

STERLING PLANNING BOARD MINUTES – May 9, 2018

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

Mr. Santoro called the meeting to order at 7:03 P.M. in Room 202 of the Butterick Building.

### **Request for extension of Site Plan by New England Power (A subsidiary of National Grid), Off Pratts Junction Road, Sterling, MA, Assessor's Map 46, and Lot 31**

Michael Mullaney from McKensy Engineering Company, Inc. was on hand representing New England Power. Mr. Mullaney explained that the project has moved forward continuously since the Site Plan approval last May. Mr. Mullaney indicated that he has been informed that from this point forward, there is no "float" in the schedule. Consequently, NE Power is requesting a 45 day extension to allow for unforeseen circumstances and minimize the likelihood of additional extension requests. The Board questioned whether 45 days was enough time to complete the project and suggested perhaps a 90 day extension was more realistic.

Mr. Pineo moved that the Board grant an extension of the site plan for New England Power, Off Pratts Junction Road, to September 1, 2018. Mr. Miller seconded the motion. The motion passed unanimously.

A check for \$200 was received for Extension Fees.

### **ANR ~David Cronin, 49 Justice Hill Road, Map 41, Lot 5**

Doug Andrysick met with the Board on behalf of David Cronin, 49 Justice Hill Road. The ANR will take the one lot and divide it into two lots; Lot 1A 5 acres and remaining land 4.73 acres.

Mr. Pineo moved that the Board Approve ANR for David Cronin, 49 Justice Hill Road, Map 41, Lot 5.

Mr. Pineo moved that the Board endorse ANR Plan, Assessors Map 41 Lot 5, Owner David Cronin, 6 Oak Circle, Princeton, MA 01541, Book 57295-338, Plan Book 927-102, Plan 123, dividing one lot into two lots; Lot 1A (5 acres) and remaining land of 4.73 acres. Plans prepared by Andrysick Land Surveying, 206 Worcester Rd., Princeton, MA 01541. Project No. 21257 Dated April 23, 2018. Fees in the amount of \$275 were received. Form A completed, with six copies of the plan. There was no further discussion. Motion seconded by Mr. Shapiro. The motion passed unanimously.

### **Continuance of Site Plan Review ~ Sterling Greenery, 0 & 44 Redemption Rock Trail, Assessors Map 159 Lots 9/10, Owners Mark & Karen Packard Continuance of Site Plan Review**

Brian Marchetti of McCarty Engineering reviewed responses to the Haley & Ward review of the site plan of the retail project at 44 Redemption Rock Trail, letter dated May 4, 2018 as follows;

'Haley and Ward has completed a review of the site plan of the retail project at 44 Redemption Rock Trail. The plans were prepared by McCarty Engineering, Inc. and are dated February 27, 2018 with

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revisions through May 3, 2018. We offer the following comments. The applicant's response is provided with outstanding items shown in a bold font.

1. The fire protection capacity of the water distribution system should be evaluated prior to construction approval. This evaluation should include the following components
 - a. Fire flow demand based upon proposed construction and NFPA standards. It should be noted if the structures will include fire sprinklers and the applicable code.
 - b. Fire flow capacity to the site through the connection to the distribution system. Capacity should be based upon hydrant flow tests conducted by the applicant.

Response: The applicant states that mechanical plans for the building have not been formalized to include a fire protection system. **Your Board should consider an approval condition requiring a fire protection analysis as part of the building permit process.**

2. At Detail Sheet 4, the LeBaron casting reference should be revised to a new EJ foundry reference. LeBaron was purchased by EJ and the model numbers are discontinued.
Response: The applicant states that the model numbers remain referenced in a regional supplier's current catalog.
3. A detailed section of the storm water infiltration bed should be provided to show construction, materials, inspection/access ports and proposed grades.
Response: A set of four stamped design plans have been submitted covering the details of the infiltration bed.
4. An offset of two feet between the bottom of the infiltration bed and the annual high groundwater should be demonstrated.

Response: The applicant states that the test pits cannot be reasonably conducted in the front parking lot while the business remains open. **Your Board should consider a condition of approval requiring test pits to be conducted prior to the placement of the infiltration bed with reports provided to your Board.**

5. The proposed catch basins should have an inside diameter of 5 feet per the Planning Board Performance Zone Regulations paragraph 2.2.2.
Response: The catch basin detail has been revised to show a 5-foot interior dimension.
6. 24 feet of aisle space is required between the parking rows where only 22 feet is provided. (Protective Bylaw 3.2.4 d)

Response: The parking lot has been revised to show a 24-foot aisle width.

7. Call outs should be provided on Sheet 2, the layout and materials plan, for the proposed accessible parking space signs.

Response: Appropriate call outs have been provided.

8. Any exterior lighting proposed for the site should be shown on the site plan.

Response: The applicant proposes to maintain existing site flood lights mounted on poles at the site frontage. Additional structure mounted lighting may be proposed when the final building plans are developed. The applicant states that any future lighting will meet the requirements of Performance Zone 1 Regulations and Section 4.7.5.3(C). **Your Board should consider a condition of approval requiring that any new exterior lighting comply with the Performance Zone Bylaw 4.7.5.3 c and the related Performance Zone Regulations adopted by your Board.**

9. A landscaping plan should be prepared to show conformance with Protective Bylaw 3.2.6 a and b. This would include a landscaped screen between the abutting roadways and the parking areas as well as the required shade landscaping within the parking areas.

Response: The applicant is requesting a waiver of this requirement.

10. The material and capacity of the proposed tight tanks should be noted. Access to the tight tanks should be provided through manholes at the ground surface.

Response: This information has been added to Sheet 3.

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11. The call out for the tight tank on Sheet 3 references drawing note 9. This should be revised to note 8 or a note 9 should be provided.
Response: The call out has been revised to reference Note 8.
 12. The roof leader system mentioned in Sheet 3, note 8, should be called out on the plan with size, material and inverts noted.
Response: Call outs have been added.
 13. A detail and specification of the permeable pavers should be provided.
Response: A detail has been added.
 14. The placement location of the erosion control measures detailed should be shown on the plan.
Response: An erosion control fence and stone vehicle mud traps are shown on Sheet 3.
 15. The appropriate maintenance of the permeable paving system should be included in the operations and maintenance narrative to support the long-term permeability.
Response: Appropriate text has been added to the O&M Plan.
 16. The size and material of the water service piping should be shown on the plan.
Response: Notations have been added to Sheet 3. The size of the fire service line will be established when the mechanical design is complete.
 17. Separate valves should be provided on each water service entering the building.
Response: Separate valving has been shown on Sheet 3.
 18. The accessible parking spaces should be noted as asphalt pavement or pavers. The option of crushed stone for wheelchair use should be removed.
Response: Sheet 2 shows an accessible path is shown using permeable pavers with bituminous pavement parking spaces.
 19. The March 20, 2017 submittal cover letter states that the impervious coverage on the site has been reduced to 15% however the post construction storm water run off calculations show 25% impervious coverage. This should be clarified.
Response: The applicant states that the run off calculations only reference a portion of the site where work is proposed. The impervious area on the entire lot is approximately 15%.
 20. The Stormwater Quality paragraph on Page 6 of the Stormwater Report narrative, states that all runoff will be treated. The runoff from the existing materials handling and storage area at the rear of the site will remain untreated however. This should be clarified in the narrative. The basis for not managing this runoff should be further supported.
Response: The narrative has been appropriately edited to reflect the actual treatment scope. Only the redevelopment area requires treatment.
 21. The Stormwater Operations and Maintenance Plan narrative references that the deep sump catch basins, infiltration basin and stormwater treatment unit shall be maintained in accordance with the manufacturers recommendations. Those recommendations should be appended to the plan for the materials specified. If an alternate material is used for construction, the alternate should be submitted to your Board for approval with updated recommended maintenance documents.
Response: The O&M plan has been amended to include the deep sump catch basins, infiltration basin and stormwater treatment unit.
 22. A six-foot offset between the bottom of the septic system soil absorption system and the annual high groundwater table is required within the Performance Zone (Protective Bylaw 4.7.3 j). The ability to meet this requirement should be presented.
Response: The final plans of the septic system have not been prepared. **Your Board should consider a condition of approval stating that any proposed septic system soil absorption system be set at least 6 feet above the annual high groundwater table.**
 23. The expected number of vehicle trip ends should be provided for the existing and proposed facilities (Protective Bylaw 4.7.5.4)
Response: The expected increase in vehicle trip ends per day is 42 based upon a retail nursery use. This is less than the by right trip ends of 108 per day. (30 trip ends per acre).

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24. The parking space requirements of the Performance Zone call for 1 space for each 200 feet of gross floor area for retail uses and 1 space for each 500 square feet of industrial space. No requirement is provided for outdoor display area. The proposed structure uses should be clearly defined between retail and industrial uses. If the entire 14,370 square feet of interior space is considered retail, 72 parking spaces would be required. This value could be reduced by a special permit from your Board. An alternative would be to provide a designated area for expansion parking behind the structure.

Response: The proposed plan provides adequate parking for the proposed use in accordance with the Protective Bylaw. The applicant has also demonstrated that additional area is available at the rear of the site for parking.

25. Protective Bylaw 4.7.5.5 j, Aesthetics, provides for a review of the project for appearance. Your Board should consider if the appearance of the proposed structure is compatible with neighboring development and the architectural character of the town of Sterling in general, in terms of siting, building mass and architectural detailing. Your Board should also consider if screening is required for the materials storage areas behind the proposed structure when viewed from Legg Road.

Response: Your Board should consider if screening of the rear of the site is necessary and a condition that the final building elevations be submitted to your Board for review as part of the building permit process. ‘

A request for waiver from the requirements of the Zoning Bylaws was also submitted by the applicant for Sterling Protective By-Laws as follows:

1. 3.2.6 a. and b. Applicant states the proposed use is a landscape supply garden center which will have a significant inventory of trees, shrubs and plants which will be displayed throughout the site for 8+ months of the year.
2. 4.7.5.4 a. Applicant stated that 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 of 6.94 trips per 2,000 SF for a Nursery (Garden Center), this results in an increase of approximately 42 trips per day, which equates to 21 vehicles entering and existing the facility. It should also be considered that this facility is closed from November through March.

Mr. Pineo moved that the Board approve the Site Plan for Sterling Greenery, 44 Redemption Rock Trail, Owners Mark & Karen Packard. Plans prepared by McCarty Engineering, Inc., 42 Jungle Road, Leominster, MA 01453. Job #145, File 145 P-DET, Sheets 1-5, Civil Engineer Brian R. Marchetti, dated February 27, 2018 with revisions through May 3, 2018. Approval is contingent upon the following Orders of Conditions:

1. A fire protection analysis is required as part of the building permit process. The Planning Board defers to the Fire Department and Building Commissioner.
2. Test pits will be required prior to the placement of the infiltration bed with required reports provided to the Planning Board.
3. Any new exterior lighting must comply with the Performance Zone Bylaw 4.7.5.3 c.
4. Any proposed septic system soil absorption system must be set at least 6 feet above the annual high groundwater table.
5. Screening is not required for the areas behind the proposed structure adjacent to Legg Road.
6. Waiver to the landscaping requirements for parking and loading areas relative to the Sterling Protective By-Laws 3.2.6 a. and b.

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7. Per Sterling Protective By Law 6.4.8 Lapse ~ Site plan approval shall lapse after one year from the granting thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.
8. Within thirty (30) days after completion of the project an As-Built Plan will be submitted to the Planning Board in both paper (5 copies) and digital form (1 CD- pdf format). This is required by Section 6.4.10 of the Sterling Protective (Zoning) Bylaw.
9. Applicant must maintain a Review Fee Account Balance of \$2,000 until approval of As-Built Plans has been satisfied.

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

It was also noted that the applicant submitted Review Fee Account checks in the amount of \$1217.08 and \$2000.00.

Preliminary Subdivision Application, Primrose Lane, Assessors Map 10 Parcels 6, 7, 7.1, Applicant Scott Charette

Wes Flis of Whitcomb & Bingham Associates, LLC, Attorney Vincent Campobasso and Mr. Scott Charette were on hand to meet with the Board to discuss the Preliminary Subdivision application for Primrose Lane.

The Board indicated that there needed to be a change in the lot line to eliminate the common driveway.

After a discussion Mr. Santoro suggested that the applicant request an extension in time to update the plans to reflect the lot line changes.

Mr. Charette submitted a request for extension of time for the Planning Board to take action on the Preliminary Subdivision Plan entitled: Preliminary Subdivision Plan for Primrose Lane, Sterling MA including the filing of the decision with the Town Clerk, up to and including June 13, 2018.

Mr. Charette also agreed to submit new Preliminary Plans with the following:

- a. Showing no common driveway
- b. Adjusting property line between Lot 1A & Lot 2A to allow access to rear of Lot 1A without passing over Lot 2A

Minutes

Mr. Shapiro moved that the Board approve the minutes for April 11, 2018. Mr. Miller seconded the motion. The motion passed unanimously.

Warrants

Board members reviewed two payroll warrants and signed vouchers for Haley & Ward (Sterling Greenery) and FY18 Stipends.

ZBA Notices

The Board received two notices from the ZBA regarding Public Hearings being held on June 12 for a Variance to property located at 18 legate Hill Road and a Special Permit for property located on Heywood Road.

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### Chairman's Report/Notices/Discussions

#### MA DCR

Mr. Santoro acknowledged an email from Caroline Raisler MA DCR commending the Board for being aware of the Watershed Preservation Restrictions in Sterling and making sure that owners are in compliance with their WPRs.

#### Administrative Assistant's Report/Notices

##### Office Closed May 14<sup>th</sup> & 15<sup>th</sup>

Ms. Kazan informed the Board that the office would be closed on May 14<sup>th</sup> & 15<sup>th</sup>. Notices on the office door and website have been posted to reflect this.

#### Rafferty Aluminum

Ms. Kazan informed the Board that Rafferty Aluminum had submitted their As-Built Plans. The board asked to schedule a review of the plans for their May 30<sup>th</sup> agenda.

#### Review As-Built Plans for 140 Pratts Junction Road

The Board agreed to ask Haley & Ward to conduct a review and site visit and to schedule Mr. Spinelli on the May 30, 2018 Agenda.

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

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

#### **APPROVED BY:**

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