

STERLING PLANNING BOARD MINUTES – January 31, 2018

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

Mr. Santoro called the meeting to order at 7:00 P.M. in Room 202 of the Butterick Building.

7:05 p.m. Mr. Philpot arrived.

### **Minutes**

Mr. Pineo moved that the Board approve the minutes for January 10, 2018 as amended. Mr. Shapiro seconded the motion. The motion passed unanimously.

### **Warrants**

Board members reviewed a payroll warrant. Board members approved a warrant for Haley & Ward (Rafferty Aluminum), KP Law and Betty Kazan for office supplies. Board members also approved a Performance Bond refund for Sterling Countryside Builders, Inc. for Pinecrest II Village Lane.

### **John Wentzel, status of Site Plan for Sande Realty, Inc., 146 Pratts Junctions Road**

Mr. John Wentzel stated that he would like to withdraw his project. After a discussion, Mr. Wentzel agreed to submit a letter to the Board explaining what was done or done with respect to the plan that was approved. Once the letter has been submitted and the request to withdraw has been approved, any review fees on this account will be returned to the applicant.

### **Chairman's Report/Notices/Discussions**

#### **Invitation from the BOS**

Mr. Santoro acknowledged an email from the BOS inviting Board members to attend their meeting on February 7, 2018 to discuss the Master Plan. If anyone on the Board would like to attend, please contact the BOS directly.

Mr. Pineo stated that it is this Board's responsibility to approve the Master Plan but if somebody wants to gather information on which way the Town wants to go, he does not see a problem with this. It's just getting clarification on who is responsible for what. In the end, it does become this Board 'permanent headache' to say the least.

Mr. Philpot felt it was a little more forceful than just approving the Master Plan. Mr. Philpot referred to the opening sentence of 81D which says 'A Planning Board established in any city or two under section eight-one A shall make a Master Plan'. So that is unequivocal. The Planning Board can choose how that Master Plan can be developed.

Mr. Pineo stated that if the BOS want to have a committee, it would simply be an advisory committee.

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Mr. Philpot stated that he does not want to be any part of a committee that; 1. The Planning Board did not appoint, 2. The Planning Board did not charge or define its roles and responsibilities, and authorities which all part of a charge. Mr. Philpot stated he feels the Board should be very careful about this because it is on a slippery slope in terms of definition of authorities.

Mr. Pineo stated the Town Planner is the Board's goal, the Master Plan was not the Board's goal. Now we are going down this street somehow because of the \$25,000 grant. Mr. Pineo stated he would like to get to the Board's goals first, that being the Town Planner brought to fruition before the Master Plan can be put together.

Mr. Santoro stated there are many openings for Town Planners on the MMA website. He feels you can't do one without the other.

Mr. Philpot's opinion was if the Board is going to commit to the Town Planner idea, we should just pack the Master Plan Committee away.

Mr. Miller stated he was surprised to hear that this has been in the works for the past five years. Mr. Miller felt as the newcomer to the Board he needed more time to educate himself on this matter. Mr. Miller stated that he is not 100% convinced that we need a Master Plan because he doesn't see that there is that much misdirection in town. Only because we do not have that much undevelopable land and it would have to be regulated at this point between land trusts and DCR.

Mr. Philpot questioned what is the motivation behind this action to develop a Master Plan. What will that Plan provide to us that we can't live without now?

Mr. Philpot suggested when Board members have a few minutes, go on the Town's GIS, turn on the tab for Zone 2 aquifer. If he were going to spend any time or money, he would spend it on investigating how to better manage that Zone II aquifer so that it would open up development opportunities because it runs Route 12 from Leominster all the way down to South Town line and then when it hits Route 140, it starts running up Route 140. For Mr. Philpot it is how we get more non-residential tax revenue in this Town to take tax pressure off of the residential taxpayers. Mr. Philpot stated that for him, looking at this map, there is huge opportunity, there is tremendous potential there.

Mr. Santoro felt the Board needed the expertise of a Town Planner to take care of this.

Mr. Santoro mentioned that he received an email from the Town Administrator wanting to add the Town Planner to the Planning Board's budget. Mr. Santoro stated he could not in good faith put a budget item for this when we do not know the salary, job description, etc.

Ms. Cranson clarified that the BOS just wanted to know if the Planning Board wanted a placeholder for this on the Town Warrant.

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Mr. Philpot inquired if the Planning Board is being asked or queried to include a Town Planner position in their budget then does this mean he/she would report to the Planning Board. Mr. Pineo stated that's where he is going with this. If the Town Planner is not reporting to the Planning Board, then why are we talking about this?

Ms. Cranson stated that the question was where we should put this Town Planner position in as far as budgets ~ EDC, Planning Board or BOS. There was no discussion about the report to authority.

Ms. Cranson stated that the March 15<sup>th</sup> deadline is for a placeholder and the Board does not have to have it all finalized by March 28<sup>th</sup>.

Ms. Kazan informed the Board that we did not get a notice about the vote the BOS took to close the warrant on March 15, 2018. She explained that she wrote to Kama Jayne the other day because she knew the Board would ask for that information at tonight's meeting. Ms. Jayne confirmed the warrant opens January 25<sup>th</sup> and closes March 15<sup>th</sup>.

Ms. Cranson agreed that when the BOS make a decision at their meeting, a notice should go out the very next day. Ms. Cranson stated a memo with the whole schedule for the Town Warrant went out a couple of months ago with the FY19 Budget. Ms. Cranson will follow up on this memo.

### **Memo regarding input on the Subdivision Rules & Regulations**

Mr. Santoro informed the Board that he has sent out a memo to the pertinent Departments and Boards seeking their feedback on updating the Subdivision Rules & Regulations.

### **Sean Lorden, Rafferty Aluminum, review and discuss As-Builts and Haley & Ward's comments**

Sean Lorden and Joel Berg were on hand to answer any questions relating to the As-Built plans for Rafferty Aluminum.

Haley & Ward submitted the following comments with applicant's responses on January 31, 2018:

Haley and Ward has completed a review of the as built plan submitted for the Rafferty Aluminum and Steel Warehouse off Spratt Technology Way. The plan was prepared by David E. Ross Associates, Inc. and is dated December 2017. The applicant's site contractor has submitted a response on January 29, 2018. We offer the following comments with the applicant's response. Outstanding items are shown in bold.

- 1) Haley and Ward visited the site on January 3, 2018 to observe the onsite conditions. Due to snow and ice cover, the surface conditions of the unplowed areas could not be fully observed. Several site photos are attached. The pipe outlets and associated rip rap at the infiltration basin were under a pile of plowed snow.

Response: No response is required. **We recommend a follow up visit to observe the site without snow cover following the modifications noted below.**

- 2) The as built site plan accurately represents the on-site condition.

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Response: No response is required.

- 3) The vegetated surface drainage swales shown on the approved site plan have been replaced with a closed drain system with catch basins located off either end of the building piped to an infiltration area at the rear of the site. As this site is located within an aquifer resource overlay the following items should be confirmed or corrected:
- i) Hoods shall be provided on the catch basin outlets
 - ii) The catch basins shall have solid bottoms and sides to prevent direct exfiltration of storm water.
 - iii) The slopes and bottom of the infiltration basin shall have a loam and seeded surface with established vegetation.

Response: The applicant has stated that they plan to place a concrete floor in the infiltrating catch basins and will seal the openings on the sides of the chambers. Hoods will be added to the outlets. The floor and slopes of the infiltration basin will be loamed and seeded. These modifications will provide compliance with the aquifer protection bylaw.

- 4) The plans show 4 and 8-inch diameter pipes entering the infiltration area in addition to the catch basin drain outlets. The source of these drains should be provided to your Board with confirmation that the discharge conforms to the aquifer resource overlay requirements. (Protective Bylaw 4.6)

Response: The applicant states that the additional two pipes entering the infiltration are likely groundwater collection drains. This should be confirmed and noted on the plans. The invert and rim elevations of the catch basins should be noted on the plans. The applicant's letter also references both 8 and 6-inch piping from the catch basins. This should be clarified on the plans.

Mr. Pineo pointed out that the catch basins were not in the plan and this constitutes a modification to the plan which should come to the Board for approval. So, we need to rectify this first.

Mr. Santoro stated that Haley & Ward cannot do a true final inspection until after winter, possibly April.

The applicant agreed to incorporate Haley & Ward's recommendations and prepare a Site Plan modification and submit corrected As-Built plans.

Mr. Philpot stated that this site plan has expired but this Board has the authority to extend the time upon written request if shown a good cause which the Board has already established. The applicant agreed to submit a request in writing for an extension to June 1, 2018 which would be taken up at the next meeting.

Mr. Philpot summarized that everyone agreed to get the work completed by April 30, 2018 and the Planning Board will grant an extension of the site plan once the Board receives the request in writing which will bring it out to June 1, 2018. This will give the applicant time to get all the work done, an As-Built completed and then close out the project.

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**Rock Breakers (LKO) Hazardous Spill Procedures (Updated)**

Mr. Rheault was on hand to propose the following solution in lieu of submitting an updated Hazardous Spill procedure policy:

1. We do not want to dig up the pavement right now because it is final pavement
2. We have frost
3. Starting in March until fall, Graves is going to be blasting to get an additional 50,000 SF.

With this said, the solution Mr. Rheault came up with is, there is a catch basin behind the building. That catch basin doesn't have the valve on it which was approved by the Board. The discharge to that catch basin goes to the detention basin in back and connects to the larger basin on the side. At the inlet to that catch basin Whitman & Bingham can give you an 8-21/2 x 11 detail of the valve that we could put on that inlet that we can make a shelf and we can have a valve that shuts it before it gets into the basin. It will be plastic because it is temporary. If the blasting disrupts it, we will put a new plastic one on. In the meantime, if we can retrofit that and we can do it and we do not have to wait until it thaws out. Mr. Rheault stated he would email the Board an 8-1/2 x 11 detail of that valve forward it to Scott Miller and get a review.

Mr. Rheault will send the proposed changes to the Board and Haley & Ward later this week.

**Glenn Eaton & John Hume, MRPC discuss Town Planner information**

Glenn Eaton explained he had forwarded a lot of information on Town Planners for the Board's review. He explained that he and Mr. Hume would help with anything the Board wished them to pursue. You can provide a metric for the Town Planner to follow with criteria based

Mr. Philpot mentioned that the Town of Sterling has a limit on how much developable land there is. Unfortunately, a large part of this cannot be developed because the State owns it. So there is a lot of open protected land which puts even more emphasis on developing what we have because we don't have much other to develop.

Mr. Eaton stated a good Planner should ask if he/she has done everything that he/she has learned to help a community grow in such a way that there is orderly development that the Town wishes to see.

Mr. Philpot asked if there is somewhere out there an established metric to measure the performance of a Town Planner. Both Mr. Eaton and Mr. Hume agreed they would have to research this. Mr. Eaton felt this information might be found in much larger communities. Mr. Philpot asked if it would be possible for MRPC to contact Towns that have Planners inquiring of the hire date and the number of business certificates issued before a Town Planner was hired and what is it at present and also what was the residential, non-residential tax before and what is it at present.

Mr. Santoro stated that Town Planners are in high demand. Mr. Santoro did not agree with the idea of sharing a Town Planner.

Mr. Eaton suggested member look at the MMA website for salary information on local Town Planners. Mr. Santoro stated he already had information from MMA.

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Mr. Eaton agreed they would reach out to other Towns to get answers on the metric and get back to the Board with the information.

The Board thanked Mr. Eaton and Mr. Hume for all the information on Town Planners.

Mr. Pattachiola on behalf of the EDC to clear up where they are coming from. The EDC wants to become more involved in promoting Sterling and does not care to get involved with Planning Board activities but would be more than happy to assist the Planning Board in any way they can.

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

#### **Pending ANR Chocksett Road**

Ms. Kazan still has incorrect property owner information. The Board asked Ms. Kazan to send another email to the Engineer and request this correction.

### **February 14<sup>th</sup> Meeting**

All Board members except for Mr. Miller agreed they would be in attendance at the February 14<sup>th</sup> meeting.

### **New Town Website**

Ms. Kazan informed the Board that she noticed several inconsistencies with the new website as they pertain to the Planning Board. Minutes and agendas are scattered in various places. Minutes are missing even though they were on the old website. The Public Hearing tab is not on the new website. This was confirmed with Mr. Perry. The Protective Zoning Bylaws on the Planning Board webpage is the old version. She explained information was forwarded to the Town Administrator who in turned forwarded to VTH. Mr. Perry is hoping VTH will resolve these issues.

### **2017 Annual Town Report**

Ms. Kazan will send out a draft email of the Annual Town Report. Board members will review and give feedback prior to the February 14<sup>th</sup> meeting so this report can be finalized and submitted.

### **As-Builts Due**

Ms. Kazan informed the Board of two applicants (JJCEV & Sterling Ice Cream Bar) who have a deadline for submission of their As-Built plans and possibly review fees on February 19, 2018. The Board agreed to have these two applicants come in for one of the March, 2018 meetings.

### **Email**

Mr. Santoro received an email from Ross Perry inquiry whether the Planning Board would include the Town Planner line item in our FY19 Budget. The Board agreed to have an agenda item on the February 28<sup>th</sup> meeting to discuss and decide whether the Planning Board should accept responsibility/authority of the Town Planner and decide if the Board will/will not request a placeholder for this position on the Annual Town Warrant.

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Discuss ‘back-up ‘Zoning Bylaw

Mr. Philpot mentioned that he received a phone call from Attorney Carolyn Murray of KP Law. He had mentioned to her this back-up Bylaw. She agreed that anyone can author a Bylaw. The law requires this Board to hold a public hearing but does not require us to author anything it does not prevent us from authoring anything. We can author a Bylaw change as we see fit, but so can anyone else in this Town.

The process he learned through attending a meeting at the Worcester Attorney General’s office is that “if a Protective Bylaw is going to be altered the Board of Selectmen have to be notified and then it to us even if we initiate it. We think we need a law, the Selectmen have to be notified. A request for a Bylaw change and a proposed change and they in turn send it to us and say please consider this. So, as far as Mr. Philpot is concerned, because we are not required to author them, Mr. Philpot’s suggestion to the Board is ‘Thanks very much for your suggestions, please feel free to write the Bylaw and we will be happy to hold a public hearing.

Mr. Pineo moved that the Board send an email to the Board of Selectmen stating the Board felt it is the BOS’s responsibility to prepare the proper verbiage for their warrant article. Mr. Philpot seconded the motion. The motion passed unanimously.

Mr. Philpot will draft a memo in response to the BOS ‘back-up’ Zoning Bylaw tomorrow morning.

Review & discuss As-Built for Neady Cats, 215 Worcester Road

Mr. Philpot moved to accept the As-Built plans contingent upon receiving corrected plans to reflect the correct Map and Parcel numbers and close out the project. Mr. Pineo seconded the motion. The motion passed unanimously.

Planning Board Accomplishments/Goals/Issues

The Board agreed to put this topic as an agenda item for their meeting on February 28, 2018. In the meantime, members agreed to email Ms. Kazan prior to the meeting with a well-tuned list of goals and accomplishments.

Subdivision Rules & Regulations

The Board agreed to put this topic as an agenda item for their next meeting.

Open and expiring Site Plans and Occupancy Permits

Ms. Kazan will continue to keep updating the Board on this subject.

Condition of General Bylaws

The Board agreed to put this topic as an agenda item for their next meeting.

10:26 P.M. MOTION TO ADJOURN

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

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APPROVED BY:
