

STERLING PLANNING BOARD MINUTES ~ March 13, 2019

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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  
Domenica Tatasciore, Town Planner  
**Absent:** Russ Philpot ~ ANR Agent

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 recorded by the Planning Board.

### **Discussion with BOS regarding Inter-Board relationships**

Mr. Santoro stated that discussion will be held at another meeting in the near future.

### **Minutes**

Mr. Pineo moved that the Board approved the minutes of February 27, 2019 as amended. Mr. Shapiro seconded the motion. The motion passed unanimously.

### **Warrants & Payroll**

Board Members reviewed a payroll warrant.

### **ZBA**

Mr. Santoro acknowledged a notice of a hearing for a variance for 9 Malvern Hill Road. Mr. Santoro asked that Board Members for their feedback by April 4, 2019.

### **Town Planner's Report/Discussions**

Ms. Tatasciore updated the Board on the Master Plan Open House.

Ms. Tatasciore told the Board that MRPC has agreed to support one of the two DLTA project requests; one being the Transportation Master Plan and Housing Production Plan. We have to prioritize one of them and asked for the Board's recommendation. Pat Fox asked the Board if they would consider the updating of the Housing Plan. Mr. Fox state he is sure that the Transportation aspect is important but he believes that the Housing Plan has more of immediate concern and the Housing Plan has expired. If it is updated and if that update is approved by the State, then the town would be in a much better position to control the process regarding affordable housing. If we do not do that then the Town is at the mercy of developers and as the Board is aware, we have to deal with Chapter 40B and General Law which are constructed in such a way to really tie the hands of local authorities and Boards.

Mr. Pineo moved that the Board support the Housing portion of the DLTA. Mr. Miller seconded the motion. The motion passed unanimously.

### **Discuss proposed amendments in language for Waiver of Technical Compliance and possible Public Hearing**

Mr. Santoro stated that the Board will hold off on the Technical Waiver.

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### Discuss requests from BOS to hold Public Hearings

#### Rezoning of a section of Route 12

Mr. Santoro indicated the Board had received an email from Town Counsel on the Route 12 Rezoning and asked if we prepared to move forward on this and hold a Public Hearing. Ms. Tatasciore stated it was her opinion after reading the email that this was prepared and ready to go. The Board agreed to go ahead and schedule a Public Hearing.

#### Proposed changes to Protective Bylaw Table of Principal Uses

Mr. Santoro stated he has not received any feedback from Town Counsel on this. Mr. Santoro asked Ms. Tatasciore if this was correct. Ms. Tatasciore stated she could not comment on this.

Mr. Santoro stated that how could the Board speak on an article. The ERB was written and the only change that was made was in the Table of Principal Uses. Mr. Pineo stated that this was a simple matter of just changing the verbiage. Ms. Cranson agreed to get this legal ready

Mr. Fox stated that it was his understanding that the Earth Removal Bylaw (proposed) was a General Bylaw and not subject to a Public Hearing. Whereas the changes to the Table of Principal Uses is part of the Protective Bylaw and therefore requires a Public Hearing.

Mr. Santoro requested that the Town Planner have both of these ready Language on it. Write up on these two and the marijuana

Ms. Cranson indicated that the Town Planner would get in touch with the Assessor's office for information on the abutters of the Route 12 Rezoning.

Ms. Tatasciore stated just to clarify the board would like her to craft the language for the Rezoning of Route 12, proposed changes to the Protective Bylaw Table of Principal Uses and Citizens' Petition and will forward to the Board and Administrative staff for processing of the legal ad and notices.

The Board agreed to go ahead and schedule a Public Hearing.

#### Citizens' Petition

Mr. Shapiro clarified that the Board has to hold a Public Hearing on Citizen's Petition. Ms. Tatasciore stated that a Citizen's Petition does not have to be scheduled on an agenda so the Board can go ahead with scheduling a Public Hearing.

#### Chairman's Request

Mr. Santoro stated he would like Ms. Tatasciore anything she will be discussing or reporting on at their meeting, to be sent before the meeting to the Board Members for their review. Ms. Tatasciore indicated that she prepares her report the morning of the Planning Board Meeting. Mr. Santoro asked her to send her report on Wednesday mornings to the Planning Board Members.

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ANR ~ Maple Street, Anthony R. & Diane A. Melone, Map 107 Parcel 25

Jason Goyette of David E. Ross Associated, Inc. was on hand to review the ANR with the Board for Maple Street. He explained they were taking one lot and splitting it into four separate lots; Lot 1 – 2 acres, Lot 2 – 2-1/2 acres, and remaining lots are 4.65 acres and 7.52 acres.

Mr. Shapiro moved to endorse ANR Plan, Assessor Map 107, Parcel 25, Maple Street, submitted by David E. Ross Associates, Inc., Mark K. Wheeler, Surveyor, 6 Lancaster County Rd. Harvard, MA 01451. Prepared for Anthony R. Melone & Diane A. Melone. Job #32588, dated March 4, 2019. Check # 2510 received in the amount of \$425; Form A completed. Mr. Pineo seconded the motion. The motion passed unanimously.

Chairman's Report/Notices/Discussions

Mr. Santoro stated that a memo was received from the Board of Selectmen yesterday regarding the receipt of a Citizen's Petition requesting a zoning amendment to the Town's Protective Bylaws by amending Section 4.8B, MARIJUANA ESTABLISHMENTS. This has already been discussed and will be scheduled for a Public Hearing.

Discussion with BOS regarding Inter-Board relationships

Mr. Santoro mentioned that he had received an email from the Town Administrator asking if the Planning Board would be available for this discussion at the BOS meeting on March 20th. Several Member could not attend so Ms. Kazan will send an email asking if the BOS could attend the Planning Board meeting of March 27th or April 10th.

Temporary Occupancy Permit

A memo was received from the Building Commissioner notifying the Board of a Temporary Occupancy Permit being issued for the second floor at 100 Leominster Road.

Administrative Assistant's Report/Notices

Sterling Gymnastics

Gymnastics has submitted and As-Built Plan and is scheduled to be on the agenda for the next meeting.

FY20 Budget

Ms. Kazan indicated she had not heard whether Finance Committee meeting next Monday to vote on all the articles for submission of the Annual Town Meeting Warrant.

Discuss Non-residential Tax Revenue

Mr. Shapiro stated that he felt we need to be more proactive on Zone 2 Aquifers. He had hoped that there would be a full Board for discussion. Mr. Shapiro asked that this be a continual agenda item for discussion.

Site Plan Review – 44 Chocksett Road, Sterling Chocksett Trust, Poulin Construction, Inc.

Brian Milisci from Whitman & Bingham, along with Lorraine Emerson of Altec and Jon Poulin of Poulin Construction were on hand.

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Mr. Santoro mentioned that the Board has received feedback from all Departments. The Conservation Commission was the only department that had an issue that being the applicant needs to apply for a Stormwater Permit.

Mr. Milisci reviewed the following letter from Haley & Ward dated March 13, 2019 with his responses included:

*Haley and Ward has completed a review of the site plan of the project to construct an expanded parking area at 44 Chocksett Road. The plans were prepared by Whitman and Bingham Associates, Inc. and are dated February 12, 2019. We offer the following comments.*

- 1) *The site plans show a concrete stabilization pad just outside of the required front yard. The purpose of this pad is should be presented.*

***Response: Altec (property tenant) will be utilizing their stability pad to conduct testing for units going through the build and delivery process to their customers. The pad will be utilized throughout the day but during off hours, the pad will be vacant.***

- 2) *The plan proposes to add a second curb cut and access driveway to the site. Consideration should be given to abandoning the current curb cut and replacing the existing pavement with loam and seed. A single curb cut provides for safer access to and from Chocksett Road. The existing driveway does have a level area for vehicles exiting the site. A maximum 4% slope should be provided for a minimum 40-foot distance from the edge of the existing roadway.*

***Response: The applicant is proposing to add the second means of egress to better facilitate the on-site truck patterns by having a "loop". This issue can be discussed at greater length during the public meeting process.***

- 3) *The parking area and chassis storage area should be screened from the street with a 20-foot-wide landscaped area. [3.2.6(a)]. The power line easement may limit the planting of significant trees or ground cover. The general depression of the parking and chassis storage area may also contribute to screening from the road surface. Pending clarification of the use of the concrete stabilization pad, your Board may consider additional screening for that area.*

***Response: This issue can be discussed with the Board during the public meeting process.***

- 4) *A loading area should be designated on the plan.*

***Response: The existing building does not have a loading dock. Currently, loading and unloading of trucks and shipping containers is performed on the west side of the building at the end of the existing driveway. Upon approval of the submitted site plan, including the driveway "loop", the loading/unloading areas could be relocated to the east side of the building.***

- 5) *The scale of the plans should be confirmed. A plot of the plans on a 24x36 inch sheet scale to 1"=50' however the drawing scale is notated at 1"=40'.*

***Response: this issue will be corrected on the revised plan set.***

- 6) *Sheet 1 references 130 parking spaces however 102 spaces are shown on the plan. The required spaces are exceeded in either case however the discrepancy should be clarified.*

***Response: This information will be added to the revised plan set.***

- 7) *The parking and drive areas improvements subject to site plan review should be constructed to the functional standards of the Subdivision Rules and Regulations [6.4.7]. A 24-inch depth gravel base should be provided in the parking areas and travelled ways with 8-inch gravel base shoulders. The following details should be modified to reflect this depth:*

- a) *General Duty Bit. Conc. Pavement*

***Response: This information will be added to the revised plan set.***

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8) *The expected hours of operation and exterior illumination schedule should be provided.*

**Response:** *Current hours of operation are 6:00 a.m. to 5:00 p.m. Mondays through Friday. Periodically, there is a need to work on Saturdays. Proposed illumination of the new parking lot could be put on a timer such that the lighting would be turned off after cease of operations for the day.*

9) *The lot is located wholly within the Water Resource District defined by a mapped Zone II. The applicant should confirm that:*

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.*

**Response:** *Altec has been operating out of 44 Chocksett Road since 1987. Operations have not changed since that date. Alter meets the requirements of Section 4.6.4 (b) of the Sterling Protective Bylaws.*

10) *The capacity of the drainage system to intercept and infiltrate a 100-year storm as noted on in the drainage calculations should be demonstrated. The ability of the parking area catch basin DCTB to accept 8.94 CFS without overflowing the adjacent curb should be presented.*

**Response:** *The inlet grate capacities for a Neenah Model R-3401-B (double grate) is a 9.4 cubic feet per second (CFS). The inlet grate capacity for a Neenah Model R-3405 (double grate) is 10.2 CFS. The detail for the double grate catch basin will be revised to show these two grate models or an approved equal.*

11) *The infiltration system includes an isolator row to accept the initial flush of storm water. The pipe header feeding the adjacent, non-isolator rows should be detailed or noted on the plans to include pipe diameter, material, inlet and outlet inverts. This header inlet should be set above the isolator row invert for the first flush to be properly diverted.*

**Response:** *This information will be added to the revised plant set.*

12) *Under the 25 and 100-year design storm conditions, the projected water surface elevation in Pond 2P is above the top of the stone elevation for the underground recharge structure. The model appears to be using pond storage that does not exist. The structure should be expanded or the excess flow should be directed to the design point.*

**Response:** *The pond elevation(s) during both the 25 and 100-year design storms are within the recharge system pond storage. This issue was resolved per conversation with Scott Miller of Haley & Ward.'*

Mr. Milisci requested the Board's approval for a continuance of the Site Plan for 44 Chocksett Road to the next Planning Board Meeting scheduled for March 27, 2019 at which time he will have submitted a set of revised plans with all changes as discussed.

Mr. Pineo mentioned that they still have to go before the Conservation Commission.

Ms. Emerson thank the Board for their time. Mr. Santoro thanked Altec for being such a good neighbor and doing things to make a betterment

Mr. Shapiro moved to extend the Site Plan for 44 Chocksett Road to the March 27, 2019 meeting. Mr. Miller seconded the motion. The motion passed unanimously.

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The Board agreed to discuss at their next meeting.

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