

**STURBRIDGE PLANNING BOARD
MINUTES OF
TUESDAY, OCTOBER 9, 2018
CENTER OFFICE BUILDING**

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

Present: Charles Blanchard (arrived 6:35)
Russell Chamberland
Michael Chisholm
Heather Hart
Susan Waters

Also Present: Jean Bubon, Town Planner
Rebekah DeCoursey, Administrative Assistant
Edy Wahib
Henry Simonelli
Michel Eli-Ashkar

Ms. Waters opened the meeting and read the agenda, noting Mr. Blanchard is running a few minutes behind schedule.

APPROVAL OF MINUTES

Motion: Made by Mr. Chamberland to approve the draft minutes of September 11, 2018.

2nd: Ms. Hart

Discussion: None

Vote: 4 – 0

ANR – DOUTY ROAD

Materials presented:

- ANR Plan Content & Submittal Checklist
- Form A – dated October 4, 2018
- Plan of Land– Douty Road – Sturbridge, MA 01566 by Bertin Engineering (39 Elm Street, Southbridge, MA 01550) dated October 4, 2018.

Ms. Bubon stated the plan shows the reconfiguration of lots 3, 4, 5, and 6 on Douty Road. The Board has previously endorsed an ANR plan for lots along Douty Road. After the developer completed several Perc Tests, they reconfigured the lots to better accommodate septic infrastructure. The plan meets the requirements and Ms. Bubon recommended the Board endorse the plan.

Motion: Made by Mr. Chamberland to endorse the plan.

2nd: Mr. Chisholm

Discussion: This reconfigures the lots at the top of the hill on Douty Road. The remainder of the original lots will stay the same.

Vote: 4 – 0

Ms. Waters endorsed the plan.

PUBLIC HEARING – SITE PLAN REVIEW – 40 MAIN STREET. THE APPLICANT IS REQUESTING SITE PLAN APPROVAL FOR THE REDEVELOPMENT OF AN AUTOMOBILE SERVICE STATION INCLUDING NEW GAS PUMP ISLANDS AND CANOPY AND RELATED SITE IMPROVEMENT.

Materials presented:

- Application for Site Plan Approval;
- Filing fee;
- A Certified List of Abutters;
- A plan entitled “Site Plan Showing the existing conditions at an existing service station – Location: 40 Main Street, Sturbridge, Massachusetts – The plans contain Sheets 1 through 3”. The plan was prepared by Ashkar Engineering – 70 Washington Street, Suite 306, Haverhill, MA 01832 for Edy Wahib – 333 East Main Street, Southbridge, MA 01550. Dated September 8, 2018;
- A plan entitled “Site Plan Showing improvements at an existing service station – Location: 40 Main Street, Sturbridge, Massachusetts – Sheet 2 of 3”. The plan was prepared by Ashkar Engineering – 70 Washington Street, Suite 306, Haverhill, MA 01832 for Edy Wahib – 333 East Main Street, Sturbridge, MA 01550. Dated September 8, 2018;
- A plan entitled “Site Plan Showing proposed landscape and traffic flow” – Location: 40 Main Street, Sturbridge, Massachusetts – Sheet 2 of 3”. The plan was prepared by Ashkar Engineering – 70 Washington Street, Suite 306, Haverhill, MA 01832 for Edy Wahib – 333 East Main Street, Sturbridge, MA 01550. Dated September 28, 2018;

Reports received include following, with no major concerns:

- Letter from Captain John Marinelli, Fire Inspector dated September 19, 2018
- Memorandum from Rebecca Gendreau, Conservation Agent dated September 27, 2018
- Email from Jamie Terry, Interim Health Agent dated September 12, 2018
- Memorandum from Thomas J. Ford III, Chief of Police dated September 28, 2018

The applicant was represented by his attorney, Henry Simonelli, and his engineer, Michel Eli-Ashkar. This project received approval in July from the Zoning Board of Appeals for the change proposed to the pre-existing non-conforming site. The site has been a gas and service station in the Commercial District for over fifty years. The old tanks have been removed and the proposed new layout will improve traffic flow in and out of the site. The location is served by existing sewer and water.

Ms. Bubon presented her report to the Board. She confirmed the ZBA granted the site Special Permit approval and that the fire suppression system was signed off by Fire Inspector John Marinelli earlier in the day. A stormwater report was completed stating calculations show the changes to the site will not increase the amount of stormwater runoff and that a new stormwater management system is not necessary; the existing stormwater system will be sufficient. Ms. Bubon informed the Board that all the parking calculations for the site plan were done on the basis of a 1,200 sq. ft. convenience store being incorporated into the site. The convenience store was not included in this site plan and will come back before the Board at a later date. Ms. Bubon noted a portion of the plan adjacent the dumpster that will need a bit of grading detail work. Mr. Eli-Ashkar noted this and will submit a revised plan to the department. Ms. Bubon has worked with the applicant and the Tree Warden to produce revised a landscaping plan that satisfied the requirements for site plan review.

The Board had the following questions, comments, and concerns:

- On the landscaping plan, a “snake fence” is referring to the post and beam wooden zig-zag fence structures seen elsewhere in the Commercial and Commercial Tourist Districts around Town.
- Mr. Wahib clarified that the only new lighting proposed at the time is the new gas canopy with lighting. It will all be down facing and under the canopy itself. When the convenience store is finalized, there will be more lighting proposed at that time. There is currently lighting on the existing building that will remain the same.
- The pumps will be self-serve.
- On the landscaping plan, the “perennials” will be Black Eyed Susan. Ms. Hart suggested incorporating some perennial shrubs to add winter interest. The Black Eyed Susan will only provide interest for a few weeks of the year.
- Ms. Bubon clarified the memo from the Conservation Agent – without installing an entirely new stormwater system there are minimal improvements that can be made regarding stormwater controls, and without the need to do so per the presented stormwater calculations, the applicant is not required to do so. The applicant is going to make improvements as he moves forward incorporating swales, plantings, etc. throughout the site.
- Mr. Eli-Ashkar stated that during construction all erosion control measures will be taken.
- Will the gas canopy be the same? It will be a new canopy but the same colors. The canopy will need Design Review Committee approval before the building permit can be released. The existing sign will stay the same for now and Mr. Wahib knows he will need Design Review Committee approval if he replaced the sign in the future.
- There are no curb cut changes and all curb cuts are large enough for traffic flow in and out. There is adequate entrance at the south entrance for traffic to access the first gas pump.

The public had no questions, comments, and concerns.

Motion: Made by Ms. Waters to close the public hearing.
2nd: Ms. Hart

Discussion: None

Vote: 5 – 0

Motion: Made by Ms. Waters to grant the Special Permit as requested with the following conditions:

1. A building permit will not be issued until the canopy plans have been provided to the Design Review Committee for review and approval.
2. This approval does not include the convenience store. Further approval will be required for approval of the convenience store.
3. All construction and site improvements shall be in conformance with the plans submitted and approved by the Planning Board.
4. All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to.
5. All other necessary permits must be obtained prior to the start of construction.
6. The site shall be kept in a neat and orderly condition throughout the construction process.
7. 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.
8. The parking lot shall be re-stripped after the re-paving is complete.
9. Additional shrubs that will provide year-round interest shall be added to the perennial planting beds as discussed at the meeting.
10. The applicant shall notify the Planning Department office forty-eight hours prior to the start of construction.
11. An emergency contact phone list with at least two names and numbers on it be supplied to the Sturbridge Police Dept. to be used by the dispatchers, in case of an off hour emergency, prior to the start of the project. The list must be updated whenever necessary for the duration of the project.
12. An as-built must be provided for all site work included planting when the work has been completed.

2nd: Mr. Chamberland

Discussion: None

Vote: 5 – 0

PUBLIC HEARING – PROPOSED BYLAW ON ADULT USE MARIJUANA.

Ms. Waters read the legal notice and Mr. Blanchard opened the Public Hearing.

Ms. Bubon presented the final draft of the proposed Bylaw regarding Adult Use Marijuana, incorporating the suggested edits of the Board Members and Town Counsel. This Bylaw would apply to any marijuana uses in Sturbridge and would require a Special Permit to be granted by the Planning Board. The medical marijuana facility can convert to recreational without a Special Permit but will require Site Plan Review.

The Bylaw proposes allowed Adult Use Marijuana in the Industrial and General Industrial Districts, and retail to be allowed in Commercial and in the Medical Marijuana Overlay District. Commercial areas are where people will generally look for this type of use and our industrial districts have limited developmental potential due to space. There will be a buffer radius of five hundred feet of a pre-existing public or private school (pre-school through Grade 12), child care facility, public playground, public park, youth center, library, or similar facility in which children commonly congregate. This buffer will be measured in straight line from the nearest point of the one property line to the nearest point of the property line of the proposed marijuana establishment. Hours of operation will be 8:00 am to 11:00 pm Monday through Saturday and after 10:00 am on Sunday. Each applicant will be required to submit an odor control plan and security plan in addition to all the standard Site Plan Review requirements. There will be no consumption allowed on premises. A Host Community Agreement will be required. The Bylaw will limit retail to 20% of all alcohol licenses – which will total two.

The Board had no questions, comments, or concerns.

The public had the following questions, comments, and concerns:

- James Waddick asked for clarification of the 20% regulation – Ms. Bubon explained that after research by Town Counsel, the final determination is that this 20% includes the total count of full alcohol licenses as well as all malt and wine licenses for off-site consumption.

Motion: Made by Ms. Waters closed the public hearing.

2nd: Ms. Hart

Discussion: None

Vote: 5 – 0

Motion: Made by Ms. Waters to recommend the Board vote to support the proposed zoning bylaw amendments that would delete Chapter 31 Temporary Moratorium on Recreational Marijuana Establishments and inset a new Chapter Adult Use Marijuana and related definitions in Chapter 2 as well as the proposed amended definitions for Off Site Medical Marijuana Dispensary and Registered Marijuana Dispensary and to forward the proposed amendments to the Board of Selectmen for inclusion on the Special Town Meeting Warrant.

2nd: Ms. Hart

Discussion: None

Vote: 5 – 0

TOWN PLANNER UPDATE

- Next meeting dates: October 23, November 13, November 27, and December 11. These dates may change or be reduced based on Board member attendance. We are hoping to quickly fill the vacancy.
- Special Town Meeting will be October 29.
- Complete Streets Update: has been approved and received the ok to move forward on the Prioritization Plan. CMRPC will be assisting in identifying road improvements, crosswalks, crosswalk needs, etc. in the plan.
- Application for Green Communities is being submitted. Further audits on the wastewater and water treatment plants were required.
- Pilot Travel has issued their quarterly report – no concerns were noted.

OLD BUSINESS

The Publick House is moving along and is planning to open on the 19th, about one month ahead of schedule. The red barn has been changed to yellow.

NEW BUSINESS

None.

On a motion made by Ms. Waters and seconded by Mr. Chamberland, and voted 5 - 0, the meeting adjourned at 7:25 PM.