

Final

**STERLING PLANNING BOARD
MEETING MINUTES
September 24, 2014
– Rm. 202 Butterick Bldg.**

Present: Kenneth Williams– Chairman, Clerk
John Santoro – Vice - Chairman
Ron Pichierri – ANR Agent
Michael Pineo – MJTC Rep.
Lucinda Oates – Administrative Assistant

Absent: Charles Hajdu – MRPC Rep.

Chairman Williams calls the meeting to order at 7:02 PM.

MINUTES APPROVED

Motion: Michael Pineo

Second: John Santoro

Motion made to approve September 10, 2014 minutes with no corrections, there was no further discussion, three to zero in favor, motion carried.

ANR

Brian Foley, at this time, it appears is not the owner of the property, brought an ANR plan, 38 Clinton Road, zoned neighborhood residential. Five lots were created, one of the lots has 160 feet of road frontage, although there was additional frontage, the lot does not have the required land area, with a shortage of four hundred square feet.

Chairman Williams stated that the lot was not conforming to bylaw regulations and the Planning Board could not waive the land area requirement.

Brian Foley said that a notation has been added to the plan that a ZBA variance would be required for the undersized lot to become a building lot. Foley asked if the board would endorse the ANR plan with one lot showing a shortage of land (approx. 440 square feet).

John Scarsella, Sterling Properties, INC. said a mistake, not intentionally, in printing of the bylaw dating back a number of years has incorrectly said 20,000 square feet instead of one half acre. Chairman Williams said that the bylaws have been to Town Meetings a number of times, and there were never any questions about the wordage of a half acre. What is written in the Zoning Bylaw is correct and it is Town accepted.

Final

Motion: Michael Pineo

Second: Ron Pichierri

Motion made to endorse ANR plan presented by Brian Foley, located at 38 Clinton Road, there was no further discussion, two votes in favor, one vote abstained, one vote against, **motion failed.**

Foley then read from Bobrowski's Massachusetts Land Use and Planning Law.

Lots depicted with adequate frontage but with some other defect under zoning have resulted in controversy. In Smalley v. Planning Board of Harwick, the appeals court ruled that a plan showing two lots with enough frontage to comply with the zoning by-law, but with several zoning violations, was entitled to ANR endorsement. A plan showing lots with zoning violations, other than frontage deficiencies, "may be preliminary to an attempt to obtain a variance, or to buy abutting land which would bring the lot into compliance, or even to sell the nonconforming lot to an abutter and in that way bring it into compliance"

Brian Foley then asked for a vote for reconsideration of the endorsement of the ANR.

Motion: Ron Pichierri

Second: Ken Williams

Motion made for a reconsideration of the endorsement of the ANR plan presented by Brian Foley, 38 Clinton Road, there was no further discussion, two votes for, two votes against, **motion failed.**

ANR

Motion: Michael Pineo

Second: Ron Pichierri

Motion made to endorse ANR Plan, 43 Heywood Road, Assessor's Map 43, Lot # 8, as submitted by Jim French, Sterling Land Trust, INC. drawn by Andrysick Surveying, 206 Worcester Road, P.O. Box 97, Princeton, MA 01541, Job file #18752, dated September 22, 2014, with no revisions. ANR fee was waived by the Board; Form A completed; one mylar and seven paper copies of plan were received.

ANR Plan endorsed subject to two clarifications, to the address and note #3 on the plan. Jim French will return with the plan for endorsement later this week.

There was no further discussion, Ken Williams abstained, as he is on the Land Trust Board of Directors, three to zero in favor, motion carried.

Motion: Ron Pichierri

Second: Michael Pineo

Motion made to waive the associated ANR fee, there was no further discussion, three to zero in favor, motion carried,

Site Plan Review / Rock Breakers, LLC

Site Plan Review with Rock Breakers, LLC began at 8:00 PM.

Jamie Rheault, Whitman & Bingham Associates, 510 Mechanic Street, Leominster, MA 01453, submitted a preliminary site plan for property located on Chockett Road earlier on August 7, 2014.

The plans have changed since the first submittal as requested by the tenant.

The site plan submitted will show two developments, phrase one and phrase two. Rheault wants to submit the plan to the board and the site plan review agent (Scott Miller) at the same time. Rheault will request that Miller have a review report available at the next scheduled meeting of the Planning Board in two weeks.

The plan is for a proposed warehouse distribution center. The proposed site plan is composed of three sections, the first being a 60' x 40' office, the second a 200' x 250' warehouse, and the third a 216' x 125' distribution area.

Jamie Rheault will redistribute the revised site plans to the various boards within town and also forward an electronic copy to Scott Miller for review.

A check, written from Whitman & Bingham Associates (check #17692) was received in the amount of \$2,600.00. Two thousand dollars for site plan review fees, and six hundred for administration.

Jamie Rheault will return to the next regularly scheduled meeting of the Planning Board on October 8 at 7:30 PM.

A site visit will be requested at the quarry with the date and time set after the report is received and reviewed by the Planning Board from Scott Miller.

Ken Williams then summed up the information pertaining to the site review so far:

- New plan to be submitted
- Plan to be sent to Scott Miller
- Plan submitted to required town boards
- Fuel storage for trucks to be addressed
- Conservation Commission to be involved
- Site visit will be required, with invitations given to ConCom, Dirt Board

Chairman's Report / Notices

Response letter sent to Town Administrator, Jeff Ritter, in regards to the sign bylaw was read and discussed.

Final

The sign bylaw was part of the Board of Selectmen agenda for their meeting tonight, so possibly the Planning Board will have a response by our next regularly scheduled meeting of October 8th.

ZBA

There were no documents to review from Zoning Board of Appeals.

ADMINISTRATIVE ASSISTANT REPORT

Citizen Planner Training Collaborative (CPTC) workshops are being offered at various sites, the information was made available for the members in hard copy and email.

Lucinda gave notice of upcoming vacation time, November 10, 11, 12, 17, 18 and 19.

MAIL

Miscellaneous mail was reviewed.

NOTICES FROM OTHER TOWNS

Notices from other Towns were made available for review and were passed on to the Zoning Board of Appeals.

INVOICES

The board members signed Lucinda's payroll.

MOTION TO ADJOURN

Motion: Ron Pichierri

Second: John Santoro

Motion made to closed meeting, there was no further discussion, four to zero in favor, meeting adjourned at 8:40 PM.

Final

The next regularly scheduled Planning Board Meeting is October 8, 2014 at 7:00 PM.

APPROVED BY:
