

## STERLING PLANNING BOARD MINUTES – March 14, 2018

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**Present:** John Santoro ~ Chairman  
Michael Pineo ~ Vice Chair & E.D.C. Member  
David Shapiro ~ Clerk  
Craig Miller ~ Member  
Betty Kazan ~ Administrative Assistant

**Absent:** Russ Philpot ~ ANR Agent

Mr. Santoro called the meeting to order at 7:02 P.M. in Room 202 of the Butterick Building.

### **Thomas Lane Subdivision As-Built & Request for Road Acceptance**

The Board reviewed the As-Built/Acceptance plans submitted by Al Cormier on the Thomas Lane Subdivision.

Mr. Pineo made the motion that the Board vote to accept the As-Built/Acceptance Plans for D'Boss & Son Builders, Inc., Thomas Lane Subdivision, prepared by David E. Ross Associates, Inc., PO Box 697 – 6 Lancaster County Road, Harvard, MA 01451, Plan No. L-12895 with General Revision through March 14, 2018. Further Mr. Pineo moved to approve and recommend the road acceptance article be placed on the May 7, 2018 Annual Town Meeting Warrant.

Mr. Santoro read the article as follows; *'To see if the Town will vote to accept Thomas Lane as a public way, in its entirety, together with all easements, as laid out and shown on a plan on file in the Town Clerk's Office. Such acceptance will not be final until the Deed(s) to the aforesaid have been recorded in the Worcester Registry of Deeds by the current owner(s) and duly delivered along with clear title to the Board of Selectmen.'*

Mr. Shapiro seconded the motion. The motion passed unanimously.

### **Warrants**

Board members reviewed a payroll warrant. Members signed a warrant for Haley & Ward (Thomas Lane).

### **Minutes**

The Board agreed to postpone review of the February 28, 2018 minutes until their next meeting.

### **Chairman's Report/Notices/Discussions**

Mr. Santoro reported that he met with owners of the Sterling Ice Cream Bar and the owner agreed to contact his engineer to prepare an As-Built plan in order to close out this project.

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

#### **FY19 Budget**

Ms. Kazan informed the Board that their FY19 requests for changes in line items was not honored. Mr. Santoro and Mr. Pineo met with the Finance Committee and they were informed of the changes. According to the Town Administrator, a revised FY19 Budget is being updated by the Town Accountant and Treasurer.

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**Joe Spinelli, 140 Pratts Junction Road As-Built Plan Submission**

Mr. Spinelli was on hand to explain his As-Built Plan. After further discussion, it was evident that this was a preliminary As-Built Plan.

Mr. Pineo moved that the Board establish a deadline date of May 3, 2018 for the 100% completion of all construction work with the following timeline:

May 3, 2018	100% Completion of all construction work
May 7, 2018	Electronic submission of the Final As-Built Plan
May 9, 2018	Board will review plans at their meeting and if everything is acceptable The Board will contact Haley & Ward for their review and final site inspection.
May 30, 2018	As-Built Plan for 140 Pratts Junction Road will be scheduled for this Planning Board meeting.

Mr. Miller seconded the motion. The motion passed unanimously.

### **Back-up Marijuana Bylaw**

The Board reviewed the proposed Amendment to the Protective Bylaws regarding Marijuana Establishments – Recreational. Mr. Santoro inquired as to whether Town Counsel had reviewed and approved the wording of this proposed article that was received by Mr. Perry via email. Ms. Kazan stated that she had spoken with Mr. Perry earlier in the day and he had confirmed that it had.

Mr. Santoro mentioned that he had spoken with Patrick Fox earlier in today and asked if Mr. Fox knew if Town Counsel had reviewed the proposed draft. Mr. Fox indicated that Town Counsel had not.

The Board asked Ms. Kazan to send an email to the Town Administrator asking if in fact Town Counsel had reviewed and approved the wording of this article.

### **Site Plan Review ~ Sterling Greenery, 44 Redemption Rock Trail, Assessor's Map 159 Lot 9, Owner Mark & Karen Packard**

Mr. & Mrs. Pickard, along with their Engineer Brian Marchetti were on hand to discuss their proposed site plan review for Sterling Greenery.

Mr. Marchetti reviewed his letter with comments from the various Boards and Departments and the applicant's responses as follows:

McCarty Engineering Inc. (MEI) is in receipt of the Department Comments from the Board of Assessors, Building Department, Conservation Commission, Department of Public Works, Light Department, Fire Department, Board of Health and Police Department for the Sterling Greenery Site Plans submitted on 2/27/2018 to each of the departments. The Department of Public Works, Fire Department, Police Department, and Light Department had no comments.

For ease of review, the Comments are shown below with MEI's response provided below it in italic font.

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### **The comments from the Board of Assessors are as follows:**

1. Note that the address of the project is listed as 44 Redemption Rock Trail but the Town GIS lists it as 40 Redemption rock Trail.

*Response: Discrepancy to be explored with Owner and Assessor. Plans will be corrected as required.*

2. “Please click on attached link, the triangular parcel on Legg Rd we have as owner being Comm of MA Parcel ID 159-15 Deed 53764/235.”

*Response: Acknowledged. This parcel is located to the west of Legg Road, across the street from the project boundary. Property information will be shown on site plan.*

### **The comments received from the Building Department are as follows:**

1. There are not enough accessible parking spaces per 521 CMR 23.2.1; 2 accessible spaces are shown but 3 spaces are required if there are 51-75 spaces provided, one of which needs to be van accessible.

*Response: A third accessible space will be shown on the proposed site plan.*

2. Driveways appear to exceed 22’ in width (Protective Bylaws 3.2.5)

*Response: Driveways are proposed at 24 feet in width. Driveways can be reduced to 22 feet in width if required.*

3. Parking spaces are required to be paved per Protective Bylaws 3.2.4. They are required to be provided with shade trees per 3.2.6.

*Response: One row of parking along the eastern project boundary is proposed to be gravel in order to reduce the pavement area on site. This is consistent with the existing parking areas on site.*

4. Will there be any goods or signage displayed within 20’ of front lot lines? (per 2.4.5)

*Response: The existing monument sign for Sterling Greenery is proposed to remain along the property frontage on Redemption Rock Trail. There is a display area proposed approximately 18 feet from the front lot line. This display area will be relocated to 20 feet off the front lot line to accommodate this regulation.*

5. Traffic generation is limited to 30 daily trip ends per acre; there are 4 acres. Are there likely to be less than 120 daily trip ends? If not, a special permit is required from the Planning Board (per 4.7.5.4). This is an existing use, but that use is expanding so traffic should be considered.

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*Response: Considering this use is existing, the redevelopment is only resulting in a display area expansion of approximately 6,000 SF. Utilizing the ITE trip generation rate of 6.94 trips per 1,000 SF for a Nursery (Garden Center), this results in an increase of approximately 42 trips per day, which equates to 21 vehicles entering and exiting the facility. It should also be considered that this facility is closed from November through March.*

6. Please note, the address of the project is listed as 44 Redemption Rock Trail but the Town GIS lists it as 40 Redemption Rock Trail. That should be clarified.

*Response: Discrepancy to be explored with Owner and Assessor. Plans will be corrected as required.*

### **The comments received from the Board of Health are as follows:**

1. Pertaining to the site plan review associated to the referenced property, the Sterling Board of Health has witnessed and documented soil evaluation's dated December 28, 2004 confirming suitable soils for drainage and construction of subsurface sewage disposal system. The quantity of documented soil evaluation data is limited, therefore additional soil evaluation for the design of a subsurface sewage disposal system approval and permitting has been planned.

*Response: MEI has been in discussions with the BOH regarding the planned septic system design for the project. Additional soil testing will be performed prior to final acceptance of the proposed septic system design.*

### **The comment received from the Conservation Commission is as follows:**

1. I have examined the Sterling Greenery Proposal. There are no Conservation Commission considerations on this proposal and it does not appear to meet the required threshold for a stormwater permit from the commission as well.

If any of these dynamics change due to a change in the plans as a result of the planning board's hearings, I shall re-evaluate. I do ask that your reviewing engineer confirm that there is not more than 10,000 square feet of additional impervious added to this proposal. If he finds that there is, this would trigger the threshold for a local stormwater permit.

*Response: The proposed project will result in an increase of 16,400 SF of impervious area. A Local Stormwater Permit will be obtained from the Conservation Commission.*

After a review of the proposed site plan, Mr. Marchetti agreed to correct discrepancies that have been addressed and reflect the correct acreage.

The Board agreed with Mr. Marchetti request to continue the Site Plan Review of Sterling Greenery to the next Planning Board meeting on March 28, 2018. Ms. Kazan stated they would be on the March 28, 2018 meeting for 7:45 p.m.

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### **9:04 P.M.**

Mr. Santoro left the meeting.

### **Town Planner**

Ms. Kazan explained that the Town Administrator offered to draft the Annual Town Meeting Article for the Town Planner position. The Board asked Ms. Kazan to contact Mr. Perry and take him up on his offer to draft this article.

The Board agreed to table the discussion of the Town Planner job description until their meeting of April 11, 2018.

### **Working Group**

Mr. Shapiro asked that an agenda item to updated the Board on the Working Group be added to the April 11, 2018 Planning Board meeting.

### **Sterling Gymnastics**

Mr. Pineo agreed to contact Sterling Gymnastics to discuss their inquiry about applying for a Waiver of Technical Compliance.

### **Subdivision Rules & Regulations**

The Board agreed to put this topic on their next agenda.

### **Planning Board Accomplishments/Goals/Issues**

The Board agreed to put this topic on their next agenda.

### **Open and expiring Site Plans and Occupancy Permits**

Ms. Kazan will continue to keep updating the Board on this subject.

### **Condition of General Bylaws**

The Board agreed to put this topic on their next agenda.

### **9:40 P.M. MOTION TO ADJOURN**

Mr. Shapiro moved that the Board adjourn. Mr. Miller seconded the motion. The motion passed unanimously.

### **APPROVED BY:**

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