

Final
STERLING PLANNING BOARD MINUTES – March 30, 2016

Present: Kenneth Williams– Chairman, Clerk
John Santoro – Vice Chairman
Michael Pineo - MRPC Rep. & M.R.J.T.C. Alternate Representative
Charles Hajdu – Member
Russ Philpot – ANR Agent
Betty Kazan – Administrative Assistant

Chairman Williams called the meeting to order at 7:00 PM in Room 202 of the Butterick Building.

ANRs

Princeton Road

Mr. Pineo moved that the Board endorse ANR Plan, Assessor's Map 96, Lot 1, Princeton Road to convey 18.03 acres, Parcel B a non-buildable lot. Plan submitted by Bigelow Nurseries, Inc., 455 Main Street, Northborough, MA 01532. Prepared by David E. Ross Associates, Inc., Plan #L-12813, dated March 21, 2016. Check #25462 in the amount of \$100 was received. Form A completed. One Mylar and five copies of the plan were received. Mr. Philpot seconded the motion. Mr. Philpot also requested that an electronic copy of the plans be sent to the Administrative Assistant. The motion passed with all in favor.

Street Numbering

Postmaster Bob Marrama was on hand to discuss street numbering issues with the Board. He discussed 140 and 142 Pratts Junction which have a common driveways shared by two buildings and some of the buildings have three units/suites. What he would like have each of these properties assigned a new street name (Way) then each building could be assigned a separate street number. He further explained that the Post Office has become more modernized and all mail is now sorted electronically and the United States Postal Service software cannot accommodate neither alphabetic nor numeric numbering beyond the street number.

Mr. Hajdu suggested perhaps assigning 140-1, 140-2, etc. The Postmaster was not sure if the software would accommodate this and would have to look into it.

Mr. Philpot stated it is not that he doesn't have empathy for the Postmaster's dilemma but it is the responsibility of each resident to use their correct mailing address.

Mr. Williams stated that it appears to him that this is a software problem for the United States Postal Service.

MINUTES

Mr. Santoro moved that the Board approve the minutes for March 9, 2016 as corrected. Mr. Hajdu seconded the motion. The motion passed with three in favor and two abstain. (Mr. Philpot and Mr. Pineo were not in attendance at this meeting.)

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Meeting Schedule

The Board agreed to cancel their meeting scheduled for May 11th due to the Town Election. The Board may consider May 4th if warranted in the future.

ADMINISTRATIVE ASSISTANT'S REPORT/NOTICES

Rafferty Aluminum

Ms. Kazan informed the Board that the Rafferty Stormwater hearing with the Conservation Commission is scheduled for April 19, 2016.

Notary Renewal

The Board agreed to have Ms. Kazan renew her Notary license.

SITE PLAN REVIEW ~ Sterling Real Estate Dev. Co., & Sholan Homes, Inc. (Continuation)

8:00 p.m.

Mr. Philpot disclosed that he has had an existing professional relationship with Sterling Real Estate Development and recused himself from the meeting during this Site Plan Review.

James B. Simpson, Sterling Real Estate Development Co., Inc., along with his Attorney Todd Brodeur, Fletcher Tilton, PC was on hand to discuss the proposed Site Plan Review application for Assessor's Map 91, Lot 53 (43 Redstone Hill) & Assessor's Map 91 Lot 30 (Off Redstone Hill Road).

Attorney Brodeur explained that the Site Plan Review approval had previously been granted in 2014. He is back to increase the plan by a total of two units shifting the additional units down to a parcel that Mr. Simpson has under agreement but has not yet purchased (Map 91, Lot 30 Off Redstone Hill Road). There will be a total of twelve units to be built on parcel 30 resulting in a gain of two units more than the currently approved 42 units.

Attorney Brodeur reviewed the comments from Scott Miller, Haley & Ward's letter dated April 11, 2016, along with Mr. Simpson's response to each item as follows:

Dear Board Members,

Haley and Ward has completed a review of the modified site plan submitted for expansion of Cider Hill Estates. The plans were prepared by Whitman and Bingham Associates. and are dated January 25, 2016 with revisions through March 29, 2016. We offer the following comments. The applicant's response is provided. Outstanding items are shown in a bold font.

- 1) A modified Zoning Board of Appeals Special Permit is required to add the two additional dwelling units.

Response: An application is pending.

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- 2) The parcel being added to the previously approved site plan is less than the required 5-acre minimum lot size. Your approval should require that this parcel be merged to the larger parcel prior to construction approval.

Response: Your approval should include a statement similar to: The 4.2-acre site expansion parcel shall be legally merged with the base parcel prior to the issuance of building permit within the expansion area.

- 3) The delineation of the proposed 15 acres of open space should be shown on Sheet 1.

Response: The open space has been delineated.

- 4) A sewer/water crossing detail should be provided showing the sewer located at least 18 inches below the water. This detail would apply to the force main passing under the hydrant branches. This requirement is of particular concern given the layout of the water distribution system and the potential for pressure loss during a break or flushing operations. Consideration should be given for placing the hydrants on the water main side of the access drive.

Response: The hydrants have been relocated to the water main side of the road.

- 5) Consideration should be given to looping the proposed water system to the existing main in Redstone Place for improved water quality and quantity in both mains.

Response: This item remains open for discussion.

- 6) The outlet dimensions and elevations should be added to the Retention Basin Outlet Structure detail on sheet 8 for Retention Basin 65.

Response: The outlet dimensions and elevations have been added. **The 10 and 12 inch outlet invert elevations shown on the plans differ from the storm water management calculations. This should be clarified.**

Outlet	Plan Elevation	Calculations Elevation
10" Diameter Outlet	585.50	586.00
Twin 12" Diameter Outlets	586.20	587.65

- 7) The Site Utility Plan should be corrected to Sheet 4 of 9.

Response: The sheet numbers have been corrected.

- 8) The berm core permeability specification should be increased to a material readily available from local suppliers.

Response: The berm core specification has been increased.

- 9) The capacity of the closed drainage system to transmit the 100-year design storm from NDMH 65 to Basin 65 should be demonstrated.

Response: The drainage system calculations show adequate capacity.

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10) The fire protection capacity of the water distribution system should be evaluated prior to construction approval. This evaluation should include the following components

- i) Fire flow demand based upon proposed construction and NFPA standards. It should be noted if the structures will include fire sprinklers and the applicable code.
- ii) Fire flow capacity to the site through the connection to the distribution system. Capacity should be based upon hydrant flow tests conducted by the applicant.

**Response:** Hydrant flow testing results have been provided for the existing water system. **The results should be evaluated to determine the fire flow available at the top of the proposed expansion. The road elevation will increase approximately 46 feet above the flow hydrant elevation. This will reduce the available pressure by 20 psi plus additional hydraulic losses. The looping to Redstone Place should be considered in this evaluation.**

Mr. Gregory Fynan of 13 Redstone Place read his letter of concerns dated February 18, 2016:

Sirs:

As background to these concerns, the current Simpson proposal is not a modification to an existing development but it is a new development on a separate parcel of land that was in no way part of any of the reviews conducted for the development on the cited property off Redstone Hill Road.

The proposed new development is in direct contradiction to agreements made by Simpson for the new condo development in 2004, as reaffirmed during the 2014 Planning Board and ZBA hearings for the existing multifamily development off Redstone Hill Road. Reference is made to the issued 2004 ZBA permit, the issued minutes of the Planning Board meeting of February 26, 2013, and the issued minutes of the 2014 ZBA hearing on the current permit. It appears that the ZBA erred in omitting the restrictive wording from the issued permit, but this does not change the fact that all parties concerned agreed to the following wording from the 2004 permit, and reaffirmed agreement to the same wording in 2014:

**“4-Approval is subject to the further condition that no roads, utilities or other passageways shall be connected through to Redstone Place including the abandoned portion of Redstone Place.”**

**(Mr. Simpsons stated that he would honor this statement)**

The ZBA agreed to include this wording in the 2014 permit as documented in the ZBA hearing minutes.

While this is a matter for the ZBA to consider, these multiple prior agreements are paramount to the understanding of opposition to the proposed new multifamily development.

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The new parcel off Redstone Place has frontage on Redstone Place sufficient for two or more single family homes. In keeping with the rural character of the neighborhood, if development of this parcel takes place at all, this frontage should be used to allow single family homes and preclude multifamily development.

I urge the Planning Board to carefully consider: the history of the multifamily development hearings and agreements, the fact that the existing multifamily development is admittedly not being constructed in accordance with the reviewed plans upon which the existing permits were based and the total impact of expanded multifamily development on this neighborhood and the conservation lands therein. I therefore urge the Planning Board to not give its approval to this new development.

Allowing a tentacle of urbanization to reach out from the existing development across Redstone Place into an area of single family homes would be against the best interest of the Town, would diminish protections for nearby Conservation land and would be against the well-being of the citizens and abutters who participated in all the prior hearings.

Several abutters and concerned citizens addressed issues and concerns with regards to the site plan review.

Comments from the Chief of Police are as follows:  
I have reviewed the plans and visited the site. The proposal would have a minimal impact on traffic other than local traffic in the development. My only concern would be access to the property in the event the roadway into the project was blocked. A secondary road or access point off of Redstone Place would allow for emergency access by first responders, or evacuation of the residents if needed during an emergency.

Comments from the Board of Health are as follows:  
A review of the BOH files associated to the additional parcel (Map ID: 91/30) of land indicates numerous soil evaluations have been witnessed by the BOH during 2004. These previous soil evaluations signify adequate soil and available area to construct subsurface disposal systems throughout this 4.2 acre parcel of land. However, the BOH requires that current soil evaluations are required to be performed within the proposed area of any subsurface disposal systems, additionally; subsurface disposal systems designs shall be submitted for review and approval.

The Building Commissioner stated that she has no issues with the proposed changes.

Comments from Conservation Commission Field Agent Matthew Marro are as follows:  
My review is based on site inspection and a plan entitled “Cider Hill Estates (each page has subtitles for details and layouts)” by Whitman and Bingham Associates, plan number 4-L-870 signed and stamped by Brian Milisci with a revision date of January 25, 2016 as a 50 feet per inch scale. Please refer to this plan for the details of each area.

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The proposal is for the expansion of an existing condominium development. I did not observe any resource areas on the lot subject to the proposed expansion nor is there proposed construction within the buffer zones of any resource area. There would be no action by the Conservation Commission under the jurisdiction of the wetland protection act. However, the site requires Commission approval of the storm water plan. The proposal triggers the need to file with the commission for a local storm water permit. The Commission is required to conduct a public hearing regardless of the presence of wetlands. Once that process is started, the commission can evaluate under local storm water to issue a permit that ensure compliance with local storm water regulation. Please call on me if there is anything else the Board requires.

Comments from the DPW are as follows:

The Board would like the Planning Board to strongly suggest that the developer connect the extended water main to the dead end water main at the end of Redstone Place. This will create better water quality for all of the residents in the area as it will create a new loop in the system as well as more consistent water pressure for the Cider Hill Development.

Comments from the Fire Lt. Kokernak are as follows:

It is important to note that it is best practice to whenever possible to establish more than one access to a building or neighborhood in order to ensure adequate egress in the event of an emergency situation. The proposal as submitted shows a single route of travel to the top of Shamrock Way. It appears that a second egress could easily be established via Redstone Place. Given the situation where access to the top of the subdivision became blocked due to an event such as slippery road conditions on the hill at the bottom entrance or a disabled vehicle etc., alternate access via Redstone Place would ensure our ability to reach the top of the hill, which we would otherwise not be able to do.

It is for this reason that I strongly recommend a modification to the plans as submitted to provide access to Shamrock Way from both Honeycrisp Way and Redstone Place.

Mr. Simpson agreed to submit revised plans eliminating the storage building and questioned the Board as to whether they wished a gate be added.

Mr. Hajdu suggested that Mr. Simpson put the gate (subject to Police and Fire access only) on the plan and access to that portion of the dirt road or if it just gravel leading up to it, perhaps putting on where you can for a buffer zone and removing the storage building.

Mr. Hajdu told the audience that all their input would be considered and that it was the responsibility of this Board to make sure all rules, regulations and bylaws are followed.

Mr. Simpson stated that all questions raised by Scott Miller have been addressed and Mark Piermarini, Civil Engineer for Whitman & Bingham Associates will get calculations for the fire flow issues.

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Mr. Simpson respectfully requested that the Board continue this review until their meeting on April 13, 2016.

**NOTICES FROM OTHER TOWNS**

Notices from other Towns were made available for review and were passed on to the Zoning Board of Appeals.

**INVOICES**

Board members signed the Payroll for Ms. Kazan.

**10:10 P.M. MOTION TO ADJOURN**

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

Note: Mr. Philpot had not returned to the meeting.

**The next scheduled Planning Board Meeting is April 13, 2016, at 7:00 PM.**

**APPROVED BY:**

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