

STERLING PLANNING BOARD MINUTES – December 12, 2018

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Present: John Santoro ~ Chairman
Michael Pineo ~ Vice Chair & E.D.C. Member
Russ Philpot ~ ANR Agent
Craig Miller ~ Member
Betty Kazan ~ Administrative Assistant
Domenica Tatasciore, Town Planner

Absent: David Shapiro ~ Clerk

Mr. Santoro called the meeting to order at 7:00 P.M. in Room 202 of the Butterick Building. He announced that the meeting was being video recorded by the Sterling/ Lancaster Cable TV and audio taped by the Planning Board. If anyone else is making a video or audio recording please make yourself known to the Chair.

ANR ~ 33 & 35 Legate Hill Road

Mr. Jason Goyette of David E. Ross Associates presented an ANR plan on behalf of his clients, Raymond Brandes, Jr. and Katherine Piermarini. Mr. Goyette further explained that they are requesting waivers to the following:

Sec 2426.2-8 Existing and proposed boundary lines, dimensions and areas of each of the parcels and lots shown on said plan, with all bounds, keyed into the Massachusetts grid system. At least two bounds shall reference the corresponding MA grid coordinates.

Sec 2426.2-11 Topographical lines for all proposed lots with two-foot contour intervals (to the extent necessary to determine that all proposed lots have adequate access and frontage on a way). This plan proposes a lot line change only between land of Brandes and Piermarini. Both lots are developed and contain access driveways over frontage on Legate Hill Road.

Mr. Goyette explained that compliance with these sections would require field work in addition to that performed and would create a substantial financial hardship to our clients for a low impact project.

Mr. Philpot moved that the Board grant the two requests for Waivers of Technical Compliance and finding that the lot is already labelled as a non-buildable lot which negates the need to establish "Access". The Board voted unanimously in favor of the motion. Philpot then moved to endorse this plan showing Parcel A as 39,202 Sq. Ft. to be separated from Lot 5-A and conveyed to the Brandes parcel. Plans dated November 26, 2018, Job No. 32260. Plans prepared by David E. Ross Associates, Inc., Harvard, MA 01451. Administrative fees received \$425. Mr. Pineo seconded the motion. The motion passed unanimously.

Minutes

Mr. Pineo moved that the Board approved the minutes of November 28, 2018 as corrected. Mr. Miller seconded the motion. The motion passed with three in favor and one abstain (Mr. Philpot was not in attendance for that meeting).

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Warrants & Payroll

Board Members reviewed a payroll warrant. Board Members also signed warrants to refund the Review Fee Account balances for 116 Pratts Junction Road and North Cove Road (Memorandum of Understanding/ANR).

Town Planner's Report/Discussions

Ms. Tatasciore reminded the Board of the Master Plan meeting being held tomorrow night. She also mentioned that the Master Plan Committee will be hosting an Open House next year on April 4, 2019. She also reported that she had attended; N.C. Chamber of Commerce meeting, MRPC DLTA meeting and a workshop on accessible travel modes.

Ms. Tatasciore informed the Board she has been working on a number of By=Laws to modify/improve them and asked the Board for their recommendations on any potential zoning by law changes for the upcoming Annual Town Meeting. Mr. Philpot asked her what criteria she has applied to determine which By-Laws need attention to which she responded "it's what we call low-hanging fruit".

Rock Breakers Request for Extension

Mr. Santoro acknowledged the following email dated November 21, 2018 from Vincent Campobasso:

I want to inform the Board that I signed a contract to replace the valve behind the LKS building. Due to the snowstorm and the colder weather the valve may not be in by the end of November. Please accept this email as my request to extend the time to install the valve until December 15, 2018.

Mr. Santoro agreed to contact Mr. Campobasso to discuss and report back to the Board at the next meeting.

Pratts Junction Road, Map 50, Parcel 14, Continuance of Site Plan Review

Mr. Philpot recused himself from the discussion.

Mr. Santoro read the following comments from the various Boards/Departments as follows:

Board of Health, Light Department, Fire, Police and DPW have no comments

Building Department ~ we noticed the driveway is shown as 24' wide but it is limited to 22' in width the Protective Bylaws 3.2.5a. Additionally, the parking count and accessible space is fine but please ensure that the van accessible space has an accessible curb cut to the sidewalk as well.

Conservation Commission ~ the project is coming up for a stormwater hearing on December 11, 2018. (A stormwater permit was approved at the December 11th CC meeting.)

James Tetreault, PE, Thompson-Liston Associates, Inc. was on hand representing Stone Ridge Development, to review and respond to comments regarding the Site Plan.

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Mr. Pineo moved that the Board approve the Site Plan for 0 Pratts Junction Road, Map 50 Parcel 14, Stone Ridge Development, with the following conditions:

1. All parking spaces shall be striped and the accessible space shall be placarded as required by the Architectural Access Board.
2. All lighting shall be contained onsite and shall not overspill onto adjacent properties.
3. Provide six (6) additional coniferous trees to buffer the use from the roadway; the location of said trees shall be coordinated with the underground infiltration basin.
4. Per Article 4, Section 4.6.4, the following uses shall not be permitted on the premises:
  - a. No petroleum products will be stored on site except as provided by 4.6.4(b);
  - b. No use which involves the manufacture, generation, processing, packaging, repackaging, use, storage, treatment, disposal or transportation of toxic or hazardous materials or waste except as provided by 4.6.4(d);
  - c. No automotive service or repair shops.
5. If the site user employs outdoor storage of materials or parking of vehicles other than passenger cars or trucks, the applicant shall install a six (6) foot high chain link fence with privacy slats along the easterly side of the paved areas, north or south of the access drive as necessary to limit visibility of that use from vehicles on Pratts Junction Road.
6. Within thirty (30) days after completion of the project, the applicant shall submit an As-Built Plan to the Planning Board in both paper and digital format.
7. Provided that the project is constructed in substantial accordance with the final revised plans on file with the Town of Sterling and in accordance with all applicable governmental codes.
8. Waiver from Article 3 of the Protective Bylaws Section 3.2.5(a) pertaining to the requirement to construct a driveway exceeding 22-feet in width.

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

### **Discussion – Input & Recording of Public Sessions**

Mr. Philpot stated that he did not have much to say but this. Two weeks ago before our meeting was called to order there was some discussion and then read the Board of Selectmen minutes from February 11, 2015,

*‘Cable Access Contract’ Selectman Kilcoyne has attended meetings with Sterling Lancaster Community Television representatives and the Town of Lancaster. He reports that he is confident that the agreement being presented to the Sterling Board of Selectmen is fair and equitable. SLCT will provide the additional service of televising additional board meetings, provided they get approval from the boards to have their meetings filmed and SLCTV is adequately staffed to do so. Mr. Richard Maki, among others representing SCLTV attended the BOS meeting.’*

Mr. Philpot stated he endeavored to find out when the decision was made, by whom and who was directing SLCTV staff to come here. I still don’t know and all I did was ask questions. The reason he did is because he was aware of this commitment to the Board of Selectmen and all the

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other Boards three year ago by SCLTV and Mr. Maki himself. We had no prior knowledge and the only statement that Mr. Philpot made was that it was extraordinarily discourteous if not disrespectful of these people to show up with no prior notification to the Board. Mr. Philpot never said it was illegal, never told them to leave as was inferred. All he tried to do was find out who made the decision and when. It is extremely unfortunate that it turned in to what it did. I am not going to go any farther than that. Everyone has had their fun and frankly I think we have more important things to do.

Mr. Santoro stated that he had spoken to Chris at SLCTV regarding the set-up of equipment and notification.

Mr. Philpot read the Open Meeting Law regarding public participation which he felt the Board should take into consideration:

‘Any member of the public may make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the Chair and must comply with reasonable requirements regarding audio or video equipment established by the Chair so as not to interfere with the meeting.’

So once again, the Planning Board was given no prior notice and therefore given no opportunity to establish any reasonable requirements regarding audio or video equipment.

Mr. Philpot suggested that there be an agenda item to formalize some reasonable requirements regarding this.

Mr. Mike Rivers stated that the Light Board had similar situations which were resolved satisfactorily. Concerns were voiced over editing of the recordings and SLCTV agreed they would be shown in their entirety.

Sterling Ice Cream Bar

Mr. Philpot informed the Board that he received a phone call from a local engineer informing him that the Sterling Ice Cream Bar has signed an agreement to prepare As Built Plans and will let the Board know the schedule as soon as it is established. Mr. Philpot stated that he did not feel it was necessary to write a violation letter if this is eminent. The Board was happy to hear this and agreed with Philpot to hear the engineer’s schedule prior to taking any action relative to a Violation.

Administrative Assistant’s Report/Notices

MRPC Information

Ms. Kazan reached out to Glenn Eaton for a follow-up on the status of the information he had promised. Mr. Eaton indicated that the information regarding what the MRPC Assessment entails would be on their website by the end of this week.

New Computer

The Planning Board is scheduled to get a new computer sometime in the next month. Ms. Kazan has also requested a larger size monitor which will help with the viewing of plans submitted to this office. Board Members asked if training is available on any new operating systems e.g.

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Windows 10, etc. to ensure efficiencies are maintained. Ms. Kazan was unsure what might be available and the Board stated they would be in favor of her taking advantage of any such training.

### **Open and expiring Site Plans**

Ms. Kazan presented the Board with an up to date report on all active Site Plans which showed that all but one approved Site Plan are current. The Board offered their compliments to her on her diligent efforts in this matter as it has been a very challenging task. It was further recognized that these efforts benefit the Applicants in finalizing their Approved Plans and receiving all outstanding funds being held by the Town while also helping our Town Treasurer ‘clean up her books’ by closing these accounts..

### **FY20 Budgets**

Mr. Santoro explained to the Board the recommended changes in each of the FY20 line items.

Mr. Pineo moved that the Board approve the FY20 Budget as proposed. Mr. Philpot seconded the motion. The motion passed unanimously.

Mr. Pineo agreed to draft a memo to the Finance Committee that will accompany the FY20 Budget submission justifying the requested increases.

### **Planning Board Goals**

Mr. Philpot asked if the Board should put back the multi-function large format copy/scan/plot machine for discussion. He is aware of a growing number of Towns who have been successful with this. One municipality had a college student work for the summer scanning documents. Another Town used Senior Tax Work Off people to help. Mr. Philpot suggested that maybe we could just start slow by cleaning up some floor space.

### **Future Agenda Items**

Mr. Philpot suggested that the last agenda item be the ‘discussion of future agenda items’ on our agenda.

### **BOS Meeting**

Mr. Rivers stated that he was at a Board of Selectmen’s meeting last week and some comments which were related to Board attendance and seemed to be directed towards this Board. Mr. Rivers stated he was surprised as the comments did not seem to reflect his experience here. He was curious it was related towards the attendance of Board Members impeding the progress of the Board. Mr. Rivers asked if the Board had any way to quantify how many times in the past whatever period of time (three years, five years) has a permit been held up or a meeting had to be postponed. Has it ever happened recently or has it ever happened?

Mr. Santoro stated it was a good question and thanked him for asking it. Mr. Santoro has been on this Board for seven years now and never once has this Board ever lost a quorum in these seven years. Ms. Kazan clarified that there may have been a couple of situations where the meeting was cancelled prior to the day of the meeting due to a lack of quorum. All individuals were notified of this prior to the day of the meeting. Mr. Santoro recalled one meeting which

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was cancelled after everyone had arrived. The BOS had closed the Town Hall due to the fact the elevator was not in operation but they failed to notify the Planning Board.

Mr. Philpot stated for the record and clarification that he had missed a number of meetings over an extended period (6 months +/-) but he did so with the prior knowledge of the Chairman and consent of this Board. They granted Mr. Philpot a hiatus (if you will) because he had professional things to deal with and he could just not afford the time. At the risk of sounding immodest, he thinks he carries his weight on this Board even and including his absence. He did read all the minutes and stayed abreast of things.

### **8:35 P.M. MOTION TO ADJOURN**

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

### **APPROVED BY:**

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