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**STERLING PLANNING BOARD  
MEETING MINUTES  
February 25, 2009 – Rm. 202 Butterick Bldg.**

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

Chairman Protano calls the Planning Board Meeting to order at 7:00 PM.

**ANR(s)**

William Hannigan of Hannigan Engineering, Inc. is present with a plan of land owned by James Whitney, 557 Lancaster St., Leominster MA 01453 identified as Book 36655 Pg 110 in the Worcester South District Registry of Deeds; Assessor's Map 23 Lot 18. The total land area is being subdivided into two parcels. Lot A will retain 17.76+/- acres (Northgate Meadows 40B Project) and Lot G-1, .28+/- Acre is being deeded to Edward and Esther Giambrocco. Lot G-1 is not to be considered a building lot. Plan No: C-3-40, dated February 24, 2009.

The Board is in receipt of the Form A, Agent for Applicant Form and a check for \$100.00.

**Radzicki moves that the Sterling Planning Board endorse the ANR for a plan of land in Sterling, MA prepared for J. Whitney Development, Inc., 557 Lancaster St., Leominster MA 01453, prepared by Hannigan Engineering Inc., dated February 24, 2009, Job # 1788, Plan No: C-3-40. Plan of reference Registry of Deeds Plan Book 235 Plan 74, Plan Book 496 Plan 75, State Highway Layout 2392 and 2394 and Worcester Registry of Deeds, North District, Plan Book 457 Plan 16 and Plan Book 480 Plan 7. Pichierri seconds the motion, no further discussion, all in favor, approved by the Board.**

William Hannigan of Hannigan Engineering, Inc. is present with a plan of land owned by Brian Harrington Orr & Deborah Orr, identified as Book 19728 Page 366 in the Worcester South District Registry of Deeds; Assessor's Map 23 Lot 3. The town boundary between Leominster and Sterling crosses this parcel and will be a new bound between separate parcels in each town. The remaining land, in Sterling, will remain a conforming lot. Parcel A, in Leominster, will be conveyed to Southgate Meadows LLC. Plan No: C-5-46, dated February 10, 2009.

The Board is in receipt of the Form A, Agent for Applicant Form and a check for \$75.00.

**Radzicki moves that the Sterling Planning Board endorse the ANR for the plan of land in Leominster and Sterling, MA, prepared by Hannigan Engineering, Inc., dated February 10, 2009, Plan No: C-5-46, endorsed by the Leominster Planning**

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**Board on February 17, 2009. Deed References; in Leominster, Assessor's Map 503 Parcel 2, Deed Book 3148 Pg 342; in Sterling, Assessor's Map 23 Lot 3, Deed book 19728 Page 366. Two identical plans are to be endorsed for the purpose of recording in both North and South Worcester District Registries of Deeds. Pichierri seconds the motion, no further discussion, all in favor, approved by the Board.**

**MINUTES APPROVED**

**Pichierri makes a motion to approve the Sterling Planning Board Meeting Minutes of February 11, 2009, as corrected. Seconded by Hajdu, no further discussion, all in favor, approved by the Board.**

**DISCUSSIONS AND REPORTS**

**Pheasant Hill Lane Road Acceptance**

Chairman Protano reads into the minutes a letter from Sterling Real Estate Development dated February 23, 2009. This letter requests that the Planning Board vote to recommend acceptance of Pheasant Hill Lane as a public way at the next Town Meeting. The Board will wait until there is no snow cover to schedule an inspection of the road. M. French to remind the Board at subsequent meetings to follow up with this request. A "place-holder" for the May 11, 2009 Annual Town Meeting will be submitted to Ms. Ackerman.

**Fern Lane and Runaway Brook Road**

These two roads, within the Runaway Brook subdivision and owned and developed by R. Gary Griffin of Sholan Realty, were voted against for acceptance by the town at the last Town Meeting and are now re-scheduled as Articles on the upcoming Town Meeting in May, 2009. The Planning Board reviews the project, determines that Griffin has completed all necessary work and filed all required documentation. The question arose as to whether last year's Board of Selectmen Public Hearings for the layout of the roads is still valid and Pichierri suggests that an answer be obtained from T. Ackerman.

**Pichierri moves that the Planning Board vote to support the two previous votes recommending Fern Lane and Runaway Brook Road for acceptance as town roads, seconded by Radzicki. Chairman Protano asks if a request can be made to place this Article on the Town Warrant to fall after the Article for implementation of a Contractor's Bond. The Board members agree that this placement may be conducive to acceptance of the roads. Pichierri states that Griffin would subsequently need to obtain a separate bond for each of his lot's development and Hajdu suggests that Griffin would then have the opportunity to make the audience aware of this fact. Chairman Protano will speak with T. Ackerman regarding the placement of the Articles and the validity of the previously held Selectmen's Road Layout Public Hearings. Williams adds the comment that if the Bond Article comes up (at Town Meeting) first and is defeated, it may negatively impact acceptance of the roads. No vote was taken.**

**Trebor Lane**

Chairman Protano states that the Board is in receipt of the Deed and the As-Built for Trebor Lane, dated December 17, 2008. The recorded As-Built is significantly different

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from the originally submitted As-Built, dated November 20, 2008 which was reviewed and approved by Scott Miller on December 5, 2008. Williams has written a letter to Miller asking him to review the recorded As-Built and made a determination as to whether it is valid. As of this point, Miller has not reviewed the As-Built.

(Note added after the meeting; M. French spoke to Miller on 3-9-09, asking for his review. He will be away on vacation until Wednesday 3-18-09 and will review the As-Built upon his return and submit his findings in writing.)

On February 23, 2009 an email was sent to McGuire asking why the recorded As-Built is so different from the originally submitted one and stating that the Board needs the original copy of the Deed, with the registry stamp, and the final recorded As-Built in PDF format. McGuire's response follows;

*Attached is a copy of the recorded plan, this is identical to the plan sent to the Board in January to which I was told it needed to be recorded. The changes from the November plan include final notes that were advised by my attorney – I checked other as built plans that were recently recorded by the Town and the notes on this plan are almost identical to notes that have been approved from other accepted plans in Town. The only other change to the plan is all of the lines were darkened so that the plan is easier to read. The original copy of the deed has been mailed to the Board you should receive it in the next few days. I have scheduled the surveyors to be on the site in mid March to install the three remaining Iron Rods, at that point I believe everything should be complete.*

*Tim*

Williams states that McGuire's letter is not accurate. Hajdu suggests that the Board write a letter to McGuire, giving him 90 days to clear things up or face consequences. Chairman Protano wants to wait until Miller provides determination of the validity of the recorded As-Built. Radzicki agrees with a suggestion from Williams that once Miller's review is done, the Board state, to McGuire, which deed and As-Built to record, and if he does not adhere, the town will no longer plow and maintain Trebor Lane.

Chairman Protano reads a Foreclosure notice from the Worcester Telegram advertising the Sale of Real Estate for 2 lots on Trebor Lane. It is mentioned that there have been previous such notices and it is unclear as to why.

**Ridgewood Subdivision**

In a follow up to the issue of the Performance Security which is being held by the Town for the Ridgewood Subdivision (see minutes of 2-11-09) Chairman Protano reviews the most recent correspondence. Attorney Weinberg has written to the Planning Board, letter dated 2-12-09, recommending that "we hold tight" stating that he will contact the parties and ask again for their direction. In this letter Atty. Weinberg asks the Board if all construction and installation of the subdivision infrastructure improvements have been resolved and the Board responds, in a letter dated 2-29-09, that all issues have been resolved and the Town has no further interest in the performance security. A copy of the letter from Atty. Weinberg to the involved parties, dated 2-12-09, is also attached.

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Chairman Protano asks the Board if they should consider alerting the DPW and the Fire Department to the matter so that they could inspect the road and cistern prior to the return of the performance security. After discussion, the Board feels that the time for such action has gone by.

### **Adjacent lots – Apple Homecare**

Williams informs the Board that a person visited the Planning Board office stating that she is interested in listing the two lots south of Apple Homecare, on Redemption Rock Trail. Williams gave her a copy of the Performance Zone I Bylaw and Regulations.

### **Traffic Counts**

The Board reviews a letter, dated 2-12-09, from T. Ackerman to Sheri Bean, Transportation Planner for the MRPC. In this letter Ackerman submits the requests for traffic counts in Sterling, four of which were suggested by the Planning Board.

(Note added after the meeting; M. French spoke with Sheri Bean on 3-5-09 and she is looking for clarification, prioritization of counts and signatures from the Board of Selectmen on the request forms. French will follow through at P/B meeting of 3-11-09.)

### **Advanced Tools and Techniques for Planning and Zoning – 8<sup>th</sup> Annual Conference**

The annual conference is scheduled for March 21, 2009 at the Hogan Center, Holy Cross College. The registration deadline is March 13, 2009. The Board members will review the program and re-visit the topic at the March 11, 2009 Planning Board meeting.

## **NOTICES**

- Memo from D. Salluce Re: Town Meeting – Board of Selectmen are emphasizing that STM articles should be limited to “cleanup” actions for the current year FY09.
- The Sterling Healthcare Nursing and Rehab Center has sent an email expressing interest in the details of the search for a Senior Center location. This email has been forwarded to Karen Phillips, Terri Ackerman and the Board of Selectmen.

(Note added after the meeting; Dick Sheppard has responded to Sterling Healthcare letting them know that the town is looking for an existing structure.

- Worcester Telegram Notice stating “Wanted to lease group homes for the Department of Mental Retardation”.

## **OTHER BUSINESS**

Chairman Protano has written a draft for the proposed Contractors Bond, of which he has given all members a copy. Chairman Protano is asking that everyone review the draft for continued discussion at the next Planning Board meeting. Williams feels it should be in the General Bylaws, not the Zoning Bylaws.

Chairman Protano has contacted John Kilgo with questions regarding Kilgo’s proposed Wind Bylaw. When asked why Kilgo did not want to include a 300’-400’ height

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restriction , Kilgo responded that he does not see any place in Sterling needing that kind of height.

The Green Communities Division at the Department of Energy Resources has distributed a letter and questionnaire, stating their eagerness “to begin working with cities and towns to meet the requirements of the Green Communities Grant Program and to help you meet your goals in areas of energy efficiency and renewable energy”. T. Ackerman received the letter and has passed it on to the Planning Board asking for their input. Williams, having read the letter, feels that this is not a subject for the Planning Board to address and suggests that Ackerman direct it to the Board of Selectmen and/or the Light Department.

(Note added after the meeting; the letter was returned to Ackerman with a note suggesting the above.)

**MAIL**

Miscellaneous mail is reviewed.

**NOTICES FROM OTHER TOWNS**

Public Hearing notices from adjacent towns were reviewed.

**MOTION TO ADJOURN:**

**Pichierri makes a motion to adjourn the Planning Board Meeting at 9:26 PM.  
Seconded by Radzicki, no further discussion, all in favor, approved by the Board.**

**The next regularly scheduled meeting will be on Wednesday, March 11, 2009 at 7:00 PM.**

**APPROVED BY:**

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