

STERLING PLANNING BOARD MINUTES – September 27, 2017

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**Present:** John Santoro ~ Chairman  
Michael Pineo ~ Vice Chair & E.D.C. Member  
Russ Philpot ~ ANR Agent  
Betty Kazan ~ Administrative Assistant

**Absent:** David Shapiro ~ Clerk

Mr. Santoro called the meeting to order at 7:03 P.M. in Room 202 of the Butterick Building.

### **Minutes**

Mr. Philpot moved that the Board approve the minutes for August 30, 2017 as amended. Mr. Pineo seconded the motion. The motion passed unanimously.

Mr. Philpot moved that the Board approve the minutes for September 13, 2017 as amended. Mr. Pineo seconded the motion. The motion passed unanimously.

### **Warrants**

The Board reviewed one payroll warrant.

### **Discussion with Board of Health Agent regarding ANRs**

David Favreau was on hand to meet with the Board to discuss ANRs. Mr. Favreau requested that the Board of Health be notified when an ANR is approved.

After a discussion, the Board agreed to include the Board of Health on the ANR distribution of approved plans.

This will start as soon as the ‘new’ ANR procedure/policy Public Hearing has been held.

Mr. Favreau suggested that on the proposed ANR application where the Title 5 Regulations are mentioned, we site the code which is CMR 15.010. The Board agreed to include this in the new ANR application.

Mr. Favreau also mentioned the Board of Health would be interested in a large document scanner if/when the Planning Board decides to move forward. Mr. Favreau mentioned that if it were a funding issue the BOH might be able to help. Mr. Philpot explained that the biggest issue is it is not an inexpensive machine. The cost for a multi-function machine starts at \$6,000. Other issues are the logistics of who will be responsible for doing scanning/copying. Everyone agreed to discuss this at a future meeting.

### **Site Plan Modification ~ Chacharone Properties, 96-102 Leominster Road, Formerly Sterling Crossing**

Mr. James Chacharone, Chacharone Properties, LLC and Brian Milisci of Whitman & Bingham Associates who will be representing Mr. Chacharone and Chacharone Properties, LLC were on hand to submit their Site Plan Modification for 96-102 Leominster Road.

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Mr. Milisci explained that the site itself is very similar to the plans that were previously submitted by the Cutler Brothers. The main modification is Building B, a 26,000 sq. ft. two story medical office/office building. Mr. Milisci also mentioned that they anticipate a future contractor building of approximately 6,000 sq. ft. where an existing house and garage are presently located. Mr. Milisci also confirmed that there would be 139 parking spaces verses 119 parking spaces on the previous plan.

Mr. Chacharone stated that they would probably not continue to call the project ‘Sterling Crossing’. Mr. Chacharone stated that new ownership should happen within a month.

Mr. Milisci also asked the Board to consider a site plan extension. Mr. Philpot asked how long of an extension were they requesting for substantial completion. After a brief discussion, the Board made the following motion.

Mr. Philpot moved that the Board accept this major site plan modification because the building has changed and parking spaces have increased (a little more than 10%) but all the requirements seem to be met subject to the approval of Haley & Ward. Mr. Philpot further moved that the Board grant an extension on the site plan modification to December 31, 2018. Citing ‘good cause shown’ to be creditable evidence of the property being purchased by Chacharone Properties, LLC they have provided the Board with an Architect’s rendition (full color), a site plan that carries the stamp of a licensed professional Land Surveyor and they have identified a general contractor as well. They also have a lease signed that requires them to occupy by September 1, 2018. Mr. Pineo seconded the motion. The motion passed unanimously.

Ms. Kazan confirmed that the Review Fee account was current at \$2,000 but that approximately \$525.73 was money received from Cutler Brothers and the remaining amount approximately \$1474.27 was money received from Chacharone Properties, LLC. Mr. Philpot stated that if the Cutler Brothers submitted a letter releasing any money in the review fee account this would clear up the confusion on the account. Administrative fees were received in the amount of \$300 check #19354.

Mr. Philpot explained that the Board’s Engineer, Scott Miller will be contacting Mr. Milisci for a site review.

Mr. Milisci will distribute modification plans to the appropriate departments for their input.

Chairman’s Report/Notices/Discussions

Planning Board Meeting Room Use

The Board agreed to send the following memo to the Board of Selectmen:

‘The Board would like to request that someone from the Planning Board be contacted prior to the date a Board/Committee/Department is scheduled to use the Planning Board Meeting Room.

Paperwork and confidential items are of concern and we would like to have the opportunity to properly store any documents, etc. before a meeting is held.’

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### **Possible Special Town Meeting**

Mr. Santoro stated that he received the following email from Ross Perry at 2:13 p.m. today:

‘This is advance notice that there may be a Special Town Meeting this fall with tentative dates of November 14<sup>th</sup> or November 28<sup>th</sup>. The Selectmen will discuss the need and possibly vote to open the warrant at their meeting on October 4<sup>th</sup>. The warrant may close a week later. At this time if this STM occurs in November, the only two articles will be a PILOT agreement from SMLD and the Police Union contract settlement. I am passing on this information in case the Planning Board wants to include an article in the warrant. I will keep you posted regarding the STM plans. Please let me know if the Planning Board might submit an article. Regards, Ross Perry.’

The Board discussed the Public Hearing they held back on March 29, 2017. The Board voted at that public hearing to recommend to the Board of Selectmen that both marijuana articles be included on the Annual Town Meeting warrant for May, 2017. Unfortunately, only one of the two articles was included on the ATM warrant.

The Board agreed to re-submit their request for the ‘Adoption of Prohibition On the Use Of Land For Non-Medical/Recreational Marijuana’ to the Town Administrator for inclusion on the November Special Town Meeting Warrant.

### **Building Commissioner**

Mr. Santoro acknowledged an email from Ms. Culgin stating she could not attend this meeting due to a commitment to meet with another Committee. The Board asked Ms. Kazan to email Ms. Culgin requesting her attendance at the October 11<sup>th</sup> meeting and provide the Board (at that meeting) with a list of all Certificates of Occupancy issued on any projects that the Planning Board has not closed out.

### **Administrative Assistant’s Report**

#### **Upcoming Workshops**

Ms. Kazan informed the Board of two upcoming Workshops. MMA and CPTC. Emails have been sent to all Board Members. Anyone interested in attending can register online and forward a copy of the registration information to Ms. Kazan so she can process a warrant for payment.

### **Future ANRs & Site Plans**

Ms. Kazan informed the Board that there may possibly be an ANR for Newell Hill Road and a Site Plan Review for Clearview Farms.

### **ANR Procedures & set date for Public Hearing & Fees**

The Board reviewed all proposed changes to the ANR Procedures and all pertinent documents.

### **Fees Schedule**

The Board also reviewed changes to the fees on the Fee Schedule. All revisions will be incorporated with the Public Hearing being held on October 11, 2017.

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Motion ANR Procedures & Fee Schedule

Mr. Philpot moved that the Board approve all revised ANR Procedures, documents and Fee Schedule and hold a public hearing on October 11, 2017 at 7 p.m. Mr. Pineo seconded the motion. The motion passed unanimously.

Updates on Haley & Ward's site visits

Ms. Kazan informed the Board that Scott Miller will be conducting site visits for Hydra Tech and Rock Breakers by the end of next week and will submit his report by Friday, October 6, 2017.

Legal Representation for the Planning Board

Concerns were aired over the requirement of the Planning Board having to get prior approval from the Town Administrator to speak with Town Counsel. The Board felt they should seek out a separate contract for legal representation of Town Counsel. Mr. Philpot suggested we inquire about a separate contract with KP Law. Mr. Santoro agreed to discuss this with John Kilcoyne prior to calling KP Law.

Board Vacancy

Mr. Philpot agreed to speak with the two individuals he thought might be interested.

Update of Master Plan/Master Plan Committee

The Board agreed to put this topic as an agenda item for their next meeting.

Condition of General Bylaws

The Board agreed to put this topic as an agenda item for their next meeting.

10:25 P.M. MOTION TO ADJOURN

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

APPROVED BY:
