

STERLING PLANNING BOARD MINUTES – November 30, 2016

~~~~~

**Present:** John Santoro ~ Chairman  
Michael Pineo ~ Clerk & E. D. C. Member  
Russ Philpot ~ ANR Agent  
David Shapiro ~ Member  
Betty Kazan ~ Administrative Assistant

**Absent:** Charles Hajdu ~ Vice Chairman

Mr. Santoro called the meeting to order at 7:01 PM in Room 202 of the Butterick Building.

### **Proposed Site Plan Review ~ BTB, LLC 180 Pratts Junction Road**

The Board reviewed the following memo from Haley & Ward with Carl Hultgren, PE, Senior Engineer for Quinn Engineering, Inc.: The memo was for first revision incorporated comments received from Haley & Ward, as follows:

Haley and Ward has completed a review of the site plan submitted for the 180 Pratts Junction Road. The plan was prepared by Quinn Engineering, Inc. and is dated October 14, 2016 with revisions through November 16, 2016. We offer the following comments. The applicant's response is provided.

- 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) The fire flow capacity to the site should be confirmed with the Sterling DPW or on site testing should be completed as part of the construction approval process.

*Response: The applicant has stated that the size of the building does not trigger a fire sprinkler system. The applicant is proposing to install a fire hydrant on site through coordination with the DPW and the Fire Department.*

- 2) Building elevations should be provided. The elevations should show proposed entrances and loading docks and bays if applicable.

*Response: Two building elevations have been provided.*

- 3) Standalone professional office space is not an allowed primary use within the LI district. The connection of the office to the proposed outdoor storage should be firmly established as an accessory use.

*Response: The applicant states that the proposed building use will be accessory to the primary use of the site for outdoor storage.*

- 4) The proposed rim elevation for CB-1 is higher than the adjacent curb. The elevation in the drain schedule should be corrected.

*Response: The drain schedule has been revised on Sheet 3*

- 5) "DL" should be replaced with "FRG" in the symbol column of the Proposed Planting List.

*Response: The notation has been revised on Sheet 4*

## STERLING PLANNING BOARD MINUTES – November 30, 2016

- ~~~~~
- 6) Two future buildings have been included in the storm water management calculations to appropriately design the facilities for future development. The applicant should confirm that these future buildings are not part of the current site plan application. Any future buildings on the site would require a new filing with your Board.

*Response: The applicant acknowledges that any future structures on the site will require a new application.*

- 7) The lot is located wholly within the Water Resource District defined by a mapped Zone II. The applicant should confirm that:
- i) No petroleum products will be stored on site except as provided by 4.6.4 (b)
  - ii) No use which involves 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)
  - iii) No automotive service or repair shops.
  - iv) The proposed septic system leach field provides at least 6 feet of depth from the bottom of the field to the estimated high groundwater table.
  - v) No more than 440 gallons of wastewater per acre of land area will be disposed of through an onsite system

*Response: The applicant has added these notes to Sheet 2*

Comments from various Departments are as follows:

**Conservation Commission** ~ The applicant should submit at a minimum a request for determination of applicability. It appears by the plan they are not within the buffer zone nor are they within the 200 foot riparian area (riverfront). They are making 5000 square feet into impervious so it does not trigger a storm water permit from the Conservation Commission.

**Board of Health** ~ A review of the proposed septic system plan, dated October 20, 2016, is compliant as far as the Board of Health is concerned.

**Fire, DPW, Police and Building Departments** have no concerns.

Mr. Shapiro moved that the Board approve the proposed site plan for 180 Pratts Junction Road, Sterling, MA, Assessors Map 67, Lot 6, submitted by BTB, LLC, PO Box 256, Sterling, MA, prepared by Quinn Engineering, Inc., PO Box 107, Paxton, MA, (Revision #1, November 16, 2016), dated October 14, 2016, Plan #16BTB01. Check #1011 for \$400 Administrative Fees received on October 12, 2016. Check #1015 for \$1,000 Site Plan Review Fees was received on November 8, 2016.

Approval is contingent upon the following Orders of Condition:

1. Raw materials (excluding machinery in use and registered vehicles) stored on the property will not exceed the height of the fence.

## STERLING PLANNING BOARD MINUTES – November 30, 2016

~ ~ ~ ~ ~

2. 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. Pineo seconded the motion. The motion passed unanimously.

Mr. Hultgren agreed to forward a hard copy and pdf file of this plan to the Planning Board.

### **Joint Implementation Strategy Meeting with the Economic Development Committee & MRPC Representatives relating to the Route 12 Corridor**

Members of the Economic Development Committee; James Patacchiola, Brian Kindorf, and Dick Maki along with representatives from the MRPC; John Hume and Noam Goldstein were on hand to discuss the Sterling Route 12 Corridor.

John Hume from MRPC presented the draft of ‘Recommendations for Next Steps’ as follows:

**1. Re-zone the Route 12 Corridor to Enhance Economic Development.** The town has two options: 1) The town could consider re-zoning land in the Corridor for new economic development that would create jobs, add to the tax base, and allow for controlled access to Route 12 in order to minimize traffic impacts (see A below) or 2) the town could consider drafting two overlay districts that would leave underlying zoning in place but impose design standards to achieve high quality development (See B. below). Options are described below and Model Bylaws have been included in Attachment D.

**A. Re-Zone Land in the Corridor currently zoned residential to Commercial or Light Industrial, or Town Center District** to expand economic development. Incorporate appropriate design standards to minimize impacts on adjacent property and preserve road capacity.

**OR**

**B. Create Two New Overlay Districts** (one overlay district in Northern Route 12 and another Overlay District in Southern Route 12) with both including Design Standards (See Attachment B for map of potential overlays and sample design standards).

**i. Northern Route 12 -Enterprise Overlay (Excluding Town Center District)**

The northern portion of Route 12 intersects with Interstate 190. This intersection could potentially propel large commercial and industrial development and redevelopment opportunities. A

## STERLING PLANNING BOARD MINUTES – November 30, 2016

~ ~ ~ ~ ~

large portion of the land located in the north portion has been zoned industrial, while a smaller portion has been zoned commercial, and the remaining as residential. Looking to the market analysis data, industrial uses have been well established in the northern portion of the corridor. Zoning is needed for more commercial uses to provide vital services for commuters from Route 190 and employees within Sterling. A description of such a zoning change could include the following:

- a. The district could be drawn to overlay existing commercial, residential and industrial districts in the Corridor. These include Rural Residence (RR), Commercial (C) and Light Industrial (LI) districts in Sterling. The underlying use regulations would remain in play.
- b. Design standards would help to achieve high quality development.
- c. The concept offers protections to homeowners in the Corridor by insuring new development will achieve high standards of design.
- d. High quality development should result in greater tax revenue over time due to higher re-sale value of properties.
- e. Greater intensity of development is possible by reducing impacts through design guidelines. The overlay district could promote high intensity development in locations where water has excess capacity, and roadway improvements will accommodate higher levels of traffic. For example, greater impervious coverage may be possible for projects that provide public benefits, such as public parks, open space, or sewer and water main extensions.
- f. Local review processes would remain in place.

- ii. **Southern Route 12 - Neighborhood Business Overlay (Excluding Town Center District).** The Southern portion of the corridor is comprised of four separate zoning districts of Rural Residence (RR), Neighborhood Residence (NR), Commercial (C) and Light Industrial (LI). The commercial district is located along Route 12 although inconsistently with residential sprinkled in with residential. Light Industrial is also located along the route with another portion being located just beyond Route 12. A description of such a zoning change could include the following:

## STERLING PLANNING BOARD MINUTES – November 30, 2016

~ ~ ~ ~ ~

- a. The district could be drawn to overlay existing commercial, residential and industrial districts in the Corridor. These include Rural Residence (RR), Neighborhood Residential (NR), Commercial (C) and Light Industrial (LI) districts in Sterling. The underlying use regulations would remain in play. This overlay would promote small commercial development along Route 12
- b. Design standards would help to achieve high quality development.
- c. The concept offers protections to homeowners in the Corridor by insuring new development will achieve high standards of design.
- d. High quality development should result in greater tax revenue over time due to higher re-sale value of properties.
- e. Local review processes would remain in place.

**Responsible Entity:** Planning Board with input from the Economic Development Committee.

2. **Consider Revising the current Town Center District to a mixed-use Center Village Zoning District** to promote activity and diversity to foster an active, mixed-use village center. Also, expand the current district across the street for a more cohesive village environment.

Somewhat in the middle of the Corridor is the Town Center District, which is compact, and regulated to one side of Route 12. The district is surrounded on three sides by the Neighborhood Residential District which prohibits most commercial uses. The southern portion of the district abuts the Commercial District.

The Town Center District has been established but can be improved upon. Currently, mixed use is prohibited; there is forty-foot front set back that does not adhere to the current built environment and there are no design guidelines for commercial development. Further, the district is small and regulated to one side of the street. There are ways to encourage economic development that are consistent with village character. If carefully designed, this type of Zoning District and associated provision within the Zoning Bylaw could preserve the existing mixed uses while encouraging any new construction to be compatible with the setbacks and scale of existing structures. Moreover, a village district can help foster well-planned, mixed use, compact developments in keeping with the character of a traditional New England village and to help create a place with a unique and positive local identity. It can provide opportunities for development

## STERLING PLANNING BOARD MINUTES – November 30, 2016

~ ~ ~ ~ ~

and expansion of the town's economic diversity and vitality. This type of zoning bylaw would also provide additional opportunity for people to shop, work, and utilize services in the vicinity of their residences; promote a pedestrian-friendly environment; and encourage the growth of the local economy and jobs, including development of flexible space for small and emerging businesses.

**Responsible Entity:** Planning Board with input from the Economic Development Committee.

3. **Consider Hiring a Town Planner:** To assist in implementing zoning changes, it is suggested that the town consider hiring a town planner. Most communities in close proximity to Sterling have a town planner including Bolton, Harvard, Lancaster, Lunenburg, and Westminster and others. A Town Planner would play an important role in developing municipal plans and greatly enhance implementation of recommendations. Some responsibilities of a Town Planner include reviewing subdivisions, site plans, comprehensive permits, and other applications, plans and technical data for compliance with Subdivision Control Law, the Zoning Act, local bylaws and regulations, and other applicable state and local laws and regulations. A Town Planner would act as the Planning Board's representative, a daily contact person for the Board, prepare Board correspondence on relevant matters, as well as draft regulations, warrant articles and policies for the Board. Town Planners also seek grant sources and prepare and draft grant applications on behalf of the Town.

**Responsible Entity:** Planning Board and Board of Selectmen.

4. **Update the Town's Master Plan.** A current Master Plan can benefit a community in many ways. A master plan provides municipal officials with an understanding of present conditions, and changes which may have occurred over time through an informative profile of the community in terms of population, housing, economic base, community facilities, and transportation systems. It also provides for a thorough town-wide land use study encompassing the current use of the land and the recommended future best use of the land, which assists in the preparation of any future land use, subdivisions, and zoning bylaws. An updated Master Plan also makes communities more competitive when applying for grants since some state/federal agencies provide additional or bonus points when ranking applications. Valuable information within the master plan can also be used when seeking grants, making then more competitive and in conformance with the actual projected needs of the community.

**Responsible Entity:** According to Massachusetts General Laws, Chapter 41, Section 81D: "A planning board ... shall make a master plan ... or such part or

## STERLING PLANNING BOARD MINUTES – November 30, 2016

~ ~ ~ ~ ~

parts thereof as said board may deem advisable and from time to time may extend or perfect such plan.” Some communities choose to form a Master Plan Committee. However, it is critical to have substantial Planning Board involvement - Under existing law, the Planning Board needs to adopt the Plan for it to become the Town’s official Master Plan.

5. **The Town should Require either a Special Permit or Site Plan Review but not both.** Currently, the zoning bylaw commonly requires both a Special Permit and Site Plan Review. One way that the town can help streamline the permitting process is to either require just a Site Plan Review or a Special Permit and not both. This would eliminate redundancy; the Special Permit and Site Plan Review process can serve the same purpose for overseeing and regulating a use. The difference between the Site Plan Review and Special Permit process is that a Site Plan Review cannot be denied, the use can only be conditioned and is locally regulated; while in the Special Permit process, the permit granting authority has the right to deny a permit if regulations and conditions are not met. And further, a Special Permit must also meet the standards set by Massachusetts General Law Chapter 40A notwithstanding any additional regulations required by the locality.

**Responsible Entity:** Planning Board.

6. **The Town could Work to Facilitate its Existing Permitting Process** by developing a comprehensive development permitting guidebook to assist all customers with projects of any type and scale or that need to obtain any permit and develop separate handouts for more substantive processes that require additional detail or guidance. The Sterling Economic Development Committee is currently working on a Streamline Permitting Guide. The Town could also consider the identification of a development liaison in Town Offices to walk customers through the process and serve as a point of contact for questions and progress.

Some communities have even formed Pre-Application Review Committees to review pre-applications during regular business hours. The purpose of a preliminary consultation meeting is to help applicants and potential applicants through the development review and permit process by identifying regulations that apply to the project, identifying site design issues that are of concern and discussion of potential solutions, identifying permits that will be required and the process for obtaining them, clarifying procedures, and establishing relationships early in the process. Not only does this allow prospective applicants to discuss proposed developments and receive input prior to officially submitting permit applications, but it also helps departments to find solutions

## STERLING PLANNING BOARD MINUTES – November 30, 2016

~ ~ ~ ~ ~

that meet the needs of multiple boards and commissions, further facilitating the permitting process.

The Planning Board Assistant could coordinate the pre-application meeting which would be comprised of a staff level group made up of the primary reviewers of plans for any application. This might include representatives of the Planning Board (Planning Board Assistant), the Board of Health (Health Agent), Board of Selectmen (Town Administrator), Building Department, Department of Public Works, Conservation Commission (Conservation Agent), and Fire Department (Fire Chief).

Upon completion of such a meeting, the Planning Board Assistant would prepare a Pre-Application Meeting Memo outlining the major issues discussed and permits to be obtained. The Memo would be forwarded to the project proponent and to all Issuing Authorities that have jurisdiction over the project, as well as the Board of Selectmen.

**Responsible Entity:** The Economic Development Committee and Planning Board working with other boards/departments/commissions involved in the permitting process.

7. **The Town could Consider Adopting Chapter 43D.** On August 2, 2006, Massachusetts General Law Chapter 43D was signed into law. This program offers communities a tool to promote targeted economic and housing development by providing a transparent and efficient process for municipal permitting, guaranteeing local permitting decisions on priority development sites within 180 days, increasing visibility of the participating community, and targeting development site(s) known as Priority Development Sites (PDS). According to state regulations, a PDS must be:

- Commercially or industrially zoned (including mixed use);
- Eligible for construction of a structure of 50,000 sq. ft. or more;

The Expedited Permitting Program gives a town the ability to promote commercial development on pre-approved parcels by offering expedited local permitting on those parcels. Such development must be primarily commercial however mixed-use properties also qualify for priority designation so long as they conform to the statutory requirements for a priority development site. Other advantages of designating priority development sites in a community include eligibility for and priority consideration for PWED and CDAG funding, priority consideration for other quasi-public financing, brownfields remediation assistance, enhanced online marketing and technical assistance from Mass Development and/or the Montachusett Regional Planning Commission.

## STERLING PLANNING BOARD MINUTES – November 30, 2016

~ ~ ~ ~ ~

Projects located on Priority Development Sites continue to have flexibility; the applicant may still apply for permits and approvals under Chapter 40B to the same extent as if the property was not designated as a Priority Development Site. However, the provisions of Chapter 43D relating to permit processing and appeals shall not apply to projects seeking permits and approvals under Chapter 40B. A full listing of additional resources concerning Chapter 43D including fact sheets, frequently asked questions, and contact persons can be found at [www.mass.gov/mpro](http://www.mass.gov/mpro).

**Responsible Municipal Entity:** The Planning Board could spearhead this project and work with other boards/departments/commissions involved in the permitting process.

8. **Enhance Communication with Businesses within the Route 12 Corridor.** The Economic Development Committee should continue outreach methods to the business community to ascertain business needs. Doing so could help focus efforts for potentially expanding services and growing specific industry to meet any needs that are identified. The Economic Development Committee should survey local business to determine the needs of the local business community. (See Attachment E for example survey). Such a survey - whether a mailed document, web-based form, phone call, or a simple and informal personal visit to a business site - can be used to determine future business needs in the community and help local officials to plan ahead for necessary changes or improvements.

**Responsible Entity:** Economic Development Committee.

9. **Conduct a Water Study.** The Town should continue to expand water services to potential businesses. Earlier in this study it had been identified that the current water withdrawal threshold from the Town's well's, threshold set by the Massachusetts DEP, is at capacity according to the Sterling Water Department. With this threshold at capacity any new development proposed could be reduced significantly. The Town should investigate this issue further by undertaking a Water Study to explore options to expand water service particularly to priority economic development areas.

To pursue a Water Study for expanding water infrastructure DLTA funding could possibly be utilized. While there is no guarantee that the Commonwealth of Massachusetts will fund the DLTA program from year to year, a water study has been an eligible project in the past. For construction funding some possible loan programs could be considered through MA DEP, and USDA.

If the Town identifies a site with a developer that would create a high number of jobs, funding for infrastructure projects could be potentially be obtained through

## STERLING PLANNING BOARD MINUTES – November 30, 2016

~ ~ ~ ~ ~

the Economic Development Administration (EDA). Projects would have to be approved within the Montachusett Regional Comprehensive Economic Development Strategy (CEDS). The CEDS plan is available at this link here: [http://www.mrpc.org/sites/montachusetttrpc/files/file/file/2014\\_ceds\\_final\\_eda\\_approved.pdf](http://www.mrpc.org/sites/montachusetttrpc/files/file/file/2014_ceds_final_eda_approved.pdf)

Other grant programs that could be utilized for infrastructure improvements include MassWorks and the Transportation Improvement Program (TIP). For more information on the TIP program please contact Brad Harris, Transportation Director at the Montachusett Regional Planning Commission (MRPC).

**Responsible Entity:** The Board of Selectmen, Economic Development Committee, and the Water Department.

- 10. Business Site Redevelopment and Brownfields.** If any sites in the future are identified for redevelopment purposes, possible Brownfield's funding could be obtained for Site Assessments work and Site Planning if the funding is available. MRPC is sometimes successful in acquiring grant funds from EPA to fund environmental site assessments (ESA) – Sterling is eligible to apply to MRPC to fund ESA's – several MRPC communities have taken advantage of this program over the years. Currently, the MRPC has a Brownfield's grant from the Federal Environmental Protection Agency (EPA) to do Site Assessments within the Montachusett Region. Please contact John Hume, Planning and Development Director for more information on the program.

**Responsible Entity:** The Board of Selectmen, Economic Development Committee, and the Planning Board.

The Planning Board members asked the E.D.C. to come up with a list of the benefits of having Route 12 Corridor re-zoned and perhaps meet back at a future date.

### **Minutes**

Mr. Philpot moved that the Board approve the minutes for October 26 and November 7, 2016. Mr. Pineo seconded the motion. The motion passed with all in favor.

### **Warrants & Payroll**

Board members reviewed vouchers for payroll and WB Mason.

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

Mr. Santoro acknowledged a letter from Haley & Ward regarding a November 1, 2016 review of the current construction status of Homestead Lane.

# STERLING PLANNING BOARD MINUTES – November 30, 2016

~ ~ ~ ~ ~

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

### **Annual Town Report**

The Board agreed to review the Planning Board's Annual Town Report at a future meeting.

### **Street Numbering**

The Board asked Ms. Kazan to draft a 'Memo of Understanding' to the Fire Department and copy all pertinent Departments as follows: Per the General Bylaws Chapter 29-5 Assignment of number by Fire Department ~ "The numbers posted shall be those assigned to each structure by the Fire Department, and filed in the office of the Town Clerk. The Fire Department shall advise the owners of the property in writing of the assigned or reassigned number at the property's tax address." The Planning Board hereby agrees that we will no longer be involved in assigning street numbers.

### **FY18 Budget**

Mr. Philpot moved that the Board approve the FY18 Planning Board budget as prepared by the Ms. Kazan. The Board also agreed to review their stipends at a future meeting.

### **ANR Procedures & possible future public hearing**

As of this meeting, the Planning Board had not received the updated ANR Procedures/documents promised from Attorney Alana Quirk of K & P Law.

### **Condition of General Bylaws**

The Board agreed to postpone this discussion until a future meeting. In the meantime, the Board asked Ms. Kazan to request a true attest certified copy of the General Bylaws and Protective Bylaws from the Town Clerk.

### **Performance Evaluation ~ Administrative Assistant**

The Board agreed to postpone this discussion until their next meeting scheduled for December 14, 2016.

### **9:45 P.M. MOTION TO ADJOURN**

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

### **APPROVED BY:**

---

---

---

---

---

---