

## STERLING PLANNING BOARD MINUTES – August 31, 2016

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**Present:** John Santoro ~ Chairman  
Michael Pineo ~ Clerk  
David Shapiro ~ Member  
Betty Kazan ~ Administrative Assistant  
**Absent:** Charles Hajdu ~ Vice Chairman  
Russ Philpot ~ ANR Agent

Mr. Santoro called the meeting to order at 7:12 PM in Room 202 of the Butterick Building.

### **Minutes**

Mr. Pineo moved that the Board approve the minutes for August 10, 2016 with corrections. Mr. Santoro seconded the motion. The motion passed with two in favor and one abstain (Mr. Shapiro was not present at this meeting).

### **Permit for Entrance to Public Ways**

#### **Matson Homes, Inc., 5 Goulding Road, Sterling, MA**

Mr. Pineo moved that the Board approve the curb cut application submitted by Matson Homes, Inc., for 5 Goulding Road, Sterling, MA. Mr. Shapiro seconded the motion. The motion passed unanimously.

### **Permit for Entrance to Public Ways**

#### **Sally Beckwith, 56/58 Kendall Hill Road, Sterling, MA**

Mr. Shapiro moved that the Board approve the curb cut application submitted by Sally Beckwith for 56/58 Kendall Hill Road, Sterling, MA. Mr. Santoro seconded the motion. The motion passed unanimously.

### **ZBA Notices**

The Board received a notice from the ZBA for a hearing scheduled for Kirk Bodwell for a Variance for purposes of constructing a two story house at Laurel Avenue. The hearing is scheduled for 6:15 p.m. on September 13, 2016.

### **ZBA Letter RE Accessory Apartments**

The Board received a response letter from ZBA Chairman William Bird for clarification regarding street numbers for accessory apartments. The following is the response from Chairman Bird in a letter dated August 17, 2016:

“It was the intent of the bylaw to allow an accessory apartment as part of a single family residence. A single family house does not have two addresses. When developments of single family neighborhoods were approved, they were built with town services such as septic, water, road paving assumed to be serving single family homes. The protective bylaw allowing for accessory apartments no longer exists, owners will rent out the apartment, functionally turning a single family house into a two family, violating the intent of the bylaw and risking violating zoning. Separate house number would add to the appearance of a two-family house, thus it is our position that separate house numbers would not be appropriate for a single family residence with an accessory apartment.”

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The Board asked Ms. Kazan to send a letter to the resident at 14 Wilder Road referencing Mr. Bird's memo and based on this information, the accessory apartment will be the same address.

### **Chairman Report/Notices/Discussions**

A notice from Mass DOT regarding public hearings on toll structure changes within the Mass Turnpike and the metropolitan Highway System.

### **Warrants & Payroll**

Board members reviewed a voucher for payroll. The Board signed vouchers for Haley & Ward (FISHCO, LLC) and W.B. Mason.

### **Site Plan Review, Neady Cats, Corp., Attorney Wayne M. LeBlanc, Norman R. Sarkisian, Marilyn J. Sarkisian, property located at 215 Worcester Road, Sterling, MA, Assessor's Map 105, Lot 25.**

Attorney LeBlanc explained that the Applicant, Neady Cats Corp., a non-profit corporation organization seeks to change the use of the first floor at 215 Worcester Road to a cat shelter. The Change in Use will not change any of the existing conditions on the premises, which will include no change to the exterior of the building and no change to the landscaping, topography or parking areas of the premises. There will be a slight modification to the interior of the first floor of the building, which has a total area of approximately 1,000 square feet. The Applicant intends to construct two new walls in the interior of the building to divide the first floor interior, as needed for the operation of its proposed new use of the first floor.

The applicant will only schedule adoptions by "appointment only". The apartment above the shelter will be rented hopefully by one of the volunteers who could then help with the shelter during bad weather. Fecal materials will be doubled bagged and a private trash company will pick up weekly. No disposal will be done through the septic system.

Comments from various Departments are as follows:

### **Building Commissioner:**

"My comments on Neady Cats site plan are as follows:

The right of way for parking appears on the deed for 215 Worcester Road, so that appears to be in order.

Number of spaces:

This property is in the town center zoning district. According to Zoning Bylaw section 3.2.3 (d), parking requirements shall be reduced by 50% from the number resulting from the computations in paragraph (a). Section 3.2.3 (a) calls for a total of 7 spaces, so the *actual required number of spaces* is 4.

Type of spaces required:

According to chapter 23 of 521 CMR, the Massachusetts Architectural Access Board does not have jurisdiction to require accessible spaces when there are fewer than 15 parking spaces required, but ADA does have jurisdiction. The ADA requires one space be accessible, and that

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space must be van accessible. Van accessible spaces must be 11' wide with a 5' wide aisle beside the space. <https://adata.org/factsheet/parking>

### Location of spaces:

Zoning Bylaw section 3.2.4 (j) states that in the Town Center District, *required* parking areas shall not be located forward of any building front line on the lot or on an adjacent lot. The plan shows 4 spaces meeting that requirement; however one of those 4 required spaces must be van-accessible and may not fit in the existing paved areas that are located behind the front line of the building. This may be problematic, but given the nature and use of the building is not changing substantially from its previous use, it seems reasonable to consider grandfathering parking spaces in front of the building.

### Delineation of spaces and signage:

According to Zoning Bylaw section 3.2.4, Parking Lot Design, lines or other delineation of parking spaces are not required when fewer than 8 spaces are required, however ADA and 521 CMR section 23.4.5 requires *accessible spaces* to be marked by high contrast painted lines or other high contrast delineation and 521 CMR section 23.6 requires signage at the head of the parking spot (no more than 10' away). The bottom of the sign must be at least 5' high (ADA) and the top of the sign must be no higher than 8' (521 CMR) and it must contain the international symbol of accessibility and include the words "Van-Accessible".

### Fire Chief Tom Kokernak:

"The Fire Department has no concerns relative to the Site Plan Review for this project"

**David Favreau, Board of Health:** "No comments or concerns."

### Richard Sheppard, Assessor:

"Because this site borders on wetlands do they have a plan for disposal of fecal material?"

### Bill Tuttle, DPW Superintendent:

"I have no issues or comments."

### Police Chief Gary M. Chamberland:

"I have reviewed the plans and visited the site. The police have no concerns with the proposal. My only comment is that I did not see any designated handicapped parking area. I am assuming those will be in the area of the ramp."

Mr. Pineo moved that the Board approve the site plan submitted by Neady Cats, 215 Worcester Road, Sterling, MA, prepared by B & R Survey, Inc., 100 Grove Street, Worcester, MA 01605., Job#16-244, dated August 22, 2016. Administrative fees received in the amount of \$400, Check #3159. The approval is contingent upon the following conditions:

1. The following waivers of Technical Compliance are granted relating to the Town of Sterling Protective (Zoning) By Laws section 6.4.4:
  - a. Subsection 1 ~ Relating to topography
  - b. Subsection 2 ~ Relating to existing building elevations

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- c. Subsection 3 ~ Water provision
  - d. Subsection 4 ~ Wetlands delineation
  - e. Subsection 5 ~ Sanitary sewerage and storm drainage
  - f. Subsection 7 ~ Existing trees to the rear of the property
  - g. Subsection 10 ~ Storm water management systems
- 2. Pre-existing parking spaces will be grandfathered.
  - 3. Within thirty (30) days after completion of the project an As-Built Plan will be submitted to the Planning Board in both paper (5 copies) and digital form (CD). This is required by Section 6.4.10 of the Sterling Protective (Zoning) Bylaws.

Mr. Shapiro seconded the motion. The motion passed unanimously.

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

#### **Permit for Entrance to Public Ways**

The Board authorized Ms. Kazan to distribute the memo to the Board of Selectmen regarding the changes in the Planning Board's authorization for the 'Permit for Entrance to Public Ways'. The Board also requested a copy of this memo be distributed to the appropriate departments.

### **OFFICIAL TOWN MAP, ZONING & COMPOSITE MAPS**

Ms. Kazan informed the Board that she was able to obtain a pdf file of updated maps (January 1, 2016) from CAI Technology. The Board authorized her to have Staples print a copy of each of these maps.

The Board asked that she do research (in the next six months) on the possibility of having an overhead projector for the Planning office.

### **Webpage Access**

The Board asked Ms. Kazan to prepare a memo to the IT Committee, copy to the Board of Selectmen formally requesting that she be provided with training and have access to be able to change items on the Planning Board's webpage (only) on the Town's website.

### **Deletion of Email Account**

Ms. Kazan informed the Board that she recently discovered that the former Administrative Assistant's email account had been deleted along with all emails. The Board asked Ms. Kazan to draft a memo to the Chairman of the Board of Selectmen stating that recently it has come to the Board's attention that per Spaulding Hill, a decision was made by the Town Administrator to delete this account and all email documents relating to the account.

### **As Built Final Plan determination for FISHCO, LLC, Patricia and David Fisher, 228 Leominster Road, Assessors Map 29, Parcel 2**

The Board reviewed the following memo from Scott Miller, Haley and Ward:

"Haley and Ward have completed a review of the as built conditions. The review included an onsite visit August 25, 2016. Our review included the status of the following items from your Board's approval letter dated November 18, 2013. The applicant's response is provided.

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- 1) The fire protection capacity of the water distribution system should be evaluated prior to construction approval. This evaluation should include the following components
    - i) Fire flow demand based upon proposed construction and NFPA standards. It should be noted if the structure will include fire sprinklers and the applicable code.
    - ii) Fire flow capacity to the site through the connection to the distribution system. Capacity should be based upon hydrant flow tests conducted by the applicant

Response: The evaluation of the water system would have been provided as part of the building permit application. The owner states that a fire sprinkler system was not required during the permit application process as the structure did not exceed the floor area required by NFPA standards.

- 2) The placement of a fire hydrant on site should be considered together with an upgrade of the main from North Row Road to that hydrant from 6 to 8 inches. This would allow for an exterior hose stream for building entry or a non-structure fire. Alternatively, input from the Fire Department should be sought with respect to the use of the hydrant located at the driveway apron at Leominster Road.

Response: A fire hydrant has been placed off the north east corner of the structure. The record plans show that the hydrant is connected to the 12 inch main in North Row Road via an 8-inch main. The record plans show that main continuing to the structure however we suspect that only the domestic water service is in place as there is not fire sprinkler in the building.

- 3) Additional sign for the driveway.

Response: A two way traffic sign is in place in the necked down area of the access drive.

- 4) Extension of the guardrail.

Response: The wooden guard rail has been replaced and extended.

- 5) Reflectors placed on the driveway.

Response: Reflectors are in place.

- 6) Subject to Conservation Commission approval and submission of their approved document to the Planning Board.

Response: A copy of the approval should be included in your project files.

- 7) Within thirty (30) days after completion of the project an As-Built Plan will be submitted to the Planning Board in both paper (5 copies) and digital form (1CD). This is required by Section 6.4.10 of the Sterling Protective (Zoning) Bylaw.

Response: An as built plan has been submitted.

- 8) Stop sign at the entrance onto Leominster Road.

Response: A stop sign and line is in place.

- 9) Paving at the discretion of the applicant based on Con Com recommendation either paved or gravel on the bump out off the main driveway road edge.

Response: A gravel bump out is in place on the west side of the brook crossing. “

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Mr. Shapiro moved that the Board accept As-Built plans for FISHCO LLC, 228 Leominster Road, Sterling, MA, prepared by Whitman & Bingham, Associates, 510 Mechanic Street, Leominster, MA 01453, Job #12877, Plan #4-L-873, and Dated July 29, 2016, Brian F. Milisci, Civil Engineer. Mr. Pineo seconded the motion. The motion passed unanimously.

### **FISHCO, LLC, requesting refund of Review Fees 228 Leominster Road**

Mr. Pineo moved that the Board approve a refund of the balance \$489.56 for Review fees to FISHCO, LLC. Mr. Shapiro seconded the motion. The motion passed unanimously.

### **ANR Procedures**

The Board agreed to postpone discussing until their next meeting. Mr. Santoro will follow up with Mr. Philpot as to whether a public hearing is required for changes to the ANR Procedures. In the meantime, Ms. Kazan will find out the legal notice requirements with the Worcester Telegram.

### **8:57 P.M. MOTION TO ADJOURN**

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

### **APPROVED BY:**

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