

STERLING PLANNING BOARD MINUTES ~ September 25, 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 202 of the Butterick Building.

### **ANR ~ Heywood Road & Rowley Hill Road, Owners Gregg W. & Jean M. Aubin, Map 43, Lot 17**

Dan Wolfe of David E. Ross Associates and owner Gregg Aubin were on hand to discuss the ANR for Heywood Road/Rowley Hill Road.

After a brief discussion, ANR Agent Page moved to endorse the ANR for Heywood/Rowley Hill Road. Owners Gregg W. & Jean M. Aubin, Assessors Map 43, Lot 17. Plans prepared by Andrysick Land Surveying, Princeton, MA 01541. Plans dated August 27, 2019. Miller seconded the motion. The motion passed unanimously.

### **ANR ~ Justice Hill Road, Lots 2 & 3, Owner Justice Hill, Inc., David Blanchard, President, Map 18, Lot 16**

Doug Andrysick, on behalf of his client was on hand to discuss the ANR for Justice Hill Road Lots 2 & 3.

After a brief discussion, Page moved that the Board endorse the ANR as presented for Lots 2 & 3 Southerly Side of Justice Hill Road, Owner Justice Hill, Inc., David Blanchard, President. Assessors Map 18, Lot 16. Plans prepared by Andrysick Land Surveying, Princeton, MA 01541. Plans dated September 12, 2019. Shapiro seconded the motion. The motion passed unanimously.

### **Site Plan Review (Continuance) ~ 287 Leominster Road, Continental Stone, Marble and Granite, Inc., Owner Manoel L. Leite, Map 24, Lot 13**

Philpot read an email dated September 25, 2019 from Chris Anderson of Hannigan Engineering, Inc.; 'On behalf of my client Continental Stone, we are requesting a 60-day extension till November 30<sup>th</sup> to allow for time to provide the additional information and revisions as necessary to the Site Plan Approval application for the project at 287 Leominster Road in Sterling.'

Shapiro moved to grant an extension for the Continental Stone Site Plan to December 11, 2019. Miller seconded the motion. The motion passed unanimously.

### **Minutes**

Page moved that the Board table the minutes for August 28, 2019. There was no second. The motion failed.

Santoro moved that the Board approve the minutes of August 28, 2019 as presented. Miller seconded the motion. The motion passed with four in favor and on abstain (Page).

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Warrants & Payroll

Board Members reviewed two payroll warrants and a warrant for Wolters Kluwer. Page inquired why Kazan could not produce draft minutes in the amount of time she had worked. Kazan indicated she was working on other things.

61A Release, Justice Hill, Inc., Lots 2 & 3 Justice Hill Road, Map 18, Parcel 16

Santoro moved that the Board vote not to purchase Lot 2. Page seconded the motion. The motion passed unanimously.

Page moved that the Board vote not to purchase Lot 3. Santoro seconded the motion. The motion passed unanimously.

Philpot mentioned that a 61A Release for Justice Hill, Inc., Lot 4 received on Monday, September 23, 2019. The Board agreed they would have this as an agenda item for their next meeting schedule for October 9, 2019.

Miller asked would it be to our advantage to question the owner of his intent regarding the remainder of land. Philpot stated it is beyond the Board's reach. It is the BOS's authority to release land. Therefore, the decision would be up to the BOS not the Planning Board. The Planning Board can certainly share their concerns with the BOS but it is the BOS's authority.

Shapiro stated Miller raised a concern that they are cutting out 2.5 acre parcels (varies) out of a 60 acre parcel. We are getting individual requests for 61A releases. We have been discussing an open space plan and as we see tonight, it is not being protected but it does have a couple more hoops to jump through and will eventually not be considered an open space aspect. There is another 39 acres that could potentially be 61A releases. Therefore, this is a concern we would like to address to the Selectmen. Sonnenberg agreed.

Discuss Information of Town Planner's August Report

Philpot indicated that this topic was a request from Shapiro and turned the discussion over to him. Shapiro stated as the Board knows every month we received the Town Planner's Activity Report. He wanted to have a conversation with the Town Planner on having more information that is geared towards items that we can act on or assist other groups with. He stated that if you (Town Planner) are talking about Planning Board matters you really do need to let the Board know and he just wanted to state this in an open meeting. Full disclosure to the Board, Shapiro and the Town Planner have corresponded off line but he doesn't want to put words in her mouth. With the Chair's permission Shapiro would like to turn the floor to Tatasciore. The Chair agreed.

Shapiro asked if there was any way to create a better synergy between the Town Planner and the Planning Board in relation to helping with seeing what site plans are coming up the pike, smart growth, how to

A big thing is really attitude and treatment Mr. Chairman and also to have assistance with information. I have no knowledge on what is on agendas, I am not privy to meeting minutes. I am not privy to any of your communication and as David states in his email, and I want to get it right, in the 'spirit of open communication'. Yeah I would love a spirit of open communication

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between us but it is very much you guys very much against me in terms of any communication whatsoever. Anytime I have ever sent any of you an email no one has ever responded.

Tatasciore mentioned that last year she presented some zoning changes for the Board. One of them in particular you even asked for. It went nowhere. I was actually asked why we even do this. Tatasciore stated that she would personally love to have a positive and viable relationship with this Board but I don't for see that happening especially with Mr. Philpot as Chairman. Shapiro stated okay short of attacking the Chair what are things we can do to hopefully create new bridges between you and this Board. Tatasciore stated how about more respectful interactions and communications and not going behind my back to talk about me would be appreciated. Because it does come around back to me that oh so and so has spoken about you. So, I am very well aware of the communication which is going on behind my back. So that is not fostering a proper relationship by any means. I am more than happy to work with the citizens of Sterling to assist them with their development questions and processes and anything Planning related land use. But to be totally frank with you a lot of them do not even want to come before this Board. If I can count the number of times developers come into my office to say I will never work in this Town again. I would run out of fingers on my hands. Santoro requested a written list of all the developers Tatasciore is referring to because he would like to call them himself, because he doesn't believe it. Tatasciore asked if Santoro was calling her a liar. Santoro responded "I did not say that". Santoro stated that this Board tries to work with everybody and to be honest with you, I feel sometimes when you walk in here your body language says you are so stand offish with this Board. Page stated this is getting way off track and she did not want to go down this road. Page stated one suggestion would actually be to put the stuff on the shared drive so she know what is going on. Do you know they stop putting stuff on the shared drive?

Tatasciore mentioned that back in January nothing had been updated to the drive by current admin. Page stated she's done playing. She is being shut out by this Board. Kazan inquired "are you talking about the shared drive?" that the Town Planner and myself are supposed to be inputting in? Kazan stated that she was confused because there has been nothing added to the share drive by the Town Planner yet she (Kazan) is being criticized. Kazan stated that anything that comes through as far as Site Plans (and other stuff), I have always forwarded the people to the Town Planner with their applications and their plans. And once the approval letter have been finalized, I am sending you a copy as well. Kazan was unclear about what Tatasciore was talking about.

Tatasciore explained that when she first started she had full access to it and when Kazan found out she limited it to specific files. Kazan stated she had nothing to the shared file. Kazan stated that was a file that we (Kazan and Tatasciore) would plunk things in. Tatasciore stated that technically in order for her to do her job she has to beg, borrow and steal in order to get information. Kazan stated that during the last nine months, Tatasciore never once said anything to her (Kazan) until tonight. Tatasciore stated Kazan hadn't spoken to her since January. Kazan stated she has been sending Tatasciore correspondence all the time.

Perry inquired what drive Kazan uses for the Planning Board. Perry stated it could be made accessible to the Town Planner. Philpot suggested that this mechanical issue be taken care of on Monday or Tuesday?

Perry stated he just needs to know where her files are.

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Philpot stated he would like to address a couple of comments. The Open Meeting Law does not allow discussion of people's character. Philpot stated he has been characterized as being hostile. Page stated Executive Session that is not what it is. Philpot responded you can't discuss people's personal character or reputation. Page stated that was a reason to go into Executive Session. Philpot agreed to discuss. Page stated but you do not have to. Philpot stated if the individual waives his right.

Philpot stated he has been characterized as being hostile tonight, here. Whenever I have addressed the Town Planner, I have not adopted an attitude in my voice, I have tried to be calm, I do admit to mispronouncing her name, I have corrected that it takes a concentrated effort because of my personal history of where I grew up but I do pronounce it Domenica. On the other hand, I do not think there is anyone in this room tonight that has listened to people speak will disagree that there is a motion coming from the Town Planner when she addresses Me and this Board. So if there is a hostility, it is not emanating from me. Tatasciore stated she begged to disagree. Philpot stated she is entitled to her opinion. She stated that is right and it will not waiver.

Perry stated that it surprises him that the Town Planner is not included in draft agendas or draft minutes. These are all things that the Town Planner can help the Board individually and collectively. By shutting her out is not a sign of cooperation. If you shut someone out you cannot expect someone to come in and smile and be open. It needs to go both ways and I have not seen actions from this Board that includes services from this Town Planner. Regarding the 61A Releases tonight, did the Board think to ask the Town Planner as to what can happen to that site? What about maximizing the development. Did you ask the Town Planner for her comments on the ANRs? I know she has reviewed them. That's part of being inclusive, part of using the resource that the Town voted to provide for. It is not taking away your authority as a Planning Board. This is where I think the Planning Board can get better if the Planning Board is willing to use the resources of the Town Planner. He thinks you will find this much better moving forward.

Philpot stated with respect to the draft minutes, editorial privileges to minutes extend only to the elected member of this Board and no one else. This is not up for discussion or debate. Perry responded it is just to get the minutes right, it is not an editorial. Philpot stated the minutes are recorded and the Administrative Assistant scours through them and gets them accurate. Philpot does not want to go down the road of comparing any other minutes of any other Board of this Town but I do not find any that are better.

Perry stated he doesn't understand the resistance in sharing draft minutes with the Town Planner. Philpot stated because there is not a need for it. Perry what about the other Board Member so they have a chance to review them before the meeting. Shapiro stated that he came in at 6:30 tonight to read the minutes knowing they were not read until tonight. Sometimes the Administrative Assistant gets them out faster and sometimes not. It is just the nature of the beast.

Philpot stated that minutes are nothing more than a record of what was said or actions taken by the Board in a public meeting. I do not know why you need to have all these other people looking at them when we have a very capable Administrative Assistant.

Shapiro stated this was a very minor issue and that the other issues that were raised getting advice and counsel from the Town Planner. I think we all want what's best for this Town. I spoke on

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behalf of a Town Planner at Town Meeting I was not aware of the shared drive. Shapiro inquired would it be an issue to give the agenda to the Town Planner at the same time the Board receives theirs. Kazan stated anyone who subscribes to e alerts on the website can get a copy of the agenda when it is posted on the website (which happens at the same time the Planning Board Members receive their copy).

Sonnenberg wanted to reiterate Perry's comments on focusing on the deliverables that the Town Planner can give this Town with her years of expertise. It is important that we focus on this and that each Board maximizes that accessibility. And shame on us (even the Select Board) if we are not tapping into the resource of this professional to help us better manage the Town.

Shapiro stated that as someone who has sat through the entire Planning Board meetings, we sometimes find the Town Planner not even present, not even here. So, frankly you are right, I would love to be able to ask her questions throughout the whole meeting but after ANRs the Town Planner departs the meeting.

Tatasciore stated she could answer that. Are you referring to after my items are basically done for the evening, is that what you are referring to. Shapiro stated that if Tatasciore wants to be a part of this conversation you should stay for the entire meeting. Tatasciore stated there is no conversation, you don't talk to me. I am never allowed to speak. I am never on the agenda, I am taken off the agenda as you know, have pointed this out. I stay for the portion that requires deliberation and votes and things of that nature, the important things to make sure that things are done legally and it will not cost the Town any kind of lawsuits for protection. So, in terms of me leaving, if you are talking about Administration reports, yeah of course I am going to leave. Shapiro asked what about the discussion of future agenda items? That's where he had discussed about the Town Planner being on the agenda. Shapiro stated he was sorry she was upset with me, I am trying to figure out a way to connect the Board with the Planner and clearly I am not. Tatasciore stated you keep talking about me behind my back. Shapiro said you keep leaving. We are at an impasse, I have offered you help, an opportunity to show.

Philpot asked if he could illustrate Shapiro's point. Two meetings ago we had an update report from the Town Planner. An announcement that the MRPC had received some hundreds of thousands of dollars for Brownfields and I just wondered aloud do we have any Brownfields, how does this impact us? As a town why are we being told this at the Planning Board and Shapiro said we should ask the Town Planner but she wasn't here to ask? Shapiro said in hindsight I should have emailed her afterwards. Philpot said but there's an example. Perry stated that's where you could have followed up with an email.

Roseanne Map just wanted to say this is my Town, these are my taxpayer's money, going to your salary, her salary and everybody else's salary in this Town period. It is not a personal thing about you David, it is the group and the group has to come together in order to make this work. Along with Domenica. She is a Town employee. She is not somebody here like me who you may or may not allow to address this Board. She is a Town employees and has the same rights as you do, Betty does and everyone else who works in this Town. This is a Town issue, it is not a Planning Board issue, and it has become a Town issue because she is not afforded to do her job correctly in both ways. If you are not allowed to ask questions because she is not here, this is a huge disconnect and a bridge needs to be built over that. You all work for the people of this Town. Shapiro asked

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if Mapp could articulate how to solve the problem rather than diagnose it please, because that is the question I just asked. Mapp stated it is not just you, it is Craig Miller, it's John Shapiro (Santoro), and it's Mr. Philpot, its Betty. All of you need to come together, not just you, you can't be the person handing out the feathers all the time. Miller stated that Map has pointed a lot of fingers at this Board. A lot of hostility is coming both ways. Just because Mapp interrupted and stated she is getting a lot of this and I do not like it. Santoro stated we are all taxpayers. I participate on what is best for the Town. Mapp stated you have more control over this than I do because you are a participant. I look at body language on people, it tells a lot about people. For every Ying there is a Yang and this is not the first time that this Board has had an issue. Mapp stated it works both ways. Santoro agreed. He stated this Board has had not one litigation since he has been on the Board (legal expenses). There are a lot of projects that this Board put through. This is a good Board, past and present. There were a lot of things that we looked the other way. This Board is not doing that. Mapp stated that is wonderful. Santoro stated if you are looking at money and everything, we have our feet to the ground and are listening every day and sometimes it is bothersome when you have John Q public take a shot at this Board or a shot at individuals when we try to do what is best for the Town. It is not because of the money. Mapp stated I am a taxpayer. Santoro stated we are all in the same league. Mapp disagreed. Shapiro disagreed with Mapp for the simple fact there is an election coming up next May and 35 to 40 signatures get you on the ballot – run, get your issues out there. Mapp stated this was not about her do not make it about her, it is about people in this Town that are not getting along with each other and you have an obligation to the taxpayers of this Town. Shapiro stated he had afforded Mapp a couple of minutes and was hoping to ascertain maybe you as a Member who has seen this go on, how do we move forward from here? Sharing information seems like a non-issue hoping that Betty and Domenica sit down and take care of this shared drive. Kazan stated she was taking care of this as we talk. So clearly this wasn't an issue as she is fixing it. Shapiro stated again it goes both ways and why hasn't Domenica sent an email asking hey why hasn't this been put in the shared drive? Mapp stated if I hear it the same as you, I don't know what the answers are. I am not part of this equation. Shapiro stated I am not saying you are. Mapp stated the answers are between all of the six of you and her. That is the equation. You need to put everything away and start anew. Shapiro asked Tatasciore how she wants to start anew.

Angela Grattaroti stated Mr. Shapiro, you asked perhaps what should have happened and you should have emailed Domenica the question. Can you start there? If you have a question, you email her and back and forth. And have her come here and be part of the discussion. Shapiro stated that his goal as a person that sits here is hopefully to encourage and empower the Town Planner to want to stay and participate in the conversation. Shapiro stated that he has heard about good things that the Town Planner has done for this Town. I just want to get that for this Board as well. That being said Domenica how do we move forward from this? Perry responded that he thinks communication is important. He know that some of the Board Members have recently been in Town Hall and suggested that stop by to see what the Town Planner and what is going on. You could very easily and that would be a great time to work things out individually. It is that type of communication that works as a team. It doesn't mean you have to agree on issues, at least you are working as a team. As her employer and responsible for all people working at Town Hall I am asking everybody to show some respect and communicate as we move forward. I have not seen that from any Members of the Board, Patty excluded. That is what I am asking as her employer is for you to treat her with respect and try to reach out and communicate. If you think it is a body language issue, you have to work above all those things.

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Philpot stated he would like to go a little more substantial than body language. I would like to ask the Town Planner if she could provide discretely or in confidence to this Board a list of developers And contractors that have complained about this Board, because if we have done anything wrong or improper to any individual, and I have said this to one applicant, and I will get to that in one moment, this Board will issue an apology. I can tell you that in my private profession, I have the occasion to speak with primarily Land Surveyors; Hannigan Engineering, Whitman & Bingham, Ross Associates, Doug Andrysick and so on. They have all complimented this Board on the expeditious way in handling things. I can also tell you that I said to an applicant, Mr. Fran Gibson, standing in this room some weeks ago, when he made a reference of getting bad information from a Member of this Board I asked him who it was. If someone gave him bad advice from this Board I will look into it and issue an apology to him. He could not recall. I can also tell you that Mr. Gibson said repeatedly, and correct me if I am wrong, that he has spoken extensively with the Building Department and the Town Planner throughout his project. Right? Shapiro confirmed. And how did that project go?

Page stated I do not think anyone is going to do a complaint because anyone advised them. Philpot stated he wanted information in confidence. Page so you just want an anonymous letter? Philpot said no, in confidence. There is some assertion that we are somehow bias which is even more disrespectful than what we have had to endure here tonight. Page stated that people will not feel comfortable doing this. Philpot stated Perry this is a two way street. He can go back a year ago to the minutes of this meeting when I first met Ms. Tatasciore sitting where Patty is now. She offered to prepare packets and deliver them to our houses at least the week before the meeting. My reaction was I do not want someone driving all over Town, just put them here and we will come and get them. Page stated she would be personally thrilled to have them before the meeting. Now we cannot get anything in writing from her that we can put into our meeting so we can prepare. Perry asked if they had received the Town Planner's weekly update 48 hours in advance of the meeting. Santoro said yes, there were two line items. Perry said it is what it is, sometimes there will be a lot and sometimes a little. Perry stated you are not going to solve this looking back at the past. I suggest we look at how we move forward. Perry stated the drive will be straightened out on Monday. Kazan stated she has updated the shared drive (just now). Shapiro would like to request that we add the Town Planner's report as a standing agenda item. Philpot stated so long as we get it before the meeting so we can review it and be prepared to ask questions and have a good discussion. Page stated that she has been asking to get all this information ahead of time and you are going to demand it from her and I am on the Planning Board? Philpot responded the irony. He made this request months ago and I was told no. Shapiro stated then at the same time you are reviewing warrants and payroll why can't you review the minutes. Page stated she can't check them for accuracy and there are mistakes in them all the time. Kazan asked seriously? Page said seriously. Philpot said moving forward.

Shapiro stated he was okay with micro bullets in the Town Planner's reports, I just want to be prepared. Perry mentioned that if you will accept the town Planner's report in real time and anything that comes up after that 48 hours she will report at the meeting that night. The intent is to keep the Board informed at all times. Philpot stated he had said that to you (Perry) a while back when we met weeks ago. You said it is a dynamic environment and I said that was fine. If we get an update and it has eleven items on it and we sit down and have to time to formulate questions and then we show up and there is thirteen items or maybe there is only ten because something has

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been updated, I am fine with that. But we are wasting everybody's time having someone come in and read us an update and okay thank you any questions and we got eleven things we are trying to figure out what the questions are.

Perry asked when the Administrative Assistants report presented is. Philpot stated the Administrative Assistants report is of mechanical issues. There is nothing for the Board to consider. I.e. what are our meeting dates or I just sent a letter out that we discussed last week. It is all a follow up on wrote mechanical things that she does to administer. Perry stated that Tatasciore will provide an update to 48 hours in advance of the meeting. Hoping she will be allowed to speak about her updates. Philpot stated that would be perfectly fine. Perry also stated and not have someone else read them. Philpot agreed.

Shapiro questioned is this a step in the right direction or am I on the mark or off the mark here. Tatasciore reiterated what Perry had said about communication and inclusion and cooperation. It is a two way street. Tatasciore stated she has always had an amazing relationship with my Boards. I have never had one like so broken before in a relationship ever. Shapiro said well lets fix it. Tatasciore said I would like to think we can. Philpot stated that's a good question, let's see. Shapiro stated and include me in when you think you need help.

Perry inquired if the Board needed the Town Planner for any other discussions tonight. Shapiro said if she feels it appropriate to stay for the Open Space and Recreation Plan. Tatasciore responded that she has already provided her detailed comments to Marion Larson.

Discussion on proposed updates to Sterling's Open Space and Recreation Plan

Marion Larson of the Open Space and Recreation Committee was on hand to discuss with the Board the OSRC Plan. Shapiro inquired how can the Planning Board assist her with this project.

She stated it was perhaps a good time to look at what our Zoning Laws are like and what other options might be out there that the Town might want to consider in terms of whether there were changes that needed to be made or maybe there is another way of doing things.

Shapiro mentioned that they were looking into that Zone II aquafer on Route 12 that has been an inhibitor of businesses. Possibly re-evaluate that Zone II aquafer to encourage more business. Larson explained you have a very high quality water source that is well protected and she agrees, you have the interest of wanting to encourage business in that particular area.

Philpot stated long term viability of every town is largely dependent upon its product supply. You can have a town with an entire open space and it is a town on paper only. Or you can go to the other extreme and have this over developed industrial waste land or whatever. So, the trick is finding a balance. What Shapiro is touching on is if you look at zoning maps for our Town you will see the vast majority of non-residential, light industrial commercial, so forth, is largely impacted by Zone II aquafer. The extent of that Zone II is quite literally a line determined through some testing and so forth. But the test results are interpreted and I have spoken to people who do this for a living and they know our town and there are two things that have coincided; one is that the limits of the Zone II aquafer defined on the map have been pushed to the maximum allowable extreme which is bad for business development and at the same time this Board historically enforced the level of that law where it says 'in any amount'. He actually sat a table in this room

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with a previous Chairman. Any amount, a tea cup full, any amount a tablespoon full. Now that is a bit extreme. Anecdotaly, the Zone II is largely on the end of Town. It runs up into Lancaster, same Zone II. He is wondering why this town historically has been so hostile against any and all business development for the sake of that Zone II aquifer protection. While at the same time on the other end of the aquifer which is probably measured in square miles of paved surfaces. We have a large Walmart, Tractor Supply, 14 pump Mobile Station with an even bigger diesel station out back, transfer station. They were trying to get the slots casino in there. How can they do that? Not that I necessarily want that. This Board has worked hard over the last handful of years to be more welcoming to businesses and we are seeing the results of that effort. There are some nice buildings going up. The Chocksett triangle area is blossoming a bit. We have a new medical arts building on Route 12. That's one of the goals of this Board is to foster business development because it is a direct and immediate impact on residential tax bills. Ten years ago, Sterling was one of two Towns, I think the other was Bridgewater that were the study of the American Farmers Trust Organization. I still have that and I am sure it is still somewhere in this building as well. They looked at the cost of providing services and I distinctly remember for residential acreage every tax dollar that the Town takes in I think it costs the Town \$1.70 or a \$1.80 for services. So, it was a net loss for the Town. Open space it cost us like \$.74 or something like that. But for commercial and industrial it was even less than that. So, with an eye on the economy and not throwing the baby out with the bath water you understand. I don't want to get rid of open space, I don't want to dirty anyone's water but I think there is a better balance to be struck. Did you open space study look at any of this? Larson indicated they had not. It was more looking at what do we have currently. Philpot inquired did you weigh any of these factors in that report? No we did not do that. What we were doing is here is what's out there, here are things to think about. We were not making recommendations per say in that area.

Other discussions were about Affordable Housing and 61A Releases.

Philpot inquired what you need from this Board. Larson's explained that the State is requiring public comments from Boards and Commissions. So, she needs something official in writing from the Planning Board on your thoughts, concerns, opinions, all of that to be rolled into the information that we will be submitting to the State. Our deadline date for this is September 27, 2019. Larson suggested that a lot of the discussion today should be incorporated into the Planning Boards recommendation letter.

Philpot stated what he is hearing is that Larson is looking for commentary from this Board. Shapiro stated then he could draft a memo thanking her for coming and discussing the Plan with our Board. Philpot clarified I think you need to demonstrate to whomever is reviewing or approving this that we have had a discussion and you are taking our input into consideration.

Larson stated that one of the things that is not clear to me are 61A projects. The first she heard about 61As was the emailed that Shapiro had sent to her. Not that the OS Committee has a role but she asked if there was a process in place that when properties like this are coming up that certain entities within the Town are notified. Philpot stated there is a process in place. It is all documented in State Law but we are not talking about the process, we are talking about some prognostication here, whereas we just may or may not have discovered tonight. Someone has got a 47 acre parcel and they come to us and they say I am going to cut two, two care parcels over here and three months later I am going to cut three more over here and after eleven years they twiddled

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it down and it is gone. Unfortunately, the Town could make these people an offer but it is the only thing we as a Town can do. But, we believe the 61A Release process is required by the Law. Larson asked does the Towns have a process on this. Philpot stated the BOS cannot make a decision until they receive feedback on a 61A Release form from Planning, Conservation Commission and even then if the BOS vote to purchase it has to go to Town Meeting for the approval. Kazan suggested she reach out to the Assessor Office as they have a pamphlet explaining about 61As.

After further discussion, the Board agreed to have Shapiro take the lead and Philpot work with Shapiro to prepare written comments and send them to Larson by October 4, 2019.

Discuss regular meeting schedule through the Holiday period

The Board agreed to the following revised meeting schedule for the remainder of 2019:

October 2 at 6 p.m. with one agenda item ~ 61A Release for Lot 4 Justice Hill Road

October 30th, November 20th and December 11th.

Sterling ZBA

Philpot acknowledged a Public Hearing Notice for a Comprehensive Permit (40B) for Taniel Bedrosian, Almick Construction, Inc. to be held on October 8, 2019.

Philpot acknowledged an Administrative Appeal determination for Sterling R.E. Dev., Inc., for 68 Heywood Road. Determination was voted to uphold the Building Commissioner's determination.

Chairman's Report/Notices/Discussions

Street Number Assignment

Philpot stated that the a memo from Lt. Kokernak was received assigning a street number to Parcel 30, Map 14 on Justice Hill Road and assignment of street number to Parcel 25 for Maple Street, Lots 1 through 4.

ERBRC

Philpot stated he received a letter from Carl Corrinne asking for a copy of the solid working ER Bylaw draft. Philpot will send an email on behalf of the Board indicating that Joe Curtin had sent the ERBC and you have everything that this Board has.

Administrative Assistant's Report/Notices

Sterling Ice Cream Bar Review Fees have been refunded and the account closed out.

Two Site Plans are expiring in November. Kazan will be sending out letter to Sterling National Country Club and 150 Clinton LLC to inform them of their options regarding this.

BOS Liaison

Sonnenberg went to a Worcester County Select Board meeting and the guest speaker a woman from Mass Housing Choice who made a presentation. She runs a program that we have a choice to joint which addresses how many additional housing units we add to this town. If we are part of this program and we meet the criteria, we get grant money for these programs. Sonnenberg will forward information on this program.

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Shapiro mentioned that the Affordable Housing Committee is meeting tomorrow night if Sonnenberg is available.

### **Update on Chad Lane Subdivision**

Miller mentioned that he and Shapiro had met with Carl Corrinne. Corrinne was discussing the location of the tree and type of trees with Board Members. Miller told Corrinne to put it on a set of plans and the Board will review.

### **ZBA Notices from surrounding Towns**

Philpot acknowledged notices of hearings from various surrounding Towns.

### **Future Agenda Items**

Town Planner Update will be added to the agenda moving forward.

### **9:11 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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