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**STERLING PLANNING BOARD
MEETING MINUTES
September 9, 2009 – Rm. 202 Butterick Bldg.**

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

Chairman Protano calls the Planning Board Meeting to order at 7:00 PM.

ANR's

James B. Simpson is present this evening with an ANR for division of property on Northeast Boulevard, owned by LLEC, Inc., into two parcels. Parcel A is to be conveyed to HMEA and Parcel B is to be retained by LLEC.

Radzicki moves that Mr. Pichierri, on behalf of the Sterling Planning Board, endorse a plan of land on Northeast Boulevard in Sterling, MA, owned by LLEC, Inc., dated August 31, 2009, prepared by R.W. Hart Associates Inc., Northborough, MA, registered land surveyors and engineers, ANR Plan 809-1 Sheet 1 of 1. Williams seconds the motion, Pichierri verifies that the appropriate fee, appropriate number of copies and the Form A were submitted, there is no further discussion, all in favor, approved by the Board.

MINUTES APPROVED

The minutes of August 12, 2009 and August 26, 2009 were reviewed. The approval of the August 12, 2009 minutes was tabled at the August 26, 2009 meeting in order to obtain clarification regarding the paving of Kathleen Lane. At this time Chairman Protano reads an email from Scott Miller, Haley & Ward, in which Miller responds to the Board's previously posed question of whether Miller would approve of the paving job. The email confirms that after a meeting between Miller, Chairman Protano, Pichierri, Mike Grady (the paver) and Dave Hinckley (the developer) the decision was made that Hinckley seal the curbing in question and provide an extended warrantee from Grady that would transfer to the town at the time of town acceptance.

Pichierri makes a motion to approve the minutes of the Sterling Planning Board Meeting of August 12, 2009, as corrected. Seconded by Radzicki, no further discussion, all in favor, approved by the Board.

Pichierri makes a motion to approve the minutes of the Sterling Planning Board Meeting of August 26, 2009, as presented. Seconded by Radzicki, no further discussion, all in favor, approved by the Board.

SITE PLAN REVIEW – STERLING AUTO BODY

It being 7:30 PM Chairman Protano begins the site plan review for relocation of Sterling Auto Body to 9 Chocksett Road. Present for the review are Gary Griffin, Sholan Realty, Bruce Hyche, Sterling Auto Body, Brian Milisci, Whitman & Bingham Associates, and Scott Miller, Haley & Ward. All five Board members visited the site prior to the start of tonight's Board Meeting.

Chairman Protano invites the applicant(s) to introduce the project. Brian Milisci, Whitman & Bingham Associates addresses the Board stating that he is representing Bruce Hyche, Sterling Auto Body, and Gary Griffin, Sholan Realty. Milisci asks if the Board has received the review letter from Haley & Ward and then introduces his letter on Whitman & Bingham stationary, dated September 9, 2009, in which Milisci re-iterates Haley & Ward's comments and follows them with responses.

Milisci gives an overview of the project stating that the property is located at 9 Chocksett Road. Hyche is interested in renting space, a little less than half of the building, for his Auto Body repair shop. Milisci states that there are no planned exterior changes to the building, however Hyche will be retro-fitting the building with a new spray room. There will be no changes to the site, no increase in impervious area, and the existing drainage system will be utilized. Milisci notes that Hyche's auto body shop currently exists at 179 Worcester Road and this will be a re-location of an existing business.

Chairman Protano reads the letter from Whitman & Bingham, dated September 9, 2009, with Miller's comments followed by Milisci's responses. There are six comments from Miller as noted in the letter that follows;

September 8, 2009

Via Electronic Mail

*Sterling Planning Board
1 Park Street
Sterling, MA 01564
Re: Sterling Auto Body
Site Plan*

Dear Board Members,

Haley and Ward has completed a review of a site plan drawing for Sterling Auto Body off Chocksett Road. The drawings were prepared by Whitman and Bingham and are dated September 2, 2009. We offer the following comments.

- 1. The proposed use of the structure should be stated with respect to*
 - a) Conformance with 4.6.4 (d), toxic or hazardous materials and*
 - b) Discharge of industrial waste or cooling water.*

- 2. The applicant should confirm that the proposed wastewater discharge will be less than 440 gallons per acre per day.*

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3. The applicant should confirm that the septic system leach system provides at least six (6) feet of separation to annual high groundwater level.

4. A screened solid waste disposal container should be shown or noted.

5. Any additional lighting or signage should be noted.

6. As no new structures are proposed and no additional area will be made impervious, the requirements for building elevations and renderings and drainage calculations can be waived without detriment to the public.

With respect to item #1, Milisci responds that the proposed change in use is consistent with Section 4.6.4 of the Sterling Zoning By-Laws and is referred to on the site plan with notes #8 and #9. Chairman Protano asks Miller what prompted him to make this comment and Miller responds that it is just for the purpose of having the statement on record. Chairman Protano asks about the existing catch basin at the rear of the building to which the applicant responds that he feels it is part of the existing drainage system. Radzicki asks if car fluids will be leaking into this catch basin, Hyche responds that they will not. Chairman Protano asks if the water problem/flooding in the rear yard has been corrected. Hyche responds that it is his understanding that the problem has been taken care of.

With respect to item #2, Milisci responds that the size of the subject parcel is 2.5 acres. The existing septic system is designed to accommodate 897.7 gallons per day. The calculated design wastewater discharge is 359 gallons per acre. The response goes on to state that the proposed change in use, manufacturing into auto body repair, does not alter the design flow criteria for a Title 5 system. The engineer has reviewed the water usage records for the property and the actual water usage is well under the design usage.

With respect to item #3, Milisci responds that after reviewing the as-built septic plan prepared by Ducharme & Wheeler, Inc. dated 10-18-00, there is a six foot offset between the bottom of the leach area and the estimated seasonal high water table.

With respect to item #4, the applicant will utilize the services of a solid waste disposal contractor and the dumpsters will be located at the rear of the building, not visible from Chocksett Road.

With respect to item #5, Milisci responds that there is no additional lighting or signage proposed. Radzicki asks if there will be perimeter lighting sufficient to light the rear yard and storage area for cars. Pichierra would like to see at least one light on at all times during darkness. Hyche states that he is currently paying for a street light at his place of business on Worcester Rd. and would be willing to do the same at the new facility.

With respect to item #6, no response is required.

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Chairman Protano states that the Board has a couple of questions; the first being the issue of a fenced area for car storage. The Board is proposing that since cars will be stored at the rear of the building, for security purposes, the area established for car storage (50' x 55') should be enclosed with 6 foot chain link fence and a gate that can be locked after hours. The applicant agrees to erect a fence.

Chairman Protano states that another comment from the Board is that of the used car license, which Hyche currently holds. The new location will be zoned Light Industrial which does not allow for used car sales without a variance from the Zoning Board of Appeals. It is up to the applicant to look into this matter.

Chairman Protano summarizes that the Order of Conditions will include the requirement for;

- A six (6) foot high chain link fenced yard to be locked during closed hours. No vehicles will be stored outside of the fenced area.
- A variance will be needed to sell used vehicles.
- Permanent security lighting for the rear of Hyche's portion of the building will be provided.

Williams states that the project is also conditioned upon successfully obtaining a variance from the Board of Health. Williams and French will write/type the Order of Conditions for the applicant's submission tomorrow evening (September 10, 2009) to the Board of Health.

Pichierri moves that the Planning Board vote to approve the Site Plan subject to the conditions that Mr. Williams has listed, Radzicki seconds the motion. No further discussion, all in favor, approved by the Board.

**PUBLIC HEARING – MOUNTAINVIEW LANE DEFINITIVE
(off Osgood Rd)**

It being 8:06 PM Chairman Protano opens the Public Hearing for the proposed Definitive Subdivision entitled Mountainview Lane, located off of Osgood Road (westerly thereof) and north of the former Old County Road. Present for the Public Hearing are James B. Simpson, Sterling Heights Builders, Paul Grasewicz, Graz Engineering, Scott Miller, Haley & Ward and numerous residents from the neighborhood surrounding the proposed subdivision.

Chairman Protano begins by reading the Public Hearing Legal Notice and states to the audience the expected procedure and protocol for the meeting. He invites the applicant and/or engineer to give an overview of their proposed subdivision.

Paul Grasewicz begins by stating that the subdivision is proposed to have six house lots including an existing house on Osgood Road which will have its driveway re-configured from Osgood Rd to the new road. The road has been designed to the required standards of a dead end road and slopes in a manner that will alleviate excessive water runoff to the existing (Osgood Rd) roadway system. A drop-over catch basin has been designed to catch what little water will need to drain into the existing drain line on Osgood Road. Grasewicz states that testing has been done on each lot for the private septic systems and that each lot will be serviced by a private well. Each dwelling is proposed to have fire sprinkler systems. Chairman Protano asks if the existing house can get service from the closest existing fire hydrant, Grasewicz answers that it cannot. Williams asks if this existing house will be retro-fitted with a sprinkler system and Grasewicz answers that it is not planned. After discussion centered around whether to require the retro-fitting of a sprinkler system the Board's stand is as follows; Chairman Protano and Williams feel the requirement should be made, Radzicki and Hajdu want input from the Fire Department prior to deciding and Pichierri abstained from comment due to his involvement in a similar situation in which a sprinkler system was required in an existing house that had become part of a subdivision.

Chairman Protano takes this time to read the review letter from the Fire Department in which Lt. Kokernak states he reviewed the plans and based on the location outside of the municipal water district, each house will be required to be constructed with a residential fire sprinkler system as required in section 4442 of the Planning Board's Rules and Regulations. This letter does not make specific mention of the existing house.

Grasewicz continues with his proposal showing/explaining the proposed stormwater drainage system. He explains that the drainage is designed to flow into a multi structured stormwater treatment system which takes care of detention, water quality treatment and recharge. The drainage system has been designed to attenuate the peak flows from the 2, 10, 25 and 100 year storms. The hydrology reports show calculations to show compliance with stormwater management standards. There are no jurisdictional wetlands on the site.

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Grasewicz goes on to explain that they are looking for a twenty (20) foot wide paved surface and curbing and are asking for a waiver on sidewalks due to there being only five new dwelling units.

Radzicki asks to be shown the location of the detention basin again and asks where the water will go after it is detained. Grasewicz answers that it then goes to a level spreader and ultimately ties into existing drainage on Beaman Road. Chairman Protano asks how much more water is calculated to end up in the existing drainage ditch as a result of the subdivision. Grasewicz answers that in all storms it will be less than pre-development. Pichierri asks if there will be recharge of drainage off the roofs and Grasewicz responds that no, it will go into the storm system. Pichierri asks Scott Miller if it is now a requirement to recharge roof runoff and Miller answers that they are doing so in the stormwater management pond. Grasewicz explains, and Miller concurs, that with the type of soil at the site a stormwater management pond is better than an underground drainage system.

Chairman Protano asks Grasewicz to explain the lot configuration of Lot 6. Grasewicz shows the Board, on the plan, that Lot 6 has frontage along the entire south side of the proposed road and shows the project's lot lines along the former Old County Road.

Patricia Fisher, Old County Road/Beaman Rd, addresses the Board stating that she owns the entire width of Old County Road, that it was never really a road, and that she has the documentation to prove her ownership. Williams reads a letter, dated March 12, 2008, from John A. Mavricos to the Town Clerk and the Building Inspector, stating that he represents Mrs. Fisher and his findings are as she stated above. Fisher states that she has much more documentation that she will submit to the Board. (Note added after the meeting; Fisher provided the board with the documentation she spoke of).

Fisher and several other abutters had concerns for;

- Increase water flow and drainage issues affecting their yards.
- Increase in water flow and icing that already exists on Osgood Rd at the subdivision's point of entry.
- Traffic concerns for an already busy road, and bad corner, on which people drive too fast.
- Site distance.
- Existing Erosion of Osgood Rd is already a problem and may get worse.
- Affect on water supply as a result of adding five (5) more private wells.

Simpson and Grasewicz assure the audience that their subdivision will not contribute to greater drainage problems but will likely correct some existing ones. Simpson also states that he plans to fix the existing erosion problems on this section of Osgood Rd at his expense. The Board assures the audience that it is up to Simpson to show that he has adequate site distance to meet the current

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Subdivision Rules and Regulations. Radzicki summarizes, letting the audience know that it is the Board's responsibility to make sure that any valid concerns are addressed and that without proper conformity to the Subdivision Rules and Regs the project will not be approved.

Chairman Protano reads into the minutes the review letter, dated September 4, 2009, from Scott Miller, Haley & Ward attached as follows; The applicant's responses are added in bold print.

September 4, 2009

*Via Electronic Mail
Planning Board
Butterick Building
One Park Street
Sterling, MA 01564
Re: Mountain View Lane
Definitive Subdivision Plans*

Dear Board Members:

Haley and Ward has completed a review of the definitive subdivision plans for Mountain View off Osgood Road. The drawings were prepared by Graz Engineering, LLC and are dated July 29, 2009. We offer the following comments.

- 1. The proposed berm should have a vertical height of 6-inches from the finished pavement to the top of the curb to meet your standard requirements. **Agreed, will change plans.***
- 2. The proposed subdrain on the north side of the roadway should be extended around to the end of the cut section at the cul-de-sac turn around. **Agreed.***
- 3. A ten foot wide street tree easement should be provided outside of the proposed street right of way to allow access to and maintenance of the street trees. **Applicant will add this easement. Simspson adds that he will transplant existing on site Christmas trees to form a buffer along the north side of Old County Road.***
- 4. An easement should be provided at appropriate shared property corners for utility transformers and junction boxes. **Miller adds that they do not necessarily have to be in addition to the 10 foot tree easement, they could be combined with the tree easement.***
- 5. The drainage system from Drain Manhole 5 to the storm water retention pond should be sized to convey a 25 year design storm without surcharging. This is required to meet the pre and post development run off conditions of the subdivision rules and regulations. If this drain segment, once upgraded, cannot transmit a 100 year design storm, the drainage calculation summary should be revised to reflect the appropriate off site flow conditions. As currently*

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*proposed, design flows in excess of the 10 year design storm will overflow across Lot 6 toward Old County Road. **Grasewicz explains that they have taken a second look at the plan and will correct the slopes and change the pipe sizes accordingly.***

*6. The cul-de-sac island should be labeled with a 20 foot radius. The surface treatment in the island should be noted. **Label to be added. The surface in the island will be grass. There will be a light in the island, to be approved by the SMLD.***

*7. The fill sections adjacent to the roadway should have a maximum 3:1 slope. **This will be corrected.***

Chairman Protano reads from the Accompanying Statements and Data letter, Section E. Waivers:

-4511. Sidewalks: A waiver is requested to provide a graded grass strip (without pavement) which could be used for pedestrian travel. The grass surface is preferred from an environmental perspective.

-4251. Dead-end road length: A waiver is hereby requested, if the Board's interpretation of this paragraph deems it necessary. A line drawn from the back of the existing house lot to the end of tax-map lot-34 (the Old County Road) cross the proposed right-of-way at approximately STA 8+00. This with a road length of 1150 feet, it would seem that a waiver may not be needed.

Williams moves that the board grant to waive the sidewalk requirement and not require a graded grass strip in its place, Radzicki seconds the motion. Chairman Protano asks what will be in place of the sidewalk. Simpson explains that the design includes a grass strip which is wide enough to be walked on. Williams reiterates that his motion is to not require it. Pichierra would like to see the grassy strip be required, not optional. No further discussion, four in favor, one against, approved by the board.

Radzicki moves to allow the dead-end road length to go from 675 feet to 1150 feet, seconded by Williams, no further discussion, all in favor, approved by the board.

An audience member asks if there has been any consideration given to environmental issues. Chairman Protano responds that unless the site has been shown to contain endangered species there is no obligation to go before the Conservation Commission. Grasewicz states that as a matter of course he has checked with MA GIS to see if there were any endangered, estimated or priority habitats and was told there are none. Pichierra asks about placement of hay bales and silt fences during construction to prevent runoff and erosion. Grasewicz responds that Sheet 7 in the plan is dedicated to this issue.

Chairman Protano brings up the issue of the newly implemented contractor's bond to protect Osgood Road. Simpson reminds the board that he already plans to rebuild that portion of Osgood Road at his expense. This would be in lieu of the bond requirement.

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An audience member asks if there will eventually be more house lots and expansion of the development. Simpson responds that this proposed road is not designed to accommodate any further house lots or connector roads.

Chairman Protano reads into the minutes the review letters from the;

- Sterling Municipal Light Department dated August 26, 2009 - they have no issues.
- Fire Department dated August 27, 2009 – Lt. Kokernak states that sprinkler systems will be required in each house.
- Board of Health, dated August 11, 2009 – Favreau states that the applicant has submitted a definitive subdivision plan and performed necessary soil testing data to allow them to design a subsurface disposal system for each new proposed construction lot.
- DPW dated September 8, 2009 – Tuttle would like to see the specified granite inlets be replaced with Cape Cod berms and is concerned for water runoff. He states that he is confident that the engineers will address any stormwater issues. Chairman Protano states that the Board has not yet been able to meet with Tuttle to discuss the issue of Cape Cod berms, but will try to do so.
(Note added after the meeting; Tuttle is scheduled to meet with the board at the next meeting on 9-30-09 at 7:15 PM.)
- Conservation Commission dated August 31, 2009 – no wetland issues and no comment.
- Police Department dated August 28, 2009 – Chief Chamberland recommends a stop sign at the intersection of the new road and Osgood Road as well as a 30 MPH Speed Limit sign north of the proposed road. The Police Department will install a traffic counter in the area.
- Building Department dated August 27, 2009 – no issues.

Chairman Protano summarizes that Simpson needs to iron out his discrepancy with Ms. Fisher and prove to the board that he has adequate site distance. The name “Mountainview Lane” is too similar to the recently approved “Mountain View Estates” and Simpson is being asked to find a new name.

Williams moves to continue the Public Hearing until 8:00 PM on September 30, 2009, seconded by Pichierri, no further discussion, all in favor, approved by the board.

DICUSSIONS AND REPORTS

Kathleen Lane –

Chairman Protano reads into the minutes a letter from BDK Development LLC in which David Hinckley requests a \$25,000.00 reduction in the cash deposit amount being held by the town of Sterling for the completion of Kathleen Lane. The remaining balance will be

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ca. \$23,000.00. Chairman Protano also reads into the minutes the letter from J.R. Grady & Sons, Inc. in which he insures that the asphalt curb installed on Kathleen Lane with be guaranteed for a period of two (2) years, beginning 8/7/09, from structural failure. The Board votes to grant his request.

Williams moves that the Board grant BDK Development, Inc.'s request for the release of \$25,000.00 from their cash performance bond account; Radzicki seconds the motion. No further discussion, all in favor, approved by the Board.

Mountain View Estates –

Williams updates the Board on the status of the recently approved subdivision entitled Mountain View Estates, located off Elm Street on the Leominster/Sterling line, with house lots in both Leominster and Sterling. Mr. Pellechia, the owner of the land, was informed by McCarty Associates that they are no longer interested in purchasing the land and developing the subdivision. Mr. Pellechia also stated that McCarty would only release the Mylar for the Definitive Subdivision plan for a fee.

The Mylar was to go before the Leominster Planning Board for endorsement, prior to coming before the Sterling Planning Board. A copy of the memorandum, dated 8-28-09, from Patrick McCarty to Kate Griffin Brooks (Leominster Planning Director) acting as a cover letter for the submission of two sets of Mylars for the Mountain View Definitive Subdivision Plans to the Leominster Planning Board was received as a CC. to the Sterling Planning Board. After receipt of this memo, a representative from McCarty Engineering, Inc. called to state that the Mylars were not reviewed at the Leominster Planning Board meeting due to the Director being ill and are re-scheduled for September 15, 2009.

NOTICES/FYI

- **Approval letter from The Commonwealth of Massachusetts, Office of the Attorney General -** Chairman Protano reviews the letter from the Attorney General regarding the Sterling Annual Town Meeting of May 11, 2009 – Case #5180, Warrant Articles #39, 52, 53, and 54 (General) and Warrant Articles #46 and 58 (Zoning). A copy of the letter was distributed to all Board members.
- **Sterling Dams –** Chairman Protano reads an article from “The Clinton Item”, dated 9-4-09, addressing the inspections of the Fitch Basin Dam, Upper Lynde Basin Dam and Heywood Reservoir Dam, all located in Sterling. The article states that the Town of Clinton is completing follow-up inspections of these dams following three dam safety orders from the Department of Conservation and Recreation dated July 2.
- **Senior Center Update –** Chairman Protano reads an article from “The Clinton Item” which gives an overview of the search for a new senior center for Sterling.

ZBA NOTICES

Chairman Protano reviews the latest notices from the Zoning Board of Appeals.

OTHER BUSINESS

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The Board is reminded to turn in their Committee Forms to the Town Clerk, if not already done so.

MAIL

Mail from MRPC as well as various notices and newsletters were reviewed.

NOTICES FROM OTHER TOWNS

Public Hearing notices from adjacent towns were reviewed.

MOTION TO ADJOURN:

**Pichierri makes a motion to adjourn the Planning Board Meeting at 11:04 PM.
Seconded by Williams, no further discussion, all in favor, approved by the Board.**

The next regularly scheduled meeting will be on Wednesday, September 30, 2009 at 7:00 PM.

APPROVED BY:
