

## STERLING PLANNING BOARD MINUTES ~ July 10, 2019

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**Present:** Russ Philpot ~ Chairman  
John Santoro ~ Vice Chairman  
David Shapiro ~ Clerk  
Patty Page ~ ANR Agent  
Betty Kazan ~ Administrative Assistant  
Domenica Tatasciore, Town Planner  
**Absent:** Craig Miller ~ Member

### **Call to Order**

Philpot called the meeting to order at 7:00 P.M. in Room 205 of the Butterick Building.

### **ANR ~ Heywood Road**

Applicant James Haynes, Jr., was on hand to present his ANR to the Board.

After a brief discussion, Page moved that the Board endorse ANR Plan “as presented” for Heywood Road, Owner Judith L. Hart., Assessors Map 43, Lot 1. Plans prepared by New England Engineering, 601 Shea Street, Fitchburg, MA 01420. Plans dated June 13, 2019. Santoro seconded the motion. The motion passed unanimously.

### **As Built Submission – Chacharone Properties**

Philpot announced that the following email was received from Brian Milisci of Whitman & Bingham Associates: ‘On behalf of our client, we would like to request a continuance to the Planning Board’s next scheduled meeting on July 31, 2019’.

Shapiro moved that the As Built submission for Chacharone Properties be continued until July 31, 2019 Planning Board Meeting. Santoro seconded the motion. The motion passed unanimously.

### **Site Plan Review (Continuance) – 20 Pratts Junction Road, TSHAY, LLC. Map 29 Lot 25**

On behalf of the applicant and owner, T Shay, LLC, James Tetreault of Thompson-Liston Associates, Inc. presented and reviewed the Revised Site Plans based on comments from Haley & Ward and various Departments’ feedback.

Shapiro moved that the Board approve the Site Plan for T. Shay, LLC as presented to include the following Orders of Conditions:

1. 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 involved 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.
2. The applicant shall submit a fire protection plan for approval by the Sterling Fire Department as part of the building permit application.
3. Within thirty (30) days after completion of the project, the applicant shall submit as As-Built Plan to the Planning Board in both paper and digital format. Completion of the project shall be recognized as the issuance of any Certificate of Occupancy.

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4. Landscaping e.g. lawn & plantings shall be installed and maintained along the lot frontage to the paved surface of the road to ensure “wild” growth shall not succeed.

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.

Shapiro further moved that the Board approve a request for waiver from Article 3 of the Protective Bylaws:

1. Section 3.2.5(a) Pertaining to the requirement to construct a driveway exceeding 22-feet in width.

Santoro seconded the motion. The motion passed unanimously.

### **Site Plan Review – 0 Pratts Junction Road, Map 50 Lot 16**

Paul Grasewicz, Graz Engineering was on hand to present and review the Site Plan and revised Site Plan for Sterling Masonry for the development of property at 0 Pratts Junction Road.

Finding that all proposed parking areas are approximately “a few hundred feet from the road” and owing to the unique shape of the lot e.g. “a funnel” with minimal frontage on the road and recognizing the applicant is showing good faith efforts with proposed planting & trees, Philpot moved that the Board grant a waiver from the Protective Bylaws Article 3, Section 3.2.6 – Pertaining to the requirements to provide a 20-foot wide landscaped area to screen the parking area and to provide 20% landscape shading in the parking area. Shapiro seconded the motion. The motion passed unanimously.

Shapiro moved that the Board grant a waiver from the Protective Bylaws Article 3, Section 3.2.4 - Providing compact asphalt grinding in lieu of the requirement from providing paved parking spaces. Santoro seconded the motion. The motion passed unanimously.

Shapiro moved that the Board approve the Site Plan for 0 Pratts Junction Road, Map 50 Lot 16 with the following Orders of Conditions:

1. 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);
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2. Outdoor storage shall be concealed using a privacy fence; the height of said storage material shall not exceed the height of said fence.
3. 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.
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Santoro seconded the motion. The motion passed unanimously.

### **8:01 p.m. Recess**

### **8:05 p.m. Reconvene**

### **Site Plan Modification Review (Continuance) ~ Gibson Farms dba Cream Crock Distributors, 48-50 Worcester Road, Map 146, Lot 3**

Mr. Fran Gibson was on hand to review his Site Plan Modification and answer any questions the Board may have.

Philpot reviewed comments from Haley & Ward and various department.

After a lengthy discussion, Philpot summarized the following:

1. Applicant will provide new drawings which accurately reflect the proposed Site Plan and describe the proposed addition to the existing rear building.
2. Applicant will communicate through the Planning Board.

Philpot stated the Board will be contacting the Building Commissioner requesting evidence that the proposed change of use (cooler) is in fact the original use.

Gibson requested a continuance to the July 31, 2019 subject to him submitting new drawings in time for this meeting.

Shapiro moved that the Board approve the continuance of this Site Plan to July 31, 2019. Santoro seconded the motion. The motion passed unanimously.

### **Minutes**

Page moved that the Board approve the minutes of June 26, 2019 as printed. Shapiro seconded the motion. The motion passed unanimously.

### **Warrants & Payroll**

Board Members reviewed payroll warrants and a warrant for WB Mason and Haley & Ward.

### **61A Release ~ Maple Street, Owners Anthony R. & Diane A. Melone**

Page moved that the Board vote to recommend not purchasing the 2 acre lot on Maple Street property as the Town has sufficient open space. Shapiro seconded the motion. The motion passed unanimously.

### **Sterling ZBA Notices**

Philpot acknowledged a notice from the ZBA for a hearing on August 13, 2019. Applicant is requesting a Special Permit (Kennel License) for property located at 34 Clinton Road.

## STERLING PLANNING BOARD MINUTES ~ July 10, 2019

### ZBA Notices from surrounding Towns

Philpot acknowledged notices of hearings from various surrounding Towns.

### Chairman's Report/Notices/Discussions

#### Cream Crock memo to Building Department

Philpot stated he had not had time to draft a memo to the Zoning Enforcement Officer requesting a cease and desist order on this project until such time as the Site Plan has been approved by the Planning Board. However, after the discussion tonight Philpot felt it seemed appropriate at this point to do so. The Board agreed to have Philpot draft a memo to the Building Commissioner expressing their concerns.

#### Primrose Lane

Philpot mentioned Mr. Pichierri an applicant of the Primrose Lane subdivision reached out directly (voice mail) to Scott Miller on two recent occasions. Miller sent an email to the Administrative Assistant asking what the Board would like to do. Philpot emailed Scott Miller and requested that he withhold any communications with Mr. Pichierri unless directed by the Board. In a follow-up conversation with Miller, Philpot confirmed that Miller worked for the Board, if the Board directs you to do something we will pay it. If you want to go work for someone then they will pay you, we will not.

Philpot spoke with Scott Charette the primary applicant to inform him of this situation. When the Board approved this subdivision, it eliminated the common driveway because it was unnecessary when you have two buildable lots with all their frontage on the new road. What further exacerbates it is the lot that holds Mr. Pichierri house was also being served by that common driveway which creates two problems; First, this ANR lot was not part of the subdivision that was approved, Secondly, by definition in our Bylaws, access must come through the frontage of the lot. So we have a direct violation of the frontage access and then we have a tangled mess which Philpot has discussed with Charette in the past that this would be a very dangerous precedent for this Board. Imagine someone coming in and putting in the smallest possible cul-de-sac they could with four lots and each one has a driveway serving three or four lots (which is the limit). This is the danger in such a precedent.

Philpot stated when this Board approved the subdivision plan, that locked it in and since we approved it last September, Pichierri lot has been in violation of the access to his lot. So, here is another enforcement matter. Philpot suggested that maybe the Board should send a memo to the Building Commissioner regarding the two situations i.e. Cream Crock and this ANR lot, being in violation. Charette told Philpot that Pichierri was still using the common driveway. Philpot explained that was not the Board's business but there was going to be a problem. Charette told Philpot that Pichierri is parking his car on the other lot he owns and walking to his property. Philpot asked the Board: "what happens in the case of an emergency?" And the Board has knowledge of this?

Now there are two reasons to send memos to the Building Commissioner regarding violations. Philpot offered to draft something up and will email it to all Board Members – not for discussion.

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### **Earth Removal Bylaw Review/Re-write Process**

Philpot informed the Board that he sent an email on June 27, 2019 to Arden Sonnenberg the PB Liaison letting her and the BOS know that the Planning Board is moving forward on the Earth Removal By-law Review/Re-write process. We have been in communication with the ERB and ZBA for some weeks now and they are all on board. At this time we have a solid working draft which will be fine-tuned in the coming months. All are confident this can be done quickly as most of us are very well acquainted with the law as it stands, including its weaknesses. We will keep you apprised of our progress.

### **Street Number Assignment**

Philpot acknowledged a notice from the Fire Department assigning the address for map 85, parcel 12.1 to 43 Meetinghouse Hill Road.

### **Town Planner Information Update**

Philpot acknowledged the Town Planner Update report.

Philpot agreed to share his experience/knowledge with the Town Planner on plotter/scanner models.

### **Meeting with Town Administrator**

The Board agreed to have this as a discussion item at a future meeting when all Board Members will be in attendance.

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

#### **FYI**

Kazan informed the Board that she anticipated a continuance of the Site Plan review for Continental Stone, 287 Leominster Road and As Built plans for Cider Hill Estates provided all updates and updated plans are submitted in time. Also, another 61A Release for Lot 1 Justice Hill Road will be on the agenda.

### **Site Plans Expiring**

Kazan will be sending out notifications to Sterling Real Estate Development (39 Flanagan Hill Road) and Eight Points Sportsmen's Club, Beaman Road that their Site Plans will be expiring on August 29, 2019.

### **Discuss Criteria for Master Plan Committee**

Shapiro reviewed his proposed selection criteria some of which was based on the survey that had been sent out to residents for the Master Plan Committee. Shapiro suggested we start the process of seeking out seven volunteers.

Shapiro agreed to send his input to Kazan and discuss on Monday.

Page stated there was already a committee. Santoro asked why are we moving forward on this as the BOS have already created a committee.

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Philpot stated that according to MGL 41 81D gives this Board the authority to develop and update a Master Plan. Unfortunately, it does not prohibit anyone else from establishing a committee.

### **Future Agenda Items**

Shapiro asked why the Town Planner's report was taken off of the agenda. Philpot said that the last few reports, she had nothing to report and reports are not submitted in a timely manner as are required of any other individual outside of the Planning Board who is on the agenda.

### **9:01 P.M. MOTION TO ADJOURN**

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

### **APPROVED BY:**

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# Town of Sterling Office of the Town Planner

1 Park Street  
Sterling, MA 01564  
Telephone: 978-422-8111 extension 2332

TO: Planning Board  
FROM: Domenica Tatasciore, Town Planner   
DATE: August 1, 2019  
RE: **Draft Planning Board Meeting Minutes - July 10, 2019**

I feel compelled to communicate with you that upon reading the draft Planning Board meeting minutes for July 10, 2019, inaccurate statements were made about me by Chairman Philpot, as referenced on the 2<sup>nd</sup> paragraph of page 6 of the meeting minutes and referenced here:

### **Future Agenda Items**

Shapiro asked why the Town Planner's report was taken off of the agenda. Philpot said that the last few reports, she had nothing to report and reports are not submitted in a timely manner as are required of any other individual outside of the Planning Board who is on the agenda.

Chairman Philpot's statement that "she had nothing to report and reports are not submitted in a timely manner" is inaccurate and erroneous. The 3<sup>rd</sup> paragraph of page 5 of the same meeting minutes clearly contradicts this statement, as demonstrated here:

### **Town Planner Information Update**

Philpot acknowledged the Town Planner Update report.

I object to this denigrated comment and I ask that it be stricken from the draft July 10, 2019 meeting minutes. If, however, these meeting minutes are approved by this Board, and this comment stands and is memorialized, I ask that the August 14, 2019 meeting minutes note my objection to the comments made in the July 10, 2019 minutes and that this letter is appended to said minutes as an exhibit.

I remind the Planning Board to cease speaking or discussing me, either by name or by my title, without my being present to defend myself and rebut attack.

Cc: Town Administrator  
Board of Selectmen  
BOS Administrative Assistant





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