

STERLING PLANNING BOARD MINUTES – May 30, 2018

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

Mr. Santoro called the meeting to order at 7:02 P.M. in Room 202 of the Butterick Building.

### **PLANNING BOARD REORGANIZATION**

#### **Chairman**

Mr. Philpot moved to appoint John Santoro as Chairman of the Planning Board. Mr. Pineo seconded the motion. The motion passed unanimously.

#### **Vice Chairman**

Mr. Philpot moved to appoint Mike Pineo as Vice Chairman of the Planning Board. Mr. Santoro seconded the motion. The motion passed unanimously.

#### **Clerk**

Mr. Philpot moved to appoint David Shapiro as Clerk of the Planning Board. Mr. Santoro seconded the motion. The motion passed unanimously.

#### **ANR Agent**

Mr. Pineo moved to appoint Russ Philpot as ANR Agent for the Planning Board. Mr. Santoro seconded the motion. The motion passed unanimously.

#### **MRPC Representative**

Mr. Philpot moved to appoint Mike Pineo as the MRPC Representative for the Planning Board. Mr. Miller seconded the motion. The motion passed unanimously.

#### **MJCT Alternate Representative**

Mr. Philpot moved to appoint Mike Pineo as the MJTC Alternate Representative for the Planning Board. Mr. Miller seconded the motion. The motion passed unanimously.

#### **Minutes**

Mr. Pineo moved that the Board approve the minutes for May 9, 2018 as presented. Mr. Miller seconded the motion. The motion passed with two in favor and one abstain (Mr. Philpot was not present at this meeting).

#### **Warrants & Payroll**

Board members reviewed two payroll warrants and signed a voucher for KP Law.

#### **Audience Inquiry**

Mr. Pineo explained that this was not on the agenda but Coel Kolegue, owner of Giant Eagle Vending was downstairs yesterday at the Building Commissioner's office inquiring about the Principal Use. As Mr. Pineo sees it, he does not see much a change of use. Ms. Kolegue is

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looking for garage space to store food for her vending business. At present, the property is zoned Town Center District.

Mr. Philpot stated that because this was not on the agenda, the Board cannot take any formal action. With that understood the Board asked Ms. Kolegue what she planned for the property and Mr. Philpot referred to the TOS Protective By-laws Table of Principle uses. The Board reviewed the history of the property as being a gas station with mechanics years ago and how it “morphed” into some sort of greenhouse selling plants. After a brief review and chat it appeared her proposed use may be an allowed use or perhaps require a Variance depending on the interpretation (of her proposed use) by the Zoning Enforcement Officer. Ms. Kolegue then asked “How does it work in this building? Where do I go first or talk to?” Mr. Philpot explained she must work with/through the Building Commissioner who is also the Zoning Enforcement Officer whose job it is to determine how her proposed use might be impacted by the Protective By-laws which then lays out her path to move through the building – so to speak.

The Board suggested Ms. Kolegue draft a narrative about what she wants to do and submit it to the Building Commissioner/Zoning Enforcement Officer for her determination of Principal Use.

ANR ~Justice Hill, Inc., John V. Blanchard & Loriania E. Blanchard Trust, 175 Justice Hill Road, Map 13, Parcel 1 & Map 18, Parcel 17

Doug Andrysick met with the Board on behalf Justice Hill, Inc., John V. Blanchard & Loriania E. Blanchard Trust, 175 Justice Hill. The ANR will conveying 5.7 acres from Map 18 Parcel 17 to Parcel A for a total of Lot 1 equaling 7 acres. Map 18 Parcel 17 will then have 24.48 acres remaining.

Mr. Philpot moved that the Board endorse ANR Plan, Assessors Map 13 Parcel 1 & Map 18, Parcel 17, Owner Justice Hill, Inc., John V. & Loriania E. Blanchard, PO Box 397, Princeton, MA 01541, Book 6059-341 & 6059-338, with the creation of Parcel added to the old Parcel 1 to create a new Lot 1 of 7 acres (conveying 5.7 acres from Map 18 Parcel 17 to Lot 1). Finding that both modified lots meet the three requirements of the Mass General Law. Plans prepared by Andrysick Land Surveying, 206 Worcester Rd., Princeton, MA 01541. Project No. 21222, Dated May 11, 2018. A check for \$350 ANR Fees was received. Form A completed, with six copies of the plan. There was no further discussion. Motion seconded by Mr. Miller seconded the motion. The motion passed unanimously.

As Built Plan for JJCEV Realty Trust, 140 Pratts Junction Road

Mr. Joseph Spinelli was on hand to discuss the As Built Plan for 140 Pratts Junction Road.

Mr. Philpot read the following comments submitted by Haley & Ward:

‘Haley and Ward has completed a review of the as built plan submitted for the JJCEV at 140 Pratts Junction Road. The plan was prepared by GRAZ Engineering LLC and is dated May 7, 2018. Haley and Ward visited the site on May 24, 2018 to observe the onsite conditions. We offer the following comments:

- 1) The as built site plan accurately represents the on-site condition. The following items should be added to the plan:*
 - i) Diameter and material of the drainage piping*

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- ii) *Diameter and material of the water main and service piping*
 - iii) *Invert for the drainage manhole in the southern driveway (#142 Pratts Junction Rd.)*
 - iv) *Invert for the western “Downstream Defender” structure*
- 2) *The following deviations from the site plan are noted. The deviations do not significantly alter the use and appearance of the site.*
- i) *The fence line is altered on the north of the site and the proposed closure is not in place on the driveway in to #142 or at the rear of #140.*
 - ii) *Full cut off, LED lighting is provided on two standards along the 142 access drive.*
 - iii) *The accessible parking spaces at 140 have been moved to the eastern end of the lot.*
- 3) *The lawn area between #142 and Pratts Junction Road on either side of the access driveway is in use for open material and equipment storage. The use of this area was not noted on the approved plans. These areas are substantially screened from the public roadway by the chain link fence with vinyl inserts and a high soil berm that has been placed on either side of the access drive.*
- 4) *The cover for the “Downstream Defender” east of #142 is not visible. The cover should be exposed or raised to grade to provide for the scheduled maintenance.*
- 5) *The drain manhole cover in the southern driveway is noted as below pavement. The cover should be raised to grade.’*

Mr. Philpot asked Mr. Spinelli to make sure that GRAZ Engineering contacts Haley & Ward to respond to their written comments. In the meantime, Mr. Philpot will contact Scott Miller for clarification on item #3.

The Board agreed to continue this discussion to their next meeting scheduled for June 13, 2018 with anticipation that all items addressed by Haley & Ward will be resolved.

Chairman’s Report/Notices/Discussions

There was not a Chairman’s Report/Notices/Discussions.

Administrative Assistant’s Report/Notices

Ms. Kazan requested that each Board member sign the ‘Authorized Agents Signing for ANRs (Approval Not Required)’ form which will be sent to the Registry of Deeds.

Review of As-Built Plan for Rafferty Aluminum, 1 Spratt Technology Way, Assessors Map 46, Parcel 42

The Board agreed to forward all information on the As-Built Plans for Rafferty Aluminum to Haley & Ward for their review. It was also agreed to put this topic on the agenda for the June 13, 2018 meeting.

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Continuance of Preliminary Subdivision Application, Primrose Lane, Assessors Map 10 Parcels 6, 7, 7.1, Applicant Scott Charette

Wes Flis of Whitcomb & Bingham Associates, LLC, Attorney Vincent Campobasso and Mr. Scott Charette were on hand to meet with the Board to discuss the updated Preliminary Subdivision Plan for Primrose Lane.

Mr. Flis explained that at the last Planning Board meeting it was agreed to change the plans showing no common driveway and adjust the property line between Lot 1A & Lot 2A to allow access to rear of Lot 1A without passing over Lot 2A.

Mr. Philpot moved that the Board accept the Preliminary Subdivision Plans for “Primrose Lane” dated May 14, 2018, as submitted and grant a waiver with bituminous concrete sidewalks. Finding that this is a two lot subdivision rather than an expansive neighborhood and is far less likely to incur foot traffic along the street or thorough fair that would be benefitted by a sidewalk. Mr. Philpot confirmed that it does have a sidewalk but he wanted to be sure that the Board recognizes the difference between a two lot subdivision which is nothing more than a bulb and we have a sidewalk around it to pay deference to our requirement for sidewalks. As compared to a 600 or 1,000 foot road with multiple lots on it. Mr. Miller seconded the motion. The motion passed unanimously.

Mr. Flis confirmed that they would be coming before the Board in the near future for a Definitive Subdivision Plan.

Discussion RE North Cove

Mr. Philpot read the following email received from Brian Marchetti, McCarty Engineering:

‘Sarah, thank you for talking with me last Thursday afternoon. As we discussed, this is a follow up email to the Sterling Building Department and the Planning Board to clarify the permitting requirements for potential buyers of Edward Thomas’s ANR Lots on North Cove Road. Over the past couple years, and as recently as two weeks ago, there have been prospective buyers interested in the land that have backed out last minute due to a lack of clarity on who is responsible to perform the paving work. It is my understanding that the potential buyers thought that they would not be able to get a building permit to develop the lot without the road being paved, which we believe is not the case. I would like to provide the clarity in this email, so that the Planning Board, Building Department and Property Owner are all on the same page with respect to the terms of the agreement. My understanding is as follows:

- 1. Ed & Patricia Thomas and Andre & Maureen Brouillard, Owners of Lots 1-4 North Cove Road, are financially responsible to perform the paving improvements agreed upon in the Memorandum of Understanding Filed with the Planning Board in February 2015, and Approved on March 11th 2015 (currently extended to November 30, 2018).*
- 2. The paving improvements agreed to by the Owners are in no way legally linked to the deeds of the future owners of Lots 1-4 North Cove Road. No deed restrictions are required.*
- 3. The issuance of Building Permits required to develop Lots 1-4 North Cove Road are in no way affected by the timing of the execution of the paving improvements agreed to in the Memorandum of Understanding.*

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*The current owners of the ANR Lots are committed to performing the paving improvements as soon as a lot is sold and the check clears. In order to avoid any future confusion between the parties included on this email, please respond to confirm the accuracy of my statements above. I fear that without the three parties being in agreement, the risk of Ed & Patricia Thomas and Andre & Maureen Brouillard losing future prospective buyers will remain. Please let me know if you have any questions or comments.'*

The Board reviewed each item and after the Planning Board meeting, the following email/memo was sent to Mr. Marchetti:

In response to your comments providing “clarity” on the requirements, we offer the following:

1. The executed M.O.U. makes no mention of who shall be “financially” responsible for paving and the Planning Board will offer no direction or presumption as to who should be.
2. We agree the paving improvements do not affect ownership/deeds to properties.
3. We disagree that the issuance of Building Permits “are in no way affected by the timing of the execution of the paving improvements.”

### **Discussion RE Site Plan condition #3 for N.E. Power, Off Pratts Junction**

Mr. Santoro acknowledged the following email from Michael Mullaney of McKenzie Engineering regarding Condition #3 of the approved Site Plan for N.E. Power:

*‘Condition 3 stipulated “Any of the proposed 6 foot high chain link fence perimeter facing the roadway shall have privacy slats to visually screen the development from roadways and abutters.” The perimeter fence is scheduled to be installed beginning next week but site is development is far enough along to assess its visual impact to proximate roadways and abutters. Only the upper half of the new building is visible at the northerly end of the development area at the new site driveway. The top of the fence will be below the top of the driveway and not visible from Pratts Junction Road.*

*The topography along the easterly side of Pratts Junction Road adjacent to the development area is elevated with respect to both Pratts Junction Road and the development area along most of the site’s westerly property line; i.e. along Pratts Junction Road. That is, the ground is naturally mounded up between Pratts Junction Road and the development area and heavily wooded providing a natural screen.*

*The wooded buffer ends at an existing gated entrance to the property located near the southwesterly corner of the property, not far from the junction of Pratts Junction Road and Flanagan Hill Road. The view into the site from that vantage point is fairly limited. The building is not visible at this location nor does it appear that any portions of the as yet erected fence would be.*

*The development area is obscured by a heavily wooded buffer and natural topography from Flanagan Hill Road. There are no other roadways or abutters within proximity of the site.*

*The addition of privacy slats in any parts of the 6 foot high chain perimeter link fence would not provide any additional visual screening of the development beyond the existing natural screens; e.g. natural topography and trees, from the roadways or abutters in my opinion. I understand that the normal procedure at the time of project completion is for the Board, upon receipt of as built documentation and through its consulting engineer, verify that the project has complied with any conditions of Site Plan Approval. The project cannot be completed and as built drawings submitted until Condition 3 is addressed. To that end, I respectfully request a site visit with the Board or its representative at its earliest*

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convenience to determine which, if any, portions of the 6 foot high chain perimeter link fence require privacy slats to visually screen the development from roadways and abutters.'

After a brief discussion, Mr. Miller agreed to contact Mr. Mullaney to visit the site and report back to the Board with his recommendation regarding this request.

Town Planner Job Description

The Board discussed their concerns regarding whom the Town Planner would be reporting to. Mr. Santoro stated he would request to be on the BOS Agenda to get this issue resolved. In the meantime, the Board agreed not to proceed with the review of the job description until this issue is resolved.

9:30 P.M. MOTION TO ADJOURN

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

APPROVED BY:
