

STERLING PLANNING BOARD MINUTES – June 27, 2018

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

Mr. Santoro called the meeting to order at 7:03 P.M. in Room 202 of the Butterick Building.

### Minutes

Mr. Pineo moved that the Board approve the minutes for June 13, 2018 with corrections. Mr. Miller seconded the motion. The motion passed with three in favor and one abstain (Mr. Philpot was not present at this meeting).

### ANR 24 Boutelle Road, Map 146, Lot 23.1, Applicant Jason E. Baldarelli

Applicant Jason Baldarelli, PO Box 924, Sterling, MA, met with the Board to discuss an ANR for 24 Boutelle Road. The purpose of the ANR is to subdivide Map 146, Lot 23.1 into two separate buildable lots. Parcel A will consist of .50 acres and Map 146, Lot 23.1 will then have .585 acres remaining.

After a review of the ANR Mr. Philpot made the motion that the Board waive the requirements for topographical indicators on this ANR plan, finding that Board members are all intimately familiar with the property and the general/neighborhood area (which is dead flat.). Mr. Pineo seconded the motion. The motion passed unanimously.

Mr. Philpot moved that the Board endorse ANR Plan, Assessors Map 146, Lot 23.1. Owner Jason E. Baldarelli, PO Box 924, Sterling, MA 01564. Finding that it meets the three requirements of the Mass General Law; required frontage for this zoning district, viable way and has the access and further finding that it meets the zoning requirement of a half-acre. Plans prepared by GRAZ Engineering, LLC, 323 West Lake Road, Fitzwilliam, NH 03447. Job No. 18019, Dated May 31, 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. Pineo seconded the motion. The motion passed unanimously.

### Warrants & Payroll

Board members reviewed a payroll warrant. Board members also approved a warrant for KP Law.

### Chairman's Report/Notices/Discussions

Mr. Santoro mentioned that he spoke with Pat Fox who mentioned that the ZBA and Planning should schedule a meeting with the BOS regarding the Earth Removal Bylaw.

Mr. Philpot clarified the process for changes in a Bylaw. The Planning Board holds a public hearing during which time any person can attend and make their comments. Meeting with the BOS to discuss this matter is not part of the prescribed process and therefore unnecessary. If the BOS would like to offer comments they may attend the Public Hearing. Mr. Santoro agreed to

## STERLING PLANNING BOARD MINUTES – June 27, 2018

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discuss this with Mr. Fox and Mr. Rivers about the possibility of meeting with the ZBA and Earth Removal Board at one of the upcoming Planning Board meetings.

Administrative Assistant's Report/Notices

Protective Bylaws Updated

Ms. Kazan informed the Board that the 'new' Town Clerk has provided this Board with an updated set of Protective Bylaws which reflects the approvals that were made at the May 2018 Annual Town Meeting. The Town Clerk has also corrected all past errors in the table of contents.

Sterling Ice Cream Bar

Mr. Santoro indicated that there is a new owner of the Sterling Ice Cream Bar. Mr. Santoro will discuss with Ms. Kazan sometime this week on how to proceed with following up on an As-Built Plan.

Review Draft memo to Building Commissioner/Zoning Enforcement Officer

The Board reviewed the memo that Mr. Shapiro drafted to the Building Commissioner/Zoning Enforcement Officer regarding questions referred to the Planning Board on topics outside the Board's purview.

Mr. Philpot commented that Mr. Shapiro did a good job on the draft memo but felt the Board should be a little more specific.

Mr. Philpot offered to work with Mr. Shapiro to make some changes to his letter in time for the next Planning Board meeting.

Continuance of JJCEV Realty Trust, 140 Pratts Junction Road As-Built Plan Submission

Mr. Miller made a site visit to 140 Pratts Junction Road with hopes of clarifying questions the Board had regarding items 2 and 3 comments from Haley & Ward's review of the As-built plans with revisions through June 8, 2018, as follows:

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.*

Response: No response required.

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.*

No response is required. The area was not designated as a material storage area and the berms were not shown on the approved site plan. The berms and the fence provide reasonable screening from the public way. This comment is to note the use and conditions for the record and to make your Board aware of them.

STERLING PLANNING BOARD MINUTES – June 27, 2018

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Mr. Miller stated that at the second entrance (#142) the fencing is not completed. It appears to be damaged. There is also an earth berm going across which Mr. Spinelli is trying to use as a barricade and before you get to the fence, it drops down. Mr. Miller's opinion is that Mr. Spinelli should either finish the privacy fencing or finish the berm.

Mr. Miller and Mr. Santoro agreed to contact Mr. Spinelli for a site visit. Mr. Santoro asked Ms. Kazan to tentatively schedule this continuance on the agenda for July 11, 2018. Mr. Santoro will also let Ms. Kazan know if he wants Mr. Spinelli to attend the July 11, 2018 meeting.

Review and comment regarding notice for ZBA Special Permit for 39 Flanagan Road Subdivision that will be heard by the ZBA on July 10, 2018

8:25 P.M. Recusal

Mr. Philpot recused himself from the meeting as he has a professional relationship with the applicant.

Mr. Santoro explained to the Board that there is a 35 day window in which to comment to the ZBA regarding this Special Permit application.

Mr. Pineo stated he had reviewed the plans and application and found no issues.

Mr. Pineo moved that the Board send a letter to the Zoning Board of Appeals regarding the Special Permit application for 39 Flanagan Hill Road, indicating that the Planning Board has no objections to the ZBA Special Permit application presented. Mr. Miller seconded the motion. The motion passed unanimously.

Town Planner Job Description

Mr. Pineo indicated that the MRPC meeting is being held tomorrow night and he did not have a chance to get the information that Mr. Eaton had previously provided to him. Mr. Shapiro asked if he could go across the hall to the BOS meeting and ask Mr. Kilcoyne if he had received any information from Glenn Eaton.

Ms. Lex Thomas reporter for the Sterling Meetinghouse News asked does the Board have a goal in mind as to when the Board will have a job description to be posted. Mr. Shapiro stated it falls on the Town Administrator and Board of Selectmen. The Planning Board's goal is to have a working document by the July 11th meeting.

Mr. Shapiro indicated the Town Administrator will be sending him all the documents that he has from MRPC and a template of the job description.

Mr. Shapiro indicated that Mr. Perry had not sent the template for the Town Planner job description information to him. The Board agreed to continue the review of the Town Planner job description to their next meeting so he will have time to get the information Mr. Perry had promised to send him.

STERLING PLANNING BOARD MINUTES – June 27, 2018

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9:03 P.M. MOTION TO ADJOURN

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

APPROVED BY:
