

STERLING PLANNING BOARD MINUTES ~ November 20, 2019

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

### **Call to Order**

Philpot called the meeting to order at 7:01 p.m. in Room 202 of the Butterick Building.

### **Request for Extension of Time for Site Plan ~ Sterling Storage Solutions, 150 Clinton Road, 150 Clinton Road, LLC**

Matt Waterman, Land Tech Consultants and Owner Jonathan Hall were on hand to discuss their request for a one-year extension of the Site Plan for Sterling Storage Solutions. Waterman explained that this request is due to delays in construction of the Site Plan for 150 Clinton Road. Waterman indicated that they were confident that project would be completed by November 28, 2020 if not sooner.

Miller excused himself from this discussion, as he is an abutter.

Page moved that the Board grant an extension of time for the Sterling Storage Solutions Site Plan, 150 Clinton Road through November 28, 2020. Santoro seconded the motion. The motion passed with three in favor and on abstain (Miller).

### **Chad Lane Subdivision. Carl Corrinne ~ Discuss location/type of trees**

Carl Corrinne was on hand to discuss his proposed tree location and type of trees for the Chad Lane Subdivision.

Santoro excused himself from this discussion, as he is an abutter.

Page moved to accept the requested minor modification from the condition of planting trees. Philpot clarified that the minor modification requested by the applicant would reduce the total number of new trees planted as follows; two (2) trees planted on Lot 9 along and two (2) trees planted to the left as one gains entry to the cul-de-sac, as described by the annotated plan provided by the applicant. This will recognize the existing natural trees/tree line preserved by the applicant. The proposed trees will be deciduous Sugar Maple Trees with a minimum 2.5" caliper. Miller seconded the motion. The motion passed with three in favor and one abstain (Santoro).

Jamie Rheault of Whitman & Bingham inquired as to what the procedure is for requesting an extension in time for the Chad Lane project as well as a reduction in the Bond.

Philpot suggested Rheault put his requests in writing and submit by the December 3, 2019 noon deadline in order to get on the December 11, 2019 agenda.

## **STERLING PLANNING BOARD MINUTES ~ November 20, 2019**

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Minutes

Page moved to table the minutes of October 30, 2019 in order for her to have time to review. There was no second. The motion failed.

Santoro moved that the Board approve the minutes for October 30, 2019 with changes. Miller seconded the motion. The motion passed with two ayes, one nay (Page), and one abstain (Philpot was not in attendance at this meeting.).

Citing the Mass. Open Meeting Law, Page stated that there needed to be a majority of the Board to vote. Tatasciore confirmed this information. Philpot did not agree and stated that it was not necessary to have a majority vote. Based on this disagreement the Board decided to table this until their December 11 meeting.

Warrants & Payroll

Board Members reviewed warrants for payroll and Haley & Ward (Continental Stone).

ZBA Notices from surrounding Towns

Board Members reviewed notices from the surrounding Towns.

Chairman's Report/Notices/Discussions

BOS New Policy Established November 13, 2019

Philpot acknowledged an email from Kama Jayne regarding the implementation of new BOS policies for the Annual/Special Town Meeting and Warrant and Annual Town Election.

Street Assignment

Philpot acknowledged an email from Lt. Kokernak regarding street number assignment of 9 Heywood Road to Assessors Map 43 (0 Heywood Road).

MRPC – \$300,000 Grant

MRPC was recently awarded a Brownfields Site Assessment Grant from the EPA for \$300,000 which will be used for Phase I and Phase II of eligible “Brownfield” sites.

Philpot asked Tatasciore are there any sites in Town that may qualify for Brownfields status. Tatasciore stated there are none.

Annual Performance Review

Philpot asked Board Members to prepare the annual performance review for the Administrative Assistant in time for completion at the next meeting scheduled for December 11, 2019.

Administrative Assistant's Report/Notices

Kazan informed the Board that the Board of Selectmen voted to close Town Hall on Christmas Eve Day.

Kazan is working on the Annual Town Report and will probably have a draft ready in the near future.

STERLING PLANNING BOARD MINUTES ~ November 20, 2019

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Kazan mentioned that there was an all Boards Meeting held on Monday night but was not sure if anything was discussed about the Planning Board. Page indicated that she went but was told not to speak as she was not authorized to speak on behalf of the Planning Board. Philpot disagreed that Page was not told not to speak. Philpot clarified that the Board had establish the policy that an individual member of the Board cannot represent the entire Board but could speak on their individual opinion.

### **Site Plan Approval Letter for Continental Stone**

Kazan informed the Board that she had not received the draft approval letter for Continental Stone from the Town Planner so Kazan went ahead and drafted the approval letter which Santoro has signed tonight.

Santoro sent an email to the Town Planner yesterday and his email was blocked. Tatasciore stated she is not saying you never sent it, she just never received it and Santoro should go talk to IT about it.

Santoro asked Tatasciore if she usually does approval letters for this Board. Tatasciore stated when she first came she offered to do them, that is correct. Tatasciore inquired as to what approval letter he was referring to. Tatasciore stated she was not in the room when the Site Plan was approved so she had no knowledge of this and she guesses if she had had any communication with your Administrative staff who doesn't speak to her. Tatasciore stated she doesn't get draft meeting minutes so how would she know what was approved.

Kazan stated that Tatasciore did have a packet available for her the night of the meeting. Kazan questioned why Tatasciore was not in the room because she came over to the Planning Board meeting after the joint meeting held next door. Tatasciore stated that Kazan or somebody could have communicated this to her, she is not a mind reader. Kazan stated she was not a baby sitter. Philpot stated that Tatasciore could have stayed for the meeting but she chose to leave.

Tatasciore stated no problem, you know why because as you (Philpot) are always sure to remind me that your Administrative Assistant does her job and does it well. So my offer to do any decisions is rescinded. Go at it. So there, should be no problem anymore.

### **Town Planner Report**

Tatasciore stated she wanted to preface that Santoro was in Town Hall today and he acknowledged her. You could have asked me about this email as well. But you chose to do it in a public forum to try to embarrass me on purpose. Santoro disagreed and stated he was at the Town Hall on personal business.

Tatasciore reviewed her update for November 20, 2019 with the Board.

Philpot asked if Tatasciore could please tell us in your Town Planner Activity Report for October 30, 2019. It says here 'Performed site visits at development sites'. Could you tell us which ones you have visited? Tatasciore stated anytime there is any type of application, for example Chad Lane I would go and visit. Anything that is before the Board even as a submittal. Philpot asked which ones have you visited. Have you visited them all or one or two, what did you learn and what was the purpose of the visit. Tatasciore stated that a Planner's job is to go and walk the site

## STERLING PLANNING BOARD MINUTES ~ November 20, 2019

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so that is what she did. She walked up and down Chad Lane to understand what was going on. Tatasciore inquired did Philpot learn anything when he visited Chad Lane. Philpot stated he did. Tatasciore said 'great, so did I'. Philpot stated then I am asking you to share what you learned with us. Tatasciore stated it is not clear cut property. Philpot stated here we go with the hostility again.

Philpot inquired could you tell us what pending plans you have reviewed. Are these plans yet to be submitted to us? Tatasciore responded, you know what, I am not going to do this with you, and I am not going to do literally line by line on what I do in an entire month. I don't, I am not going to do this with you. Philpot stated he was not asking her to review what she does in an entire month, I am asking you to inform us of what you did for the Planning Board last month. Seems to be a perfectly legitimate question. You say here 'viewed pending plan'. Page interrupted and clarified that the 'Planning' in the Town Planner's report is not just for the Planning Board but for the entire Town. Philpot stated it says Planning is there another Board that does Planning in this Town? Page there's a lot of planning that goes on in the Town and the Planner does not work for the Planning Board. Philpot stated he was well aware of that. So Planning was just planning in general but not Planning Board per say. Tatasciore and Page agreed.

Philpot stated there was no reason for this Board to ask any questions because the Town Planner clearly does not want to answer them. Tatasciore said no, because I clearly do my job. Philpot stated that he was not inferring that she didn't. Part of his question was you went out there and engaged in an activity and I was trying to understand what you may have learned. Tatasciore asked Philpot to stop talking to her in that tone. Tatasciore replied always hostility that's enough.

Town Planner left the meeting after slamming the door behind her.

Recap discussion of September 25th with Town Planner & Town Administrator

Philpot stated that he came away from this meeting with two points that were made clearly and with which agrees. We just saw one of those points a moment ago. The first one is that there is a lot of hostility that exists between the Town Planner and this Board. The Town Planner made it clear at the meeting tonight. The second point was made by Mr. Perry that this Board, I think the word he used was meaningful, that we don't communicate in any meaningful way with the Town Planner and this is a point that I do not disagree with, but my curiosity is if we don't communicate in a meaningful way, Mr. Perry wants to say not at all. I could tell you that outside of the meetings in the year and a month or two that the Town Planner has been employed here I may have had one or two emails. I haven't had any discussions with her outside of the meeting here. Philpot inquired if Santoro or Miller have had any communications with the Town Planner. Philpot stated he knows Page speaks with Tatasciore frequently as she is an employee in this building. Philpot knows Shapiro tried to speak with Tatasciore and on September 25, 2019, Philpot turned the meeting over to Shapiro. Philpot stated – so we don't communicate but where is all the hostility coming from? Philpot reviewed the minutes and listened to the tape recording of that meeting and within a span of about fifteen to twenty minutes, David Shapiro used terms like 'try to build a bridge', 'move forward', 'try to work together', 'move on', 'get past', and the Town Planner made it absolutely clear when she rejected that offer, when she said 'not so long as Philpot is Chairman' and quickly followed up and (pointing) said not so long as Miller, Santoro and Shapiro are on Board. Philpot stated that it seems very clear to him that the Town Planner does not want to work for this Board

STERLING PLANNING BOARD MINUTES ~ November 20, 2019

~~~~~

or with us. Philpot doesn't know what to do and doesn't see any more reason to discuss any of this. Philpot asked what other members wanted to do.

Santoro stated he gets criticized for what he says or doesn't say by this individual. He wants to move forward (not backwards). He lives in this Town. All the time he has been on this Board, he has never had arguments with anyone. It bothers him that he has put his heart and soul into this Board and it is bothersome the way he has been talked to by the Town Planner, Town Administrator. This Board has tried to do good for the Town.

Miller stated he thought the Board should ask Mr. Perry what he would suggest. Perhaps attending some of the Planning Board meetings as he has in the past to witness both sides. This is not a one sided thing yet it always seems to be pointed back to this Board. Miller feels there is a lot of hostility towards the Board.

Philpot stated that to the point of hostility, we had our meeting on September 25<sup>th</sup> meeting and the following morning (September 26) at 9:43 a.m. Kazan received the following email from the Town Planner: 'Please forward me a *typed* copy of the draft September 25, 2019 Planning Board meeting minutes, being the exact same draft that the board will vote to approve at their next meeting and delivered to me prior to said meeting. Lack of a timely action on your part will require me to file a standing public records request after every meeting'.

Philpot stated that's an ultimatum, some might call it a threat. That's a fairly hostile act to threaten someone. Then later on that same day at 4:23 pm in the afternoon Mr. Perry sent an email to continue on the discussion and in one section here he writes: 'Case in point: The discussion about the 61A release of Lots 2 & 3 off Justice Hill. Two PB members started to ask about the potential of further divisions of the original 48 acre parcel. For a moment, it looked like the Board was going to function as a PLANNING Board versus its past practice of being a PERMITTING Board. But Russ cut off that discussion. The concern about what else might occur at that location is valid and appropriate for a Planning Board to address'. Philpot stated that he totally agreed. The problem was and he stated it at the meeting, it was not on the agenda (#1) our agenda item was specific (61A Release). It wasn't about 61A Release and by the way let's talk about someone else's private property and what interest the Town may or may not have in it. This could be a far ranging discussion and have very big impacts on people's personal fortunes. How do we know that they are very close to closing a deal and all of a sudden a discussion erupts at a Planning Board meeting about making it into a ball field and then a potential buyer might just walk away? We just ruined the deal for these people. He thinks he explained this in very simple terms and yet here is Mr. Perry calling us a name – not planning but a Permitting Board. Philpot doesn't know what happens across the hall but over here the Open Meeting Law means something and we abide by it.

Philpot stated if he followed correctly, the Town Planner just rescinded any and all work for this Board. Philpot stated that he would check the tape recording and ask all Members to do the same.

What she asked was consultation of the draft meeting agenda. She wants the Chairman to sit with her and discuss the agenda. She wants to be able to review the draft meeting minutes – his response was only the Members of this Board have editorial privileges and this is the same for any Board. She wants to sit at the meeting table with her chair and name tag. Page stated that this discussion is no longer relative to the discussion. Philpot agreed.

## STERLING PLANNING BOARD MINUTES ~ November 20, 2019

~~~~~

Review Earth Removal Bylaw Committee's Draft of ERB Bylaw

After a discussion, the Board asked Kazan to reach out to the ERB and ER Bylaw Committee and request that they send a final draft of the Bylaws.

Chairman's Report additional comment

Philpot mentioned that there has been some discussion about hours and customer service and so forth of which some has been focused at this Board. Philpot asked Kazan to go back to 2010 and look at the number of plans that the Board reviewed and the average time that it took to review them because under the past Chairman this Board established a reputation of a business unwelcome mat and plans were twisted and turned and applicants were frustrated. Philpot was frankly happy to show that as you can see from this chart, we have been very busy for the last two years and yet the average time from when we receive the complete application to when it is approved by this Board is just a couple of weeks. The other thing is, are we sticking with our Bylaws and Rules & Regulations and Conditions. So, that related to Special Conditions. Every plan we approve has the boiler plate conditions. We have very few if any of Special Conditions which means we are not having people jump through hoops and loops. These numbers show that this Board with minimal support in terms of hours is frankly getting the job done and satisfying customers.

Philpot mentioned that there was one site plan that was not included in this scenario. Gibson Farms Site Plan

Future Agenda Items

Kazan mentioned that her performance review, ER Bylaw Draft if provided and Chad Lane extension and bond reduction were the only items for the December 11 meeting.

8:00 P.M. MOTION TO ADJOURN

Page moved that the Board adjourn. Santoro seconded the motion. The motion passed unanimously.

APPROVED BY:
