

## STERLING PLANNING BOARD MINUTES ~ August 14, 2019

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**Present:** Russ Philpot ~ Chairman  
John Santoro ~ Vice Chairman  
Craig Miller ~ Member  
David Shapiro ~ Clerk  
Patty Page ~ ANR Agent  
Betty Kazan ~ Administrative Assistant  
**Absent:** Domenica Tatasciore, Town Planner

### **Call to Order**

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

### **As Built Submission (Continuance) – Chacharone Properties**

Jamie Rheault of Whitman & Bingham was on hand to review all pending issues regarding his client's Site Plan for 100 Leominster Road.

Philpot read the following comments from Haley & Ward:

*'Haley and Ward has completed a review of the as built plan of the Cider Hill Estates multifamily project. The plans were prepared by Whitman & Bingham Associates, LLC and are dated June 18, 2019 with revisions through July 31, 2019. We offer the following comments. The applicant's response is provided.*

- 1) *The plans include the building footprints with distance to the nearest property line as well as street layout. Additional information should be provided that is comparable to the approved site plans to include:*
  - a) *Cable, communication and power utilities including the approximate location of underground cable and above ground transformers and junction boxes. It may be appropriate to include a statement stating that the actual location underground facilities are approximate and based upon available records.*
  - b) *Water utilities including mains, services, valves and hydrants. Main diameter and material should be shown.*
  - c) *Drainage facilities including piping and structures with invert and rim elevations. Pipe diameter and material should be shown*
  - d) *Sidewalks and pathways*
  - e) *Accessory structures*
  - f) *As built topographic contours at 2-foot vertical intervals with a benchmark shown on site with elevation and datum.*

*Response: The applicant states that the site improvements and utilities will be privately owned and maintained. Topographic drawings have been provided for the wastewater disposal systems. More detailed plans are not required.*

- 2) *The portion of Shamrock Way as built conditions should be shown on the Honeycrisp Way plan and vice versa with a match line provided on each plan.*

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*Response: Revised plans have been provided showing the connection of Honeycrisp and Shamrock.*

3) *We will defer a site visit to observe the as built condition pending a revised plan submittal.*

*Response: Haley and Ward completed a site walk through on July 17, 2019 to compare the as built condition to the proposed work on the site plans.*

*a) The following deviations from the proposed plans were noted and are provided here for the record.*

*(1) The hydrants at 8+75 and 5+00 Shamrock were relocated across the street*

*(2) The hydrant at the intersection of McIntosh and Honeycrisp was relocated to the island at the north end of Honeycrisp, closer to the end of the main*

*(3) A hydrant was added at the end of Cortland*

*(4) The alignment of the drain at the south end of Honeycrisp was straightened as it passes across the turn around area.*

*b) The following items were noted to required correct to conform with the proposed plans*

*(1) All main line and hydrant gate boxes should be raised to grade. We were unable to locate the following gates:*

*(a) Shamrock connection at Redstone Place*

*(b) Hydrant branch at 8+50 Shamrock*

*(c) Hydrant at 5+50 Shamrock*

*(2) Hoods should be provided on the catch basin outlets.*

*(3) The hydrants in the islands at Honeycrisp (North) and Cortland should be rotated to face the paved surface.*

*(4) Concrete sills should be provided at the stormwater pond overflow spillways as noted on the construction detail.*

*(5) The Cortland storm water management pond should be brushhogged to remove overgrowth and woody vegetation.*

*Response: The applicant has reported the correction of items 1, 2, 3 and 5 above. The applicant's engineer has provided a letter supporting the elimination of the concrete sills in item 4.'*

Philpot and Shapiro both signed the Certification Pursuant to GLC c39, Section 23D of Participation in a session of an adjudicatory hearing where the undersigned member missed a single hearing session.

After a discussion, Santoro moved that the Board accept the As Built Plans for 100 Leominster Road and close out the project. Miller seconded the motion. The motion passed unanimously.

Philpot expressed concerns over maintaining the landscaping in front of the building. Mel Chacharone reassured the Board that he would follow up with the landscaper.

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### **As-Built Plans (Continuance) ~ Cider Hill Estates, Sterling R.E. Development, Inc.**

7:05 p.m. Philpot recused himself from the discussion and left the meeting.

Shapiro signed the Certification Pursuant to GLC c39, Section 23D of Participation in a session of an adjudicatory hearing where the undersigned member missed a single hearing session.

Jim Simpson was on hand to review the status of the As-Built Plans for Cider Hill Estates. Simpson stated he had submitted updated plans and Whitman & Bingham had responded to Haley & Ward's review letter.

Simpson mentioned that at the last meeting it was brought up that the Planning Board approval of this project had indicated an order of condition for private trash pickup. Simpson stated that this had been discussed at the first meeting with the Planning Board but was never approved. Simpson reviewed all approval letters from the Planning Board and stated that there never was an order of condition for private trash pickup.

Santoro affirmed what Simpson stated and suggested to the residents that they contact the Board of Health or the DPW. Residents stated that they appreciated the clarification.

Miller moved that the Board accept the As-Built Plans for Cider Hill Estates and close out the project. Page seconded the motion. The motion passed unanimously.

7:19 p.m. Philpot returned to the meeting.

### **Request for Extension of Time for Site Plan Review (Continuance) 287 Leominster Road, Continental Stone, Marble and Granite, Inc. Owner Manoel L. Leite, Map 24, Lot 1**

Philpot read the following request from Christopher Anderson, Project Engineer, Hannigan Engineering, Inc.:

*'On behalf of my client Continental Stone, we are requesting a 60-day extension till September 30<sup>th</sup> to allow for time to provide the additional information and revisions as necessary to the Site Plan Approval application for the project at 287 Leominster Road in Sterling.'*

Philpot and Shapiro both signed the Certification Pursuant to GLC c39, Section 23D of Participation in a session of an adjudicatory hearing where the undersigned member missed a single hearing session.

Page moved that the Board approve an extension of time for the 287 Leominster Road Site Plan to September 30, 2019. Shapiro seconded the motion. The motion passed unanimously.

### **Site Plan Modification Review (Continuance) ~ Gibson Farms dba Cream Crock Distributors, 48-50 Worcester Road, Map 146, Lot 3**

Miller and Shapiro both signed the Certification Pursuant to GLC c39, Section 23D of Participation in a session of an adjudicatory hearing where the undersigned member missed a single hearing session.

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Philpot read the following letter from Haley & Ward dated August 13, 2019:

*'Haley and Ward has completed a review of the site plan for 48-50 Worcester Road. The plans were prepared by Burke Engineering and are dated March 22, 2019 with revisions through June 10, 2019. A plan showing the building elevations and floor plan dated August 9, 2019 was also provided by the applicant. We offer the following comments.*

- 4) The total impervious lot area within the Water Resource District is limited. The proposed slab will substantially overlay an existing paved surface except for a 150 square foot area at the northwest corner of the work area. This addition of impervious area is less than the 2,500 square feet threshold provided in 4.64 (o). A special permit is not required.*
- 5) The building elevations show the addition of 1,500 square feet of warehouse storage through the extension of an existing 50-foot-wide structure by 30 feet. The proposed expansion of the floor area will increase the parking load by one space at one space per 2000 square feet. The site appears to have sufficient area for parking.'*

Philpot reviewed comments from the various Boards and Departments.

Fran Gibson was on hand to discuss his As-Built Plan submission. Philpot inquired as to why there were no parking spaces shown on the plan.

Gibson requested a continuance of his Site Plan to the August 28, 2019 Planning Board meeting. In addition, agreed to provide updated plans with designated parking spaces.

After a discussion, Shapiro moved to continue this review to the August 28, 2019 meeting. Santoro seconded the motion. The motion passed unanimously.

### **Minutes**

#### **July 10, 2019**

Page stated that Pat Fox wanted the Board to know that the ZBA had not made any official decision relative to the Earth Removal Bylaw Review. Philpot clarified that his statement in the minutes was a discussion with the Vice Chair of the ZBA and that is what was said and he stands on his statement in the draft minutes.

Santoro moved that the Board approve the minutes of July 10, 2019 as presented. Shapiro seconded the motion. The motion passed unanimously. The motion passed with four in favor and one abstain (Miller was not present at this meeting.)

#### **July 31, 2019**

Page moved that the Board approve the minutes of July 31, 2019 as presented. Miller seconded the motion. The motion passed with three in favor and two abstain (Philpot and Shapiro were not present at this meeting.)

### **Warrants & Payroll**

Board Members reviewed warrants for payroll and Quill Corporation.

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### ZBA Notices from surrounding Towns

Philpot acknowledged notices of hearings from various surrounding Towns.

### BOS Liaison

Arden Sonnenberg stated that she was here to support the Planning Board and asked if there was anything, she could do. Shapiro asked about the ERB being on the BOS agenda last week. Sonnenberg stated the ERB has been re-established. Some are prior members and some are new people. John Kilcoyne is the Liaison for the ERB and they have started meeting and working on the Bylaws in time for the next Town Meeting. Shapiro stated that members of the Planning Board were on the previous ERB but were not made aware that the ERB had been resurrected until the BOS agenda came out.

Philpot asked how does the liaison work. The previous BOS liaison John Kilcoyne attended many Planning Board meetings. It seemed on many times the Board would discuss topics and indicate that he (BOS Liaison) would get back to the Board with an answer and nothing would happen, we would never hear back. Philpot stated that approximately four weeks ago he sent Sonnenberg an email regarding this particular point on the ER Bylaw which said, the Board had discussed this and were going to “put the old band back together.” Philpot had an agreement at the time with Mike Rivers, who at the time was Chair of the ERB, the he (Mike) would involve himself. Philpot spoke with Joe Curtin who he believes was the Vice Chair and a member of the ZBA. Curtin was elbows deep in the efforts a year ago. Last week he saw the BOS agenda which indicated that you were going to reform the committee that was disbanded by an affirmative vote before Town Meeting, that their job was done. And now the BOS are adding people to this committee.

Sonnenberg stated that she knew nothing about the Earth Removal Board business and is still unclear. She may not have understood what Philpot’s email was asking.

Philpot just wanted to get an understanding of how this will work. If he was a liaison from the Planning Board and attended a BOS meeting and they were discussing something that would impact this Board. I would come back to the Planning Board and keep the Board informed.

Sonnenberg stated that if the Board wanted to add her to their agenda (as needed), we could go through a list of things that the Board would like her to follow up on. Or if you would prefer to do it through virtual communication, she could do it that way, too.

Philpot stated there were two articles; the first article was the new Bylaw which was defeated, and the second article was the Table of Principle Uses and Definitions which was tabled. The comment from Selectmen Lane was “send it back to the Planning Board”. Page stated the changes were referred back to the Planning Board and the Bylaw was tabled. Philpot stated he had a conversation with the Town Clerk and since the new Bylaw was defeated, there was no need to modify the Table of Principle Uses or Definitions.

Sonnenberg inquired what specifically the Planning Board is going to work on. Philpot stated they would be gathering the prior input from about a year ago from people on this Board, the ERB and ZBA. Sonnenberg also thinks this is what the newly formed committee is working on. Sonnenberg recapped that we have two groups working on this so is there an opportunity to have

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one committee or are you just saying the Planning Board is doing it? Interestingly enough Mr. Donaldson attended a Planning Board meeting and expressed his interest. Philpot stated we would get him on the committee but it may take some time as right now the Planning Board was entertaining several Site Plan applications.

Miller stated he is currently on the Earth Removal Board it is a little surprising to him that Mr. Kilcoyne who is the Chairman as of last month's meeting. There was no discussion that anybody were going in a different direction. There is a meeting coming up on August 27<sup>th</sup> and Miller will question this because he feels it is a waste of his own time if a pre-existing ERB is going to be disbanded.

Philpot stated that, this Board had a joint meeting with the ERB, and ZBA about a year and a half ago and we decided to put an informal working group together. The group consisted of Miller and Shapiro, Mike Rivers (ERB) and Joe Curtin and Pat Fox representing the ZBA. Joe Curtin would send Philpot drafts of the ER Bylaws. Philpot also mentioned that the Board had received a True Copy Attest from the Town Clerk regarding the vote of Article 29 which stated that the Earth Removal Board shall be dissolved. Also, that a motion made by Richard Lane to refer to Planning Board for further review. Philpot stated so in the end the whole Earth Removal was coming to us.

Philpot asked that Sonnenberg go back to her fellow Selectmen and find out what the thinking is. Sonnenberg asked if the Board has a particular topic they would like to discuss to give her a heads up so she can prepare.

Shapiro asked how the flow goes. Sonnenberg said lets figure this out as we go along.

Philpot stated if Board is going to communicate to her, it will come from the Chair to make sure there is no confusion and it is a clear question

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

Philpot acknowledged a letter from Larry Favreau, DPW Board Chairman dated August 9, 2019 announcing the resignation of Bill Tuttle Superintendent of the DPW. Effective August 9, 2019 the Interim Superintendent will be Paul Lyons.

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

#### **As-Built Plans**

Kazan informed the Board that she had received the As-Built Plans for Eight Points Sportsmen's Club, Beaman Road which is available in the office should anyone wish to review the Plans.

#### **Request**

Kazan mentioned that Page had requested copies of all documents prior to the meeting. She wanted to run this by all Board Members. She explained that it is really difficult to do as documents and plans, etc. sometimes to get into the office right up to the evening of the meeting.

Philpot stated that incomplete packets will not be sent to Board Members. All Boards members are welcome to come into the office to view submissions.

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**Future Agenda Items**

Shapiro stated he received the Town Planner report which mentioned about a Brewery in Town. Santoro suggested he discuss this with the Town Planner.

**8:30 P.M. MOTION TO ADJOURN**

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

**APPROVED BY:**

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