

**JOINT MEETING OF THE STURBRIDGE PLANNING BOARD  
AND TREE WARDEN  
MINUTES OF  
TUESDAY, JUNE 12, 2018  
CENTER OFFICE BUILDING**

Ms. Gibson-Quigley called the joint meeting of the Planning Board and Tree Warden to order at 6:35 PM.

Ms. Gibson-Quigley noted the members present:

**Present:** Charles Blanchard  
Russell Chamberland  
James Cunniff  
Heather Hart  
Sandra Gibson-Quigley, chair  
Susan Waters, clerk

**Absent:** Penny Dumas

**Also Present:** Thomas Chamberland, Tree Warden  
Jean M. Bubon, Town Planner  
Rebekah DeCoursey, Administrative Assistant  
Bruce Fitzback, Bertin Engineering  
Andre Cormier Jr., Escape Estates  
Roxann Smith, abutter

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

**APPROVAL OF MINUTES**

**Motion:** Made by Mr. Blanchard to approve the draft minutes of May 22, 2018  
**2<sup>nd</sup>:** Mr. Chamberland  
**Discussion:** None  
**Vote:** 4 – 0 – 2 (Ms. Gibson-Quigley, Ms. Waters)

**ANR – PETER O’CONNELL – DOUTY ROAD**

**Materials presented:**

ANR Application – Submittal Checklist and Lot Layout Page

Form A – dated April 30, 2018

ANR Plan of Land – Douty Road Sturbridge, MA – Prepared for Peter O’Connell by Bertin Engineering (39 Elm Street Suite 2, Southbridge, MA 01550) dated February 21, 2018.

Bruce Fitzgerald, professional land surveyor from Bertin Engineering, with Andy Cormier representing Escape Estates, explained that the ANR plan shows the division of land into 13 lots and the remaining land.

Ms. Gibson-Quigley explained to the public that ANR refers to “approval not required” which is the process for division of lots with frontage on a public way. It is not a subdivision plan. An ANR plan, as long as it meets the frontage requirements and is on a public way, can be endorsed by the Planning Board.

Ms. Bubon stated the plan shows the division of land on Douty Road into 13 lots and the remaining land. The plan meets the requirements and Ms. Bubon recommended the Board endorse the plan.

**Motion:** Made by Mr. Chamberland to endorse the plan.  
**2<sup>nd</sup>:** Ms. Waters  
**Discussion:** None  
**Vote:** 7 – 0

**PUBLIC HEARING: SCENIC ROAD PERMIT – PETER O’CONNELL – DOUTY ROAD. THE APPLICANT HAS SUBMITTED A SCENIC ROAD APPLICATION FOR TREE AND STONE WALL REMOVAL, INCLUDING UNPERMITTED TREE REMOVAL.**

Ms. Waters read the legal notice and Ms. Gibson-Quigley opened the public hearing.

**Materials presented:**

Application dated May 17, 2018

“Proposed Driveway Plan” prepared for Peter O’Connell by Bertin Engineering (39 Elm Street Suite 2, Southbridge, MA 01550. Plans dated January 8, 2018 totaling four sheets.

Revised “Proposed Driveway Plan” prepared for Peter O’Connell by Bertin Engineering (39 Elm Street Suite 2, Southbridge, MA 01550. Plans dated January 8, 2018 totaling four sheets, showing changes to Lots 4, 6 and 9.

Correspondence from Bertin Engineering dated June 12, 2018 requesting to remove Lots 2 and 7 from the application and noting the relocation of the driveway from Lot 9 to an area with no trees or stonewall and no need for application review.

Correspondence from Rebecca Gendreau, Conservation Agent dated June 4, 2018.

Correspondence from Thomas Chamberland, Tree Warden provided at the time of the public hearing.

Bruce Fitzgerald, professional land surveyor from Bertin Engineering, with Andy Cormier representing Escape Estates, represented the property owned by Peter O’Connell. The

Scenic Road Application presented tonight is based on the ANR plan which was signed at the beginning of this meeting. Several months ago numerous trees along Douty Road were removed without a Scenic Road Hearing, at which time a cease and desist order was issued. The Town's Scenic Road Bylaw states that roads that are identified as a Scenic Road to maintain a certain quality and character within the Town, and such regulations control allowed physical alterations within the public right of way. In this Scenic Road Application, the plan shows the trees that were removed before the public hearing as "stumps" with the diameter of each. Proposed tree removal also includes a diameter (measured in arborist terms as diameter at breast height or DBH) and the linear feet of proposed stone wall removal. The application also includes site lines. Site lines are required by Mass DOT to meet all safe stopping distances and unobstructed visual lines at each driveway to ensure safe travel along the roadway.

Mr. Cormier stated that all stone wall work proposed will reuse the stones on site to rebuild or repair the existing walls. Escape Estates is planning to rebuild the stone walls along the entire road that have become in disrepair due to time and neglect. The proposed changes in this application include removing sections of the stone walls to make room for site work related to driveway installation. In the areas where the stone walls will be removed, the ends of the walls will be capped reusing existing stone. Responding to a Board member question, Mr. Fitzback explained that a typical driveway is 15' wide. The driveway plans show a range of stone wall removal between 21' and 71'. The larger width of stone wall alteration is due to grading that will need to occur on the uphill and downhill sides of the driveway for proper driveway installation. After the driveways are installed, Escape Estates will rebuild the stone walls across the area of grading work on each side of the driveways. Stone walls will remain to be a dry wall.

Tom Chamberland, Tree Warden, began the discussion of the trees. There was unfortunate tree removal done before a public hearing was scheduled. After several meetings and discussions with the Tree Warden, an agreement has been made between Escape Estates and the owner of the property of damages totaling \$28,655. Numerous factors were brought into account to reach this agreement. A certified arborist, specializing in surveys and estimates, was brought in to evaluate the situation and directed to use the lowest appraisal possible for the report. A total of 189 stumps were counted in the public right of way. Roughly 45-50 of there were 2" DBH or less. Massachusetts General Law identifies a street tree as one that is 1.5" or greater. The Tree Warden made the decision to remove trees 2" or less from the equation. Many of the trees could have been considered weed trees or overgrowth that would have been removed regardless, but after the fact it is hard to determine the exact situation of every single tree stump. Tom Chamberland stated that the Douty Road project has paid for the arborist report at a total of \$1,007.

Tom Chamberland then explained the breakdown of the damages. A number of these were White Ash. White Ash is susceptible to the Emerald Ash Borer, meaning that it was most likely just a matter of time before the Ash trees succumbed to the invasive insect. While they came down sooner than Mr. Chamberland would have liked, they would have had to be removed eventually nonetheless. The standard used for estimating tree replacement value is as such: for every 2" DBH of tree removed, a tree of 2" DBH replacement shall be planted. Ten (10) White Ash trees were removed from total damages, discounting \$3,500 from the total. When the Tree Warden walked Douty Road, he identified three (3) dead or declining

Ash Trees. Escape Estates has agreed to remove these trees for an exchange of ten (10) additional trees taken off the final damages. In this Scenic Road Application, Lot 1, Lot 8, and Lot 12 are the only lots with trees that apply to this application.

At the time of pulling building permits for Lot 3 and Lot 6 (the two lots that passed a perc test) the entire \$28,655 must be paid. When building permits are issued for Lot 1 and Lot 12, the amounts of \$5,600 and \$9,450 must be paid. The money will be directed into the Tree Planting Gift Fund, a fund which is used to plant and replant trees throughout the Town. Any trees that are planted by the developer in the public right of way on Douty Road during this project will give a credit toward the fines of \$150 per tree, per inspection of the Tree Warden.

One abutter was present at the meeting. Roxann Smith, 70 Holland Road, asked if the stone wall work was going to be done immediately. Mr. Cormier stated no, the walls would be removed only after they have the driveway permit and are ready to begin construction. Ms. Bubon stated that they could make it a condition of the permit if the Board desired so. It was also asked if the size of the trees removed would be the same as those replaced. The Tree Warden stated that some of the trees removed would be much too large to obtain and handle if replaced inch for inch due to site lines, safety, and tree health/watering concerns. A Board member asked if the trees would be replaced in kind, minus the Ash, and the Tree Warden stated this would be possible, as long as the right tree is planted in the right location for the size.

**Motion:** Made by Mr. Cunniff to close the public hearing.  
**2<sup>nd</sup>:** Ms. Waters  
**Discussion:** None  
**Vote:** 7 – 0

**Motion:** Made by Mr. Chamberland to grant the Scenic Road Special Permit per Section 3.7 of the Bylaws as requested by the application with the following conditions:

1. The applicant shall not remove any portion of stonewall until the driveway permit has been received for that lot.
2. The applicant shall deposit \$28,655 into the Tree Planting Gift Fund when a building permit is obtained for Lot 3 or Lot 6.
3. The applicant shall deposit \$15,050 into the Tree Planting Gift Fund when a building permit is obtained for Lot 1 or lot 12.

**2<sup>nd</sup>:** Mr. Blanchard  
**Discussion:** None  
**Vote:** 8 – 0, including Tom Chamberland the Tree Warden, also in favor

## **TOWN PLANNER UPDATE**

- ✓ The final draft of the Open Space and Recreation Plan is completed. There was a great turn out to the public forum. We learned that our community is changing – we have an aging population looking for fitness trails and pickle ball courts. We also are in need of a dog park, per popular demand. Streeter Point Recreation area is

currently abandoned and we will be looking into a possible lease agreement to satisfy the need of an accessible public beach in Town. There is also a need for a playground. Cedar Street Recreation Area and Burgess have outdoor activities or are not always accessible during school hours or during Rec Activities. There is also an interest in fields – the Town Barn project that was not approved at Town Meeting, but other possibilities should be explored.

- ✓ The Planning Department is asking for a letter of support for the Open Space and Recreation Plan from the Board to then submit the plan into the state for review and approval. On a motion made by Mr. Chamberland and seconded by Ms. Waters, the Board voted to provide a letter of support for the Plan.
- ✓ Sturbridge Farmer's Market will run June 24 – September 9 on the Town Common. Town Boards and Committees have been asked to come run a booth for a few hours if they have information they would like to share with the community.
- ✓ The Comprehensive Economic Development Strategy (CEDS) for the region has been issued. Ms. Bubon stated it was well done and she didn't have any comments, but would take any if the Board did. The Board has none.
- ✓ Next meeting date: June 26<sup>th</sup>
- ✓ With great respect, Ms. Bubon acknowledge the retirement of Ms. Sandra Gibson-Quigley from the Planning Board. Ms. Gibson-Quigley has been a member of the public service community in Town for over 20 years. She has showed great leadership and volunteerism – and it is with great gratitude from the Board, Planning Department, and the Town of Sturbridge, we thank you so very much and wish you the best.

### **OLD/NEW BUSINESS**

- A traffic counter has been installed on Brookfield Road – reason for the count is not known by the Board.
- The property at 1 River Road has had the septic repaired, and other repairs to the property in anticipation of closing on the sale for Paw Plaza, but the real estate transaction has not yet been closed.
- Town Barn field project did not pass at town meeting – can the Plimpton Property be used for fields? This option will most likely be explored by the Rec Committee.
- Mobil gas station is still in the planning stages with Conservation, trying to find the best solution to daylighting a buried culverted stream. Construction commencement is unknown by the Planning Department.

On a motion made by Mr. Chamberland and seconded by Ms. Hart, and voted 7 - 0, the meeting adjourned at 7:30 PM.