



## TOWN OF STERLING PLANNING BOARD AGENDA

Butterick Municipal Building, Room 202  
1 Park Street, Sterling, MA 01564

Wednesday February 12, 2020 – 7:00 PM

### MEETING:

Present were members Craig Miller, David Shapiro, John Santoro and Russ Philpot. Absent was member Patty Page.

### AGENDA:

- PUBLIC HEARING - Proposed amendments to the Town of Sterling Protective By-laws relative to Article 2.4.5 Display Setback (Signage), Article 3.1 Signs and Article 2.3.1 Table of Principal Uses (Earth Removal, Article 5 Definitions, Article 6.2 Board of Appeals.
- Site Plan Review (Continued) - Gagnon Equipment & Parts, Inc., 146 & 148 Pratts Junction Road
- Minutes January 29, 2020. Warrants & Payroll
- Discuss and take any action thereto regarding a request from D & R Farms, Inc. Robert Brockelman to gift a parcel of land Off Flanagan Hill Road Map 25 Parcel 4 to the Town
- Discuss and take any action there to regarding a request from the Earth Removal Bylaws Review Committee to review their Earth Removal General Bylaw revisions through January 21, 2020
- Discuss and take any action thereto regarding 114 Pratts Junction Road Approved Site Plan potential violation – TOS Protective By-Law s. 6.4.10

### Call to Order

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

### PUBLIC HEARING

Proposed amendments to the Town of Sterling Protective By-Laws relative to Article 2.4.5 Display Setback (Signage), Article 3.1 Signs and Article 2.3.1 Table of Principal Uses (Earth Removal), Article 5 Definitions, Article 6.2 Board of Appeals. Copies of the proposed amendments are available at the Town Clerk's Office during regular business hours.'

Patrick Fox, Chairman of the ZBA submitted a letter to the Board: *'Since I am unable to attend the public hearing on February 12, 2020 regarding the Proposed Amendments to Protective Bylaws, I am submitting this letter in support of the proposed amendments and ask that you enter it into the record. The purpose of the proposed amendments concerning signs is to afford the ZBA more flexibility in addressing requests to vary from the terms of the Bylaws. At present, applicants must file for a variance under MGL, Ch. 40A, section 10 which given the specific provisions of this section, make it extremely unlikely that signage variances could be granted, consistent with the law. The proposed amendments would not alter the specific requirements in the Bylaws relating to dimensions or numbers of signs or setback requirements. Instead, they would allow the Board to deviate from those requirements, on a case by case basis. If the Board determines that the beneficial aspects of the application outweigh any detrimental impact to the town.*

*The purpose of the proposed amendments concerning earth removal is to remove this subject from the purview of the Zoning Board of Appeals. Again, given the requirements of Ch. 40A, s. 10, it is very unlikely that an applicant seeking earth removal could obtain relief through the variance process. It is the Board's view that this subject is more properly addressed through a permitting process controlled by the Board of Selectmen and governed by a separate general bylaw. The proposed amendments would delete references to earth removal in the Table of Principal Uses and in Article 5 "Definitions," as well as delete Section 6.2.2.2.a.4.*

Public Hearing –  
Protective  
Bylaws (Signs,  
Earth Removal  
& Display  
Setback)

Public Hearing  
(Continued)

*The Board requests that these proposed amendments to the town's Protective Bylaws be presented for consideration by the voters at the town's next annual meeting. Thank you, Patrick Fox, Chairman, Zoning Board of Appeals'*

Scott Eddy of the Zoning Board was in attendance and voiced his support of the proposed amendments.

**Proposed amendments to the protective bylaws regarding signs**

- In section 2.4.5 **Display setback**, delete from line 2 the following language: "or signs over two (2) square feet in area" and delete from line 3 the following word: "front"
- In section 3.1 **SIGNS**, add Section 3.1.0, to read as follows: "The following regulations shall apply, unless otherwise authorized by a special permit issued by the Zoning Board of Appeals."
- In section 3.1 **SIGNS**. Add Section 3.1.2 €, to read as follows: "signs over two (2) square feet in area shall be located not less than twenty (20) feet from the lot line."

**Proposed amendments to the Protective bylaws regarding Earth Removal**

- In Section 2.3.1 Table of Principal Uses, D. Industrial, Wholesale or Extensive Uses, delete #7. Earth removal
- In Article 5. Definitions, delete the following language: "Earth Removal shall mean the removal of clay, gravel, sand, sod, loam, soil, stone or other earth materials as may be permitted pursuant to the Bylaws of the Town of Sterling."
- In Section 6.2 Board of Appeals, Delete Section 6.2.2.2.a.4

There were no comments from the public.

Santoro made a motion that the Board make a recommendation to the BOS of passage of the proposed amendments as written. Miller seconded the motion. The motion passed unanimously.

**7:11 p.m. Public Hearing Closed**

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

Philpot recused himself as he was not in attendance when this Site Plan was discussed.

Paul Grazewicz of GRAZ Engineering was on hand to present the updated Site Plan for 146 & 148 Pratts Junction Road. Grazewicz reviewed the comment letter from Haley & Ward dated February 10, 2020. The following is the Haley & Ward comment letter with applicant's responses:

- 1) The fire protection capacity of the water distribution system should be evaluated prior to construction approval. This evaluation should include the following components:  
*Fire flow demand provided at 10,250 gpm; availability per DPW 15,900 gpm.*
- 2) A 6-inch C900 PVC water service is proposed to the proposed building. This is used for a 2-inch water service and a sprinkler system.
  - i) The proposed curb stops should be shown at the front of the property.
  - ii) The existing curb stop and water service should be shown.  
*Site plan updated to show information, including a 1 ½" copper service line and a 6" sprinkler line.*
- 3) Note #13 on Drawing #3 states no sprinkler systems are required on buildings less than 7,500 SF gross area.
  - i) This does not apply to either the existing or proposed building. The applicant should remove this note and confirm the proposed building will have a sprinkler system.

*Site plan clarified.*

Site Plan Review  
– 146-148 Pratts  
Junction Road  
Map 67, Parcels  
10 & 11

Site Plan  
(Continued)

- 4) The lot is located wholly within the Water Resource District defined by a mapped Zone II. The applicant should confirm that:
- i) No petroleum products will be stored on site except as provided by 4.6.4 (b)
  - ii) No use which involves the manufacture, generation, processing, packaging, repackaging, use, storage, treatment disposal or transportation of toxic or hazardous materials or waste except as provided by 4.6.4.(d)
  - iii) No automotive service or repair shop use is proposed, per 4.6.4.(t)
    - (1) The applicant should additionally confirm the proposed 'Equipment repair' use is an approved use in the Water Resource District.
  - iv) No more than 440 gallons of wastewater per acre of land area will be disposed of through an onsite system.
    - (1) The applicant's calculations for estimated hydraulic load for the septic system on Drawing #4 do not appear to include the four (4) rented garage bays each with its own bathroom. The applicant should update their calculations and confirm the estimated loading.
    - (2) Drawing #1 states 'Proposed: ...440 GPD/40,000 SF area.' The applicant should confirm this number in the aforementioned calculations.
- Additional information was not provided on the use per Comment #4. All Water Resource District restrictions should still apply.*
- The applicant stated the use (Equipment Repair) shall be approved by the Building Commissioner.*
- Applicant stated the note on the first submittal of drawings referencing four (4) rented garage bays each with a bathroom, and two (2) employees per bay was not intended for this project. It has been removed.*
- 5) The impervious area listed on the cover sheet (98,864 SF) does not match that used in the HydroCAD hydrological analysis (~87,856 SF). The applicant should confirm the impervious area, make corrections on the drawings, and rerun the hydrologic analyses accordingly.
- Applicant stated that impervious area in the hydrology is correct and that the gravel area (CN=96) was assumed to be pervious in the hydrologic analysis.*
- 6) The stormwater analysis demonstrates that there are zero post-development increases in runoff for 2-, 10-, and 50-year design storms. In fact, the Hydrologic analysis shows a significant decrease in runoff from pre- to post-development conditions. This is due largely to the addition of two infiltration basins. An exfiltration rate of 2.410 in/hr was used in the analysis of the infiltration basins. This is the recommended Rawls rate for HSG-A, loamy sand soils. This matches what NRCS has mapped the area as: Hinckley complex loamy sand.
- i) Given the design and its assumptions appear to decrease stormwater runoff impact between pre- and post-development conditions, the applicant should ensure that the parameters and assumptions in the design and hydrologic analysis are carried through into final construction.
- 7) Per Zoning Article 4, Section 4.6.6 (c), an annual maintenance plan shall be submitted to, and approved by, the Building Inspector and the Sterling DPW to assure the methods used for onsite recharge and infiltration shall remain effective.
- A stormwater operation and maintenance plan was submitted.*
- 8) A loading and receiving plan should be presented to include large truck access and turning areas, if applicable.

Site Plan  
(Continued)

*The applicant stated a loading and receiving plan is not required because the equipment repair typically occurs at job sites, and only occasionally a low-bed will bring the equipment for repair to #146.*

- 9) Note #6 on Drawing #3 states that downcast wall mount lights will only be located at proposed entrances, while the proposed conditions drawings show 8 (eight) lights spaced evenly around the building. The applicant should confirm and clarify locations of lights.

*Applicant clarified information on the site plans.*

- 10) The expected hours of operation and exterior illumination schedule should be provided.

*Applicant provided additional information on the cover sheet.*

- 11) For the proposed building, #146, six (6) proposed parking spots plus two (2) handicapped parking spots for a total of eight (8) parking spots are proposed.

- i) The proposed building use does not fall into a clear category in the protective by-law schedule, therefore the Planning Board shall determine what is the most comparable use per by-law 3.2.3 (b). The following are the two most comparable uses:

(1) Manufacturing or Industrial would require a minimum of 30 parking spaces.

(2) Warehousing and Storage would require a minimum of 8 parking spaces.

- ii) The building at #148 has twenty-three (23) existing parking spaces that will be maintained.

- 12) The applicant changed the floor drain holding tank a 1,500 gallon holding tank to a 200 gallon polyethylene tank embedded inside a 1,000 gallon concrete septic tank.

- i) Applicant should confirm 200 gallons is a sufficient volume to handle floor drainage for the proposed 15,000 SF building.'

Sean Pepper of Gagnon Equipment confirmed that the floor drains are in compliance with the State Code. Board Members inquired about the old fencing on the site. Chris Gagnon assured the Board that the fencing would be cleaned up.

Shapiro moved that the Board approve the Site Plans for Gagnon Equipment & Parts, Inc., 146 & 148 Pratts Junction Road, Assessor's Map 67, Lots 10 & 11 with revisions through February 4, 2020, with the associated comments of Haley & Ward on February 10, 2020 along with the other Department Heads as noted. Miller seconded the motion. The vote was three in favor and one abstain (Philpot).

Minutes 1-29-  
2020

### **Minutes**

Miller moved that the Board approve the minutes for January 29, 2020 as written. Shapiro seconded the motion. The motion passed with three in favor and one abstain (Philpot was not at this meeting). Santoro mentioned just for the record that he had recused himself from the discussion regarding Chad Lane.

Haley & Ward  
merger with  
CES, Inc.

### **Haley & Ward transition to CES, Inc.**

Scott Miller, President of Haley & Ward, Inc. send an email announcing that 'Haley and Ward, Inc. has determined that it is in the best interest of our company and, most importantly, our clients to combine with CES, Inc. The transaction closed on January 31, 2020, at which time our ongoing projects were assigned from Haley & Ward to CES.'

Chair  
Resignation

### **Chairman**

Philpot announced that tonight would be his last meeting as Chairman.

Gift Property

**Discuss and take any action thereto regarding a request from D & R Farms, Inc. Robert Brockelman to gift a parcel of land Off Flanagan Hill Road Map 25 Parcel 4 to the Town**

Brian Kline expressed his concerns relative to trails and offered comments that it was of concern. Philpot suggested that Kline bring his concerns to the Board of Selectmen.

Santoro made a motion to recommend that the Board of Selectmen accept the gift of land Off Flanagan Hill Road with no further commentary. Miller seconded the motion. The motion passed unanimously.

Earth Removal

**Review Earth Removal General Bylaw - revisions through January 21, 2020**

Philpot expressed concern over the fact that these Bylaws may not be the most up to date version. The Board will reach out Chairman Sean Francis of the ERBC and ask if this version is in fact the final version.

Adjourn

**8:45 P.M. MOTION TO ADJOURN**

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

Materials: Draft job description for the Administrative Assistant to the Planning Board.