

**STERLING PLANNING BOARD
MEETING MINUTES**

July 30, 2008

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

ANR(s)

There are no ANR's.

MINUTES APPROVED

Radzicki makes a motion to approve the Sterling Planning Board Meeting Minutes of July 9, 2008, as corrected. Seconded by Pichierri, no further discussion, all in favor, approved by the Board.

TREBOR LANE –

The Board is in receipt of several emails from Tim McGuire in which he is requesting the Board members to set up a time for a site walk of Trebor Lane to determine any outstanding items that need completion before the roadway can be accepted by the town. Tim McGuire is present at this meeting. Williams reads the emails into the minutes.

Attached to one of McGuire's emails was the inspection report from Haley & Ward dated 11-27-07 on which McGuire indicates that the outstanding items are now complete. Chairman Protano and McGuire go through the list of items and confirm their completion. Chairman Protano asks McGuire about the open drainage swale that was to be created at the intersection of Trebor Lane and Newell Hill Road and McGuire responds that he did not do an open drainage swale but raised the top coat at the road entrance to pitch the water drained back to the north gutter.

The Board sets a time for a site visit of Trebor Lane on Sunday, August 3, 2008 at 10:30 AM.

**MOUNTAIN VIEW ESTATES DEFINITIVE SUBDIVISION
Continuation of Public Hearing from June 25, 2008**

It now being 8:00 PM Chairman Protano opens the continuation of the Public Hearing for Mountain View Estates Definitive Subdivision. Present for the hearing are Patrick McCarty and Daniel McCarty of McCarty Associates, Scott Miller, Haley & Ward, Inc. and Mr. Pellechia, current owner of the site. There are two house lots, within this subdivision, that are located in Sterling. The others are located in Leominster. Chairman Protano states that the decision to approve or not to approve is impacted by Leominster's decision.

Chairman Protano reads into the minutes a letter from Haley & Ward dated July 28, 2008 with 13 items of review. This letter states that Haley & Ward has completed a review of the Definitive Subdivision Plans for Mountain View Estates with its revisions through July 14, 2008. The review items are copied, in italic print, into these minutes below. Each item is followed with the subsequent comments and discussion that took place between the board members, Miller and the applicants.

- 1. The proposed subdivision will be served by a road that is yet to be constructed through Leominster. Prior to approval, your Board should be provided with an appropriate guarantee for the construction of the off site, access roadway. A certification by the City of Leominster is required by paragraph 4130 of your Rules and Regulations.*

The applicant has stated that they will not seek final endorsement until the appropriate guarantees are in place.

- 2. As access to the site by Town of Sterling DPW equipment would be cumbersome, a homeowners association should be developed for the ongoing maintenance of the roadway and right of way within the Town of Sterling.*

The applicant will establish a homeowners association to maintain the section of roadway in Sterling until such time that it is accepted by the town. Scott Miller, Haley & Ward, suggests in his review that this establishment of a homeowner's association be made a condition of the board's approval.

Pichierri is concerned with the wording that the HOA will only be in place until such time that the road is accepted by the town. Pichierri's concern is that if the plowing and maintenance is left up to the town of Sterling and Leominster agrees to plow but does a less than desirable job, who is responsible for the protection of these two homeowners? It is agreed that this would be an issue between the two towns to work out.

The Board is in receipt of a draft of the Homeowner's Association Agreement which the board members will review.

Williams reads into the minutes a letter, dated May 29, 2008 from the Leominster DPW in which the City of Leominster agrees to plow the cul-de-sac as it completes the plowing

for the portion of road in Leominster, but not agreeing to its other future maintenance issues.

3. *The roadway profile should include the existing left and right sidelines as required by the definitive plan contents. Alternatively, a waiver should be requested with appropriate supporting criteria.*

Sideline profiles have been added and a waiver is not required.

4. *Side drains should be installed in the cut areas of the roadway as suggested by paragraph 4333.*

Miller's response is that "the applicant has revised the design to include a turfstone sidewalk with underdrain. This design will be the functional equivalent of a side drain on the cut side of the roadway. The underdrain invert should be placed at or below the grade of the gravel sub base to keep groundwater from passing in to the road base. The depths of the sidewalk stone sub base and underdrain should be noted on the typical cross section.

Response: The applicant has also revised the general design to include storm water management ponds for the detention of run-off. The fill berm around the ponds should detail an impervious core. Particular attention should be made to seal the point where the outlet piping passes through the berm."

P. McCarty clarifies that what Miller is asking is that he add a couple dimensions to the sidewalk detail and add a note to the detention basin detail designating an impervious core with a note of particular concern around the outlet pipe. Miller agrees. Chairman Protano discusses the stone that will be used for the sidewalk, with concern that it be ADA compliant. P. McCarty asks that this request be included in the conditions of approval.

5. *The roadway is proposed with a continuous cross slope. This will allow run off from the woodlands, lawns and driveways to pass over the road surface with the potential for ice development and unsafe travel. A center crown cross section should be provided. A swale should be developed on the uphill side of the roadway to divert run off away from the road surface. Culverts should be shown at the driveway crossings.*

The above referenced sidewalk trench detail is proposed to collect surface run off prior to it reaching the road surface. It is expected that the paved surface will only receive run-off from the surface and the uphill shoulder. Miller suggests that the Board could favorably consider a waiver request without adverse health or safety concerns.

Pichierri brings up concern for the water flow from the high side of the road crossing the road surface regardless of the above proposal. He feels that there will be much more volume on one side of the road. Miller responds that with low impact development there are "trade-offs". He feels that the proposed system will collect the majority of runoff which could lead to icing and road hazard and that only a minimal amount of run-off will cross the road. Miller assured the Board that the road slope will be that of a wider road. A center crown would result in an open swale on both sides of the road which would cause more of a cut into the hill. Pichierri asks why there couldn't be recharge instead of a swale and P. McCarty responds that there will be partial recharge. McCarty explains to the Board, showing them on the plans, how the stormwater will be handled in its drainage off of the hill. He states that he

and Miller, in working with low impact development, feel they have come up with a creative solution to stormwater management.

P. McCarty states that for the entire 36 acre parcel only $\frac{3}{4}$ of an acre will result in an impervious surface, in keeping with the goal of low impact development.

Chairman Protano asks for clarification that what is being requested is a waiver to **not** have a center crown in the road.

6. *The bioretention basins and rain gardens use a storage porosity of 40% in the drainage calculations. This value is generally applied to crushed stone. The application of this value to a sand/loam/compost mix should be supported.*

P. McCarty responds that this is used exclusively for the rooftop infiltration. In a typical subdivision the perimeter drain runs out to daylight, through the ground and infiltrates. McCarty is proposing to create an enhanced area at the end of the 4" pipe to infiltrate, which is adding an additional factor that is not typically seen. P. McCarty states that it is Miller's opinion (Miller agrees) that rather than allow run-off to flow over the ground this enhanced area will help re-charge the water, in keeping with low impact development. The 40% porosity was derived from online engineering forms relative to low impact design. Chairman Protano asks if the run-off from the driveways could be included in the rain gardens and P. McCarty responds that this run-off is figured into the retention basin design.

7. *The invert elevations and dimensions of the proposed individual rain gardens and bioretention basins should be detailed on the drawings.*

Miller confirms that the invert elevations and surface area requirements have been shown on the plan.

(Note: In Haley & Ward's review letter Item # 8 is actually the response to #7 and there are 12 items of review, not 13. This is a typographical error only.)

8. *The drainage design relies upon the infiltration of roof run off in to rain gardens located on the individual lots. Your approval should include a requirement that deed restrictions be placed on these lots requiring the installation and maintenance of these structures.*

Miller feels that this should be made a condition of the Board's approval document. Chairman Protano states that this requirement will be fulfilled through its inclusion on the homeowner's deed(s). Clarification is made that the suggested condition of the approval document is that this must be added to the deed. The applicant is in agreement.

9. *An easement should be provided to include the street trees and electrical service transformer.*

A 10 foot wide street tree and utility easement has been provided. Chairman Protano asks if there isn't a requirement for a 15' easement and Pichierra responds that typically, in Sterling, there is a 10' (deep) x 15' easement in addition to the 10' wide utility easement in the right-of-way.

P. McCarty responds that they met with Chris Courville, SMLD, and have followed the exact specifications which Courville requested and indicated in writing directly onto the subdivision plans. D. McCarty stated that Courville wants control over the placement of underground utility pipes and that the placement of such, and subsequent easement generated and delineated by the SMLD, will be clearly indicated on the AS-BUILT and recorded at the Registry of Deeds. P. McCarty states that there will be three easements, one for the primary service, one for the secondary service on Lot 7 and one for the secondary service on Lot 8. Only the primary easement will be shown on the AS-BUILT. D. McCarty reiterates that they have followed the request of the SMLD.

10. The Development Impact Statement references a decision by the Department of Public Utilities that allows property straddling a municipal boundary to select between the electric utilities serving the municipalities. The applicant should clarify the application of this approach to subdivision lots contained wholly within the Town of Sterling.

The applicant is proposing to service those lots in Sterling (#'s 7 and 8) with electric power from Ridgewood Drive. The only service of choice for these two lots is to be the SMLD.

11. The applicant is proposing sidewalk constructed with open cell, concrete pavers rather than the specified Portland cement concrete sidewalks. A waiver should be requested with the appropriate supporting criteria.

P. McCarty responds that when he submitted the revised plans and drainage analysis on July 14, 2008, there was also a revised waiver request for the sidewalk construction. The Board does not seem to be in receipt of this waiver request and McCarty will provide another.

12. The applicant is proposing to construct the homes with residential sprinkler systems. Your Board should require the installation of fire sprinklers as deed restriction as part of your conditions of approval. The NFPA sprinkler design standard proposed to be used should be coordinated with the Fire Department.

Miller suggests that this requirement be made a condition of the Board's approval documents. D. McCarty agrees.

Williams asks McCarty to provide the Board with a list of requested waivers so that Miller may word the waivers that he recommends to the Board.

Williams asks about the recording of documents whereas Leominster is located in Worcester North District and Sterling in Worcester South. D. McCarty responds that the registry is now online and documents can be recorded in the Worcester District Registry of Deeds without regard to North or South. P. McCarty assures the Board that their attorneys will be sure documents are recorded properly. The Definitive will be recorded in both the North and South Districts.

Chairman Protano asks the McCarty's about the document that they were to provide regarding the subdivision's location across from the Leominster Sportsman Association and the concern about the rights of the Association and the rights of the homeowners. D. McCarty states that a copy of the MA General Law as it relates to this situation is

included in the submitted paperwork. The Board asks that they re-submit the documentation for the Board's review.

Williams states that the clock for rendering a decision on this proposed project has been extended and is good through September 15, 2008.

The Board will meet at its regular meeting on August 13, 2008 to discuss their review of the items submitted for the Mountain View Estates proposed subdivision.

The Public Hearing for Mountain View Estates will continue on August 27, 2008 at 7:15 PM.

Williams moves that the Board continue the Public Hearing until 7:15 PM on Wednesday the 27th of August, Pichierri seconds it. No further discussion, all in favor, approved by the Board.

DISCUSSIONS AND REPORTS:

○ **M. DELCON REALTY TRUST, LLC**

Williams reads into the minutes two letters, dated July 30, 2008, from Hanningan Engineering regarding the Site Plan Review for M. Delcon Realty Trust, LLC. The first letter is to request a continuance of the review scheduled for tonight's meeting. The second letter is to request an extension of the time clock for rendering a decision on the site plan to August 30, 2008.

The Board agrees to move the Site Plan Review for M. Delcon Realty Trust, LLC to August 27, 2008 at 8:15 PM.

Williams moves to grant the request for extension of the time clock deadline to Saturday August 30, 2008, Pichierri seconds it, no further discussion, approved by the Board.

○ **FITCH POND REALTY TRUST II**

For informational purpose, Chairman Protano reads a notice of public hearing from the Town of Lancaster regarding a petition by Gary Griffin, Fitch Pond Realty Trust II, requesting a waiver of the requirements of Section 453 9c) of the Lancaster Subdivision Regulations regarding plantings to be used in the construction of the Runaway Brook Definitive Subdivision Plan.

○ **SHOLAN REALTY**

Chairman Protano reads into the minutes a letter from Gary Griffin, Sholan Realty in which he requests an extension of the time period to satisfy a condition, to pave the common portions, of a Special Permit issued for a shared driveway "Wyman Way" off of Newell Hill Road on September 13, 2006. Note that Griffin still agrees to have the entrance from Newell Hill Road paved in 2008.

Pichierri moves to grant the extension of time to November 15, 2010 (2 years from prior completion date), seconded by Williams, no further discussion, all in favor, approved by the Board.

○ **SANDY RIDGE ROAD**

Chairman Protano reads into the minutes a letter from Golfbright LLC, Sandy Ridge Realty Trust in which a request is made that the Cash bond for Sandy Ridge Road be released. The Cash Bond was in place for the trees and the Board agrees to view the site on Sunday August 3, 2008 following the site view of Trebor Lane. No action is taken tonight.

○ **TOWN AUCTION**

Chairman Protano reads into the minutes a memo from Donna Salluce regarding a town auction. She is asking to be notified if any Boards or Departments have items for a town auction. The Board agrees that the old Gateway computer and a flat bed scanner could be put on the list.

○ **COMMONWEALTH CAPITAL**

For the Board's information M. French is working with T. Ackerman on the FY 09 Commonwealth Capital Application. This application awards the town points for action(s) implemented to be used towards the application for town grants.

○ **ED HIMLAN MEETING**

The board members are reminded of the upcoming meeting with Ed Himlan to be held on July 31, 2008 at 7:00 PM, to discuss the draft for a Stormwater Management Bylaw.

○ **BUILDING PERMITS**

A discussion arose amongst the board members regarding the review process of building permits issued. Williams stated that they were always available for Planning Board review and now are not. The board members agree that there is importance to being able to review the permits.

Pichierri moves that the board send a letter to the building inspector requesting that all building permits (other than those of a minor nature) be available for the Planning Board's review, seconded by Radzicki. Radzicki emphasizes that the letter not be adversarial. There is a rack in existence to put the permits in. A copy is to be sent to the Board of Selectmen. No further discussion, all in favor, approved by the Board.

(Note added after the meeting; a letter was sent on July 31, 2008.)

MAIL:

- MRPC –
 - Draft October 1, 2008 – September 30, 2009 Unified Planning Work Program (UPWP).
 - Memo from Glenn Eaton, regarding Development of the Draft Montachusett FY 2008-2010 Transportation Improvement Program Information deferred to Charles Hajdu, the Board's MRPC representative, for review.
- Invitation for a joint meeting with the Board of Selectmen and the Building Needs Committee to discuss improvement of the town common on August 20, 2008.
- Copy of memo from Bill Bird to T. Ackerman regarding 40B financing scandals and the Commonwealth Capital project.

FYI:

- Telegram & Gazette – various news articles of interest, copy attached.
- Obituary of John V. Blanchard
- Xarras property, 27A & 29 Legate Hill Road, has been sold.
- Next Department Head meeting to be held Thursday August 7, 2008.

NOTICES FROM OTHER TOWNS.

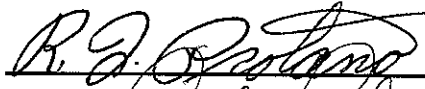
Several Public Hearing notices from adjacent towns were reviewed.


MOTION TO ADJOURN:

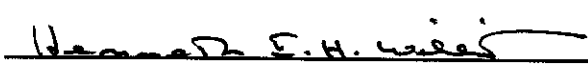
**Williams makes a motion to adjourn the Planning Board Meeting at 10:02 PM.
Seconded by Radzicki, no further discussion, all in favor, approved by the Board.**

The next regularly scheduled meeting will be on Wednesday, August 13, 2008 at 7:00 PM.

APPROVED BY:







PRELIMINARY
