

## STERLING PLANNING BOARD MINUTES – November 29, 2017

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

Mr. Santoro called the meeting to order at 7:02 P.M. in Room 202 of the Butterick Building.

### Minutes

Mr. Philpot moved that the Board approve the minutes for October 24, 2017 as amended. Mr. Pineo seconded the motion. The motion passed with three in favor and one abstain (Mr. Shapiro was not in attendance at this meeting).

### Planning Board Vacancy

Mr. Craig Miller was on hand to submit his letter requesting the Board's approval to appoint him to the Planning Board. Mr. Miller has lived in Sterling for 32 years and owns and operates two businesses in Town. Mr. Miller has worked in the construction field for over 45 years in all facets of the industry, including commercial, residential and site development. Mr. Miller is knowledgeable of building and zoning codes and has had a Construction Supervisor License for over 25 years. Mr. Miller stated that he felt he could be a valuable asset to the Town of Sterling Planning Board.

Mr. Philpot moved that the Planning Board make the recommendation to the Board of Selectmen to appoint Mr. Craig Miller to sit on the Planning Board as a full member through the completion of Mr. Charles Hadju's term of the next election. Mr. Pineo seconded the motion. The motion passed unanimously.

### 7:14 p.m. Recess

The meeting was in recess so that Mr. Santoro and Mr. Miller could attend the Board of Selectmen's meeting across the hall.

### 7:36 p.m. Reconvene

Mr. Santoro announced that at their meeting tonight, the Board of Selectmen voted to appoint Mr. Craig Miller to the Planning Board.

### Minutes

Mr. Pineo moved that the Board approve the minutes for November 15, 2017 as presented. Mr. Shapiro seconded the motion. The motion passed with three in favor and one abstain (Mr. Philpot was not in attendance at this meeting).

### Chacharone Properties, 96-102 Leominster Road, Site Plan Modification

Brian Milisci of Whitman & Bingham was on hand to review and comment on the site plan modification submitted for 96-102 Leominster Road. Mr. Milisci explained that the set of plans he has presented tonight (Revisions through November 16, 2017) reflect the following two items:

1. The revised hydrant location per comments from the Sterling Fire Department to be no closer than 1.5 times the height of the building at its highest point. The building is 29 feet at its highest point.

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2. The driveways were reduced in width from 24 feet (as shown on the original approved plans) to 22 feet in width in order to comply with zoning.

Finding that there is a stonewall along Laurelwood Road and the applicant agrees that the stones in the portion of wall removed to create the entrance of 22 feet be used to complete the wall going north on Laurelwood Road. The stonewall in the back has a shoulder of approximately 3 feet above the paved surface which provides adequate screening. At the Rte. 12 side of the property, the Board reaffirmed their agreement (made at the previous meeting) that fencing is not a good idea for a variety of reasons e.g. increased maintenance, potential for trapping small animals, unsightliness of the fence, etc. Recognizing this entrance to be the main/front entry to a business, the Board felt it was in everyone's best interest to avoid creating an unsightly entrance.

Mr. Santoro inquired as to the timeline on the building of a future building located in the back? Mr. Milisci indicated that he could very well be back early next year or they could wait until they get this proposed building built.

Mr. Philpot moved that the Board grant conditional approval on the site plan generated by Whitman & Bingham Associates on behalf of Chacharone Properties, LLC, 1 West Boylston Street, Suite LL05, Worcester, MA 01605, Plan #4-L-995, dated September 8, 2017, with two revisions dated October 30, 2017 and November 16, 2017 with the following conditions:

1. The fire protection capacity of the water distribution system will be analyzed by the Planning Board, Building Inspector, Fire Department, and their peer review consultants prior to the submittal of the building permit application.
2. The portion of stonewall along Laurelwood Road removed to create access will be reused and reassembled to continue the wall heading north on Laurelwood Road.
3. Per Sterling Protective By Law 6.4.8 Lapse ~ Site plan approval shall lapse after one year from the granting thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

And finding further the Board determined that the screening provided in the plan is sufficient acknowledging that the Laurelwood Road screening at 18 feet wide does not meet the stated Bylaw of 20 feet, however, the existence of a stonewall of approximately 3 feet in height does provide sufficient screening to allow for that 2 foot reduction from the 20 feet and further that along the front no fencing will be erected. The Board agrees and recognizes that shoulder of approximately 3 feet above that paved surface along Route 12 does.

Mr. Pineo seconded the motion. The motion passed unanimously.

Mr. Milisci submitted a check for \$1671.71 from Chacharone Properties to replenish their review fee account.

### **Chocksett Road, Rock Breakers (LKQ)**

Mr. Philpot stated that he had received a telephone call from Mr. Campobasso apologizing that he would not be able to attend tonight's meeting as he had an unexpected funeral service to attend and requested a continuation from the Board.

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The Board agreed to reschedule this agenda item to their next meeting.

### **Warrants**

Board members reviewed a payroll warrant. Planning Board Members also signed a voucher for Haley & Ward (Chacharone Properties and Rock Breakers).

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

#### **ZBA Meeting Request**

Mr. Santoro acknowledged a letter received today from the Chairman of the ZBA requesting a meeting to develop a community position over roles and relationships of the Planning, Zoning and Earth Removal Boards.

Planning Board members agreed this meeting would be a good idea but wanted to some time to have a discussion regarding this. The Board agreed to have this discussion at their next scheduled meeting.

### **Thank You Letters**

Mr. Santoro signed thank you letters to the Executive Assistant and Town Clerk for helping the Planning Board while their Administrative Assistant was out on medical leave.

### **Administrative Assistant's Report**

#### **Primrose Lane Monies Owed**

Ms. Kazan mentioned that she had spoken with the Treasurer/Collector about what could be done to recoup the \$485.23 that the Planning Board paid to Haley & Ward out of the Planning Board's revolving account because Mr. Pichierra had not submitted payment to cover this review fee. The Treasurer/Collector stated that there was nothing she could do but suggested that the Planning Board send a memo to all Town Departments notifying them that Primrose Lane/Mr. Pichierra has an outstanding review fee due to the Planning Board.

Mr. Philpot stated that he thought it was the responsibility of the Treasurer/Collector to take care of any liens (not the Planning Board). Mr. Philpot agreed to do some research to see if he recalled correctly the By-law on this matter.

### **Planning Board Accomplishments/Goals/Issues**

Mr. Philpot suggested that the Board's goals should be, Update and review the Subdivision Rules & Regulations, Open communications, Zoning Protective Bylaws, and Town Planner.

The Board agreed to postpone discussion until their next meeting.

### **FY19 Budget**

The Board agreed to discuss at their next meeting.

### **140 Pratts Junction Site Plan**

The Board agreed to send out letters to all applicants (including 140 Pratts Junction Road) that presently have open site plans that have expired.

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Mr. Philpot suggested that the letter include the following:

‘In accordance with the Protective Bylaws Section 6.4.8

*6.4.8 Lapse. Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.*

Please be advised that you are in violation of Section 6.4.10 of the Protective Bylaws

*6.4.10 As-Built Plan. Within thirty (30) days after completion of the project an As-Built Plan will be submitted to the Planning Board in both paper and digital form as specified by the Planning Board.*

We now ask that within sixty (60) days that you present the As-Built Plans to this Board in accordance with Section 6.4.10, so that the Board may close out the project.

Failure to do so may result in Penalties per Section 6.1.3 of the Protective Bylaws.

*6.1.3 Penalties. 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 (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.’*

Ms. Kazan will draft a letter and Mr. Philpot will review the draft.

**Subdivision Rules & Regulations**

The Board agreed to postpone discussion until their next meeting.

**Condition of General Bylaws**

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

**9:50 P.M. MOTION TO ADJOURN**

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

**APPROVED BY:**

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