

FINAL

**STERLING PLANNING BOARD  
MEETING MINUTES**

February 8, 2012 – Rm. 202 Butterick Bldg.

**Present:** Michael Radzicki – Vice Chairman, MRPC Rep.  
Kenneth Williams – Clerk  
Ronald Pichierri – ANR Agent  
Charles Hajdu  
Melissa French – Administrative Assistant

**Absent:** Robert Protano – Chairman

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

**ANR's.**

There are no ANR's.

**MINUTES APPROVED**

**Pichierri moves to approve the minutes of January 25, 2012, as corrected. The motion is seconded by Hajdu, there is no discussion and all are in favor, approved by the Board, 4-0.**

**SITE PLAN REVIEW**

**Sterling Ice Cream Bar**

Present this evening are Bill Hannigan, Hannigan Engineering, Scott Miller, Haley & Ward, Inc. and Panagiotis, Kostandinos and Taxiarchis Katsiaunis, Sterling Ice Cream Bar. An application has been submitted to the Planning Board for the proposed expansion of the Sterling Ice Cream Bar. Hannigan has distributed the application and five copies of the Site Plan to the Planning Board and a copy of the Site Plan to the Building Department, the Conservation Commission, the Department of Public Works, the Board of Health, Fire Department and Police Department. Hannigan submits, to the Board, a copy of the "Distribution Sign Off Sheet".

At tonight's meeting Hannigan distributes two new copies of the Site Plan, with revisions through February 7, 2012. Hannigan states that these revised plans are a result of review feedback from Scott Miller, Haley & Ward, Inc. Hannigan also distributes to all Board Members small plan copies of the "Site Development Plan", "Review of Proposed Impervious Areas" and "Review of Existing Impervious Areas".

As of tonight's meeting the Planning Board has received review feedback from Scott Miller, the Building Department, the Conservation Commission and the Police Department.

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Hannigan explains that the proposed plan is for an addition to the existing building which will house a kitchen for making bagels, sandwiches, etc. There will be a drive-thru window for coffee, bagels and other breakfast items. Hannigan states that there is room to accommodate more than eight cars, eight being the stacking requirement. In addition there will be a full by-pass lane that will allow traffic to pass all the way through the site. Employee parking will be at the rear.

Hannigan explains that the main thing on this project was centered on the drainage and how they would address it. Hannigan states that it falls under “redevelopment” under the Wetlands Protection Act and must meet their standards with regard to the amount of impervious area. Hannigan states that the way the plan is set up now there is a decrease in impervious area, even though an addition is being added to the existing building. The total impervious area was 32,651 square feet and is now estimated at 30,267 square feet. This includes some additional parking. Hannigan distributes copies of the plans, showing existing and proposed impervious areas, to the Board members.

Hannigan states that he met with the Conservation Commission (Con Com) last night (2-7-12) and that they approved, without changes, the plan with revisions dated through 2-7-12. Hannigan makes the Planning Board aware that they have noted that the previous construction of a septic system on the site resulted in the filling of a wetland area. Hannigan has made Con Com aware of this, stating that part of their Notice of Intent, filed with Con Com, was to restore this area. This was included in the approval from Con Com.

Hannigan explains that the traffic pattern will involve an entrance and exit from/to Clinton Road on the right side of the building and an exit on the left. Traffic within the parking area will move in both directions. The existing entrance from Wiles Road will be eliminated. There will be two handicap parking spots. Signage to direct people is being proposed. Much of the existing wooded area currently used for picnicking will now be used for the drive-thru lane and Hannigan’s plan is to re-create a picnic area in the front of the building. Hannigan states that, per Miller’s letter, they have now added guardrails, fencing and landscaping to the plan as a safety feature to protect people in the picnic area from the parking area and the main road. A fence is also being proposed along the back parking area to protect the wetlands from parking and people wandering into this area.

Hannigan states the drainage will flow “essentially to where it was flowing before”. There will be bituminous berm around the site, in areas that will require plowing, with the exception of the two areas in which the water flows from the site. Stone filter strips are being proposed for these two areas. These filter strips will be part of a maintenance plan to renew/refresh them as needed, once every other year or so. Hannigan explains that with the elimination of low points in the driveway and the installation of berms, any prior issues of water overtopping the roads will be eliminated. Pichierri asks if Hannigan feels there should be a drain underneath the driveway connected to the catch basin. Hannigan responds that he does not feel it is necessary, noting that the grade of the driveway takes the water to the basin. Hajdu asks about a large grate currently in the

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driveway. Hannigan states that this belongs to Mass Highway and that the proposed plan is to build the berm up to and around it.

Hannigan states that he has received the review letter from Miller and has responded to Miller's comments. Hannigan has prepared a letter in which Miller's review comments are stated in italic print and Hannigan's responses follow. This letter is attached below.

February 6, 2012

RE: Site Plan Review  
Sterling Ice Cream Bar  
167 Clinton Road, Sterling, MA

Dear Ms. French,

Hannigan Engineering, Inc. is in receipt of peer review comments from Scott Miller of Haley & Ward with respect to the proposed expansion to the Sterling Ice Cream Bar property. Our responses to the comments are provided below.

*Comment 1) A fast food restaurant requires a Special Permit within the Commercial zoning district. It should be clarified if this is an expansion of an otherwise approved use or if a Special Permit will be sought. The applicant is seeking a Special Permit for the drive through window.*

As stated, the applicant is seeking a Special Permit from the Zoning Board of Appeals. In the letter to the ZBA, the applicability of the Special Permit for the project is for *"the expansion of the existing restaurant with the addition of a drive through."* It is unknown as to the status of any existing Special Permit for the project for the existing restaurant. However, this is essentially moot since, if a Special Permit does exist, the application is requesting a Special Permit for the expansion of the existing restaurant use. If the Special Permit does not exist, the expansion request moves to an expansion of a pre-existing, non-conforming use, which the expansion request satisfies.

*Comment 2) Consideration should be given to making the southeast curb cut exit only. Vehicles entering here will have access to just four parking spaces and could interfere with the circulation of the drive through lane and bypass as well as vehicles backing from those spaces.*

The applicant has no objection to this condition. The site plan has been modified to show this curb cut as an 'EXIT ONLY' with appropriate signage.

*Comment 3) Consideration should be given to placing a substantial vehicle barrier between the relocated picnic area and the adjacent parking spaces to protect congregated patrons from a runaway vehicle.*

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The site plan has been modified to show a timber guardrail along the parking area near the picnic area, along with a detail to the Construction Details.

*Comment 4) The parking load and capacity should be memorialized on the site plan. The parking load should reflect the seating shown, the capacity of the 600 square foot customer area in the expansion, the picnic area and the apartment*

The building, with the proposed expansion will be approximately 4,711 square feet which, based upon the *Restaurant, drive-in* designation, requires 48 parking spaces at 1 space per 100 square feet of gross floor area. The residential apartment requires 2 additional spaces for a total of 50 parking spaces required. The site plans have been revised to reflect an additional 5 spaces along the southerly drive to bring the total parking to 50 spaces on the project. This calculation has also been added to the plans to memorialize this information.

*Comment 5) The applicant should add spot elevations for the proposed work at major building corners, pavement and walkways to clarify construction requirements.*

This information has been added to the plans.

*Comment 6) The applicant should confirm an accessible route from the reserved parking spaces to the restaurant and show ramps if applicable.*

This information has been added to the plans with spot grades at appropriate locations. No ramps are required for access to the building.

*Comment 7) The site plan should show pedestrian access and egress points to the existing and expanded structure including emergency exit routes.*

This information has been added to the plans.

*Comment 8) Notations should be shown on plan calling out concrete walkways, fencing and other proposed improvements.*

This information has been added to the plans.

*Comment 9) A loading area should be designated on the plan.*

This information has been added to the plans. The loading area is proposed to be in back of the building along the employee parking area.

*Comment 10) Proposed exterior lighting should be shown on the plans.*

Lighting for the project is proposed to be low level residential style lighting and will be provided along the perimeter of the parking areas with higher intensity lighting in the front of the building. Lighting along the back of the building will flood pack style units mounted on the building, also be of higher intensity for security and

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safety purposes. All lighting will be downward pointing with cutoff luminaire shields to prevent 'spillage' of lighting to abutting properties.

*Comment 11) Proposed landscaping should be shown on the plans.*

Landscaping information is included in the plans and is shown as proposed trees along the perimeter parking and within the newly created landscape area in front of the building. This area will contain walkways of pavers and grass and landscape areas, along with some picnic tables for customers to congregate.

*Comment 12) The fire protection capacity of the water distribution system should be evaluated prior to construction approval. This evaluation should include the following components:*

*a) 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.*

*b) Fire flow capacity to the site through the connection to the distribution system at Sterling Road. Capacity should be based upon hydrant flow tests conducted by the applicant.*

Fire flow testing and design of internal fire suppression systems will be performed as part of the Building Permit application process and as part of the construction level architectural plans.

Hannigan Engineering, Inc. provides this information in response to the comments provided by the peer review engineer in anticipation of addressing concerns of the project by the Planning Board. We have enclosed updated Site Development Plans that reflect the modifications and revisions made as a result of this review. Please contact me should you have any questions or require additional information.

Sincerely,  
**HANNIGAN ENGINEERING, INC.**  
William D. Hannigan, PE  
President

pc: Konstadinos Katsiaunis  
Sterling ZBA

Hannigan reads aloud the above letter.

With regard to:

Comment 1; the Board feels the response is clear.

Comment 2; there is no discussion.

Comment 3; Pichierri asks if the proposed guardrail is sufficient, Hannigan responds that yes it is. Williams asks that the new picnic area be labeled on the final plans.

Comment 4; there is no discussion.

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Comment 5; Hannigan explains that the spot elevations have been added along the sidewalk to show that there is accessibility relative to wheelchairs, that there's not too much slope, what the slope will be and how you would get to the entrance of the building.

Comment 6; there is no discussion.

Comment 7; Hannigan explains that they have added arrows, to be painted on the pavement, to the plans, showing the Board that the access and egress points are marked on the large scale plan that he provided this evening.

Comment 8; Williams points out at this time that there is no legend on the plan to label the various notations.

Comment 9; Hannigan explains that the loading area, designated to be at the back of the building, allows for traffic flow through the bypass without obstruction during unloading of trucks.

Comment 10; there is no discussion.

Comment 11; there is no discussion.

Comment 12; there is no discussion.

Hannigan states that he received an email from David Favreau, agent for the Board of Health. Favreau has not yet responded with feedback due to some misunderstanding between Hannigan and Favreau regarding Favreau's review of the material provided by Hannigan. The Board has also received an email from Favreau, stating that he has not been able to provide comments.

Williams states that since the Board does not have comments from Favreau, or various other departments, the Board should wait on any approvals. Williams notes that there is a sixty (60) day period to approve or disapprove, which ends March 25, 2012.

Vice Chairman Radzicki asks if there will be a propane tank. Hannigan answers that there are three existing 100 gallon tanks which will be replaced with one tank, at the rear. Radzicki asks if there will be bollards to protect the tank from cars, Hannigan responds that there will likely be, but that the regulations for such will be determined through permitting with the Fire Department.

Vice Chairman Radzicki asks if a car is parked near the propane pad, will the dumpster area be blocked. Hannigan responds that there should not be a problem with access to the dumpster and that emptying will likely take place during off hours.

Vice Chairman Radzicki asks for clarification regarding the flow of water on the left hand side of the bigger parking lot area. Hannigan, pointing to the plan, illustrates the flow of water showing that the natural sloping of the lot will carry the water to the necessary drainage and recharge areas.

Williams asks about the signage for the facility. Hannigan responds that the sign that is currently in the island will remain in place. There will be no new or additional signs, other than signs on the building.

Pichierri states that it would be helpful if there were entrance and exit arrow signs at the sight line of the traffic, to eliminate confusion for visiting patrons.

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Pichierri asks about security lighting. Hannigan states there will be wall pack lighting on the back and front of the building, in addition to the existing lighting. It will be low level lighting, giving consideration to the residential surroundings.

Pichierri asks if there will be shrubbery at the street. Hannigan responds yes, along with a split rail fence. Hajdu asks if the line of sight will be considered with this shrubbery. Hannigan responds that yes it will be kept low.

Pichierri asks if the driveways pitch down toward the road. Hannigan responds that they do. Pichierri points out that water flowing into the road and spilling into the traffic area should be avoided. Hannigan believes that there have been no complaints in the past and that the elevation is not being changed.

Williams asks if the driveway delineation and parking spots will be marked with lines. Hannigan states that there will be a binder coat in the new areas and fresh top coat over all paved areas. Lines will be painted.

Williams asks about the existing loud speaker. Hannigan responds that the loud speaker will be replaced by vibrators to announce when an order is ready. There will be an order board with a low tone speaker, for the drive-up window.

Vice Chairman Radzicki reads into the minutes a letter, dated January 30, 2012, from Police Chief Gary Chamberland. This letter states that Chamberland has reviewed the plans, visited the site and submits the following comments; Chamberland agrees that the Wiles Road entrance should be eliminated, he feels that any construction work done on any part of Clinton Road should necessitate a police detail officer and he asks if, with the change of hours, has consideration been made to the adjacent noise as it pertains to noise, light and traffic. Chamberland also asks if the changing of hours will require changes in deliveries and trash removal.

Hannigan states that the hours of operation will be from 5:30 AM, for the coffee and bagel shop, and closing at 10:00 PM in the summer months for ice cream. The winter months will close earlier, likely at 8:00 PM.

There are email letters from Mark Brodeur, Building Inspector, and Matt Marro, agent for the Conservation Commission. French reads these emails, as well as the aforementioned one from the Board of Health, into the minutes. Brodeur has no objection so far, but would like more information. Brodeur thinks the basic set-up is fine. Marro notes that at the Con Com meeting of 2-7-12 the proposal for the expansion and parking reconfiguration, based on plans dated 2-7-12, was unanimously approved without any further proposed revisions to the plans.

There have been no responses received from the Fire Department or DPW. The Board will wait for those and further comment from the Board of Health. The Board will seek clarification from Brodeur as to what further information he is looking for.

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(Note added after the meeting; Brodeur stated that the information he is looking for pertains to the building, for issuance of a building permit.)

Hannigan summarizes that he needs to revise his plans to include a “North” arrow, a legend, labeling of the picnic area, and additional signage at the entrance and exit points and throughout the site, as needed to direct traffic flow. Williams asks that the entrance and exit arrows also be painted on the pavement. The areas of lighting will be clarified by the addition of the legend.

The Board provides positive feedback to the applicants, stating that it looks like a good project. Without the final revisions and feedback from the above noted departments, there can be no vote to approve, at this time. The Site Plan Review will be scheduled to continue at the next Planning Board meeting, on 2-29-12.

**Williams moves to continue the review until 8:00 PM on February 29, 2012, seconded by Pichierri. There is no discussion; all are in favor, approved by the Board, 4-0.**

Williams lets the applicants and Hannigan know that it is their responsibility to track down the pending responses; the Board will not go after them.

The applicants would like to start construction, with their sights set on opening in March for bagels and coffee. The Board does not see a problem with the applicants approaching the Building Inspector for a foundation, only, permit. Hannigan states that they will likely take that action after their meeting with the Zoning Board of Appeals, scheduled for 2-14-12. Hannigan will wait to see if the ZBA has no objection to a foundation permit, acknowledging that it will be at the applicant’s own risk.

### **DISCUSSIONS/REPORTS**

**Ann Desmarais, Leominster/Chocksett Roads** - Ann Desmarais has requested that she be placed on the agenda, for the February 29, 2012 meeting, to have a preliminary discussion regarding development of land she owns at the intersection of Leominster and Chocksett Roads. Desmarais states that her engineer, Brian Milisci, will also be attending.

### **ZBA**

There was no ZBA business to discuss. The February meeting of the ZBA will be held after this meeting.

### **CHAIRMAN’S REPORT**

Chairman Protano is not in attendance. The acting chairman has nothing to report.

### **ADMINISTRATIVE ASSISTANT REPORT**

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French attended a Department Head meeting on February 7, 2012. French updates the Board as to any announcements from that meeting. One announcement of importance to the Board is the necessity to re-write/update the Administrative Assistant's job description for the Personnel Board.

**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 sign invoices and payroll.

**MOTION TO ADJOURN**

**Williams makes a motion to adjourn the Planning Board Meeting at 8:52 PM.  
Seconded by Hajdu, no discussion, all in favor, motion approved 4-0.**

**The next regularly scheduled Planning Board Meeting is February 29, 2012 at 7:00 PM.**

**APPROVED BY:**

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