

Final

**STERLING PLANNING BOARD  
MEETING MINUTES**

September 26, 2012 – Rm. 202 Butterick Bldg.

**Present:** Ronald Pichierri – Chairman, ANR Agent  
Kenneth Williams – Clerk  
Charles Hajdu  
John Santoro  
Lucinda Oates – Administrative Assistant

Absent: Michael Radzicki – Vice Chairman, MRPC Rep

Chairman Pichierri calls the meeting to order at 7:00 PM.

**ANR's**

There were no ANR's

**First Order of Business**

**Minutes**

**Motion: Charles Hajdu**

**Second: Ken Williams**

Motion made to approve September 12, 2012 minutes with corrections, all in favor, motion carried.

**Motion: Ken Williams**

**Second: Ron Pichierri**

Motion made to approve Executive Session Minutes of July 11, 2012; all members were in favor motion carried.

**A & E Building / 13 Chocksett Road**

Ed Frateschi (Boucher Construction), approached the Planning Board with plans to extend the paved area, his concern was whether he would need a site plan review or not.

UTZ Potato Chips who is leasing the A&E Building, located on Chocksett Road, is considering the extension of the paved surfaces at the rear of the building. The existing paved area is irregular and they would like to continue the line parallel to the rear of the building. It would require the replacement of some of the gravel base and then paving. At present, the area consists of small rocks and rough gravel and the trucks are driving off the paved area due to traffic and congestion.

The Planning Board advised Mr. Frateschi to contact the Board of Health, who could issue a variance for fifty percent rule for impervious areas in the Zoning Aquifer Protection District, should calculations show that the final paving would push the site over 50% impervious. Then return to the Planning Board for review of the site plan, with approval from the Board of Health.

**Site Visit Laddawn  
2 Northeast Boulevard**

The Planning Board visited the Laddawn site on Sunday, September 23 @ 8:00 am, and the following items were discussed:

- Placement of spike
- Lawn being cut in a section that was overgrown
- Mud patch where the trucks turn around
- Providing curbing to prevent trucks cutting corners and creating mud patches
- Location of hydrants on drawings
- Parking lot, question of using parking spaces, on a portion of town road.

**ZBA**

62 North Cove Road, Variance and Special Permit to replace a shed was read by Chairman Pichierri, the hearing will be October 9<sup>th</sup>, no action taken at this time.

30 East Park Road, Special Permit to install kitchen sink equipment in existing garage area, was read by Chairman Pichierri, the hearing will be held October 9<sup>th</sup>, no action taken at this time.

**Chairman's Report / Notices**

**Notice of Intent to Convert Agricultural Land**

A copy of a letter was received pertaining to the release of Chapter 61A Land from the Board of Selectmen requesting the Planning Board's recommendation on purchasing the land.

The property is known as and numbered 12-18 Wiles Road in Sterling, MA. reference, Deed recorded with the Worcester Registry of Deeds at Book 13391, Page 252. In accordance with G.L., c. 61A, Section 14, the board was provided notice of intent to convert a 25.00-acre portion (the "Leased Premises"), identified in the Assessor's records at Parcel Nos. 88-10, 88-20 and 90-7 and owned by Davis Dairy, Inc., from farmland to other use. The Leased Premises will be used for the development of a solar energy system, as defined by G.L., c. 40A, Section 1A. The conversion will occur under the auspices of a lease agreement between Davis Dairy, Inc., and Community Energy Solar, LLC.

**Motion: Ken Williams**

**Second: Ron Pichierri**

Moved to not purchase the property known as 12-18 Wiles Road, there was no further discussion, all in favor to not buy the property, all four members in favor, motion carried.

**Administrative Assistant Report / Notices**

Update from department meeting resulted with no information that was pertinent to the Planning Board.

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An informational meeting night was discussed with scheduling for October 22<sup>nd</sup> or October 24, with Scott Miller being the “key-note speaker”. It was also decided to invite past Chairman Rob Protano to the meeting.

### **Mail**

A brochure for a fall workshop sponsored by Massachusetts Department of Housing and Community Development was received; no members were interested in attending the classes.

### **Sign Invoices and Payroll**

Invoices reviewed and signed for Quill office supplies and payroll for the Administrative Assistant. One invoice for Haley & Ward was held until the balance in the account can be checked with the town accountant.

### **Laddawn Plant Expansion, Continuation**

#### **2 Northeast Boulevard**

**Patrick McCarty, McCarty Engineering Inc., Randy Kinnear, Laddawn Inc., Mike Thayer, Vantage Builders**

Haley and Ward has completed a review of the site plan for the Laddawn Plant Expansion proposed at 2 Northeast Boulevard. The plans were prepared by McCarty Engineering, Inc. and are dated August 17, 2012 with revisions through September 19, 2012. The applicant’s responses are provided with any outstanding issues shown in a bold font.

- 1) The drawings should note that all disturbed areas will be loamed and seeded. A seed specification and application notes should be provided. A similar note should require temporary protection of the soils if the work is completed outside of the normal growing season.

**Response: The original submittal did include a note to loam and seed disturbed areas. Seeding and erosion control specifications have been added as Note 12 on Sheet 3.**

- 2) The proposed trees and shrubbery should be labeled on the plans with a specification of the type and size.

**Response: Six proposed trees have been noted as 2 ½ inch evergreens.**

- 3) An elevation of the proposed expansion, with colors and wall treatment, should be provided.

**Response: Submittal of a proposed elevation is pending. McCarty provided the elevation of proposed expansion at the meeting. Basically the same finishes will be used on the addition as those in use at the present time on the main building.**

**Response: McCarty provided the board with three stapled paper packages that showed the LED wall pack illumination elevations of the areas. The LED wall pack model selected will cover the parking lot. This spacing of wall packs will be every other column bay, which would be between eight and ten feet, so basically every forty feet. Light intrusion will be easily controlled with the model selected.**

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- 4) The proposed use is located within the water resource protection district. The applicant should confirm the following conditions relative to the proposed use:
- a) Conformance with 4.6.4 (d), toxic or hazardous materials,
  - b) No discharge of industrial waste or cooling water and
  - c) The proposed wastewater discharge will be less than 440 gallons per acre per day.

**Response: Note 4 was added to Sheet 2 confirming these restrictions.**

- 5) Per our review of drainage calculations, the following items should be considered:
- a) With the anticipated relocation of the proposed bay door to the center of the west wall of the warehouse, the pavement contours should be adjusted to provide a better release of emergency overflow from the west infiltration pond to the southern pond. The intent is to maximize the freeboard between the expected high water in the parking area and the floor elevation of the proposed warehouse.
  - b) The drainage calculations reference a 4 inch outlet from the infiltration areas between the existing and proposed structures. The drawings reference an 8 inch drain. This should be clarified.
  - c) The drainage calculations describe a 20 foot wide overflow from the infiltration trench proposed between the structures. The proposed fork truck tunnels will prevent this surface flow path with the possibility of flooding the structure floor during high run off conditions or failure of the related drain system.
  - d) The drawings propose an 8 inch polyethylene (HDPE) drain laid flat within the frost zone with 6 to 12 inches of cover including pavement depth. HDPE manufacturers typically recommend a minimum of 12 inches of structural fill over the pipe. As this drain is critical to the overflow capacity of the interior courtyards, a replacement or secondary drain with a positive slope and more reliable construction should be considered.
  - e) The operation and maintenance instructions should be modified to include specific drainage issues related to the interior infiltration trenches including more frequent collection of trash and debris and the monitoring of standing water within the collection drain.

**Response: The applicant has made the following responses corresponding to the items above:**

- a) The originally proposed contours will be maintained to direct roof run off to the west infiltration pond. Overflow from that pond is expected to be rare but would be to the north end of the proposed structure.**
- b) The calculations have been revised to show and 8-inch outlet**
- c) The drainage calculations have been revised to remove this overflow.**
- d) The applicant is proposing secondary drains to carry water under the proposed fork truck tunnels.**

e) **The operation and maintenance plan has been modified to reflect the yard drain maintenance requirements.**

6) The parking load should be provided for the entire site to include existing and proposed uses. The proposed building expansion will consume the remaining land otherwise reserved for any future parking expansion.

**Response: The parking summary has been updated on Sheet 2 to include the zoning requirements.**

7) The location of the existing and proposed septic systems should be noted.

**Response: The existing systems have been shown on Sheet 3.**

8) The location of the existing and proposed domestic water and fire sprinkler lines should be shown. Existing utilities should be relocated from under the proposed structure, if applicable.

**Response: The existing water services have been noted on Sheet 3. They are separated from the proposed work area.**

9) The location of the existing and proposed electric service should be shown.

**Response: The electric service has been shown on Sheet 3.**

10) Loading zones should be shown together with a calculation of the loading requirements.

**Response: The loading zones have been shown. No calculations are required by your regulations.**

11) Existing and proposed exterior lighting should be shown.

**Response: This item remains outstanding.**

12) The appropriate number of handicapped accessible parking should be noted on the plans with appropriate signage. The accessible route from the spaces to the building interior should be clearly defined.

**Response: Four (4) accessible spaces and signage have been provided on Sheet 2. The accessible route from each pair of spaces has been shown also. There are currently no handicapped employees at the Laddawn site. A van accessible sign will be noted on the plan for handicapped parking**

13) The fire protection capacity of the water distribution system should be evaluated prior to occupancy 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 at Northeast Boulevard. Capacity should be based upon hydrant flow tests conducted by the applicant or otherwise available from the Town.
- c) Projected fire flow capacity within the proposed site.

**Response: These requirements should be included as a condition of approval for inclusion with the building permit application package.**

14) The nearest hydrant(s) serving the site should be shown on the drawings.

**Response: A hydrant is shown on Northeast Boulevard west of the proposed structure.**

**Response: McCarty commented that a hydrant is located on sheet 3, one located west on the Cycles driveway and one due north at the corner of the Cycles driveway, and one located just off the drawing.**

15) The proposed construction of enclosed fork truck tunnels will create three interior courtyards between the existing structure and the proposed warehouse. Access to these areas for firefighting and emergency response should be presented.

**Response: The applicant proposes to access these areas by an interior route through single pedestrian doors off the fork lift tunnels. There are three foot doors accessible for fire fighters to access the area.**

The Board of Health will meet with Laddawn Inc, on Thursday, September 27<sup>th</sup> to address the greater than 50% site impervious area.

Conservation Commission met with Laddawn last week, and ConCom voted to issue an Order of Conditions for the project as shown. Ken Williams reminded the applicant that the Planning Board requires a recorded Order of Conditions from the ConCom. McCarty assured the Planning Board that he will personally get the document from ConCom and he will get the recording done with the registry and bring a recorded copy for the Planning Board files. If McCarty does not receive an Order of Conditions from ConCom within ten days, Chairman Pichierri requested that the Planning Board be notified before their next meeting.

McCarty respectfully requested the Planning Board grant a site plan approval with the following conditions:

- Fire department fire protection requirements
- Subject to the BOH granting the variance
- Recorded copy of Order of Conditions from Conservation Commission

If the BOH does not grant the variance, Laddawn will need to come back to the Planning Board for a revised site plan. McCarthy said that the Planning Board would be covered either way. If the Board of Health grants the variance, then the site plan has already been approved by the Planning Board. With a denial of the variance, and a need to revise the site plan, Laddawn would still need to come before the Planning Board for approval.

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Chairman Pichierri felt that the conditions offered enough protection and control over the site plan approval for the board to render a vote, subject to the three conditions cited tonight.

**Motion: John Santoro**

**Second: Ron Pichierri**

Motion made to grant conditional approval for Laddawn plant expansion, 2 Northeast Boulevard, Sterling with the following conditions:

- Fire department fire protection requirements
- Subject to the BOH granting the variance
- Recorded copy of Order of Conditions from Conservation Commission

### **Discussion followed.**

Ken Williams asked why there was such a rush to produce an approval. McCarthy replied that Laddawn would not have to wait another two weeks for the approval and could start another process.

Charles Hajdu felt that an approval would let the other town boards know that the Planning Board is in agreement with these conditions. He also asked what Laddawn would do if the BOH did not grant the variance with the impervious surfaces.

McCarthy said that pervious pavement would be a last resort due to maintenance. Also storm water management guide lines actually do not recommend pervious pavement. At this point, Laddawn does not have a firm plan to get to the 50% number, and this would result in coming back to the Planning Board to resubmit the site plan.

Chairman Pichierri suggested that after the vote is taken for approval the vote could also be taken to give a letter to Laddawn from the Planning Board, recommending that the variance be granted by the Board of Health. Chairman Pichierri also stated that the plan as presented was most beneficial to Laddawn and the site. The site is made for this type of plan and it is not detrimental to the neighbor next door and the site location is encircled by a road. Chairmen Pichierri also stated that the additional 2 ½% did not offer any other detriments.

Ken Williams asked if the Order of Conditions will state no building permit is issued for any phase of this project until the three conditions have been satisfied. McCarthy said that this was correct. With the three conditions being as follows:

- Fire Department flow information
- Order of Conditions from Conservation Commission, recorded
- Board of Health variance

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McCarthy said that once the fire flows have been completed by Laddawn, they will submit a copy for the files so that the Planning Board knows that it has been done and submitted.

Mike Thayer, Vantage Builders, wanted to make it clear that after talking to the Sterling Building Inspector, the Building Inspector wants a foundation only permit, which would suit both Laddawn's and the Town of Sterling needs.

Chairman Pichierri questioned what would happen to that permit if the BOH does not approve the variance and Laddawn had to reduce the size of the building to make the 50% pervious requirement.

Chairman Pichierri asked the board how they felt about allowing an issuance of a foundation only permit.

McCarthy said Laddawn needed 43 pervious parking spaces to obtain 50%. Laddawn is building 47 parking spaces. Laddawn's option would be to make those parking spaces pervious spaces. That is a solution outside the building footprint. This would be one realistic option to solve the problem. This would not be Laddawn's choice.

Back to the original motion by John Santoro and adding a friendly amendment to allow approval of the site plan contingent on the three conditions and allow conditions that it has a foundation only permit if granted by the Building Inspector.

Ken Williams also stated that the Building Inspector only issue a permit for foundation only until the Planning Board is satisfied that the three requirements have been met.

There was no further discussion; Chairman Pichierri called for a vote, all members voted in favor, 4-0 in favor.

**Motion: Charles Hajdu**

**Second: Ron Pichierri**

Motion made to issue a letter this evening stating that the Planning Board voted that the site be approved as presented, without any further modifications and the impervious area at 52.2% as submitted and the Planning Board is in support of the plan. There was no further discussion, all members in favor, motion carried.

Mail was reviewed.

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Notices from other towns were reviewed.

The letter for the BOH was drafted and signed by the board members is as follows:

At the regularly scheduled meeting of the Sterling Planning Board, on September 26, 2012, the motion was made by Charles Hajdu and Seconded by Ron Pichierri, to issue a letter to the Sterling Board of Health notifying the BOH of approval for the Laddawn Plant Expansion as submitted plans with the pervious area of 52.2% as submitted by the plans provided.

**Motion: Ken Williams**

**Second: Charles Hajdu**

Motion made to adjourn the meeting, all members in favor, meeting closed at 9:12 pm.

**The next regularly scheduled Planning Board Meeting is, October 10, 2012 at 7:00 PM.**

**APPROVED BY:**

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