FINAL

STERLING PLANNING BOARD
MEETING MINUTES

May 28, 2008

Present: Robert Protano – Chairman
Ronald Pichierri – ANR Agent
Kenneth Williams – Clerk
Charles Hajdu
Michael Radzicki
Melissa M. French – Administrative Assistant

Chairman Protano opens the meeting at 7:03 PM.

The Board welcomes Charles Hajdu to the Planning Board as he was newly elected on May 19, 2008.

ANR(s)

Jim French and Doug Andrysick are present tonight with a plan of land, 15 Chamberlain Road, prepared for Philip Philbin. Plan identification is CARLSON8539_BASE.DWG. The Plan is for two lots; Lot 1 = 2 acres with existing house. Lot 2 = 35.78 acres which is to become APR land. There is a ZBA variance for the back yard setback for the house granted 8 April 2008.

Williams divulged that he is director of the Sterling Land Trust which is making a cash contribution to further the APR project.

Williams moves that, since this project is of future benefit to the town, the Administrative fees be waived. Pichierri seconds it, all in favor, no further discussion, all in favor, approved by the Board.

Radzicki moves that the Sterling Planning Board ask Mr. Pichierri to endorse the plan of land, 15 Chamberlain Road Sterling, MA 01564 prepared for Philip Philbin, dated April 24, 2008, prepared by Andrysick Land Surveying, 206 Worcester Road, Princeton MA 01541. Plan File # CARLSON8539_BASE.DWG. Pichierri seconds it. No further discussion, all in favor, approved by the Board.

Five copies of the plan and a Form A have been received by the Board.

MINUTES APPROVED

Pichierri makes a motion to approve the Sterling Planning Board Meeting Minutes of May 14, 2008, as corrected. Seconded by Radzicki, no further discussion, all in favor, approved by the Board.

SPACE AGE ELECTRONICS – SITE PLAN REVIEW
Continuation from May 14, 2008.

Chairman Protano opens the continuation of the Site Plan review for Space Age Electronics.

Present are Mr. & Mrs. Eugene Mongeau and William Berry, Berry Engineering, Petersham, MA.

Chairman Protano reads into the minutes a letter from Scott Miller of Haley & Ward, Inc., dated May 27, 2008. This letter includes the applicant's responses to Miller's review. Any outstanding items are shown in bold font and are discussed as follows;

With respect to Item #1 (the fire protection capacity of the water distribution system) the bold print states that "Your (the Planning Board's) approval should require that items a, b and c be included in the building permit application package". Berry responds that he believes that the Board has a copy of the flow test data, submitted in 2006. The applicant has been in contact with the DPW several times over the past two weeks and has not been able to obtain copies of this data. Miller states that his main goal is to assure that there is adequate fire protection on site.

Chairman Protano has a letter from June 22, 2006 and reads that the response to the same question is that "the applicant has submitted flow test results prepared by the DPW showing that the fire flow available is adequate for these needs".

Williams is to include in the Order of Conditions that the applicant is to provide an evaluation of the fire protection capacity of the water distribution system as noted in Miller's letter, dated May 27, 2008 in items 1a, 1b and 1c.

Note is made that this data may have been submitted and is on file.

Miller states that all other comments from the May 27, 2008 review letter have been adequately addressed by the applicant.

Williams explains that he sent a letter to Mr. Mongeau informing him that he will need to obtain a curb cut permit from Mass Highway. Mr Mongeau responded by giving the Board a copy of the letter from Environmental Consulting Services (EcoTech, Inc.) to Mass Highway in which a Mass Highway Access Permit Application was submitted (see attached). Williams states that in the Order of Conditions it will be required that prior to

any issuance of a building permit, an approved curb cut permit will need to be provided to the Board and the Building Inspector.

Berry has presented the Board with a revised set of plans reflecting the addition of extra driveway lighting and a stop sign and stop line. The most recent set of plans has revisions through May 23, 2008.

Berry states that he is currently waiting for an Order of Conditions from the Conservation Commission. Berry understands that the Conservation Commission has approved the plan for Space Age Electronics, Pichierri confirms that he was at the meeting in which it was approved.

Pichierri moves that the Planning Board approve the site plan entitled Site Plan Land in Sterling, Massachusetts for Space Age Electronics, revised 5-23-08 by Berry Engineering, subject to the Order of Conditions that the Planning Board will prepare and provide to the applicant. Plan # 3-14848/1. Radzicki seconds it. No further discussion, all in favor, approved by the Board.

DELCON – SITE PLAN REVIEW

Todd Lobo, Hannigan Engineering, Leominster MA introduces himself and states that he is present for the Site Plan Review on behalf of Delcon Realty Trust on a proposal for 27 Legate Hill Road.

The proposal is to construct an 18,000 square foot warehouse and 30,000 square feet of manufacturing on six acres of land. There is municipal water in the street which will be utilized for the building. The proposed septic system would be onsite. Lobo points out, on the plan, the proposed roof drains and drains for parking which run through deep sump catch basins.

This most current plan has been revised since Delcon's meeting with the Conservation Commission last week. Lobo stated that the ConCom closed their hearing with Delcon and that the biggest single change to the plan was the addition of a water quality inlet that will clean the two year storm. Beyond the two year storm the overflows will kick in and the water will run out onto a grass swale and into an infiltration basin which is designed to hold a fifty year storm, based on the proposed location in a Zone II.

The septic design has not yet been submitted to the Board of Health but is designed based on a six foot offset to groundwater.

The plan shows proposed shade trees and landscaping across the bottom portion of the site. Also discussed and agreed to with Conservation is to allow an area of wildflower mix as opposed to cut grass.

Lobo does not yet have a proposed date for ConCom's Order of Conditions. Lobo owes them a revised plan and feels that the Order of Conditions will not be written until the plan is received. Lobo does not want to give ConCom a plan until he is confident that he

has the final plan. Williams states that the Planning Board will not vote on any approval until the Order of Conditions from ConCom is received.

The proposed lighting plan shows lighting on the building and on a pole. No lighting is proposed for the rear of the building. Lobo states that the lighting from the adjacent site (Summit) spills down onto the rear of Delcon's site. The only doors at the rear would be solid fire doors.

Chairman Protano reads into the minutes the letter from Haley & Ward, dated May 27, 2008. The applicant's responses are as follows:

Item #1a, the fire protection capacity of the water distribution system. Lobo states that he has no immediate comment but will provide the necessary information. #1b, the fire flow capacity to the site based upon hydrant flow tests will be conducted by the applicant. #1c, the projected fire flow capacity within the proposed development will be done by the applicant.

Item #2, the applicant will provide an onsite water main, of at least 8 inches diameter from Legate Hill Rd to the proposed fire hydrant.

Item #3, the applicant stated that the use of the structure will not include any toxic or hazardous materials or discharge of industrial waste or cooling water. A more extensive list of uses will be provided at the next planning board meeting.

Item #4, the applicant will confirm that the proposed wastewater discharge will be less than 440 gallons per acre per day. Lobo states that it is anticipated that there will be about 600 gallons per day and it is a six acre site which is approximately 100 gallons per acre per day.

Item #5, the applicant will confirm that the septic system leach system will provide at least six feet of separation to annual high groundwater level.

Item #6, a revised drawing is being prepared which will detail and label the location of access doors to and from the buildings, demonstrating pedestrian access and safety.

Item #7, the applicant will clarify the extent of sidewalk along the parking lot and label the sidewalk and wheel chair ramp.

Item #8, the applicant will label the catch basins proposed to have double grates.

Item #9, the applicant will provide the elevation of the proposed structure allowing the Planning Board to evaluate the visual impact from the public way(s).

Chairman Protano reads into the minutes a letter from the DPW, dated May 28, 2008. The letter states that Bill Tuttle, DPW superintendant, has no comments in reference to Delcon at this time.

Chairman Protano reads into the minutes a letter from the Fire Department, dated May 27, 2008 (see attached). The letter outlines the requirements for the proposed facility in reference to fire safety.

Chairman Protano reads into the minutes an email from the Light Department stating that they have no comments on this proposed plan.

Chairman Protano reads into the minutes a letter from the Conservation Commission, dated May 7, 2008 (see attached). This letter states that the public hearing has been continued to allow the applicant to address compliance with Local Aquifer Protection by-law relative to drainage and stormwater. Lobo states that a 2nd meeting, with ConCom, has been held and changes have been made to reflect the new stormwater management regulations.

A copy of the above four letters were giving to Todd Lobo.

Deanna Batstone, 258 Leominster Road, addresses the Board with concern for truck traffic at the intersection of Legate Hill Rd, Pratts Junction Rd and Leominster Road. She would like to make the Board aware of the hazard of large trucks pulling through this intersection, both for safety reasons and wear and tear on the road. She asks that an alternate plan be made and cites an example that trucks be directed down Pratts Jct Rd to Chocksett Road where they can more safely access Rte 12 (Leominster Rd). The Board takes her input under advisement and will consider alternative routing of trucks. The Board is under the impression that a traffic study has been performed at this intersection at the time of past development. Hajdu feels the data is online and will attempt to locate it.

Chairman Protano asks Lobo about the proposed number of parking spaces. Lobo responds that there are 69 parking spaces, including handicapped. Lobo used the formulas from the bylaws to determine the number of parking spaces needed, plus extra, based on facility use as both manufacturing and storage. Pichierri suggests that the applicant show on the plan a worst case scenario of parking spaces needed, detailing where additional parking spaces could go if so needed. Williams states his concern for monitoring the facility and comments that past projects in which the Order of Conditions stated that the Board was to be made aware of changes in occupancy, where not followed through.

Chairman Protano quotes the statement (from a page in the applicant's plan) that any lot that contains a parking facility for more than ten cars will also provide interior landscape areas within the parking lot area equal to at least 10% of the gross parking area and asks Lobo what he is considering landscaping in his proposed plan. Lobo indicates to the Board, pointing to the plan, the areas to be landscaped. It is noted that there are wetlands to be considered, as shown on the plan.

Pichierri would like to see a stop sign at the end of the proposed property as it exits onto Legate Hill Road. The applicant agrees to add this to the plan.

Williams notes that the deadline for Planning Board action on the Delcon Site Plan expires on May 30, 2008. Delcon subsequently requests an extension of 60 days.

Pichierri reads the extension letter from Todd Lobo of Hannigan Engineering, "I hereby request an extension of time for Planning Board action on the Site Plan entitled 27 Legate Hill Road, including the filing of the decision with the Town Clerk, up to an including July 31, 2008." Pichierri moves that the Planning Board grant the request as submitted, Radzicki seconds it. No further discussion, all in favor, approved by the Board.

Williams moves that the Board continue the Site Plan Review with Delcon to 8:00 pm on Wednesday June 11, 2008. Pichierri seconds it, no further discussion, all in favor, approved by the Board.

STERLING CROSSING – SITE PLAN REVIEW

Chairman Protano begins the site plan review for Sterling Crossing stating that he has letters from Haley & Ward, the Fire Department, DPW, Conservation and the Building Inspector. He then invites the developer/engineer to present the proposed site plan.

Jessie Johnson of David Ross Associates introduces himself, stating that he is a civil engineer for the proponent, Cutler Brothers LLC. The property is located between Rte 12 and Laurelwood Road with frontage on both streets. Johnson describes the location and its abutters and states that the plan proposes that access will be off of Rte 12.

There are two buildings proposed, a 9600 square foot building at the rear and a 14,300 square foot building at the front. Both buildings will be a mixed use of office and retail space. Parking spaces are being allocated for 114 spaces, as detailed on sheet 2 of the plan. This is based on 9000 square feet of office and 14,900 square feet of retail which would require 111 parking spaces. Utilities will be provided on site with water being brought in from Laurelwood Road from an existing 16" main which the developer will tie into with an 8" pipe. Fire and domestic water will be brought to each building from the 8" pipe. Septic will be onsite, testing has been done and a plan was submitted, which Johnson gives a copy of to the Board. The applicant has asked for a variance from the Board of Health to allow paving over the leach field. There will be cable, telephone and electric onsite.

Johnson states that they have provided for onsite drainage mitigation in full compliance with the new stormwater regulations enacted as of January 2. The Notice of Intent process with the Conservation Commission has taken place and been closed and approved. The Order of Conditions, from ConCom, is pending. Johnson states that ConCom was favorable of the project and did not require any changes to the plans and that they liked the proposed approach to handling of stormwater onsite.

Johnson shows, on the plans, the proposed location of two dumpsters. Chairman Protano is concerned with the accessing of one or both of these dumpsters from Laurelwood

Road, through a residential neighborhood. Johnson assures the Board that the trucks can reach the dumpsters, empty them and turn around to exit all from the Rte 12 entrance, without any disturbance to the residences on Laurelwood.

Johnson illustrates to the Board the layout of the pedestrian access to the buildings, their proposed units and 2nd floor levels. There is a proposed sidewalk along the front and sides of the buildings with a five foot green buffer between it and the building(s). Johnson explains that everything is in full compliance with ADA requirements and shows the location of the handicap parking spaces.

Pichierri asks if the detention area has the type of drop that might require a fence. Johnson responds that it is a four foot drop overall and that a 3:1, h:v, slope is the maximum. Pichierri explains that if the Building Inspector sees the need for a fence one will be required and will be included in the Order of Conditions.

Chairman Protano asks if there are abutters on the opposite side of Laurelwood Road. Johnson responds that there are, but that he does not typically include them on his site plan, but does have them on the abutters list.

Williams states that a curb cut from Mass Highway will be needed and Johnson responds that they are in the process of submitting application for that permit. Johnson states that the plan is designed with thirty foot radiis, which is a typical Mass Highway entrance radius.

Radzicki asks about the lighting plan. Johnson shows, on the landscaping lighting plan, the proposed lighting fixtures and states that standard is a fifteen foot pole mount with a full cutoff fixture. They are strategically placed more towards Rte 12 with less on the back. The Board questions the safety of the rear of the building and lack of lighting. Johnson responds that the plans are not yet that detailed and if there are doors at the rear, there will be lighting.

Pichierri asks about the existing house on the site. Johnson points out that there is a note on the plans that the house will be razed and the existing utilities will be abandoned as required. Any existing septic system will be required to be backfilled and replaced, as noted on the septic plan.

Radzicki inquires about the look of the buildings for esthetic reasons. Johnson presents the Board with renderings of the buildings, which have a colonial style.

Chairman Protano revisits the plan for the parking lot and landscaping. Johnson explains the layout of the parking, without creating a Boulevard. He states that with the low impact design there is sufficient room for trees and shrubs.

Williams questions the proposed use of the buildings. Johnson explains that it will be general office and retail. No tenants have been reserved, as of yet.

Chairman Protano reads into the minutes the letter from Haley & Ward, dated May 27, 2008. The responses are as follows;

Item #1, regarding the fire flow capacity of the water distribution system. The applicant will provide evaluation for the fire flow demand, fire flow capacity to the site through the connection to the distribution system at Laurelwood Rd. and the projected fire flow capacity to the proposed development. Johnson requests that these items be a condition of approval, allowing the architect to finalize plans. Chairman Protano states that it would be uncustomary for the Board to issue an approval of a site plan with these items in the Order of Conditions. The Board would expect the data to be submitted prior to approval. Miller states that the intent of his review comment is that the items be satisfied prior to construction approval with the idea that it be done prior to the issuance of a building permit. It is decided that the above requirement will be contained in the Order of Conditions.

Item #2, Johnson will provided the Board with a written statement that there will be no toxic or hazardous materials or discharge of industrial waste or cooling water on the site.

Item #3, the applicant will confirm that the proposed wastewater discharge will be less than 440 gallons per acre per day, as noted on the septic plan as submitted.

Item #4, the applicant will confirm that the septic system leach system will provide at least six feet of separation to annual high groundwater level. Johnson states that they have provided nine feet.

Item #5, the access doors to the buildings will be shown and labeled to demonstrate pedestrian access and safety. Johnson asks Miller for clarification on his comment. Miller states that apparently an elevation plan was missing in his review packet and requests a copy of the plan for his review.

Item #6, wheel chair ramps should be labeled. Johnson asks Miller for clarification and Miller responds that the locations need to be labeled on the plan.

Item #7, the applicant will send Miller a copy of the plan showing the elevation of the proposed structure with which the Board can evaluate the visual impact from the Public way(s).

Item #8, there are no freight loading/unloading zones shown on the drawing. Johnson anticipates that, with the proposed use of the facility, there will be minimal deliveries and unloading of supplies and states that the trucks could park in the travel way and use the handicap ramps to dolly supplies into the building. He also stated that most deliveries would occur before or after business hours. Johnson notes that to create a specific travel lane for delivery trucks would increase the impervious surface to greater than the allowed 50%. The Board is concerned that delivery trucks will create an inconvenience to customers of the facility by blocking the parking lot and sidewalks. Johnson responds that the trucks could pull into the driveway area where the dumpsters are located. Chairman Protano feels that delivery trucks would not utilize that space, as they would be more likely to pull up to a space closest to their point of delivery. It is agreed that the proposed project had space limitations and uses the allotted space efficiently.

Williams addresses the concern for fire department access to the rear of the building. Chairman Protano reads into the minutes the letter from the Fire Department, dated May 27, 2008. Johnson states that no curbing is planned which would prevent fire trucks to access the rear and that the width of the building would allow access via a ladder truck. Pichierri comments that snow could be an issue for access to the rear. Johnson suggests that the dumpster locations be pushed back towards the rear of the building(s) which would create a paved way along the sides. This would also create a larger area for delivery trucks to park. Chairman Protano feels that the Fire Department should be contacted for comments specific to this project and suggests to the applicant that they obtain an additional letter from the Fire Dept.

Item #9, the applicant will provide the size, material, inverts and capacity for the roof drain leaders.

Item #10 states that the drainage calculations reference a piped outlet for the western roof drain infiltration chamber however this pipe is not shown on the drawing. Johnson responds, to Miller, that the actual outlet, as shown on the detail sheet, is a downspout detail. The only way to model this system was to force an elevation to manipulate the program. (Miller will review and make sense out of it.)

Chairman Protano asks if there are any concerns with traffic. Pichierri would like to see a condition in the Order of Conditions that the dumpster trucks do not use Laurelwood Road.

Pichierri would like to see stop signs at both the exits to Rte 12 and Laurelwood Rd.

Pichierri asks Johnson how he proposes to keep cars within the parking areas. Johnson responds that, for safety reasons, granite berms are planned for the sidewalk edge but where the parking lot meets the grass buffer no berm is planned due to the low impact drainage plan. If cars/trucks went over the edge onto the grass, it would be a landscape maintenance issue, only.

Chairman Protano reads into the minutes the letter from the Conservation Commission dated May 7, 2008 stating that ConCom has approved the proposed project.

Chairman Protano reads into the minutes the letter from the Building Inspector (Mark Brodeur), dated April 24, 2008 stating that no objections (to the project) are noted.

Chairman Protano reads the memo from the Light Department stating that there are no comments at this time.

The applicant for Sterling Crossing will reconvene with the Planning Board on June 11, 2008 at 8:30 pm.

DISCUSSIONS:

Apple Homecare -

Chairman Protano reads the letter sent to Joni Milluzzo, from the Planning Board, alerting her to the fact that the wrong information was given regarding who has jurisdiction over Redemption Rock Trail (south of Dana Hill Road). A letter was sent to the Sterling Board of Selectmen from the Commonwealth of Massachusetts, stating that this portion of road is under Mass Highway jurisdiction and that the previous communication stating that it was not was incorrect. Milluzzo has been informed that it is the applicant's responsibility to obtain the necessary permits for this project. (Both letters attached).

Note is made that Todd Lobo stated, earlier in the meeting, that he is applying for the permit from Mass Highway for the curb cut at the Apple Homecare site, 41 Redemption Rock Trail.

Department of Housing & Community Development – Northgate Meadows

Chairman Protano reads the letter from the Department of Housing & Community Development, dated May 6, 2008. This letter states that the Department has received a request from the developer and the town to extend the original Site Eligibility letter issued on April 4, 2006 for the Northgate Meadows project. A comprehensive permit has been issued by the Sterling ZBA which has been appealed by an abutter. The matter is pending in Worcester Superior Court and an extension has been granted to May 6, 2010. All conditions in the April 4, 2006 letter remain in effect.

MAIL:

- Memo from Ackerman regarding the search for copies of (Town of Clinton) documents for the Wekepeke. A note was sent back to Ackerman stating that the Planning Board has none of these documents.
- Letters from Lori G. Wells regarding a complaint between Wells and Mary Johnson & Fred Kush, 1.) Dated May 18, 2008 and 2.) Dated May 26, 2008. Wells is complaining that Kush is filling in wetlands and cutting down trees along his property on Redemption Rock Trail. The Planning Board takes no action.
- Letter from Luci Simmons, 7 Stuart Road, regarding trees along Stuart Road. Simmons is inquiring as to who is responsible for dead or dying trees. (Note added after the meeting; Williams and French determined that the trees in question are on town land, that Stuart Road has been approved as a public way for greater than one year and have sent a letter to Simmons suggesting that she contact the DPW.
- MRPC – memo of upcoming meetings, agenda and reports. The Board decides to appoint Charles Hajdu as the Board's MRPC representative, replacing Ron Pichierri. (Note added after the meeting; a letter was sent to the Board of Selectmen, with cc to the MRPC, stating that Hajdu is the new representative).

OTHER:

- Worcester District Registry of Deeds – Letter from WDRD reminding the Board to update the registry on current Board members, their signatures and

appointment/expiration dates. The appropriate form, including the above and ANR agents' names/signatures was filled out at meeting. Williams has been appointed to be Pichierri's alternate ANR representative. (Form was mailed to registry on May 30, 2008).

- Department Head Meeting – May 20, 2008 at the Fire Station, attended by Protano, Williams and French.
    - Memo from T. Ackerman regarding year end transfers of financial reserves.
    - Agenda for next meeting on June 10, 2008, with attachment of latest version of Action Plan for Goals.

BOARD OF SELECTMEN – Agenda May 21, 2008 meeting.

DISCUSSIONS:

Stormwater Management –

Chairman Protano speaks of the meeting chaired by Mike Radzicki and Ed Himlan on Thursday May 22, 2008. The meeting was attended by members from the Conservation Commission, Planning Board (Protano, Radzicki, Hajdu) and Board of Health.

Himlan is trying to institute a Stormwater Management bylaw. There is a question of who should be the administrator of such a bylaw and it appears that the best choice is the Conservation Commission. Chairman Protano states that if the bylaw is adopted the Planning Board will have to work in conjunction with the ConCom. An applicant would have to go before ComCom, obtain a permit and the Planning Board would need this signed permit prior to approval of a subdivision. This bylaw would create a situation for the Planning Board in which they would have to adopt a bylaw accepting Open Space Residential Development. This would apply to developments in which the topography would allow such development.

The group is planning to meet again on June 26, 2008. Radzicki explains that at this next meeting the rules and regulations will be worked on to create a draft. The legal process is that the bylaw is first developed and the authority of the bylaw allows the permit granting authority (ComCom) to create the rules and regulations. The bylaw will go before a Public Hearing and be voted on at Town Meeting (anticipated Fall 2008).

BOARD OF APPEALS

Notices from other towns.

MOTION TO ADJOURN

Chairman Protano makes a motion to adjourn the Planning Board Meeting at 11:19 PM. Seconded by Pichierri, no further discussion, all in favor, approved by the Board.

The next regularly scheduled meeting will be on Wednesday, June 11, 2008 at 7:00 PM.

APPROVED BY: