

**STERLING PLANNING BOARD
MEETING MINUTES**

June 25, 2008

Present: Robert Protano – Chairman
Ronald Pichierri – ANR Agent
Kenneth Williams – Clerk
Charles Hajdu
Michael Radzicki – Vice Chairman
Melissa M. French – Administrative Assistant

Chairman Protano opens the meeting at 7:02 PM.

ANR(s)

No ANR's

MINUTES APPROVED

Pichierri makes a motion to approve the Sterling Planning Board Meeting Minutes of June 11, 2008, as corrected. Seconded by Radzicki, no further discussion, all in favor, approved by the Board.

D. WAYNE CONTRACTING

Don Harding and Bruce MacPherson are present tonight to follow up with the discussion of potential use for 146-148 Pratts Junction Road. (See minutes of June 11, 2008). Chairman Protano asks Harding for clarification that this building is the one directly across from the 40B project (on Pratts Junction Road). Harding responds that it is.

Jack Wentzell, owner of Pratts Junction Road Realty, LLC, is interested in purchasing the site. Bruce MacPherson is a principal in the proposed business and Donald Harding is the owner of D.Wayne Contracting, Inc., who is initiating the review from the Planning Board and will be conducting the upgrade/restoration of the site. The site, now vacant, was the former Herman Ewell Trucking Company and is in a state of disrepair and overgrown vegetation.

Chairman Protano explains that the Board has no Site Plan on record for the existing building. He also states that the site is located in an area that is now classified as Zone II. As a result, the proposed project will require a full Site Plan Review. Harding states that according to Assessor records, there are two lots, one noted as the former Chicago Pneumatic and the other as Poulin Realty Trust. Current records show the owner as Ewell Re Associates Lp, with one lot as Industrial land and the other as a Manufacturing Building.

FINAL

Harding presents to the Board copies of the site map, plan of existing improvements, photographs of the site and an illustration of the proposed trailer body components, to be built on site.

It is reiterated that a Site Plan Review is needed, both because of change of use and because of the lapse in time since the property was occupied. It is also noted that the site was developed prior to the designation of Zone II in 1999. Radzicki feels that a Site Plan is also needed for the Board's records, as a reference point. Williams states that the applicant should refer back to the Zoning Bylaws for clarification as to what is needed for a full Site Plan Review. The Board will conduct a site visit on Sunday July 20, 2008 at 10:30 AM.

15-19 HOLDEN ROAD, TED BONNELL

Ted Bonnell, 15 Holden Road, is present to discuss with the Board the possibility of subdividing his land on Holden Road to accommodate another house lot. He currently owns Map 100 Lots 23 (2.99 Acres), 25 (.64 Acre) and 26 (.48 Acre) Holden Road. His current home is situated on Lot 23. Both Lots 23 and 25 have frontage along Holden Road, interrupted by Lot 24. Bonnell has the opportunity to purchase Lot 24, a non-conforming developed lot, and a portion of land, as needed, from another abutter, Richard Magdis. Bonnell would like the Board's opinion on the feasibility of shifting frontage between Lots 23, 24 and 25 and taking from his 2.99 Acre lot enough land to create another legal building lot in addition to his current home. Zoning is Rural Residence and Farming which currently requires two acres and 225' frontage.

The Board and Bonnell discuss the different scenarios of creating this additional house lot. One scenario is that a road be created along Lot 25 for the purpose of creating legal frontage; however there is concern with lot width. Another possibility is that Bonnell go to the ZBA and ask for a variance for a lot with only 100' frontage. Chairman Protano states that the Planning Board does not know how the ZBA would handle that request.

**MOUNTAIN VIEW ESTATES
PUBLIC HEARING Continued from April 30, 2008.**

At 8:00 PM Chairman Protano opens the continuation of the Public Hearing for Mountain View Estates. See minutes of April 30, 2008.

Present for the Hearing are Daniel McCarty, project manager; Patrick McCarty, project engineer; Babe Pellicchia, owner of the project site; David Letters and Jim Padavano, Leominster Sportsman Club; and Scott Miller of Haley & Ward, engineer for the Town of Sterling.

Daniel McCarty addresses the Board stating that he is present to give the Board an update of where the proposed project stands and to review the various department letters from the Towns of Sterling and Leominster. Williams states that he has summarized the

FINAL

project to date in regard to Items #1 A-F in our Conditions of Approval of the Preliminary Plan and organized the letters (previously received from McCarty) into a packet for review. He then distributes a packet to each Board member, Miller and the McCarty's. (A packet of letters is attached to these minutes).

Daniel McCarty stated that he has spoken with the people who have produced the letters from the various departments. Chris Courville, from the SMLD, reviewed the plans with McCarty and has marked a set of plans illustrating the SMLD's requirements. From this marked set, a final plan will be made. McCarty stated that "most importantly" there was a detailed discussion between Courville and Kilgo, SMLD Manager, and that Kilgo wants the easement defined upon laying of the pipe, alongside the driveway. McCarty is to file for the easement documents, prepare the easement documents and submit them when application is made for a building permit. Kilgo wants to assure that a pipe is installed, surveyed for location and an easement is in place for ten feet on either side. Kilgo has put this in writing (in the attached letters). Patrick McCarty shows the plans, with Courville's hand drawn markings, to the Board and explains the proposed electrical service plan, as per the SMLD. Pichierri states that the SMLD requires 100% back up of the conduit, with an additional pipe, and asks McCarty if he was told this. McCarty states that he was not told. McCarty states that telephone and cable lines follow in the same trench, as per standard agreement between utility companies, and there is no separate easement.

The Board reviews the letters, with Chairman Protano reading each one into the minutes. The results are summarized as follows:

Trash collection – Trash from the homes in Sterling may either be brought to the recycling center or placed at the corner of Elm Street and the new road for pick-up.

Snow Plowing – The City of Leominster claims that they will plow the top of the cul-de-sac as their trucks will need to turn around while plowing the Leominster portion of the street.

Road Maintenance – A Homeowner's Association is required to assure maintenance of the road, until which time the road is accepted as a Public Way.

The Board has concern for the plowing of the Sterling portion of road as well as the ongoing maintenance. The City of Leominster states that they will plow, but Pichierri raises the question of the quality of plowing. The Sterling homes are to be located at the top of the Cul-de-Sac which would require several passes of the snow plow due to the width of this section. The City of Leominster makes no claim to maintain the Sterling section of road. The Board feels that a Homeowner's Association is necessary to assure plowing and maintenance of the road and McCarty states that he is in the process of drafting one.

School Bussing – The Wachusett Regional School District states that High School children will be picked up at the intersection of Justice Hill Road and Hastings Road. The Elementary and Middle School children will be picked up at 1 Ridgewood Drive.

FINAL

Williams refers to the latest SMLD letter, dated 6-23-08, in which it is summarized that the electric power will come off of the underground service from Ridgewood Drive via the R-O-W to an existing easement on the back end of Ridgewood. It will then lead to an easement on one of the proposed Sterling lots and down to the Cul-de-Sac of the new road, all this being in Sterling. Miller suggests that this easement be labeled a public utility easement, not just an electric easement to avoid any future problems. McCarty states that it will be labeled as a public utility easement. The easement will be marked with clearly labeled magnetic tape. McCarty explains that as each homeowner applies for utility service an easement document will be generated, it will be signed by the homeowner and an agent for the SMLD. Attached to the easement document is an easement plan showing the detail of the layout of the pipe as installed. This document and plan is then recorded with the Registry of Deeds, at which time the Book and Page of the original Subdivision Plan and the Book and Page of the Conditions of Approval are noted in the margin.

Emergency Response – The Sterling Fire Department states in their letter that each town will respond as needed under a mutual aid agreement that is in place. Due to the response time, any call from the subdivision will be initially responded to by Leominster, which in turn would notify Sterling in the event of a fire or significant emergency. The Fire Chiefs from both towns are requiring that the homes in this proposed subdivision be equipped with fire sprinkler systems.

Patrick McCarty addresses Chairman Protano and states that he has taken the comments from all the various Boards and Departments as well as the review letters from Haley & Ward and Woodard & Curran (Leominster's engineers) and red lined the set of drawings to incorporate everyone's changes to make sure there are no conflicts. He is currently working to get the changes resolved for the Leominster Planning Board's July meeting. McCarty states that as soon as he has these done he will forward a revised plan to the Sterling Planning Board.

Chairman Protano acknowledges two people in the audience who would like to speak. Jim Padavano addresses the Board with concern for the Leominster Sportsman's Association, Inc. (LSA). He hands out a brochure to the Board highlighting the club. His concern is that this proposed development will bring new homeowners into the neighborhood that will then complain about the shooting ranges and try to close down the LSA. He cites an example of a club in New Hampshire that has had this scenario happen and has been in litigation for eight years, spent \$500,000.00 in legal fees and has had to sell off land to raise the money. Padavano would like to see, in the Homeowner's Association, a statement alerting new homeowner's to the fact that they are buying a home across from an active gun club. He feels that if this condition was included it would eliminate any potential problems and the two could co-exist. Williams suggests that the LSA draft a proposed statement that the Board could confer with the Town's Counsel as to the appropriateness of putting such a statement in an Order of Conditions. McCarty suggests that anyone concerned should refer to Mass General Law which states that the LSA is exempt from any noise or distance regulations. McCarty is to provide a copy of this MGL to the Board.

FINAL

Williams asks what the status is of the Leominster Planning Board and their approval of the proposed subdivision. McCarty answers that they are about where Sterling is in the process. Williams states that Sterling will not approve the subdivision unless and until Leominster gives their approval.

David Letters addresses the Board. He is a member of the LSA. Letters states that his primary concern is for the environment and the protection of the water. He is concerned for contamination of Bartlett Pond. Letters states that he does not feel that the proposed plans are adequate for protection of the environment and its water sources and that he has spoken with the Leominster Planning Board and they are not happy with them either. Letters provides the Board with a copy of the review from Woodard and Curran, engineers for the City of Leominster, and states that there are over forty issues contained in the review having to do with water control.

McCarty explains to the Board that the DCR's jurisdiction over the subdivision states that because the subdivision disturbs greater than 1 acre of land, a Stormwater Pollution Prevention Plan has to be prepared. This plan shows the specific way in which the site contractor is to manage the project during construction to minimize the potential for erosion and siltation of adjacent wetlands. McCarty has filed a set of project plans and the Stormwater Pollution Prevention Plan with the DCR at the start of the project review. Since that time, McCarty has received review from Haley & Ward and Woodard and Curran and has subsequently asked DCR to delay their review until a new set of plans is submitted, with the changes resulting from the two engineer reviews. A copy of DCR's review will be provided to the Board(s).

McCarty asks to continue the Public Hearing for a date after July 15, 2008. They are meeting with the Leominster Planning Board on July 15, 2008 and with Leominster Conservation Commission on July 23, 2008. It is decided that the Public Hearing will continue on July 30, 2008 at 8:00 PM.

McCarty requests an extension of time for Planning Board action on the subdivision entitled Mountain View Estates including the filing of a decision with the Town Clerk, up to and including September 15, 2008 which Williams reads into the minutes. Pichierri moves that the Board grant the request for extension of time, Radzicki seconds it. No further discussion, all in favor, approved by the Board.

Williams moves that the Public Hearing be continued until 8:00 PM on the 30th of July, 2008. Pichierri seconds it, no further discussion, all in favor, approved by the Board.

DISCUSSIONS AND REPORTS:

DELCON - Chairman Protano reads into the minutes a letter from Todd Lobo, dated June 24, 2008, in which he requests a continuance of the Site Plan Review scheduled for June 25, 2008 to the next available Board meeting.

Williams moves to place Delcon on the agenda for July 9, 2008 at 9:00 PM, Pichierri seconds it. Chairman Protano will not be in attendance and the Board discusses if

they should move the continuance to July 30, 2009. The Board takes a moment to discuss the Delcon project and agree that a requirement will be made that Delcon have a traffic study performed. It is agreed that Delcon will stay on the July 9, 2008 agenda. No further discussion, all in favor, approved by the Board.

Williams moves that the Board inform the proponents of the Delcon Project that the Planning Board will require a comprehensive traffic study of the surrounding area and that the Board is to be informed of who will perform the study prior to its start. Radzicki seconds it, no further discussion, all in favor, approved by the Board.

(Note added after the meeting; a letter was sent to Mr. Delvecchio on June 26, 2008 making him aware of the continuance and the required traffic study.)

(Note added after the meeting; On July 3, 2008 Todd Lobo asked for an additional continuance from the scheduled July 9, 2008 meeting.)

VACATIONS – The Board discusses attendance at upcoming meeting dates. The only known vacation, at this time, is Chairman Protano’s absence the first two weeks of July including the meeting on July 9, 2008. Chairman Protano states that he may not be available for the site visit on 146-148 Pratts Junction Road, scheduled for Sunday July 20, 2008.

SHOLAN PARK PAVILION – Chairman Protano reads into the minutes a letter from the Sterling Recreation Department dated June 17, 2008, in which they are requesting that the Board review the plans for construction of a 16’ x 20’ Pavilion at the town beach and offer any comments. The Board clarifies its exact location and discusses the proposed plans that were submitted with the letter. The Board is concerned with the method of construction and it is agreed that Hajdu will talk with the Recreation Department and offer the Board’s comments and suggestions. Hajdu is given a copy of the plans. The Board would also like to ensure that the Building Inspector is involved with the project.

GREENLAND REALTY, INC. The Board reviews a letter from James B. Simpson indicating the current tenants of 149 Greenland Road. The Board would like to have a brief description of what each tenant’s business is. Chairman Protano will talk with Simpson.

DEPARTMENT HEAD MEETINGS – Chairman Protano reads a memo from T. Ackerman, Town Administrator, which states that there will be no department head meeting in July. She is requesting input as to preference of the meeting date in August. The Board has no preference.

STEPHANIE ANNE LANE – Chairman Protano reads a memo from Bill Tuttle, DPW Superintendant, stating that he has performed a follow-up inspection of Stephanie Anne Lane and found everything satisfactory. Williams sent a “Thank You” response to Tuttle.

FINAL

FYI:

The Board reviews:

- A memo from Brian Cline with an attachment entitled “State Court Gives Local Zoning Control over 40B.
- An article from the T & G regarding the Rauscher Farm and the Wekepeke.
- A Memo from M. Clark, Town Clerk, in which she includes the latest copy of the Open Meeting Law guidelines.

MAIL:

The Board reviews several items of mail:

- MRPC minutes, reports and agendas.
- Memo from D. Salluce informing all departments of new cleaning services contracted by the Town.
- DCR Spring Newsletter.
- Memo from T. Ackerman regarding charging fees for records requests.

OTHER:

- M. French requesting time away for July 4th vacation. French is requesting that the hours which need to be made up be done so in taking an Excel class outside of regularly worked hours.
Pichierri moves that the Board grant the vacation request to M. French, seconded by Radzicki. No further discussion, all in favor, approved by the Board.
- Radzicki addresses the Board letting them know that Ed Himlan has requested that Radzicki request the Board’s attendance at a meeting for the purpose of crafting another by-law related to “Cluster Zoning” on July 24, 2008 at 7:00 PM. (Note added after the meeting, the date has been changed to July 31, 2008 at 7:00 PM.)

BOARD OF SELECTMEN – Agenda June 18, 2008 meeting.

BOARD OF APPEALS- Application filed by Marcia and Roger Aubin.

NOTICES FROM OTHER TOWNS.

MOTION TO ADJOURN:

FINAL

Chairman Protano makes a motion to adjourn the Planning Board Meeting at 10:24 PM. Seconded by Pichierri, no further discussion, all in favor, approved by the Board.

The next regularly scheduled meeting will be on Wednesday, July 9, 2008 at 7:00 PM.

APPROVED BY:
