

STERLING PLANNING BOARD MINUTES ~ May 8, 2019

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

### **Call to Order**

Mr. Philpot called the meeting to order at 7:00 P.M. in Room 205 of the Butterick Building.

### **ANR ~ 20 Laurelwood Road & 59-67 Meetinghouse Hill Road**

Mr. Ronald P. Thunberg, P.L.S. of HUB Survey Associates, Inc. was on hand requesting the Board's approval of an ANR for Owner Larry H. Stoddard, Larry H. Stoddard Trust, Larry H. Stoddard, Irrevocable Trust, Assessors Map 72, Lots 14 & 3. He explained that the Plan is intended to divide the land owned by Mr. Stoddard into Lot A (2.0202 Acres) and Parcel X (3.3924 Acres). Parcel X is not considered an independent building lot but is to be conveyed to Larry H. Stoddard! Irrevocable trust to form one undivided lot show as Lot B (8.0510 Acres).

Mr. Pineo moved that the Board endorse ANR Plan, Assessors Map 70, Lots 14 & 3. Owner Larry H. Stoddard, Larry H. Stoddard Trust, Larry H. Stoddard, Irrevocable Trust, 20 Laurelwood Road, Sterling, MA 01564. Plans prepared by HUB Survey, West Boylston, MA 01583. Plans dated April 16, 2019. \$350 ANR Fees were received. Form A completed, with six copies of the plan. Mr. Miller seconded the motion. Mr. Philpot stated he would like to add the comment that we approve this ANR allowing for the exceptions requested because the new lot and the existing lot have buildings on them so the topographical standard has been waived as access has been established as well as the other two requests (2426.2 (8) & 2426.2 (15). There was no further discussion. The motion passed unanimously.

### **ANR ~ 0 Meetinghouse Hill Road**

Mr. Larry Sabean, PLS of Hannigan Engineering, Inc. was on hand requesting the Board's approval of an ANR for Owner Robert Eyles, Assessors Map 85, Lot 12.1. Mr. Sabean explained that the purpose of this plan is to create a parcel shown as Parcel X (.18 Acres) which will be made available for conveyance to the immediate abutter and is not an individual building lot. The remaining property, Lot 12.1B (2.33 Acres) has sufficient frontage and area for the NR zoning district.

Mr. Pineo moved that the Board endorse ANR Plan, Assessors Map 85, Lots 12.1. Owner Robert Eyles, 31 Meetinghouse Hill Road, Sterling, MA 01564. Plans prepared by Hannigan Engineering, Inc., Leominster, MA 01453. Job # 1749, dated April 26, 2019. \$275 ANR Fees received. Form A completed, with six copies of the plan. Mr. Santoro seconded the motion. The motion passed unanimously.

### **Minutes**

Mr. Pineo moved that the Board approve the minutes of April 24, 2019. Mr. Shapiro seconded the motion. The motion passed unanimously.

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### **Warrants & Payroll**

Board Members reviewed a payroll and petty cash warrant.

### **Sterling Ice Cream Bar April 27, 2019 expiration – next step**

Mr. Philpot explained that we recently received an email dated May 3, 2019 from Joseph J. Curtin P.E. indicating that the precast concrete blocks between the head-in parking spaces and the outdoor dining area in front of the restaurant were installed on April 9, 2019. The blocks are 10-foot long jersey barriers adequately sized and spaced to stop the passage of a vehicle and allow the safe passage of pedestrian traffic.

Mr. Pineo moved that the Board vote to close out the Sterling Ice Cream Bar project and return the remaining Review Fees as soon as the required W-9 has been received. Mr. Shapiro seconded the motion. Mr. Philpot stated that we are accepting the As-Built plans with a minor modification to the barriers. The motion passed unanimously.

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

Ms. Kazan mentioned we might be having a Site Plan Review (more information is under the ZBA notices) for NEADS at 104-106 Leominster Road.

### **Sterling ZBA Notices**

Mr. Philpot acknowledged a notice of a hearing for a special permit for NEADS, Inc., Owner Edward Troisi, property located at 104-106 Leominster Road. The ZBA is asking for feedback if the Planning Board has feedback please submit before the June 11 hearing.

### **ZBA Notices from surrounding Towns**

Mr. Philpot acknowledged notices of hearing from various surrounding Towns.

### **Town Planner's Report/Discussions**

Mr. Philpot read the Planner's report: Nothing to report at this time.  
He asked if she had anything to add to which she responded "not at this time."

### **Master Plan Committee Discussion**

Mr. Philpot reiterated that the Planning Board is not opposed to the Master Plan Committee. For him, this issue is how to go about it. Mr. Shapiro stated he is comfortable and encouraged with moving forward. Mr. Shapiro referred back to the minutes of March 27<sup>th</sup> when he had made a motion to have the Board authorize the Citizen's Master Plan Team to formalize a Master Plan Committee to create a project Charter and report back to the Planning Board no later than the end September. Mr. Shapiro stated that that motion was tabled at the March 27, 2019 meeting.

Mr. Shapiro felt the Planning Board should move forward on this subject.

Mr. Philpot stated that there are two primary elements to this:

1. It is the Planning Board's job and responsibility ~ this is a matter of Law
2. Approval process ~ moving forward (his thinking) we put a Committee together. The first step is let us form it properly.

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Mr. Philpot read the following from the MMA Guidebook for Selectmen, Land Use and Community Development, Chapter 8, page 166. It says ‘In general the comprehensive plan or Master Plan is important but optional. The Planning Board may prepare a Master Plan which presents a comprehensive picture of community’s preferences for housing, open space, natural resources, recreation, transportation, public facilities, commercial/industrial activity. Towns often conduct studies of specific community growth, and development issues such as affordable housing, revitalization of downtown district, protection of natural resources, or proposed locations for newer or expanded public facilities. These may be found within the Master Plan or standalone studies.’

Mr. Philpot further mentioned the important part, final sentence states “plans often end up heavy on data collection ‘some of dubious’ value and light on policies and implementations strategies. This should be avoided as it adds greatly to the expense of planning without offering sufficient guidance to community. Mr. Philpot stated he did not want to fall into that pit. That is why we have to approach this thoughtfully.

Mr. Santoro stated that having this Master Plan Group, everyone has worked very hard. The problem is that there are too many people on the Committee. Mr. Santoro suggested the Board select a ‘Lead Person’ if you will to report to the Planning Board.

Mr. Philpot stated that if you have 27 people on a Committee this is an unweilding number. In his opinion, it has to be less than this. If it is, then you can have the whole committee sitting here and we can have a very good exchange and work together. It becomes difficult if not impossible when the number starts growing above 20 - 22.

Mr. Miller agreed with Mr. Santoro, the MP Group has a lot of enthusiasm, lot of people working together and their input could be brought to us either by one member or a joint meeting of some of their members, just so we are on the same page as things progress.

Mr. Shapiro compared this to a train. We still need to lay the track ahead of them so they can only drive it one way, shape, or form. If members of this Board feel that the train is going in the wrong direction, you stop it. Because at the end of the day, it is this Board that writes the Master Plan and know that there are parts that need to be fed in, i.e. the 40B Housing Production Plan. Mr. Philpot disagreed. He mentioned he had had a discussion with someone who was very familiar with municipal law. The housing production plan is under 40B, which is the jurisdiction of the Zoning Board of Appeals. First, it is a separate legal document, which means it does not have to be incorporated into a Master Plan. It is also an optional document just like the Master Plan is. Therefore, you can have one or the other or both. However, you do not need both. Mr. Philpot stated he was the Chair of the ZBA when the Town had its first 40B. What a Housing Production Plan does for the Town aside from the obvious, is it affords a measure of protection for the Town against the onslaught of 40B projects. It is called a safe harbor clause. There are metric triggers in there that afford the Town a time, depending on the production rate of affordable housing in Town and the acceptance of 40B projects and comprehensive permits issued. This is separate from a Master Plan and it is easily confused with housing analysis.

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Mr. Pineo moved that this Board create a five-member committee to move forward with the structure of the nine points of the Master Plan and produce hard copy information for this Board to review so that a Master Plan can be produced.

Ms. Patty Page interrupted to say that there was a motion already on the table from Mr. Shapiro. Mr. Shapiro stated he had read from the March 27, 2019 minutes his motion but there was no second so the motion died. He further clarified that he had not made a motion at tonight's meeting. Mr. Santoro confirmed that he did not hear Mr. Shapiro make a motion.

Mr. Shapiro seconded Mr. Pineo's motion.

Mr. Santoro inquired if the Planning Board would choose the committee. Mr. Pineo stated that the Planning Board would go through the process set by the Board of Selectmen to form a committee. Mr. Philpot stated the prudent thing for this Board to do would be to adopt the same policy.

Mr. Philpot stated he would like to leave open the possibility of expanding that to seven or nine people. He explained his reasoning. There are nine elements of a Master Plan. In his mind, the first one is economic, the non-residential tax revenue, which this Board is already working on. Mr. Philpot would like the Board to handle this one directly because he thinks this is a keystone of a Master Plan. We have an Open Space Implementation Committee that has been working tediously for years, so maybe they have got that element to the Plan well handled. Therefore, we have to look at the others individually and start searching around to see what are we left with, in terms of work yet to be done. So, maybe the committee, it can be organized so that there are six elements left that we can have seven or eight people on the Committee but he wouldn't go over nine.

Mr. Philpot mentioned the other thing the Board has to consider is what is the role of the Town Planner in this Committee? This is one of the road blocks/stumbling blocks that he sees moving forward. We are going to have to have a discussion to get the Town Planner to engage this Board. Mr. Shapiro stated the Town Planner was sitting right here. Mr. Philpot stated he was not going to get into a discussion at this time but was just offering his opinion at this point.

Ms. Cranson asked to be recognized. Mr. Philpot stated not at this time as the Board was discussing a motion. Ms. Cranson's response was "I will remember this Mr. Philpot".

Mr. Santoro felt that five to no more than seven would work.

Mr. Shapiro asked that he afford his time be given to Ms. Sonnenberg. Ms. Sonnenberg asked for clarification on the motion. Mr. Philpot stated the motion has been made and seconded and that we are discussing the motion to create a committee to work on the Master Plan and assist this Board in creating a Master Plan. The Committee number will be somewhere between five and seven people.

Mr. Shapiro stated they could have as many members as they want to. Mr. Philpot stated let us not be too quick on that. Ms. Sonnenberg stated this is what she is hearing and is kind of disappointed, if she is understanding this correctly is that the whole citizen's effort collaborative

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neighborhood is all one family here in Sterling and you are saying we are not going to be able to work together as a team and that you are now taking it and creating a separate group that is going to work on it? Is that what you are saying because there is a whole community of your neighbors, our neighbors all of us as one family in Sterling and I do not sense that you want to include us. To her, she is proud to be an American with a Democratic process where we all get to contribute and not a dictatorship. If you just take this and do it yourselves, then you are doing top down level instead of grassroots round up. If you take this away, what would your plan be?

Mr. Pineo explained that we are formalizing a committee of five to seven key people who will be responsible for the elements of the Master Plan. This does not take away from you having fifty people in the room discussing it. This puts structure into the Committee.

Ms. Sonnenberg asked what would the Committee look like. Mr. Philpot stated imagine the distribution chain where the Planning Board is at the top of the pyramid and directly beneath it is this five person committee and beneath that you could hold public hearings, public input sessions, whatever you like. It is not that everything is being thrown out.

Ms. Sonnenberg asked are you saying we cannot decide how we go about engaging MRPC or whether we get data. Mr. Philpot response was “No”. What he said was, with respect to defining the Charge, we are the group that is creating that Committee and we will define the Charge. Now that is not going to be a charge passed through a slot in the wall. Ms. Sonnenberg inquired so we can be creative to come up with ideas and continue to work as we are working now. Mr. Philpot said essentially yes. Mr. Shapiro stated with five selected people who report to the Planning Board.

Mr. Philpot mentioned that several months ago Glenn Eaton and John Hume of MRPC attended a Planning Board meeting. Mr. Philpot inquired is there any reason why you cannot do one element at a time or do you have to do all of them at once. Is it a good idea to try to tackle all nine elements of the Master Plan at once? Mr. Eaton ‘s response was a lot of municipalities tackle one element at a time as it is actually more effective as you can focus and get it done and then move to the next. Therefore, this is part of the charge discussion – the approach.

Ms. Sonnenberg stated there are enough resources within the community itself that people feel confident to do more than one element at a time. There are enough people interested that they can fill all of the elements.

Mr. Philpot asked all in favor of creating a Master Plan Committee consisting of five but no more than seven members and following the process laid out by the Board of Selectmen. The motion passed unanimously.

Chairman’s Report/Notices/Discussions

Gibson Farms dba Cream Crock Site Plan Violation

Mr. Philpot stated that the Building Inspector sent a letter and these people violated Site Plan Review. They put a loading dock out there and are presently using it. We have not heard anything from them for a Site Plan approval so if the Board is okay with it, Mr. Philpot will draft a memo regarding their being in violation and submit a Site Plan Review for approval at the next meeting or they will be incurring fines. Board members agreed.

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2019 Driveway Requirements

Mr. Philpot acknowledged a letter from Lt. Kokernak regarding 2019 driveway requirements being updated effective May 1, 2019. Mr. Philpot stated that the prudent thing for the Planning Board to do is to prepare the wording for amending our Bylaws regarding access and driveways. Mr. Philpot will work with Ms. Kazan on the wording change in preparation for the next Town Meeting. When we have other Public Hearings we can schedule this as well.

State Planning Assistance Grant Program

Mr. Philpot read the following email received on May 2, 2019 from MRPC for State Planning Assistance Grant Program with proposals due late May. 'Please be advised that the Baker Administration has released \$1 million to fund the PAG program under the Executive Office of Energy and Environmental Affairs.' There is a long list of things some of which are

- Rezoning for consistency with a Master Plan or implementation of specific actions or recommendations from a Master Plan
- Zoning for agriculture, forestry preservation or tree retention

Mr. Philpot stated this was one of the things he was hoping to ask our Town Planner. She had nothing to report. I do not know if she got this or not. I have to assume that she did. She had nothing to report to us tonight. Two weeks ago, at our last meeting, she had two bullets that represented a month. Over that previous month one of the bullets was the Master Plan Open House being a success and the other was the Master Plan survey. Over the past six weeks that is, all the Town Planner has reported to us and yet we have this Grant Program sitting out here. Mr. Philpot stated he did not know if we were missing an opportunity or not.

Montachusett Region CEDS SWOT Analysis Survey

Mr. Philpot acknowledged an email from MRPC for an Analysis Survey. He read a portion of the email; 'We here at MRPC are updating our region's Comprehensive Economic Development Strategy (CEDS) to be submitted to the Federal Economic Development Administration (EDA). The survey has been estimated to take about 3 minutes to complete. We ask that you complete the survey no later than Monday May 13th at 5 p.m. ' Mr. Philpot was not sure if the Town Planner has done anything on this. Mr. Pineo indicated that he had done this survey.

Progress Report on Planning Board Goals

• Non Residential Tax Revenue ~ Lead Shapiro

Mr. Shapiro recommended that we should take tax out of the title. However, at the same time looking at other topics such as Zone II Aquifer Protection redrawing those lines will help and encourage development. He thinks we need to spend a lot of energy looking at Route 12 zoning near the Leominster line. His goal rubs against the other two goals as well. His next steps are he will need to talk to Mr. Philpot about ways to develop more zoning. Mr. Philpot stated he and Mr. Shapiro are working on similar topics. Mr. Philpot stated he is working on the geographical, which he calls the quantitative analysis. How many acres and how does it affect and so on. Mr. Philpot sees Mr. Shapiro working on the qualitative analysis. A good place for Mr. Shapiro to start might be at the Assessors or Collector Department.

Mr. Philpot referred to the American Farmlands Trust about a study that was done in 2008. So, these numbers are old but they do have some tax numbers in the report and they did refer to the Assessors Department. Mr. Philpot thinks that the Assessors can help. For example, they have a

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split of the various zoning districts. You can request a break out of the various zoning districts as they relate to taxes. If Mr. Shapiro can get a handle on what those numbers are then Mr. Philpot who has already started working with the GIS maps and has been in touch with CAI Technologies who have provided him a log in account.

One thing that is a little deceiving is when they looked at zoning; they did it by acre, which is a small measure. Mr. Philpot stated the misleading thing is this; he looked at the Light Industrial Zone that runs from Route 12 all the way up and kind of slides right and heads east and goes into that big sand pit and then ends up running across Chocksett Road. Here is the reality; that might be 500 acres but we could have 60 acres of road that you cannot build on. So, to be fair about it, and this goes back to the quantitative analysis for whatever it might be worth. If he can complete this analysis and get a fairly good quantitative review then we can say we have got a 1,000 acres zoned Light Industrial but of that we only are actually using (when you subtract out the roads) this much. Then we can apply it into Mr. Shapiro's number and say the round number is X dollars an acre. This may give us some inference as to what the value of the land is in terms of tax revenue for non-residential property.

Mr. Philpot referred to one of their fancy pie charts. Of our land area 39.9% is zoned residential, 39.8% is tax exempt and other, 13.9% is Chapter land. This represents approximately 54% of land, which is not likely to be developed. We should be mindful of this when we start looking at Master Plan and Open Space. This leaves 2.9% commercial and 3.5% industrial.

Mr. Santoro asked is it the responsibility of the Town Planner to provide suggestions relating to this subject. He further indicated that he wanted to be very clear that he was not talking about her. Mr. Philpot stated he did not know. He has had no communications with the Town Planner outside of the Planning Board meetings.

Mr. Shapiro mentioned that he has spoken with the Town Planner and has found her extremely knowledgeable.

Mr. Philpot referred back to the very first Planning Board meeting that the Town Planner attended where he asked the question about what is the relationship between you and this Board. How does it work, what will you do for us? Her response (which is in the minutes) was essentially she is doing administrative work for the Board and she answers to the Town Administrator.

### **• Subdivision Rules & Regulations ~ Lead Miller & Santoro**

Mr. Miller stated he was looking at frontage requirements and lot size on the three zones: Town Center, Commercial and Light Industrial. When you look at the way Pratts Junction was developed (Light Industrial) there were no frontage requirements just pork chops everyway. We need to set some requirements, some of these egresses can get messy. Mr. Philpot indicated this is more of a zoning issue. Dimensional requirements as it refers to Light Industrial. Mr. Philpot suggested that maybe the Board should get a legal opinion. Mr. Santoro mentioned Mark Bobrowski as a possibility. Mr. Philpot stated Mr. Bobrowski is a very good lawyer for Land Use.

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Mr. Philpot suggested a phone call to Attorney Bobrowski to start. Mr. Miller agreed to call Attorney Bobrowski.

### **• Define the impact of Zone II Aquafer Protection on Commercial & Light Industrial Zoning Districts ~ Lead Philpot**

Mr. Philpot mentioned that he had commented earlier in the meeting on his topic.

### **Discuss future agenda items**

Mr. Philpot suggested that the Earth Removal Bylaw be discussed at the next meeting.

### **Closing comments and recognition**

Mr. Philpot recognized Mr. Pineo five years on the Board. Mr. Philpot presented Mr. Pineo with a gift certificate and a plaque that read 'Planning Board Town of Sterling presented to Michael E. Pineo in recognition and grateful appreciation 2015 to 2019'.

### **8:40 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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