

**STERLING PLANNING BOARD  
MEETING MINUTES**

**April 11, 2007**

**Present:** Robert Protano - Chairman  
Ronald Pichierri – ANR Agent  
Michael Padula – Board Treasurer  
Kenneth Williams – Clerk  
Michael Radzicki – Board Member  
Stephanie Booker – Board Administrator

Chairman Protano opens the meeting at 7:00 PM.

**APPROVAL OF MINUTES**

**Chairman Protano makes a motion to approve the Sterling Planning Board Meeting Minutes for January 17, 2007, as corrected, seconded by Padula. No further discussion, all in favor, approved by the Board.**

**Pichierri makes a motion to approve the Sterling Planning Board Meeting Minutes for January 24, 2007, as corrected, seconded by Radzicki. No further discussion, all in favor, approved by the Board.**

**ANR's**

There are no ANR's this evening.

**TREASURERS REPORT**

Padula briefly reviews the report for the Planning Board's escrowed accounts.

The Planning Board's Revolving Account has a balance of \$2,338.98.

The Board reviews the Review Fee Accounts. S. Booker and Padula will investigate the monies in the Rolling Ridge/Blueberry Lane Account and the money in the Galvin account.

## **OTHER BUSINESS:**

### **Trebor Lane**

The Board signs the two (2) Tri-Party Agreements for Trebor Lane. One is for \$70,000.00 to bond the Trebor Lane infrastructure and the other is to reduce the bond being held for the water line installation on Newell Hill Road from \$93,390 to \$31,750.

(Note added after the meeting: S. Booker sent the three (3) originals to Tim McGuire, developer, via Certified Mail, on Thursday, April 12, 2007; original signed documents were received by Board on 5/8/07.)

### **Bird Haven**

Chairman Protano reads into the minutes the letter sent from the Board to the Town Clerk regarding the rescission of the Definitive Subdivision Bird Haven (copy attached).

**Chairman Protano reads into the minutes the Release of Restrictions of Covenant for the Bird Haven Definitive (copy attached) to be endorsed by the Board, so moved by Padula, seconded by Pichierri. No further discussion, all in favor, approved by the Board.**

William Bird has requested the rescission of the Definitive Subdivision known as Bird Haven. Mr. Bird must record the paperwork the Planning Board has provided him, regarding his request for rescission, at the Worcester South District Registry of Deeds (WSDRD). The Planning Board will not release the Review Fees until all the documents are recorded and the recording information is forwarded to the Planning Board.

William Bird may need to speak to his attorney to verify that he has all the necessary paperwork to have the land revert to the lot lines that existed prior to the subdivision approval, as per his letter.

(Note added after the meeting: The Release of Covenant and Rescission for Bird Haven Subdivision was given to William Bird to be recorded at WSDRD on April 12, 2007. The Planning Board did receive a copy of the recorded documents and they have been filed in the subdivision files.)

### **Jennifer Lane**

Pichierri has received the new stock certificates for the bond on Jennifer Lane and has forwarded them to the Town Treasurer. The Planning Board receives copies of the new certificates and a copy of the letter regarding the certificates, signed and received by Bruce Turner, Treasurer, for the Board's files.

## **OTHER BUSINESS Continued:**

### **3 Gates Terrace**

Pichierri reads into the minutes a letter he sent to the Town Clerk regarding the purchase of 3 Gates Terrace advising that he is no longer a vested party in the purchase of 3 Gates Terrace with Chairman Protano (copy attached) and that his name will not appear in the deed for the property.

Pichierri also provides the Board a copy of the Disclosure of Appearance of Conflict of Interest, as required by General Law Chapter 268A Paragraph 23B (copy attached).

### **Board Correspondence**

The Board discusses the correspondence responses, i.e. e-mail, mail, general requests, etc., that could be handled outside of the Planning Board meetings. Chairman Protano advises that last week an e-mail was sent to Timothy McGuire, in response to his e-mail, regarding Trebor Lane. S. Booker reads the e-mail into the record (copy attached). Chairman Protano feels that this was a strong letter, but it did yield results. The Planning Board has received a check for \$6,321.00 to cover existing and future Review Fees on the Trebor Lane project.

The majority of the Board feels that S. Booker should have some authority to do the normal course of business and clerical day-to-day work, as long as it does not negatively affect the work done by the Board. All paperwork is and will be available for the Board's review, at all times.

### **Final Inspections Schedule for Subdivisions to be Accepted at Town Meeting**

The following is the schedule for the subdivision Final Inspections:

Pine Woods Lane – Sunday, April 22, 2007 at 10:15 AM

Lesley Lane – Sunday, April 22, 2007 at 11:00 AM

Sandy Ridge Road – Sunday, April 22, 2007 at 12:45 PM

Village Lane – Sunday, April 22, 2007 at 12:00 PM

(Note added after the meeting: S. Booker did contact all of the developers and advise them of the date and time the final inspection site visits will take place. Simpson has requested that his roads be rescheduled for Sunday, April 29, 2007 because he is out of town on April 22, 2007; request granted.)

## **OTHER BUSINESS Continued:**

### **Deiri Lane**

Chairman Protano reads, into the minutes, a letter from Attorney Michael DellaMonaca from the Law Office of Jerry C. Effren for Jouliau Deiri, dated April 4, 2007 (copy attached) regarding their request to rescind the approval of the Definitive Plan for the Subdivision Deiri Lane.

Jouliau Deiri called and spoke to Williams this morning and Williams requested further clarification on the request from Deiri's attorney. DCR will be placing a Conservation Restriction on six (6) acres leaving Deiri with a two (2) acre house lot. Clinton Savings Bank must approve the Release of Covenant and rescission of the subdivision, as they hold the mortgage on the property, and proof must be provided to the Planning Board. A Certified Abutter's List and public hearing may be required to rescind the subdivision.

Chairman Protano reads into the minutes the fax received by the Planning Board on April 11, 2007 (copy attached) further clarifying their request for rescission of Deiri Lane. Chairman Protano reads into the minutes the DCR Order of Taking for the land (copy attached).

An ANR Plan must accompany this request for endorsement and recording. It is Williams' understanding that DCR will be preparing a plan showing the proposed Conservation Restriction and Deiri's house lot. The plan will have to be recorded at the Worcester (South) District Registry of Deeds.

S. Booker will send a letter advising the attorney the steps that need to be taken to complete the request for the rescission of Deiri Lane.

(Note added after the meeting: A letter was completed and sent to Deiri's attorney on April 17, 2007.)

### **Codification**

S. Booker did not receive the list of Towns using the Codification System until Tuesday, April 10, 2007 following an additional request for the information. The Board is still waiting for the new Table of Contents with the references to the current numbering system for the Subdivision Rules and Regulations and the Protective (Zoning) By-Laws for review. The Board will not take any action regarding codification at this time.

(Note added after the meeting: The Town Clerk has since forwarded the new Table of Contents and draft Subdivision Rules and Regulation and Protective (Zoning) By-Laws. S. Booker is to review the Subdivision Rules and Regulations and provided a draft update to the Board and verify the Table of Contents (currently under review).)

## **OTHER BUSINESS Continued:**

### **61A Release**

The Board of Assessors has determined that the Cutler Brothers did not need the 61A Release for the land that they just purchased on John Dee Road because the sale was within the family. Therefore there was no Right of First Refusal for the Town to act upon. Chairman Protano did receive a copy of the requirements from the Assessor's Office (copy attached). The back taxes have been paid on the property.

The Planning Board will not take any further action on these 61A requirements since the Board of Assessors has determined no further action needs to be taken.

### **Ridgewood Update**

The Deed and Roadway Layout for Ridgewood Drive have been recorded at the Worcester South District Registry of Deeds. The three (3) page As-Built was not recorded. The paper copies of the As-Built have been distributed by the Planning Board. Chairman Protano has been unable to get in touch with James Burgoyne. Chairman Protano has left two (2) messages for Gary Melanson and has not received a return phone call. Burgoyne gave permission for S. Booker to contact Hannigan Engineering. Hannigan wants \$500.00 to update the plans; Burgoyne will not grant permission for any more money to be spent. Currently the Planning Board has \$465.45 in the Review Fee Account.

Chairman Protano will call Bruce Turner, Acting Town Administrator, for permission to contact Town Counsel for some direction regarding going after the Performance Bond to complete the recording of the required documentation for the Roadway Acceptance.

S. Booker summarizes two (2) letters from Town Counsel one regarding the breakdown of funds and the other regarding the ownership of the money. The Board understands that to date the ownership of the \$21,152.00 in the Performance Bond Account has never been resolved.

### **Seamus O'Callahan's**

The brother to Tony Zahariadis, Sterling Building Inspector, will be purchasing Seamus O'Callahan's. It has been determined, by the Board of Selectmen, that Zahariadis will be unable to conduct inspections at this establishment because of a possible conflict of interest. An alternate Building Inspector will have to conduct all the inspections on the property.

## **MAIL REVIEW**

### **Chocksett Inn**

Ed Troisi, owner of the Chocksett Inn, requested that Scott Miller review the new drainage calculations for the Chocksett Inn. There have been some proposed drainage changes. Chairman Protano reads into the minutes a letter from Scott Miller, Haley and Ward, dated April 6, 2007 regarding the modifications (copy attached) which must be met.

### **Open Meeting Law**

The Town Clerk is holding an Open Meeting Law Seminar on Monday, April 30, 2007 at 6:00 PM.

(Note added after the meeting: S. Booker and Chairman Protano attended the seminar.)

### **Massachusetts Federation of Planning and Appeals Boards Meeting**

The first Massachusetts Federation of Planning and Appeals Boards Meeting for 2007 will be on Thursday April 26, 2007. The entire Planning Board, except S. Booker, plans to attend, the dinner. S. Booker will RSVP for the Planning Board.

(Note added after the meeting: S. Booker did RSVP for the Board and provide the meal choices for each member on Monday, April 16, 2007.)

### **Board of Appeals**

There was a Board of Appeals public hearing on Tuesday April 10, 2007 at 6:30 PM on the request by Ralph and Melissa Rondinone for a Special Permit for building an accessory apartment with an accessory building at 104 Beaman Road. The request was granted.

## **MOTION TO ADJOURN**

**Williams makes a motion to adjourn the meeting at 9:39 PM, seconded by Radzicki. No further discussion, all in favor, approved by the Board.**

Chairman Protano adjourns the meeting at 9:39 PM.

**The next regularly scheduled meeting will be on Wednesday, April 25, 2007 at 7:00 PM.**

**APPROVED BY:**

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