

STERLING PLANNING BOARD MINUTES – August 8, 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 7:00 P.M. in Room 202 of the Butterick Building.

### Minutes

Mr. Pineo moved that the Board approve the minutes for July 25, 2018 as written. Mr. Shapiro seconded the motion. The motion passed unanimously.

### Warrants & Payroll

Board members reviewed a payroll warrant. Board members also approved a warrant for the Telegram & Gazette (Legal ad for Primrose Lane Public Hearing).

### Chairman's Report/Notices/Discussions

#### Town Planner Screening Committee

Mr. Santoro acknowledged an email from Ross Perry dated August 8<sup>th</sup> notifying the Board that the Town Planner job opening had been posted and that a Screening Committee is being formed. Mr. Perry is looking for one or two members of the Planning Board to be on this Committee. The Board members asked Ms. Kazan to reach out to Mr. Perry to inquire as to what time of the day he would anticipate holding these meetings and when he anticipates the process will be completed. The Board agreed to schedule this for discussion at their next meeting.

Mr. Santoro thanked Mr. Shapiro and Mr. Pineo for all their hard work in helping to write the job description for the Town Planner position.

### Earth Removal Board Public Hearing ~ 38 Clinton Road

Mr. Santoro acknowledged receipt of a notification that the Earth Removal Board would be holding a public hearing for 38 Clinton Road on August 29, 2018 at 6:10 p.m. to consider a request from Mr. Brian Foley, TCF Holdings, LLC and LCM Realty Trust to remove up to 8,500 yards of solid ledge and fractured rock materials from property located at 38 Clinton Road.

### Sterling Ice Cream Bar

Mr. Santoro asked Ms. Kazan to send a letter to the Sterling Ice Cream Bar regarding the submission of their As-Built plan for Clinton Road.

### 7:15 p.m. Public Hearing ~ Primrose Lane Definitive Subdivision

Mr. Santoro called the Public Hearing to order and read the following;

*In accordance with the provisions of Chapter 41, Section 81T and 81U, M.G.L., the Town of Sterling Planning Board will hold a Public Hearing on Wednesday, August 8, 2018, at 7:15 P.M. at the Butterick Municipal Office Building, 1 Park Street, Room 202, Sterling, to consider the application of Scott G. & Donna M. Charette, 1 Primrose Lane, Sterling, MA, Ronald F. Pichierri, 3 Primrose Lane, Sterling, MA and Robert K. & Gail E. Lent, 35 Heywood Road,*

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*Sterling, MA for approval of a Definitive Subdivision Plan entitled “**PRIMROSE LANE**” located on the westerly side of Heywood Road, Sterling, MA, Assessors Map 10, Parcels 6, 7, and 7.1, further identified on a Plan of Land prepared for the applicants recorded in the Worcester Registry of Deeds Book 51955, Page 293. The parcel consists of 6.425 acres with 3 proposed lots.*

A copy of the plan and application is available for inspection in the Sterling Town Clerk’s Office during regular business hours.’

Mr. Santoro explained that legal notices appeared in the Telegram & Gazette on July 18 and July 25, 2018.

Wes Flis of Whitman & Bingham, Scott Charette, Applicant and Vincent Campobasso, Legal representative for the applicant were on hand.

Mr. Flis reviewed the issues addressed in the Haley & Ward comments of August 3, 2018 email and agreed he would put his responses in writing in time for the deadline for the August 29, 2018 meeting.

Mr. Santoro acknowledged the following review letter from Haley & Ward dated August 3, 2018:

Haley and Ward has completed a review of the definitive subdivision and site plan for Primrose Lane. The plans were prepared by Whitman and Bingham Associates, LLC. dated July 9, 2018. This is a new subdivision application for a prior approval of the same roadway that was rescinded by your Board. We offer the following comments.

1) The following items are not included in the subdivision application

- a) Profile sheet. As the road is substantially completed, your Board may consider waiving this item and rely upon as built plans previously submitted or to be submitted upon the completion of the proposed subdivision.*
- b) Erosion and Dust Control Plan. As no significant road work is expected, your Board may consider waiving this requirement with the understanding that sound erosion and dust control methods are used for the development of Lot 2 and miscellaneous outstanding work on the roadway and drainage system.*
- c) Storm water management calculations. Stormwater calculations were submitted and reviewed by our office for the 2005 subdivision approval. Your Board may consider waiving new calculations and rely upon the previous calculations to show appropriate run off control. Those calculations included the following mitigation measures that should be shown on the current plans.*

(1) Details of roof infiltration structures for homes built on Lots 1 and 2. A requirement to install and maintain the roof drain recharge trenches should be included in the individual property deeds. Your Board should include this requirement as a condition of approval. One SC-740 Stormtech infiltration chamber is required for every 500 square feet of building footprint.

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- (2) *Sodded drainage swales along the northern side of the paved driveway on lot 2, from the outlet of the drain under that driveway to the stormwater management pond (SMP) and along the property line between lots 2 and 3 to the SMP.*
 - (3) *Check dams at the two swale entrances to the SMP*
 - (4) *An outlet control for the SMP to include three (3) 8-inch diameter outlet pipes set at a slope of 0.023 from the bottom of the pond. The inlets should be cut to match the slope and a 5x5x2- foot rip rap pad at the outlet.*
 - 2) *The project is not served by a public water supply. A fire cistern should be provided as outlined in the Subdivision Rules and Regulations. Alternatively, your Board should consider a condition of approval requiring the installation of residential fire sprinklers meeting NFPA 13D for homes on Lots 1, 2 and 3.*
 - 3) *A paved apron should be provided at the gravel driveway from the edge of the paved roadway to the property frontage. The apron should be sloped to direct street run off to the adjacent drainage swale.*
 - 4) *At the time of our 2017 punch list review of the prior subdivision, the inlet outlet flares for the drain under the gravel driveway were damaged and deformed. The proposed plans should replace these flares as appropriate.*
 - 5) *A property line pin should be provided where the Lot 2/3 property line meets the roadway frontage.*
 - 6) *Your Board should determine if additional street trees are required beyond the existing vegetation retained.*
 - 7) *Your Board should determine if a sidewalk is warranted for this roadway.*

Mr. Santoro acknowledged the following feedback from the following Departments/Boards:

Conservation Commission: No action

Building Department: No issues

DPW: No issues

BOH: No comment

Light Department: No comments

Fire Department: Fire Department has reviewed and have no further comments other than what had already discussed relative to fire sprinklers and/or the need for cistern.

Police Department: Had not commented as of this meeting.

Mr. Michael Padula resident of Sterling asked if the Mr. Pichierri's driveway in the previous plans had been taken off the present plans. Mr. Santoro confirmed that the driveway had been eliminated. Mr. Charette stated that Mr. Pichierri's driveway will not be coming through this subdivision and Mr. Charette is aware that he will not get the final approval of this subdivision until this driveway is gone. Mr. Charette stated he would do whatever it takes. If it mean putting up trees or a wall to eliminate the driveway. Mr. Charette agreed to put this in writing. Mr. Campobasso mentioned that the Board might consider this a condition of approval.

Mr. Padula also asked if the Board will be requiring a Bond for this project. Mr. Santoro stated that when the Board gets to this point, they will require a Bond.

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Mr. Santoro confirmed with Mr. Flis that this Board will need the following submitted by noon on August 21, 2018 (deadline for submission) in order for the continuance to be held at the next Planning Board meeting on August 29, 2018:

1. Revised Plans
2. Written agreement regarding the driveway
3. Determination from the Tree Warden as to whether additional trees are required beyond the existing vegetation retained.
4. Feedback from the Police Department
5. Written response to the Haley & Ward comments of August 3, 2018

### **7:43 p.m. Public Hearing Closed**

Mr. Santoro closed the Public Hearing and continued the review to the next meeting on August 29, 2018.

### **ANR ~ Justice Hill Road, Map 14, Lot 30 & Map 30, Lot 9, Owner Hycrest Farm Realty Trust, Applicant Vincent Campobasso**

Mr. Campobasso was on hand to request an ANR approval of a lot on Justice Hill Road. ANR Plan was to create a parcel consisting of 2.008 acres leaving a remaining acreage of 235.68 acres.

Mr. Shapiro moved that the Board endorse ANR Plan, Assessors Map 14, Lot 30 and Map 30, Lot 9. Owner Hycrest Farm Realty Trust, Vincent J. Campobasso, 5 Roper Road, Sterling, MA 01564. Plans prepared by Whitman & Bingham Associates, LLC, 510 Mechanic Street, Leominster, MA 01453. Plan 23-D-4C, Dated July 2, 2018. A check for \$350 ANR Fees. 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.

### **61A Release Justice Hill Road, Map 14, Lot 30 & Map 30, Lot 9**

Mr. Pineo explained that the Town does not have a right of first refusal, as this is a family transfer.

Mr. Pineo moved that the Board indicate on the 61A Release from the BOS that the Town should not purchase the property, as the town has no right of first refusal due to a family transfer. Mr. Shapiro seconded the motion. The motion passed unanimously.

### **Discussion regarding ANR requirement for showing ‘Existing topography, with two-foot contour interval (to the extent necessary to determine that all proposed lots have adequate access and frontage on a way)’**

The Board agreed to schedule this discussion for the next meeting as Mr. Philpot had requested this agenda item but was not able to attend tonight’s meeting.

### **As-Built Plans ~ JJCEV Realty Trust, 140 Pratts Junction Road**

Mr. Santoro read the following letter dated July 11, 2018 addressed to Mr. Spinelli from the Planning Board:

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'On July 11, 2018, two of the Planning Board member conducted an inspection of your site to confirm your compliance with the As-Built submission. We require the following items be completed no later than August 1, 2018:

1. The privacy fence must be completed and returned towards the berm on the right side of 142 Pratts Junction access road.
2. The earth berms must be completed on both sides of the access road to 142 Pratts Junction Road with some type of permanent plantings to create a positive screening of the construction equipment storage areas. Berms need to be completed to be a permanent landscaped structure, not a gravel bank covered with weeds.

Mr. Santoro stated that the fence has been fixed, the berms are completed so as far as he is concerned Mr. Spinelli has done everything he said he would do. Mr. Santoro stated that he saw no need for Haley & Ward to conduct another site visit.

Mr. Pineo moved that the Board accept the As-Built plans for 140 Pratts Junction Road and close out the account. Mr. Miller seconded the motion. The motion passed unanimously.

Administrative Assistant's Report/Notices

Kudos to Conservation Agent & DPW Director

Ms. Kazan wanted to mention to the Board that Matt Marro, Conservation Agent and Bill Tuttle, DPW Director were on vacation yet they still took the time to respond to the Planning Board's request for feedback on site plans and subdivision applications which have recently come before the Board.

ANR ~ 38 Clinton Road, Map 86, Lot 4, Brian Foley, LCM Realty Trust & TCF Holdings LLC

Mr. Foley was on hand to request approval of his ANR to combine five lots in two lots on 38 Clinton Road. The Board reviewed the ANR plans, closeout plans, and application submitted.

Mr. Foley respectfully requested a waiver on the topo requirements. Mr. Foley questioned was there a waiver granted for the topo requirements in a prior ANR? Mr. Santoro stated that they Board did waive one because it was on a flat area. Mr. Santoro asked Mr. Foley if his area was flat. Mr. Foley indicated it was not.

Mr. Santoro indicated that there are no abutters listed on the plan as required in the ANR regulations. In Mr. Santoro's opinion this is an incomplete application. Mr. Foley stated that his Engineer, Graz Engineering stated to him that he had been before the Planning in the last month and a half and was very familiar with the ANR requirements.

Mr. Foley respectfully requested a waiver on the requirement of abutters being shown on the plans where this is strictly an interior lot line change. Mr. Santoro stated this is a requirement of the ANR regulations.

Mr. Pineo moved that the Board deny the ANR Application for 38 Clinton Road, Map 86, Lot 4, Plans dated July 25, 2018, Job No. 18019. Plans prepared by Graz Engineering, LLC, 323 West Lake Road, Fitzwilliam, NH 03447. Denial is based on the following items not completed:

1. No abutters were listed on the ANR Plans

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2. Agent for Applicants. Mr. Foley notarized his co-owners Agent for Applicant. This is a conflict of interest.
3. Mr. Foley's sister notarized his signed Agent for Applicant. This document cannot be notarized by a relative.
4. ANR Administrative Fees should be \$575. Fees received \$375.

Mr. Shapiro seconded the motion. The motion passed unanimously.

The Board agreed that Mr. Foley could submit the present application along with the corrected documents and additional fees.

Continuance of 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. Santoro mentioned that the Board had received feedback on the Site Plan for Gibson Farms, LLC from the following Departments/Boards:

Building Department: No comment

Board of Health: No comment

DPW: No objection

Light Department: No comments on the expansion at this time, a separate meeting will need to be held with their electrician to confirm the existing service size is adequate for their proposed expansion.

Fire Department: No issues relative to the site plan but will note that such an addition will likely require the building to be upgraded to current version of Chapter 9 of the building code, which will require fire sprinklers and associated fire service main which is not noted on the plan.

Police Department: No comments or concerns

Conservation Commission: In examining the proposal, it appears no Conservation Commission action is necessary. If the applicant proposes to add more than 10,000 sf of impervious, it would require a stormwater permit from the Commission.

Mr. Santoro acknowledged the following review letter from Haley & Ward dated August 5, 2018:

Haley and Ward has completed a review of the site plan for 48-50 Worcester Road – Gibson Farms dba Cream Crock Distributors. The plans were prepared by Sadowski Engineering and are dated July 18, 2018. We offer the following comments.

- 1) *The lot is located wholly within the Water Resource District defined by a mapped Zone II. The applicant should confirm that:*
 - a) *No petroleum products will be stored on site except as provided by 4.6.4*
 - b) *No use which involves the manufacture, generation, processing, packaging, repackaging, use, storage, treatment disposal or transportation of toxic or hazardous materials or waste except as provided by 4.6.4.(d)*

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- c) *No automotive service or repair shops.*
- 2) *The total impervious lot area within the Water Resource District is limited. The proposed structure will overlay an existing paved surface, so no impervious area will be added. Your board should consider a condition of approval that any future impervious area on the site, such as new paved surfaces, be submitted to your Board showing compliance with 4.64 (o).*
- 3) *The plans should include a statement that the proposed wastewater disposal on the site does not exceed 440 gallons per acre. (1155 gallons per day for the subject site)*
- 4) *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. Capacity should be based upon hydrant flow tests conducted by the applicant.*

David Sadowski, C.E., Sadowski Engineering submitted the following responses on August 8, 2018 to the Haley & Ward comments of August 5, 2018 as follows:

- 1) *The water Resource District designation was added to the plans.*
 - b) *No petroleum products note was added to the revised sheet 2 of plans.*
 - c) *This entire note was agreed to and added to the revised sheet 2 of plans.*
 - d) *The no automotive service or repair shops note was added to the revised sheet 2 of plans.*
- 2) *Comment 2 was agreed to. The consideration of approval note was added to the revised sheet of plans.*
- 3) *The revised plans now do include the statement about the maximum amount of wastewater which could be generated at the site.*
- 4) *After a review of the submission, both the Sterling Fire Department and the Sterling Building Department agree with the submitted site plans and the responses noted on sheet of the plans.*

Mr. Shapiro moved that the Board approve the Site Plan Review for Gibson Farms dba Cream Crock Distributors, 48-50 Worcester Road. Owners Elwin F. Gibson & 50 Worcester Road Realty Trust. Plans prepared by Sadowski Engineering, 7 Cedar Street, Clinton, MA 01510. Sheets 1-2 dated August 7, 2018 with revisions through August 6, 2018, Civil Engineer Mark Burke. Approval is contingent upon the following Orders of Conditions:

- 1. Per Sterling Protective By Law 6.4.8 Lapse ~ Site plan approval shall lapse after one year from the granting thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

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2. Within thirty (30) days after completion of the project an As-Built Plan will be submitted to the Planning Board in both paper (5 copies) and digital form (1 CD- pdf format). This is required by Section 6.4.10 of the Sterling Protective (Zoning) Bylaw.
3. Applicant must maintain a Review Fee Account Balance of \$2,000 until approval of As-Built Plans has been satisfied.

Mr. Pineo seconded the motion. The motion passed unanimously.

9:10 P.M. MOTION TO ADJOURN

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

APPROVED BY:
