

STERLING PLANNING BOARD MINUTES – February 22, 2017

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Present: John Santoro ~ Chairman
Michael Pineo ~ Clerk & E. D. C. Member
Russ Philpot ~ ANR Agent
David Shapiro ~ Member
Betty Kazan ~ Administrative Assistant
Absent: Charles Hajdu ~ Vice Chairman

Mr. Santoro called the meeting to order at 7:04 PM in Room 202 of the Butterick Building.

Minutes

Mr. Shapiro moved that the Board approve the minutes of January 25, 2017 as printed. Mr. Pineo seconded the motion. The motion passed with three in favor and one abstain (Mr. Philpot was not in attendance at this meeting.)

Mr. Pineo moved that the Board approve the minutes of February 8, 2017 as corrected. Mr. Santoro seconded the motion. The motion passed with three in favor and one abstain (Mr. Shapiro was not in attendance at this meeting.)

Warrants & Payroll

Board members reviewed a voucher for payroll. The Board approved a voucher for WB Mason (office supplies).

Sterling ZBA

Mr. Santoro acknowledged a notice from the ZBA for an application by Rosen Law Office, Attorney Robert D. Ansin for a Variance for purposes of constructing a single family home at 65 Swett Hill Road.

Chairman Report/Notices/Discussions

Mr. Santoro acknowledged an email from MRPC regarding the second solicitation for Request for Service Delivery for DLTA proposals from municipalities which are due by April 3, 2017.

Mass Development

Mika Brewer SVP Marketing & Sales of Mass Development was on hand to review the Site Readiness Program. Mr. Brewer explained the 2016 Economic Development Bill authorizes \$15M for the Commonwealth Site Readiness Fund, to be administered by Mass Development for the purpose of funding “site assembly, site assessment, predevelopment permitting and other predevelopment and marketing activities that enhance a site’s readiness for commercial, industrial or mixed-use development; provided, that a portion of the funds shall be used to facilitate the expansion or replication of successful industrial parks; and provided further, that a portion of the funds shall be used to support the revitalization of downtown centers.”

Mr. Brewer explained that Mass Development will be accepting applications for both the Technical Assistance and future Site Readiness categories; however, funding is limited in FY17 to technical assistance, due diligence and other early implementation activities.

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Mr. Brewer also reviewed a report with the Planning Board entitled ‘North Central Industrial Lands Study’ prepared by Mass Development. A summary of the study indicates that Sterling’s industrial land potential is limited. Land zoned or assessed as industrial includes 145 parcels totaling 1,197 acres. Approximately 11% of industrial land (by acreage) is characterized as developable or vacant. No properties are classified as a Prime Opportunity.

Mr. Philpot stated that the Board would very much like to collaborate with Mass Development but he saw this as more of a direct interest for the Economic Development Committee.

Mr. Brewer mentioned that the Site Readiness Program is designed for municipalities. Mr. Brewer mentioned that if you go to website (massdevelopment.com) to see the Site Readiness application it will also have the criteria and guidelines. Mr. Brewer stated that if you really want to have an inventory of your land and understand its attributes, you need someone who is doing this full time. Mr. Brewer explained that it is not uncommon for him to pass on inquiries to towns when Devens cannot accommodate their request.

Mr. Philpot felt in his opinion that this Town is ill equipped to attract business; there is no Town Planner, no sewer system, and no natural gas. However, he cited that Sterling is centrally located in New England, has interstate access, a municipal Light Department and some large sites.

Mr. Philpot asked Mr. Brewer if he could recommend one asset for the Town to acquire that would greatly improve our chances of contracting more industry to the Town of Sterling what would it be. Mr. Brewer suggested the Board invite the Stubblebine Company, Industrial Brokers in to ask what Sterling can do to attract businesses. Mr. Brewer also suggested the Board contact Steve Goodman a local developer of GFI Partners for his recommendations.

The Board thanked Mr. Brewer for his time.

### **Recusal**

Mr. Philpot moved that in the interest of the only attendee in the audience that two agenda items regarding Simpson projects be moved up on the agenda and Mr. Philpot will recuse himself from the discussions regarding As Built/Road Acceptance determination for Homestead Lane ~ J.E. Simpson & Bond and Review Fees for Sterling Heights Builders, Sterling Real Estate Development, and J.E. Simpson Excavating. Mr. Pineo seconded the motion. The motion passed unanimously.

### **As Built/Road Acceptance Plan determination for Homestead Lane ~ J.E. Simpson**

Mr. Pineo moved that the Board approve a place on the Annual Town meeting warrant for road acceptance of Homestead Lane with a caveat that Mr. Simpson meets all the requirements stated in the Haley & Ward letter dated February 19, 2017 as follows:

- 1. The as built plans should show the location of telephone, CATV and power distribution structures.*

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2. *Underground cable and power utilities should be shown schematically on the plan. It may be appropriate for the drawings to note that the actual location of underground utilities are approximate only.*
3. *The location, pipe diameter and material of the sub drain material should be shown on the plan.*
4. *The recent filing included a request to reduce the performance bond.*
  - i. *The unit price values include in the bond reduction request are reasonable values of the Town's cost to complete the items noted*
  - ii. *The revised performance bond value should include a 30% mark up as provided by Section 3510 of your Regulations*
  - iii. *Due to the current snow cover, Haley and Ward is unable to review the current status of the off-road conditions. Any punch list items presented during a final inspection would have a bearing on the cost to complete.*

Mr. Pineo further moved that Mr. Simpson will replenish the review fees account in the amount of \$2,000 by March 1, 2017. Mr. Shapiro seconded the motion. The motion passed with three in favor and one recused (Mr. Philpot). (Note: Review Fee payment in the amount of \$2,000 was received on February 27, 2017.)

### **Bonds & Review Fees for Simpson Projects**

Mr. Pineo moved that the Board approve vouchers for the following Review Fees:

|                                   |            |                                          |
|-----------------------------------|------------|------------------------------------------|
| Sterling R.E. Development         | \$ .93     | Wickapicket Knoll Project (Acct #83020)  |
| Sterling R.E. Development         | \$ 161.77  | Pheasant Hill Lane Project (Acct #83022) |
| J.E. Simpson Excavating Co., Inc. | \$1,134.20 | Greenland Road Project (Acct #83027)     |

Mr. Shapiro seconded the motion. The motion passed with three in favor and one recused (Mr. Philpot).

Mr. Pineo further moved that the Board approve a voucher in the amount of \$11,341.98 to Sterling Height Co., Inc. which reflects the approved reduction of the Homestead Lane cash Performance Bond. (\$25,381.98 less return of \$11,341.98 leaving a Performance Bond balance of \$14,040). The remaining Performance Bond of \$14,040 represents \$10,800 for the remainder of work to be completed plus 30% markup per Section 3510 of the Subdivision Rules & Regulations of \$3,240. Mr. Santoro seconded the motion. The motion passed with three in favor and one recused (Mr. Philpot).

Mr. Simpson stated that he would continue researching deed information on Michael Lane and come back to the Planning Board at a later date. Mr. Simpson stated he was not optimistic about being able to get this information and may not pursue this further. Mr. Simpson stated he was still trying to verify the recording of the As Built and deed with the Registry of Deeds for Flanagan Farms and would get back to the Planning Board at a later date.

Mr. Philpot returned to the Planning Board Meeting.

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### **Administrative Assistant's Report/Notices**

#### **CPTC Spring Conference**

Ms. Kazan reminded the Board that they can register on line for the 2017 CPTA Spring Conference being held on March 18, 2017 at Holy Cross College. Ms. Kazan also mentioned when registering choose 'pay by check' and forward a copy of the registration information to Ms. Kazan for processing of payment.

#### **Town Administrator**

Ms. Kazan mentioned that the new Town Administrator Ross Perry stopped by the office. Mr. Perry would like to meet with each member early next week to discuss their opinion regarding the marijuana laws.

#### **Warrant submission ~ Annual & Special Town Meeting**

The Board asked Ms. Kazan to send an email to Anne Cervantes indicating that they will not be submitting any Bylaw changes for the annual town meeting warrant.

#### **As Built Plan/Acceptance Plan ~ Thomas Lane**

The Board agreed to hold off making a decision pending DPW input and to continue discussions at their next meeting of March 8, 2017.

#### **Review Fees**

The Board briefly reviewed some preliminary information of fees and rates of surrounding Towns being gathered by Ms. Kazan. No action was taken.

#### **ANR Procedures & possible future public hearing**

The Board agreed to postpone discussions until Mr. Philpot has gotten answers to discrepancies in the revised ANR Procedures/documents updated by KP Law.

#### **Response E.D.C. Recommendations**

The Board agreed to have Mr. Shapiro formulate a response and email Mr. Philpot.

#### **Discussion ~ Medical Marijuana Dispensaries**

The Board decided not to take an action until they have facts and information to act upon.

#### **Discuss proposed By Law Change from Building Commissioner**

The Board reviewed the proposed By Law change from the Building Commissioner. Mr. Philpot referred to the Protective Bylaws 2.2.4 Non-conforming Uses & structures item #5. Mr. Philpot stated that the changes Ms. Culgin was requesting are already in the Protective Bylaws section

Mr. Philpot will draft a response for the Board to consider before sending to the Building Commissioner.

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### **9:45 P.M. MOTION TO ADJOURN**

Mr. Santoro moved that the Board adjourn. Mr. Philpot seconded the motion. The motion passed unanimously.

### **APPROVED BY:**

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