

STERLING PLANNING BOARD MINUTES ~ August 28, 2019

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

### **Call to Order**

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

7:02 p.m. Page arrived.

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

Fran Gibson was on hand to review his revised plans with the Board.

Miller pointed out that the revised Plans do not show the proposed addition. Mr. Burke, assured the Board he would take care of incorporating the proposed addition in a new set of plans to be submitted on September 9, 2019 to the Planning Board.

After a discussion, Page moved to approve the revised Site Plan for Gibson Farms dba Cream Crock Distributors, 48-50 Worcester Road, Sterling, MA, Map 146, Lot 3 and the recommendations of the Town Planner memo dated August 22, 2019. Shapiro seconded the motion.

Philpot read a portion of the memo from the Town Planner, dated May 28, June 11, and August 22, 2019:

‘Rendering ~ On August 13, 2019, the applicant submitted a revised rendering showing elevations and floorplans for the rear storage structure. ‘(Page 1 of 4)

‘List of Exhibits ~ Exhibit C – Rendering with Elevations & Floorplans; dated August 1,, 2019.’ (Page 4 of 4)

‘Recommendations ~ the following are the suggested Conditions of Approval (Page 2 of 4):

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. That the applicant fully comply with any outstanding issues cited in the March 13, 2019 letter from both the Building Commissioner and the Fire Department, specifically as it pertains to both Building & Fire Code review and compliance.
3. Provided that the project is in substantial accordance with the final revised plans on file with the Town of Sterling and in accordance with all applicable governmental codes.

‘Waivers ~ the applicant has not requested any waivers at this time.’

## STERLING PLANNING BOARD MINUTES ~ August 28, 2019

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Philpot asked that the applicant change the note where it says “existing slab” to “proposed slab or proposed elevated loading dock”.

Philpot mentioned that the Board needs to define the ‘close out of the project – substantially completed’. In the past, we have had buildings proposed and we had defined substantial completion as being the issuance of any certificate of occupancy. He asked so shall we define it here? The Board agreed.

Philpot recapped the motion has been moved and seconded that the applicant will incorporate all of the drawings into one set and submit to the Planning Board on Monday September 9, 2019. Philpot further stated that the Board will define ‘substantial completion of the project as any certificate of occupancy issued by the Town of Sterling Building Department. The motion passed unanimously.

As-Built Plans ~ Eight Point Sportsmen’s Club, 147 Beaman Road, Map 77 Parcel 19

7:15 p.m. Philpot recused himself from this matter as he was not here at a previous meeting.

Shapiro moved that the Board accept the As-Built Plans for Eight Point Sportsmen’s Club, 147 Beaman Road, Map 77 Parcel 19, plans prepared by Farnsworth Engineering Associates, Inc., dated August 5, 2019, Plan No. 08-05-Topo-ASBUILT. Page seconded the motion. The motion passed with four in favor.

Philpot returned to the discussion.

Request for Extension of Time for Site Plan – Rock Breakers, LLC, LKQ Site, Chocksett Road

Jamie Rheault was on hand to request the approval of the Planning Board for an extension of time of the Site Plan for Rock Breakers, LLC LKQ Site to September 30, 2020.

Philpot read the following email from James Rheault dated August 20, 2019 to the Administrative Assistant:

‘Please accept this email as a formal request for an extension to the existing permit for the LKQ Project. The request is to extend to September 30, 2020. The project will be expanding with Phase 2 for LKQ building and an additional new 15-20,000 sf building for a local drilling company. The discussions for both additional projects are continuing in a positive direction. I understand this item will be placed on the next agenda. Please let me know if we (Mr. Campobasso and myself) should attend the next meeting.’

Mr. Rheault presented the Board with a draft plan of the proposed Phase 2 LKQ Project. He stated that they hope to be able to move forward on both projects this year and going into next year.

Shapiro moved that the Board approve the request for an extension of time of the Site Plan for Rock Breakers, LLC, LKQ Site to September 30, 2020. Santoro seconded the motion. The motion passed unanimously.

STERLING PLANNING BOARD MINUTES ~ August 28, 2019

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### **Minutes**

Page moved that the Board postpone the approval of the minutes to the next meeting. Shapiro seconded the motion. Discussion – Santoro suggested that members arrive early to the meeting to review the minutes. Page stated she felt the Board Members should get all materials before the meeting. Santoro disagreed. Philpot stated that editorial privileges of minutes are reserved for members of the Board, not to be submitted to other agents of this Town and the public in general. Page stated that they are public record once the draft minutes are released. Philpot disagreed and stated that once the Board has reviewed the minutes, then the drafts can be released but up until then they are not public. Philpot stated that this has been policy of this Board. The motion failed to carry with only two in favor – Page & Shapiro.

Page stated that she felt this was very unprofessional to leave people sitting here while the Board reviews the draft minutes. Philpot stated that this is the way it was before he came on this Board. Page stated it was wrong and let's fix it. Philpot stated we did but now we have reverted back.

Miller moved that the Board approve the minutes of August 14, 2019 as presented. Santoro seconded the motion. The motion passed with three in favor, one opposed (Page) and one abstain (Shapiro).

### **Warrants & Payroll**

Board Members reviewed warrants for payroll, Haley & Ward and Review fee refunds to Cider Hill Estates and Sterling Crossing.

### **Sterling ZBA Notices**

Philpot acknowledged an application and plans for a 40B project located at 81 Chace Hill Road. ZBA hearing is scheduled for October 8, 2019.

Philpot acknowledged a notice from the ZBA for an August 13, 2019 (6 p.m.) Public Hearing by Cassandra Correra, 34 Clinton Road, for a Special Permit for purposes of a Commercial Kennel.

Philpot acknowledged a notice from the ZBA regarding an Administrative Appeal from Sterling Real Estate Development, Inc., for 68 Heywood Road. A Public Hearing is scheduled for September 10, 2019 at 6:20 p.m.

Philpot acknowledged a notice from the ZBA for a September 10, 2019 (6 p.m.) Public Hearing by NEADS, Inc. 333 Redemption Rock Trail, for a Special Permit to allow a Commercial Kennel, Animal Hospital, Veterinarian's Office.

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

#### **Request Chad Lane**

Philpot acknowledged a letter from Carl Corrinne requesting a Board member meet him at the Chad Lane subdivision to discuss new trees. Shapiro and Miller agreed to meet with Corrinne once he has taken care of replenishing the Review Fee account for Chad Lane.

## **STERLING PLANNING BOARD MINUTES ~ August 28, 2019**

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New Street Number Assignment

Philpot acknowledged an email from Lt. Kokernak assigning the addresses of 26 Heywood Road to the lot identified as “Lot 1” recently subdivided from the northern side of parcel 1 of Assessors Map 43 on property owned or formerly owned by Judith L. Hart.

Town Planner Information Update – August 28, 2019

Philpot read the Town Planner report as follows:

- The deadline to review and provide written comments regarding the draft Open Space & Recreation Plan Update is due on September 27 – please direct all comments to Marion Larson.
- MRPC was awarded a new \$300,000 Brownfields Site Assessment Grant from the EPA. There will be a Montachusett Brownfields Group Meeting on August 29th at 1:30 PM.’

Page was not familiar with this Grant as MRPC hasn’t really provided information to the MRPC Representatives.

Administrative Assistant’s Report/Notices

Sterling Ice Cream Bar

Kazan spoke with the Treasurer regarding the close out of the Review Fees for the Sterling Ice Cream Bar. The Treasurer offered to make a visit and see if she could get the owner to sign a form W-9 so Accounting can set them up as a Vendor and refund the balance in their Review Fee Account. Kazan will keep the Board posted.

61A Request

Kazan informed the Board that she had received another 61A request for Lot 2 on Justice Hill Road.

ZBA Notices from surrounding Towns

Philpot acknowledged notices of hearings from various surrounding Towns.

BOS Liaison

BOS Arden Sonnenberg was on hand to continue discussion with the Board relative to the Earth Removal Bylaw Committee.

Sonnenberg discussed with the Board information on the newly formed Earth Removal Bylaw Committee. Sonnenberg also recapped the history of the Earth Removal Committee and Earth Removal Bylaw Committee with the Board.

Sonnenberg explained that in June 2019 she received Philpot’s email that he had been in communication with the ERB and ZBA for some weeks and now are all on Board. The BOS then resurrected the ER Bylaw Committee because they felt that since the warrant article was tabled, there was still some interest in getting the Bylaws done.

Sonnenberg attended the ERB meeting and also reached out to Pat Fox (ZBA). She inquired if they were working on the ER Bylaw and is there a designated person assigned to working with the Planning Board. Both groups are not currently working on anything and do not have a designated person assigned. Both of these groups are interested in collaborating with the current Committee

STERLING PLANNING BOARD MINUTES ~ August 28, 2019

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that has been resurrected. The ERB is also going to invite Mike Rivers to see if he would be interested in being the designated person.

Sonnenberg also attended the ER Bylaw Committee Meeting which is comprised of citizens and staff and is a work in progress. Sonnenberg mentioned that the ER Bylaw Committee mentioned they have a copy of a working draft of the Bylaw (which they need clarification on). This draft was created about a year and a half ago by Joe Curtin. This Committee which was appointed by the Selectmen are doing their due diligence.

Miller mentioned that he had attended this meeting and mentioned it to John Kilcoyne that the Planning Board would like to get a copy of the draft Bylaw for review before the Town Meeting.

Sonnenberg inquired if the Planning Board would like to designate someone to that Committee. Santoro was concerned about the legal expenses that have already been incurred from the previous proposed Bylaw and again there will be another legal review. Sonnenberg stated she hears him but that is part of doing business.

Shapiro stated if this is the way the BOS want to go with this Committee, he looks forward to seeing a draft of the Bylaw down the road. Shapiro stated regarding legal expenses, it is better to spend a couple thousand now then to have to spend several thousand later.

Philpot stated that the ER Bylaw has been existence twenty to thirty years and it is not perfect but has work fairly well. We all agree that the Bylaw needs to be turned up.

Philpot stated he had made statements at past meeting that he had spoken to Mike Rivers and Joe Curtin who were on board. Joe Curtin did the lion's share of developing that draft and sent Philpot a number of revisions as he was working on it, so Philpot is quite familiar with it. This is the draft that never saw the light of day.

Philpot stated if someone on this Board wants to involve themselves in that Committee, that's fine, but Philpot is not going anywhere near it. He has spent far more time than he ever expected. Philpot inquired if someone would like to step forward, if not he was sure that the Planning Board would see a draft at some point, hopefully more than a week and a half before Town Meeting like it was before. Mr. Lane's statement was he was all for openness and transparency and that is why this Board did not see a draft a week and a half before Town Meeting at which time it was too late to make any changes.

Shapiro thanked Sonnenberg for doing her due diligence and attending the Planning Board's Meeting.

### **Future Agenda Items**

After a discussion, Board Members agreed to cancel their September 11, 2019 meeting unless an urgent matter arises. The next meeting will be held on September 25, 2019.

**STERLING PLANNING BOARD MINUTES ~ August 28, 2019**

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7:59 P.M. MOTION TO ADJOURN

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

APPROVED BY:
