted on by the residents.
  - o C. Blanchard stated that the issue is that Zoning Bylaw Amendments are subject to approval by the Attorney General's Office so it has to be structured to allow to be accepted as a bylaw which doesn't allow for specific restriction on a project location.
  - o J. Bubon stated that the language used in the bylaw is consistent with other parts of the current Zoning Bylaw and with other bylaws that have been crafted by the Town.
- E. Gaspar stated that while he understands that, it is hard to expect the residents of Sturbridge to vote on something that parts of which are not guaranteed. He stated that he wants to support this project but if there is any chance that access will come from anywhere but off of 84 he will not support the project and thinks that, that information should be in the Zoning Overlay Amendment.

Doug Teeson- Union, CT

- Stated that he had environmental concerns in regards to drainage into the lakes and waterways in the area and affecting the national heritage quarter corridor.
- Stated that the renderings he has seen have shown parking areas that seem closer than the 500ft. buffer zone from wetlands that was proposed at the Board of Selectmen's public hearing.
  - o C. Blanchard stated that these types of concerns would be best presented when a project is looking for approval through the Planning Board and the Conservation Commission etc.
- D. Teeson stated that he and others in Union, Holland and Sturbridge are worried about the detrimental effects of a project like this, and asked at what point and by what part of the Sturbridge Town Government or the Massachusetts Authorities, for permitting and planning, would these concerns get the attention they deserve.
  - o J. Bubon stated that with a project like this there would be several permitting paths that an applicant would need to go through and one would be with the Conservation Commission, because of the amount of wetlands on the parcel an applicant would need to file an Anrad and a Notice of Intent. The Planning Board has regulations and protection standards for groundwater and the applicant would need to file for Site Plan Review, which will also go through environmental impact.
- D. Teeson asked if border towns would be taken into consideration when a project is going through its permitting.
  - o J. Bubon stated that she doesn't know how CT works but in MA, if there is a public water supply, there are zones set up with regulations, and stated that we don't just plan in our borders and hopefully we are all planning regionally.
- D. Teeson asked for clarification on the language in section 300-21.2.
  - o J. Bubon stated that the performance standards document covers everything that is brought forward in the proposed zoning amendment.



- D. Teeson brought up the 60% maximum impervious areas and concerns with the wetlands that are included in the 380 acres.
  - o J. Bubon stated that she used similar standards to what is in the other commercial zones, wetlands are not able to be rendered impervious so in the end it may be less after going through a wetlands evaluation process.

#### Wendy Lennon – 76 Breakneck Road

- Asked for clarification on what happens if the Overlay District is approved at Town meeting and the proponent submits and application.
  - o J. Bubon explained that the Overlay District Zoning Amendment requires a 2/3rds vote, if it gets that at Special Town Meeting then it will go to the Attorney General's Office for approval, then the applicant can start their approval process with the Town, in which the first step is a Host Community Agreement that must be negotiated and executed by the Board of Selectmen. She explained that if that gets executed by the BOS then the applicant can go on to apply to the other Boards & Committees it needs to get approval but does not go back to the votes, it is entrusted in the Board of Selectmen that the citizens elected and the other Board members that are appointed to serve in those capacities.
- W. Lennon stated that she had concerns over making a decision without traffic studies or crime studies.
  - o C. Blanchard discussed that this is the normal process for moving forward with large projects in town.
- W. Lennon also urged the Board to consider moral and ethical impacts of this project.

#### Kristie Pecci – 138 McGilpin Road

- Stated that the Boards have an obligation to allow certain projects regardless of whether they like them or not if they meet certain criteria so while there is a review process if the applicant meets the requirements the Boards and Committees will approve the project so it is important to understand that your vote next month at the Town Meeting is the determining factor.
  - o C. Blanchard agreed that she is right that the Boards and Committees will approve a project if that project meets all required criteria.

#### Bob Briere – 50 Arnold Road

- Stated that he is concerned of the proposal to change the zoning on a piece of property without any knowledge of what is there. Stated that D. Teeson was correct about his concerns previously regarding the environmental impact on the waterways in the area. Discussed all the waters sources in the area and where they flow to and empty to.
  - o C. Blanchard stated that the Board will take site visits at the appropriate time if the project does go forward.

#### Ed Goodwin – 19 Orchard Road

- Stated that, as the Chair of the Conservation Commission, they have not been on site and they have sent a letter to the proponent asking to go onto the site and have been

banned from the site and stated that he thinks it's very serious to move forward without taking a look at the site and see what is there.

- K. Davis, George & Davis, P.C., stated that she is the attorney for the proponent and she wanted to clarify that they did receive the letter from the Conservation Commission, they have responded appropriately and they have set up meetings with them, they had to file their banner act with happened that day at noon. They are not banning Cons Com, they are following Con Coms procedures.

#### Peter Zeh – 42 Old Farm Road

- Stated that this project or one similar has been proposed in several other small towns in MA and has been turned down.
- Stated that in the sections of the proposed bylaw that mention eating and drinking establishments he doesn't see anything that mentions alcohol sales and asked for clarification.
  - J. Bubon stated that in order to serve alcohol the applicant would need to get approval through the Board of Selectmen and the Alcohol Beverage Control Commission.
- P. Zeh asked what the process was to sell alcohol at a fair or festival.
  - J. Bubon stated that they would need to get a one day liquor license through the Board of Selectmen.
- P. Zeh asked that since there will be a horse retirement facility, if there was any process in place for horse remain burial on the property.
  - J. Bubon stated that, that would fall under the purview of the Board of Health, and that they have had a meeting but will have more processes to go through with the Board of Health if the proposal becomes a real project.

#### Joanna Shapiro– 50 Westwood Drive

- Brought up her concerns with the 60% impervious considering the amount of wetlands on the property and stated that she believes the 60% is far too big of a requirement.
- Inquired what would happen if horse racing was outlawed in MA, what would happen to the rest of the site if the zoning bylaw requires racing.
- Inquired what would happen if this proponent was denied and a new applicant for a similar project came forward and wanted to rebuild breakneck road to access a facility.
- Stated that she feels the language in the Zoning Overlay Bylaw needs to be cleaned up and does not cover the Town enough.

#### B. George, George & Davis, P.C.

- Stated that he wanted to clear up some information, he stated that the access off of 84 would not be from a rest area, that it would be an interchange.
- Stated that this specific project has never been proposed to another town.
- Thanked the Board, thanked everyone who came.

#### Alan Curboy – 119 River Road



- Stated that he was at a meeting a couple weeks ago that had a vision board that showed the access to the center going through the rest area and that the engineers for the project had designed it to go through the rest area and the landfill. Stated that if that is the case, all of Breakneck Road should be rezoned Commercial so the people who live there can sell their houses because no one is going to want to live there.

#### Barbara Search – 501 Leadmine Road

- Stated that the image that the proponents have given shows access off of Route 15 which means that all of those back roads, including Leadmine, are going to be used to get on to 16 to get over to 84.
  - o C. Blanchard stated that these types of traffic concerns would be covered via a traffic study if the zoning passes.
- Stated more concerns she had regarding traffic amounts and conditions on local roads.

C. Bouchard left the meeting during this time.

Motion: To close the Public Hearing.

By: S. Waters

2<sup>nd</sup>: M. Chisholm

Vote: All in Favor (6-0)

Motion: To support the amendments to the Zoning Bylaw that would insert a new Article XXI – Agricultural Entertainment Overlay District within the Zoning Bylaw, add a new definition for Equine Center to be inserted in its appropriate location in Section 300-2.2, and amend the Zoning Map by establishing an Agricultural Entertainment Overlay District consisting of the following parcels of land 180 and 181 Breakneck Road and 16 Cross Road.

By: S. Waters

2<sup>nd</sup>: M. Chisholm

Vote: All in Favor (6-0)

#### *Documents Reviewed:*

- *Proposed Agricultural Entertainment Overlay District Zoning Bylaw Amendment;*
- *Proposed Agricultural Entertainment Overlay District Zoning Map Amendment;*
- *All public comments received by the Planning Department;*
- *A certified list of abutters;*
- *Town Planner Report.*

#### **Old/New Business**

- None

#### **Adjournment**

**Motion: To adjourn meeting.**

**By: S. Waters**

**2<sup>nd</sup>: W. Hersee**

**Vote: All in Favor (6-0)**

**Meeting adjourned at 8:22 pm**

**Minutes prepared by: Jeneé Lacy**