

## STERLING PLANNING BOARD MINUTES – July 25, 2018

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

Mr. Santoro called the meeting to order at 7:15 P.M. in Room 202 of the Butterick Building.

### **Site Plan Review ~ Gibson Farms, LLC, DBA Cream Crock, Applicant Elwin F. Gibson & 50 Worcester Road Realty Trust, 48-50 Worcester Road, Assessor's Map 146, Lot 3**

Mr. Elwin Gibson and Robert Brownell were on hand to explain that they will be putting an additional cooler space adjacent to the existing cooler.

Mr. Santoro indicated that the Board could not make a decision until they receive input from the appropriate departments and Haley & Ward.

The Board agreed to reach out to Haley & Ward for their review of this site plan. Mr. Gibson requested that Haley & Ward contact Mr. Brownell with questions.

The applicant agreed to request a continuance of the Site Plan.

Mr. Pineo moved that the Board approve the request of the applicant, to continue the Site Plan Review to August 8, 2018 (tentatively) unless otherwise determined. Mr. Miller seconded the motion. The motion passed unanimously.

### **Minutes**

Mr. Pineo moved that the Board approve the minutes for July 11, 2018 with corrections. Mr. Shapiro seconded the motion. The motion passed unanimously.

### **Warrants & Payroll**

Board members reviewed a payroll warrant. Board members also approved a warrant for WB Mason for office supplies.

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

Mr. Santoro indicated that the Board had received notice of street numbers assigned to Clinton Road.

### **As-Built Plans for N. E. Power a subsidiary of National Grid, 35 Pratts Junction Road, Assessor's Map 46, Lot 31**

Bob Grzyb of AZ Corporation and Michael Mullaney of McKenzie Engineering were on hand to answer any questions the Board might have regarding their submission of the As-Built plans for N.E. Power. Mr. Mullaney requested that the Board accept the As-Built plans and close out the project.

The Board reviewed the following comments from Haley & Ward with the applicant's responses in bold:

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*Haley and Ward has completed a review of the as built plan of the National Grid facility off Pratts Junction Road. The plans were prepared by David E. Ross Associates, Inc. and are dated July 13, 2018. Additional documentation and a comment letter was provided by McKenzie Engineering on July 25, 2018. We offer the following comments.*

- 1) The plan accurately reflects the as built condition of the site. The following deviations were noted from the approved site plan and are provided as a record:*
  - a) Vehicle access gates were added to the fence on the north west and south west corners of the developed area. A pedestrian gate was added to the east sideline. These gates provide for improved access to the adjoining property.*
  - b) A pole mounted light was added at the entrance gate. The light does not appear to create a nuisance to abutting property.*
  - c) Catch basin hoods are not in place within the catch basins. This is discussed in a later paragraph.*
  - d) The angled parking area striping is mirrored from the approved site plan while the circulation markings maintain the same traffic flow. This change appears to be completed to allow vehicles to be backed in to each space as opposed to head in parking.*

***Response: The applicant confirms and justifies these deviations through the additional documentation provided.***

- 2) Drain manholes D and H, the last manholes prior to the outfalls to the stormwater management pond are fitted with Rinker Stormceptor water quality units. These units are not noted on the approved plans but provide an appropriate alternative to hooded catch basins for improved storm water quality. The size of the units and the required operation and maintenance guidance should be provided to your office.*

***Response: The applicant has provided the basis for the change as a requirement to obtain a stormwater management permit for the site. The treatment unit provides for improved discharge water quality compared to a hooded catch basin alone. The unit size and operation and maintenance materials have been provided with the July 25 submittal.***

- 3) The catch basins were approximately half full of water despite a significant rain event on the afternoon July 17, the day before our site visit. The basins do not appear to be water tight and will allow untreated run off to infiltrate in to the ground water. This site is located within the water resource protection district and includes run off from a material storage and snow disposal area. Direct infiltration of untreated storm water is prohibited by the Zoning Bylaw and Mass DEP stormwater management guidelines. The precast catch basins should be sealed to limit exfiltration.*

***Response: The applicant engineer and site contractor have opened the catch basin structures for inspection and have applied hydraulic cement to the accessible interior joints and precast penetrations. Written and photographic documentation of the inspection has been provided. This is a reasonable approach to resolving this item.***

- 4) The site work is complete with a developed vegetative cover. The erosion control fencing should be removed subject the approval of the Conservation Commission or their agent.*

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**Response:** *It is our understanding that the erosion control fencing will be removed pending the approval of the Conservation Commission.*

Mr. Pineo moved that the Board vote to accept the As-Built Plans and close out the project. Mr. Miller seconded the motion. The motion passed unanimously.

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

#### **Public Hearing ~ Primrose Lane**

Ms. Kazan reminded the Board that they have a public hearing scheduled for the next meeting (August 8, 2018) at 7:15 p.m.

#### **Sterling Ice Cream Bar**

Ms. Kazan has drafted a memo for Mr. Santoro's review regarding the Sterling Ice Cream Bar violations.

#### **Town Planner Job Description**

Several Board members attended the Board of Selectmen meeting earlier this evening to express their concerns over the proposed job description that the Board of Selectmen had sent out only five hours before their meeting.

Mr. Shapiro recommended two things; changing the policy direction of the BOS to the Planning Board, and strike out 'Supervises the Planning Board Administrative Assistant'.

Mr. Santoro suggested strike out 'The Town Planner will develop/update the town's 55 year old Master Plan'.

It was agreed that Mr. Shapiro and Mr. Pineo will meet with the Town Administrator in the next few days to discuss their recommended changes to the proposed Town Planner job description.

#### **Site Plan Review ~ 39 Flanagan Hill Road, Sterling Real Estate Development, Assessor's Map 47 Lot 12**

Mr. Jim Simpson of Sterling Real Estate Development and Wes Flis of Whitman & Bingham were on hand to present to the Board the Site Plan and respond to comments made by Haley & Ward.

Mr. Flis explained that the Site Plan in front of the Board is for a proposed development of eighteen two bedroom units off of an 872 foot long, 24 foot wide roadway.

Mr. Santoro read the following comments from the various Departments that have weighed in on this Site Plan:

*The **Police Department** has no comments or concerns pertaining to the proposal.*

***SMLD** met with Jim Simpson and SMLD is all set with the project.*

*This applicant will be filing a Notice of Intent with the **Conservation Commission** and a combined local stormwater permit that will be heard concurrently.*

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*I, as agent for the Commission, have been working with the applicant and the Mass endangered species program on habitat issues and am anticipating a positive outcome for all parties. Matt Marro*

***Building Department*** has no comments.

***Fire Department*** has no concerns pertaining to this proposal.

***DPW*** has reviewed the proposed site development plan and also reviewed several questions pertaining to the project and our conclusion are as follows:

*The sharp bend towards 30 Flanagan can be improved with signage warning vehicles as to the upcoming turn. Chevron arrows should also be added at the corners in both directions to alert vehicles where the corner begins. Since the proposed entrance is only 500 feet from the corner we do not believe vehicles exiting the site will be accelerating as they will immediately see the signage if headed in that direction.*

*There was also a question regarding water pressure drop for the Albright Road area during fire flow at the proposed development. Please refer to the hydrant flow test results from July 20, 2018, 1629 gpm & 1257 gpm at the two hydrants tested. Also, the proposed development elevation is 25 feet lower than the highest point on Cynthia Lane.*

***DPW/Water*** has no concerns.

***Board of Health*** review indicates numerous soil evaluations have been witnessed by the BOH during 2018. These previous soil evaluations signify adequate soil and available area to construct subsurface disposal systems throughout this parcel of land.

*The BOH requires that current soil evaluations are required to be within the proposed area of any subsurface disposal systems, additionally; subsurface disposal systems designs shall be submitted for review and approval to the Board of Health.*

*The Board of Health recognizes that municipal water is supplied to this proposal.*

*David Favreau, Health Agent*

The following comments were received from Haley & Ward on July 18, 2018:

*Haley and Ward has completed a review of the site plan of the multifamily project proposed for 39 Flanagan Hill Road. The plans were prepared by Whitman and Bingham Associates, Inc. and are dated May 31, 2018. We offer the following comments.*

- 1. The proposed number of bedrooms within the units should be clarified on the drawings.*
- 2. Sheet 4 shows an available sight distance of 198 feet to north. 250 feet of visibility is required by 4.2.3 c 3 of the Zoning Bylaw. This distance should be measured from a driver's viewpoint exiting the site. If additional clearing and grading is required along Flanagan Hill Road, that area should be excluded from the open space set aside to allow for ongoing maintenance.*
- 3. The fire protection capacity of the water distribution system should be evaluated prior to construction approval. This evaluation should include the following components*

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- a. *Fire flow demand based upon proposed construction and NFPA standards. It should be noted if the structures will include fire sprinklers and the applicable code.*
  - b. *Fire flow capacity to the site through the connection to the distribution system. Capacity should be based upon hydrant flow tests conducted by the applicant.*
4. *The public water service to the site includes a local high point at Sandy Ridge Road. Fire flows at the proposed site may cause low pressure conditions in the Albright Road area. Specific input from the Department of Public Works should be sought regarding flow to the site. A looped main to Pratts Junction Road may be considered.*
5. *A hydrant should be provided within the project site prior to the first unit (No. 18).*
6. *Using your Subdivision Rules and Regulations as a design guideline, the access drive would be considered a minor road to serve between 6 and 50 homes. The proposed maximum roadway grade of 12% exceeds the design guideline of 10%. Construction of the roadway to the 10% slope would require additional earth work and tighter curves on the access road. It would also have a greater impact on the wetland resource buffer and protected habitat area of the adjacent Wekepeke Brook. Your Board could reasonably waive strict compliance with the road grade guidelines to limit environmental impacts without creating a significant public safety risk.*
7. *Side drains should be provided in the roadway cut area from 0+41 to 6+60 to maintain a groundwater level below the roadway subgrade.*
8. *The stormwater management pond berm detail shows a core developed using  $1 \times 10^{-6}$  cm/sec transmissivity rate. A local source for this material should be identified or the specification should be reduced to  $1 \times 10^{-4}$  cm/sec.*
9. *The stormwater management pond is designed with an infiltration rate of 8.27 inches per hour. This rate be applied to a sand soil classification. The soil mapping provided in the stormwater management report shows a soil classification of loamy sand. An infiltration rate of 2.41 inches per hour should be applied per the Mass DEP stormwater design manual.*
10. *The Time of Concentration,  $T_c$ , for the predevelopment subcatchment and the post development Subcatchment 1S appears to be understated. The flow path should be from the most hydraulically remote location on the associated Subcatchment.*

Mr. Flis agreed to submit a letter back to Haley & Ward in response to their letter of July 18, 2018. Mr. Flis also agreed to submit a clean set of plans reflecting the number of bedrooms within the units and side drains as needed.

Mr. Simpson stated he did not know how the Board wanted to act on the proposed roadway grade of 12% but felt it was covered under the Protective By-Laws Section 4.2.3 c4 stated 'Interior roads and utilities shall provide service functionally equivalent to that assured individual lots under the Planning Board's Subdivision Rules and Regulations'. Mr. Simpson felt that this indicated they would need a waiver. Mr. Santoro stated he would like to talk with the Fire Chief for his input before the Board weighs in on this.

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One resident expressed concern over; incompatibility with zoning, rare species habitat in the area, and the Wekepeke Brook being a designated cold water fishery. His opinion is a project of this nature is going to have a negative impact on these resource areas.

Another resident asked if the applicant had filed with the National Heritage. Mr. Simpson stated that they had not filed with National Heritage but have been in communication with them for over a year ago and have also met them on site and have also had many talks with them.

Residents also expressed concern over traffic safety once this project is approved. Mr. Santoro indicated the Police Chief indicated he has no issues with this project.

Mr. Simpson requested that his Site Plan review be continued until the next Planning Board meeting or until Haley & Ward have received and reviewed the written responses from Mr. Flis.

Mr. Pineo moved that the Board vote to continue the Site Plan Review until Haley & Ward have received and reviewed the written responses from Mr. Flis regarding their July 18, 2018 review. Mr. Shapiro seconded the motion. The motion passed unanimously.

### **Planning Board Accomplishments/Goals/Issues**

The Board agreed to discuss at their next meeting.

### **Subdivision Rules & Regulations**

The Board agreed to discuss at their next meeting.

### **Open and expiring Site Plans and Occupancy Permits**

The Board agreed to discuss at their next meeting.

### **Condition of General Bylaws**

The Board agreed to discuss at their next meeting.

### **9:20 P.M. MOTION TO ADJOURN**

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

### **APPROVED BY:**

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