

STERLING PLANNING BOARD MINUTES ~ January 29, 2020

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### **Present:**

John Santoro ~ Vice Chairman  
David Shapiro ~ Clerk  
Craig Miller ~ Member  
Patty Page ~ ANR Agent  
Betty Kazan ~ Administrative Assistant

### **Absent:**

Russ Philpot ~ Chairman

### **Call to Order**

Santoro called the meeting to order at 7:00 p.m. in Room 202 of the Butterick Building.

### **ANR ~ 146 & 148 Pratts Junction Road, Gagnon Equipment & Parts, Inc., Assessor's Map 67, Lots 10 & 11**

Paul Grasewicz of GRAZ Engineering was on hand to present the ANR for 146 & 148 Pratts Junction Road. Grasewicz summarized the ANR as two lots become one lot.

After a brief discussion, ANR Agent Page moved to endorse the ANR for 146 & 148 Pratts Junction Road. Owners Sande Realty, Inc. and Pratts Junction Road Realty, Inc., Assessor's Map 67, Lots 10 & 11. Plans prepared by GRAZ Engineering. Plans dated January 14, 2020. Shapiro seconded the motion. The motion passed unanimously.

### **Site Plan Review ~ Gagnon Equipment & Parts, Inc., 146 & 148 Pratts Junction Road, Assessor's Map 67, Lots 10 & 11**

Paul Grasewicz of GRAZ Engineering was on hand to present the Site Plan for 146 & 148 Pratts Junction Road.

After Grasewicz reviewed the written comments from Haley & Ward, Town Planner, and various Departments. Grasewicz agreed to respond to these comments in writing and update the plans accordingly. The Conservation Commission had not responded so Grasewicz agreed to contact Matt Marro for a written response

Grasewicz request a continuance of this Site Plan to the February 12, 2020 Planning Board meeting. Grasewicz agreed to have written responses and updated plans submitted to the Planning Board by February 4, 2020.

Page made a motion to continue this Site Plan Review to February 12, 2020. Shapiro seconded the motion. The motion passed unanimously.

### **Request for Bond Reduction for Redstone Heights Subdivision a.k.a. Chad Lane, Carl Corrinne**

Santoro stated that he was an abutter and would abstain from voting.

Carl Corrinne explained that he had submitted a request for a reduction in the Bond as there had been a lot of work that was done on the project. Corrinne explained he submitted a list of work completed and Haley & Ward was sent this list to verify completion. Haley & Ward created a summary of the amount of work which needs to be done with a cost to complete of \$5,600.

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Corrinne explained that right now currently the Bond is \$46,129. Kazan mentioned that the \$5,600 figure had been revised to \$14,000 by Scott Miller of Haley & Ward. Kazan explained that the first email that Miller sent out was for \$5,600 and then it was revised to \$14,000. Corrinne stated he only had received the \$5,600 letter. Kazan mentioned it was her understanding that Corrinne knew this as she and he had spoken earlier in the week about the cost to complete. Mr. Corrinne stated okay I just saw this one here (\$5,600) was the current one. Kazan explained Miller realized he had missed something on the first estimate thus the revised cost to complete of \$14,000. Kazan stated there was confusion especially because both letters had the same date.

Corrinne said that with all that being said, he is looking for a reduction of the original bond (\$46,129). According to Corrinne, the amount of work that has been done is \$38,312.47 which is the work that has been completed on the road using the original numbers of the original bond. Based on the numbers of the bond being held, Corrinne is looking for a cost to complete of \$7,816.53.

Corrinne stated that Scott Millers numbers of \$14,000 are not the original numbers that are on the bond. Kazan mentioned that based on her conversation with Corrinne on Monday, he was going to speak with Miller. Corrinne stated he hasn't been able to talk with Miller. Corrinne stated he is using the amount of the bond (not making anything up) which is being used by the Town right now. Corrinne stated that Miller was not using the numbers on the existing bond and was adding in the Sidewalk Ramp after the fact which is not part of the bond.

Kazan pointed out one of the comments made in the Haley & Ward review of the As-Built plans dated November 18, 2019 for Chad Lane; *'The following deviations were noted from the approved site plan. A. A wheelchair ramp was proposed at the intersection of the Chad Lane sidewalk and Redstone Hill Road. A vertical concrete sidewalk edge is existing.'* Corrinne stated that the ramp does have to go in but it is not part of the bond.

Page inquired as to whether Corrinne was amenable to a reduction to \$10,000. Kazan asked is this the way we do this. Page stated we can make our own motion. Kazan stated she has never seen this happen with any Haley & Ward recommendations. Page stated she doesn't see why we need \$14,000 to finish \$7,800 worth of work.

Corrinne explained he has to remain consistent on what the bond says when he goes back to the insurance company to release the bond. This is just a simple reduction on the bond for the amounts which have been recorded at the Registry of Deeds for the work that has been completed.

Shapiro stated he would like to see where Miller came to these numbers.

Miller made a motion that Mr. Corrinne get together with Scott Miller and agree on amount and come back before the Board. Page seconded the motion. The motion passed with three in favor and one abstain (Santoro).

As-Built Plans Redstone Heights Subdivision a.k.a. Chad Lane, Carl Corrinne

Corrinne stated Scott Miller came out to visit the site and his only comments were about the wheelchair ramp and the four trees.

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Santoro asked how can we sign an As-Built when you don't have approval on the cost to complete. Corrine questioned Santoro asking aren't you supposed to recuse yourself? Santoro stated he was asking as a taxpayer not as a member of this Board. Corrinne inquired if Santoro was going to follow the rules? Corrinne was here to follow the rules, not break the rules. Santoro recused himself and left the meeting room.

Kazan read the following letter from Scott Miller dated December 10, 2019:

*'Haley and Ward has completed a review of the as built plan submitted for Chad Lane and have conducted a visit to the site. The plan was prepared by Whitman & Bingham Associates and is dated November 18, 2019. We offer the following comments.*

1. *The plan accurately reflects the as built condition of the site. Due to snow and ice cover, we were unable to confirm the presence of flush items located off the edge of the roadway. The following deviations were noted from the approved site plan.*
  - a. *A wheelchair ramp was proposed at the intersection of the Chad Lane sidewalk and Redstone Hill Road. A vertical concrete sidewalk edge is existing.*
  - b. *Four (4) trees as noted in the subdivision minor revision memo from your Board dated November 26, 2019 have not been provided.*
2. *Prior to acceptance by the Town, the applicant should*
  - a. *Sweep the roadway*
  - b. *Clean the catch basins*
  - c. *Remove any deposited silt from the retention basin*
  - d. *Prepare a draft deed for the roadway, easements and an acceptance plan, if applicable.'*

Page made the motion to accept the As-Built plans\* with the conditions stated in Scott Miller's letter of December 10, 2019. Miller seconded the motion. The motion passed with three in favor (Page, Miller and Shapiro).

**\*NOTE:** After the meeting, the Planning Board received an email from Scott Miller in which he stated he had missed the note on the As-Built plan legend showing the bounds as "to be set". Miller mentioned Jamie Rheault from Whitman & Bingham pointed this out after Miller's letter had been distributed. Miller also stated the value of the bounds were included in his updated Cost to Complete submitted in December, 2019.

Santoro returned to the meeting room.

### **Minor Site Plan ~ 145 Redstone Hill Road, Davis Farmland, Larry Davis, Assessors Map 89, Lot 18, Request for Waiver of Technical Compliance per Sections 6.4.4 and 6.4.5**

Larry Davis of Davis Farmland was on hand to review his letter for request for Waiver of Technical Compliance for his Site Plan. The following is Davis's letter submitted; *'I, Laurence Davis of Davis Farmland, 145 Redstone Hill Road, am respectfully requesting to file a Waiver of Technical Compliance for a Site Plan Review for an addition of less than 2,000 square feet (actual = 1,222sq') to our current food building.*

*I am asking for the following waivers in the Town Of Sterling Protective By-law, section 6.4.4. submittals 1, 3, 4, 5, 8, 9 & 10. Please see below why I am requesting these waivers.*

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1. All boundary line information pertaining to the land sufficient to permit location of same on ground with existing and proposed topography at 2-foot contour intervals;
The land that the addition will be built on is flat.

3. Water provision, including fire protection measurers; **Water provision already exists with current building setup. In addition, a fire suppression system will be added to the building.**

4. All wetlands and waterbodies on the property and within 100 feet of the property;
Not applicable. We are not within 100' of wetlands.

5. Sanitary sewerage and storm drainage, including means of ultimate disposal and calculations to support maintenance of the requirements in the Planning Board's Subdivision Rules and Regulation; **We already have sanitary sewerage and storm drainage in place from current building.**

8. Existing and proposed exterior lighting; **Looking to light a small area of our parking lot with two light poles. We are working with our general contractor and lighting contractor to develop sufficient lighting needs and locations for these poles for our guest's safety and convenience.**

9. Compliance with all applicable provisions of this Zoning By-law; **We have and will continue to follow applicable provisions of the zoning bylaws.**

10. All storm water management systems for new development and redevelopment projects that result in a land disturbance of one or more acres and discharge storm water into the municipal system must comply with the Massachusetts Department of Environmental Protection (DEP) Storm water Management Policy Handbook and Technical Handbook, whether or not the project falls within the jurisdiction of the Wetland Protection Act (MGL Ch. 131 S 40). This enforcement will include projects that are less than one acre if the project is part of a larger common plan development"; **Not applicable to our project.**

6.4.5 Preparation of Plan. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=200';

'I am requesting a waiver of Technical Compliance on section 6.4.5 regarding size and scale of site plan submission sheets.'

Shapiro read into the minutes the following suggested Conditions of Approval from the Town Planner;

1. All ADA-Compliant parking spaces shall be striped and placarded as required by the Architectural Access Board.
2. Provided that the project is constructed in substantial accordance with the final revised plans on file with the Town of Sterling and in accordance with all applicable governmental codes.

Shapiro moved to grant the Waivers of Technical Compliance requested in accordance with the TOS Protective Bylaws Section 6.4.4 numbers 1, 3, 4, 5, 8, 9, 10 and 6.4.5. Along with the suggested Conditions of Approval from the Town Planner. Miller seconded the motion. The motion passed unanimously.

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### **Minutes**

Shapiro moved that the Board approve the minutes for December 11, 2019 with amendments. Miller seconded the motion. The motion passed with all in favor.

### **Warrants & Payroll**

Board Members reviewed warrants for three payrolls and Haley & Ward (Chad Lane).

### **Discuss Public Hearing regarding the Zoning Board of Appeals proposed changes to the Bylaws to be held on February 12, 2020**

Santoro reminded the Board that there will be a Public Hearing at the next Board Meeting for proposed changes to the TOS Protective Bylaws. Kazan stated that the legal ads were published in the Telegram & Gazette on January 21 and January 28, 2020. Kazan also mentioned that Pat Fox will not be able to attend this hearing and has asked that a letter he has submitted be read at the public hearing.

Page mentioned she would not be able to attend the February 12, 2020 meeting.

### **61A Release ~ 83 Maple Street, Lot 1, Owners Anthony & Diane Melone**

After a brief discussion, Page moved that the Board vote not to purchase Lot 1, at 83 Maple Street. Miller seconded the motion. The motion passed unanimously.

### **Review and Approve Annual Report of Planning Board**

Shapiro moved that the Board vote to accept the Annual Town Report as submitted. Page seconded the motion. The motion passed unanimously.

### **Sterling ZBA Notices**

Santoro stated that Notices of Public Hearings scheduled for January 28, 2020 from the ZBA were received for the following; 12 Industrial Drive, 5 Pine Woods Lane, and 14 Clemence Avenue.

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

Board Members reviewed notices from the surrounding Towns.

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

#### **Street Assignment**

Santoro acknowledged an email from Lt. Kokernak regarding street number assignment of 3 Redstone Hill Road, Map 92, Lot 10.

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

Kazan mentioned she will be sending out a notice to Poulin Construction regarding their Site Plan expiring on March 27, 2020.

### **Discuss and take any action thereto regarding a request for a Variance from the Board of Health for 12 Industrial Drive**

Page mentioned that the applicant withdrew their request so there is no need for the Board to discuss.

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Discuss and take any action thereto regarding 114 Pratts Junction Road Approved Site Plan potential violation – TOS Protective By-Law s. 6.4.10

Santoro read the following December 17, 2019 letter sent via certified mail to the applicant Joseph Day:

'Dear Mr. Day:

The Building Department has notified this Board that on December 11, 2019, a 90-Day Temporary Certificate of Occupancy was issued for 114 Pratts Junction Road.

In accordance with the Order of Conditions for your Approved Site Plan, you are required to submit your As-Built plans to the Planning Board within thirty days from the issuance of a Certificate of Occupancy (in both paper and digital form).

Failure to do so may result in Penalties as outlined in the Town of Sterling Protective Bylaws, Section 6.1.3 states that "The penalty for violation of any provision of this By-law, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals shall be Three Hundred Dollars (\$300) for each offense".'

Kazan mentioned that there was no response from Mr. Day on this notice.

Santoro stated that this is the problem with issuing certificates of occupancy. When a certificate of occupancy is issued prior to a final As-Built being submitted to the Planning Board, it totally opens the Town of Sterling for liability if something happens and now we have the owner of this property who will not answer a certified letter from the Planning Board.

Santoro asked for this Board's opinion. Page stated that Mr. Day (114 Pratts Junction) has not been issued an Occupancy Permit just a 90-Day Temporary Occupancy Permit. Mr. Day cannot finish all the site work until the ground is thawed. That is the only thing left to get an Occupancy Permit.

Miller inquired there are bays in that building that are rented out. Where does the permitting come for who is occupying that building. Page stated she wondered about that as well. Especially as she learns about this very small generator, we really don't know what they are doing. Page does not know how you control that.

Santoro stated we want the business and we want the business to be safe and clean. Is it something that we want to do spot inspections? Santoro stated the Building Department is in charge of violations.

Arden Sonnenberg suggested that the Board speak with the Town Administrator as he may be able to assist with getting clarity or perhaps legal counsel.

Page stated the Building Commissioner would not issue a Certificate of Occupancy until the project is closed out. Page thought Culgin could issue at least one or two more temporary Certificates of Occupancy.

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Santoro stated he will speak with Mr. Perry about this.

Miller moved to put this discussion off until the next meeting. Shapiro seconded the motion. Santoro will reach out to Ross Perry. The motion passed unanimously.

**8:41 P.M. MOTION TO ADJOURN**

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

**APPROVED BY:**

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