

STERLING PLANNING BOARD MINUTES – August 29, 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 7:07 P.M. in Room 202 of the Butterick Building.

### **Minutes**

Mr. Pineo moved that the Board approve the minutes for August 8, 2018 as written. Mr. Miller seconded the motion. The motion passed unanimously.

### **Warrants & Payroll**

Board members reviewed a payroll warrant. Board members also approved a warrant for the Warrant for N.E. Power (close out review fee account), Haley & Ward (Primrose Lane, 39 Flanagan Hill Road, and Gibson Farms).

### **ZBA Notices**

Mr. Pineo acknowledged notice of the Zoning Board approval (August 14, 2018) to grant a Special Permit to Sterling Real Estate Development, Inc., 39 Flanagan Hill Road, to construct eighteen condominium units in nine duplex buildings. The petition was filed under Section 4.2 (Multifamily Development) of the Town's Protective Bylaw.

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

Mr. Santoro acknowledged an email from the Town Administrator regarding South Meadow 40B Mass Housing notice. Mr. Pineo stated that he attended a site visit on the property. Mr. Pineo stated that it was a very narrow property and they were proposing to put 16 duplexes with a cul-de-sac. Mr. Pineo also explained that there were some wetland issues and questions about public water supply. At present, there is a thirty day comment period.

### **Site Plan Expiration ~ 116 Pratts Junction Road, Sean Kilcoyne**

Mr. Santoro read the following letter from Paul F. Grasewicz, P.E., Graz Engineering, LLC, presented to the Board at their meeting tonight:

*The owner/applicant (116 Pratts Junction Road) Sean Kilcoyne, requests approval of a minor deviation from the approved site plan regarding pavement. The owner requests the use of pavement grindings in lieu of machine placed hot-mix pavement. The reason for this deviation is based on the use of the site. Heavy trucks and construction equipment move and turn on the area in front of the building, which would cause on-going damage to pavement, versus the grindings, which can easily be maintained. Further, the site is not utilized by the general public.*

Mr. Sean Kilcoyne was on hand to present As-Built plans for the 116 Pratts Junction Road project. The Board indicated that the 116 Pratts Junction Review Fee account would need to be replenished (\$2,000) prior to Haley & Ward conducting a site review. Mr. Kilcoyne agreed to drop off a check for \$2,000 and provide a pdf file of the submitted plans on Tuesday, September

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4, 2018. Ms. Kazan will notify Haley & Ward to conduct their site review once she has received the Review fees and a pdf file.

Mr. Kilcoyne submitted a request for an extension of time for his Site Plan, including the filing of the decision with the Town Clerk, up to and including October 11, 2018.

Mr. Shapiro moved that the Board approve the request for extension of the 116 Pratts Junction Road site plan to October 11, 2018 for completion. Mr. Miller seconded the motion. The motion passed unanimously. It was agreed to tentatively schedule this as an agenda item for October 10, 2018 Planning Board meeting.

Mr. Pineo moved that the Board approve the request for a minor deviation from the approved site plan to use pavement grinding in lieu of machine placed hot-mix pavement as indicated on the As-Built plans dated August 29, 2018, drawn by T. Fletcher, prepared by GRAZ Engineering, LLC, Fitzwilliam, NH. Mr. Shapiro seconded the motion. The motion passed unanimously.

ANR ~ 150 Clinton Road, Map 69, Lots 1 & 2, Applicant 150 Clinton Rd., LLC

Mr. Craig Miller recused himself as he is an abutter to this property.

Chris Lorain, Land Tech Consultant, Inc., was on hand to explain to the Board that his client was submitting an ANR to consolidate two lots (Map 69, Lots 1 & 2) into one lot.

Mr. Shapiro moved that the Board endorse ANR Plan, 150 Clinton Road, Assessors Map 69, Lots 1 & 2. Owner 150 Clinton Road, LLC, 487 Groton Road, Westford, MA 01886. Plans prepared by Land Tech Consultants, Inc., 515 Groton Road, Westford, MA 01886. Job #18-163, DWG. # 10493. Dated July 16, 2018. ANR Fees received for \$425. 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 with three in favor and one abstain (Mr. Miller).

Minor Site Plan Review ~ Eight Point Sportsmen's Club, Inc., David Pineo, 147 Beaman Road, Map 77, Parcel 19. Requesting a Waiver of Technical Compliance

Mr. Michael Pineo recused himself as he is personally related to the applicant.

Mr. Santoro read the following letter submitted by the applicant David Pineo, President, Eight Point Sportsmen's Club, Inc., Dated July 31, 2018, Subject Town of Sterling Protective By-law 6.4.6 Waiver of Technical Compliance:

As President of the Eight Point Sportsmen's Club, I hereby request a waiver of any of the Technical requirements of The Town of Sterling Protective By-Laws Section 6.4.4 and 6.4.5, where the project involves relatively simple development requirements or constitutes a Minor Site Plan.

Mr. David Pineo explained to the Board that they are looking to construct a pavilion, with a metal roof and trusses approximately 660 Square Feet or 22' X 30'. This will be erected to the right side of the existing club house.

Mr. Miller moved that the Board approve the request for a Waiver of Technical Compliance in accordance with Section 6.4.6 of the Protective Bylaws.

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6.4.6 Waiver of Technical Compliance. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of Section 6.4.4 or 6.4.5 where the project involves relatively simple development plans or constitutes a minor site plan. Applications for permits to build, alter or expand any non-residential building, structure or use in any district where such construction will exceed a total gross floor area of 500 square feet but not exceed a total gross floor area of 2000 square feet, or will not generate the need for more than 10 parking spaces, shall be deemed a minor site plan. For the purposes of computing the total gross floor area of a minor site plan, the Planning Board shall aggregate all such applications made within the five (5) previous calendar years. Minor site plans shall set forth all of the information required by Section 6.4.4; provided, however, that the scale of the site plan may be 1"=80', and the plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey.

Mr. Shapiro seconded the motion. The motion passed with three in favor and one abstain (Mr. Pineo).

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. Mr. Miller pointed out that there was a discrepancy in the contour lines as they did not correspond to the ANR Plans. Mr. Santoro further stated that the correct contour (topo) lines need to be shown on the ANR Plans.

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 fact that the topographical contour lines were not included on the submitted ANR plans. Mr. Shapiro seconded the motion. The motion passed unanimously.

The Board agreed that Mr. Foley could submit the present application along with revised plans with contours. The Board further explained that the new ANR could be on their September 12, 2018 agenda provided the following documents were submitted no later than noon on Tuesday September 4, 2018:

1. Mylar & six hard copies of new plans showing accurate contour lines
2. PDF file of new plan

Discussion regarding September 12, 2018 Planning Board Meeting

Mr. Santoro stated that due to a prior commitment, he would not be at the September 12, 2018 Planning Board meeting. All other Board members agreed that they could make the meeting so there would be a quorum.

Continuance of Site Plan Review ~ 39 Flanagan Hill Road, Sterling Real Estate Development, Map 47, Lot 12

Mr. Simpson stated that the engineers have worked together to address all items that Haley & Ward had addressed.

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Mr. Santoro confirmed that the Board had received Haley & Ward's letter on August 24, 2018 which incorporated the applicant's responses. The following is the letter dated August 24, 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 with revisions through August 3, 2018. We offer the following comments. The applicant's responses are provided. Outstanding items are shown with a bold font.*

1. *The proposed number of bedrooms within the units should be clarified on the drawings.*

*Response: 18 two-bedroom units are proposed. This information is noted in the project title sheet.*

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.*

*Response: The available sight distance to the north is shown as 265 feet. This exceeds the minimum requirement of 250 feet.*

3. *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 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.*

*Response: The applicant has conducted flow testing at the closest point of the municipal water system located at Cynthia Lane. Testing showed that over 1250 gallons per minute were available at this location. **The applicant should provide an estimate of the capacity available within the development and if sprinklers will be provided within the structures as part of the building permit process.***

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.*

*Response: Testing has been completed to show adequate flow to the vicinity of the project site without looping.*

5. *A hydrant should be provided within the project site prior to the first unit (No. 18).*

*Response: The applicant will coordinate the final location of hydrants with the Fire Department.*

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.*

*Response: A waiver of this road grade should be considered by your Board.*

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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.*

*Response: The applicant will evaluate the need for side drains in this area as construction proceeds.*

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.*

*Response: This note has been modified on the applicable detail.*

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 MassDEP stormwater design manual.*

*Response: The applicant has provided soil evaluation documentation for existing soils in the vicinity of the storm water management ponds. The soils starting 18 to 36 inches below grade are classified as fine sand. These materials support an infiltration rate of 8.27 inches per hour. The less pervious top and subsoils are proposed to be removed and replaced with sand.*

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.*

*Response: The applicant has provided documentation to support the time of concentration used within the storm water calculations for Subcatchment 1S.*

Ms. Kazan confirmed she had received a check for \$2,460.12 to replenish the Review Fee account for this project.

Mr. Pineo moved that the Board approve the Site Plan submitted by Sterling Real Estate Development, James B. Simpson, 139 Greenland Road, Sterling, MA, for 39 Flanagan Hill Road, Assessors Map 47, Lot 12. Plans prepared by Whitman & Bingham Associates, LLC, 510 Mechanic Street, Leominster, MA 01453. Job #14093, Plan #31-D-50, Sheets 1-10, Civil Engineer Brian F. Milisci, dated May 31, 2018 with revisions through August 3, 2018. An 11.06 acre site with eighteen multi-family dwellings. Approval is contingent upon the following Order of Conditions:

1. Waiver of the road grade of 10% to a proposed grade of 12%.
2. Per the letter from Lt. Thomas Kokernak, dated August 28, 2018, the Fire Department will approve the plan as submitted with the condition that the Fire Department reserves the right to require a modification to the hydrant layout to ensure adequate water supply at the area furthest from Flanagan Hill Road without having to use the hydrant at the entrance. This may require adding a hydrant to the proposal. The developer is aware of this and in agreement. Changes will be worked out at a later date.
3. 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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4. 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.
5. Applicant must maintain a Review Fee Account Balance of \$2,000 until item #8 has been satisfied.

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

### **Town Planner Screening Committee**

Mr. Pineo agreed to be on the Town Planner Screening Committee.

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

#### **Vacation**

Ms. Kazan informed the Board that she would not be in office on September 17, and 18, 2018. She would post the office being closed from September 13<sup>th</sup> until September 23<sup>rd</sup> and re-open on September 24, 2018 at 9 am.

#### **Rock Breakers**

The Board asked Ms. Kazan to send a letter to Rock Breakers as their site plan was about to expire on September 14, 2018.

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

Ms. Kazan indicated that she had not received the As-Built plans for Sterling Ice Cream Bar which were due in the office today.

#### **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 keep this as a requirement of the ANR application.

#### **9:54 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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