

FINAL

**STERLING PLANNING BOARD  
MEETING MINUTES  
March 11, 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 7:03 PM.

**MINUTES APPROVED**

**Pichierri makes a motion to approve the Sterling Planning Board Meeting Minutes of February 25, 2009, as corrected. Seconded by Radzicki, no further discussion, all in favor, approved by the Board.**

**WIND ENERGY CONVERSION BYLAW**

John Kilgo, Manager of Sterling Municipal Light Dept. is present tonight to discuss with the Planning Board a proposal to co-sponsor a Wind Energy Conversion Bylaw for the 11 May 2009 ATM. Arthur Coughlin, Light Board member, is also in attendance.

Kilgo has drafted a Wind Energy Conversion Bylaw and has book marked a place on the upcoming May 11, 2009 Annual Town Meeting Warrant. He has provided the Board members with copies of the Bylaw and a written presentation which he has prepared for the Planning Board's benefit. Kilgo is asking the Planning Board if they will co-sponsor this Bylaw. The Board agrees they will.

Kilgo emphasizes that it is not his intent to recommend that people install wind energy conversion systems on their lots, but to create a bylaw should someone want to.

Kilgo asks the Planning Board members if they have questions or comments for him, which are outlined below.

Chairman Protano asks about Kilgo's method of wind speed measurement being "meters per second" and suggests that, at Town Meeting, he be prepared to convert it to the more recognizable "miles per hour".

Pichierri asks about the use of the word flicker as an electrical term, stating that he always thought of it in terms of a shadow. Kilgo will be sure to use the term "voltage flicker" when using it as an electrical term and be prepared to define the difference.

Chairman Protano asks if the SMLD intends to erect any commercial wind turbines, in Sterling. Kilgo responds that there are a couple of sites that have been looked at but they do not have any plans to erect any wind turbines at this point in time.

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Radzicki raises the question of a person's ability to erect a wind turbine without this bylaw, should someone ask at the Town Meeting. The answer being no they could not without this bylaw since windmills are not mentioned in the current bylaws.

Chairman Protano asks about Kilgo's mention of there being "no good place in the town of Sterling for a 300' – 400' tower". Chairman Protano wants to know if this is because of setback restrictions or lack of wind. The response is that Sterling is not yet interested in such a large scale project due to unwieldy costs, maintenance and potential problems, as has been experienced in Princeton. Kilgo states that the SMLD will be part owners of a proposed large scale wind farm located in Western MA. This wind farm, once it is built, will offer Sterling the experience of seeing what influence such a project has on a power system.

Radzicki asks if a roof mounted wind turbine would be supported by this bylaw and Kilgo responds that it should, so long as it is under the 100 – 130 foot height restriction.

Hajdu raised the question of maintenance of the wind towers, citing concern for neglect and/or abandonment. Could a maintenance requirement be implemented? Kilgo states that it would not be in the jurisdiction of the SMLD to implement and govern such a requirement and feels that a homeowner willing to invest in such a venture would also likely maintain it.

Williams asks about the statement (Definition "g") which states "No WECS located within 10,000 of the Sterling Airport's runway...". Kilgo responds that he took a conservative approach with the interest in passing the bylaw and protecting the town. This statement does not limit a person from erecting a tower within this zone, but does require FAA approval.

With regard to setbacks, Pichierri asks if there will be a blanket rule that no tower can be installed in a Neighborhood Residential Zone. The response is that the setback rules will govern that no tower be erected that might fall on a building and no such blanket rule is needed.

Chairman Protano inquires about the noise output of a wind turbine. Kilgo states that they are said to be about 55 decibels, equivalent to the noise of a refrigerator.

Hajdu asks if there is any statement governing whether anything else can be attached to these towers other than the wind turbines. Kilgo responds that Procedural Requirement "b" allows telecommunication antennas provided they comply with the bylaws, emphasizing that the Planning Board is the Special Permit granting authority for WECS.

The issue of abandonment is raised and Kilgo assures the Board that there are methods to determine if towers are abandoned.

The Planning Board is in agreement to co-sponsor the wind energy conversion bylaw and will hold the Public Hearing, as required. At this time the Planning Board gives Kilgo their unofficial vote to recommend the bylaw at the Annual Town Meeting.

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The Public Hearing is scheduled for Wednesday April 22, 2009. Kilgo will contact the Meetinghouse News to submit an informational article and announce the upcoming Public Hearing. The Planning Board will submit a letter to the Board of Selectmen partitioning them to place this Article on the Warrant.

(Note added after the meeting; the letter to the Board of Selectmen was written and delivered to John Kilgo, for signature, on March 17, 2009, by K. Williams.)

**Chairman Protano makes a motion to change the regularly scheduled Planning Board meeting from April 29, 2009 to April 22, 2009. Williams is concerned about overloading the meeting with regular business plus three Public Hearings. Chairman Protano amends his motion to hold the regularly scheduled meetings on April 8<sup>th</sup> and 29<sup>th</sup> and to add an additional meeting on April 22, 2009, primarily for the scheduling of Public Hearings. Seconded by Pichierri, no further discussion, all in favor, approved by the Board.**

**Williams moves to accept and submit the Wind Energy Conversion Bylaw wording as written by John Kilgo in a version dated January 27, 2009. Seconded by Chairman Protano, no further discussion, all in favor, approved by the Board.**

Added to this version, as Definition 4b, "The Planning Board working with the manager of the SMLD may adopt reasonable rules and regulations for the administration of this bylaw.

### **CHAD LANE**

Carl Corrinne is present tonight to request an extension of time for the completion of the construction of the way and installation of services shown on the Definitive Plan, as required by \*Condition of Approval #25 (28 December 2005), for Chad Lane from 28 December 2009 to 28 December 2012. This is a three (3) year extension for a total of seven (7) years from the date of endorsement of the Definitive Plan.

Corrinne states that his reason for requesting an extension is the slow economy and current housing market.

**Pichierri makes a motion that the Planning Board vote to approve the request of the applicant to extend his time to complete until December 28, 2012, seconded by Radzicki. No further discussion, all in favor, approved by the Board.**

## **DISCUSSIONS AND REPORTS**

### **Contractors Bond**

Chairman Protano and Williams have each drafted a Contractor's Bond Bylaw for the purpose of protecting town approved roads from Contractor incurred damage. There is a place holder on the Warrant for the May 11, 2009 Town Meeting and a Public Hearing tentatively scheduled for April 22, 2009. The Board agrees on a written version of the Bylaw and Williams will confer with the DPW and Building Inspector to see if they agree. The Board will vote to accept after agreement is obtained from these other parties.

**55 Lakeshore Drive – McNamara**

Several articles and attachments have come to the Planning Board regarding the issue/law suit of the demolition and subsequent construction of a new home at 55 Lakeshore Drive. The Board reviews these items for interest and update, only. The Planning Board is not an involved or liable party to the events.

**Sterling Stormwater Bylaw**

A proposed Sterling Stormwater By-law from Ed Himlan has been reviewed by the Planning Board. The Bylaw is intended to be in the General Bylaws and will not be subject to a Public Hearing. There will be an informational public meeting on 3-19-09 at 7 PM in the Butterick Building.

**Traffic Counts**

A conversation between Sheri Bean, MRPC and M. French revealed that the Traffic count requests submitted by T. Ackerman need to be clarified and re-submitted. The Board prioritized the locations they would like to see counted and French will re-submit following the standards set forth by MRPC.

(Note added after the meeting; The Sterling Police will perform traffic counts along Chocksett Road and MRPC has accepted the Planning Board’s request to count Leominster Road, North and South of Pratts Jct Road and Main St. between Waushacum and Cross Sts. In addition the MRPC will include traffic counts on Rte I-190 off ramps (Exits 5 and/or 6?), Southbound and Northbound. Rte 140/62 will be considered by the Rte 140 Task Force.)

**Sandy Ridge Catch Basins**

Hajdu recently noticed heaving and cracking at the catch basins and manholes along Sandy Ridge Road and has documented his findings with pictures. The Board reviews these pictures in trying to determine if the problem is due to nature or builder error. The Board plans to revisit Sandy Ridge at a later date to see the effect of frost heaves (after the ground thaws).

**Pheasant Lane**

Chairman Protano reads a letter, dated March 11, 2009, from S. Miller, Haley & Ward, of his review of the As Built and Layout Plans for Pheasant Lane. The letter is as follows;

*“Dear Board Members:*

*Haley and Ward has completed a review of the As Built and Layout Plans for Pheasant Lane. The drawings were prepared by Andrysick Land Surveying and are dated February 9, 2009. We offer the following comments.*

*1) The as built plans show that cable and electric utility boxes and transformers are installed outside of the road way right of way. The applicant should provide the status of any blanket easements related to these utilities on the associated lots. These utilities are located within the noted 10 foot wide tree easement surrounding the roadway.*

*2) At the legal description for Drainage Easement B, paragraph 2, “N 07° 31’ 38” E” should be “N 07° 31’ 38” W” to conform to the drawing.”*

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Pichierri and Hajdu review the As-Built for comparison to Miller's review letter and state that it does not show a separate ten foot permanent tree easement, as per the Order of Conditions. All individual deeds should also show the tree easements. Simpson will be made aware of this and asked to amend the As-Built and Deeds to show these specifications.

The Board schedules a site visit to Pheasant Hill Lane for Sunday March 22, 2009 at 11 AM.

(Note added after the meeting: Chairman Protano, Ken Williams, Scott Miller and James B. Simpson appeared for the site visit. Simpson was made aware of the above tree easement issues.)

**NOTICES**

**Trebor Lane** – The Planning Board is in receipt of the original recorded deed from Tim McGuire. Scott Miller has been asked to review the most recent As-Built for comparison to the prior copy.

**Triumvirate Environmental** – The Planning Board has received a copy of the Release Notification, Immediate Response Action, and Imminent Hazard Completion Report, for review.

**Accessory Apartment Bylaw** – Memo from T. Ackerman regarding language for the Article on Accessory Apartments for the May Town Meeting. The Article is being submitted by the Zoning Board of Appeals.

**Dennis E. Rindone Memorial Service** – Princeton Town Administrator's memorial service is to be held on Sunday March 15, 2009. The Planning Board is invited.

**Sterling Web Site** – The Sterling Web site has won a "Superstar" recognition award.

**MAIL**

Miscellaneous mail is reviewed.

**NOTICES FROM OTHER TOWNS**

Public Hearing notices from adjacent towns were reviewed.

**MOTION TO ADJOURN:**

**Williams makes a motion to adjourn the Planning Board Meeting at 10:20 PM. Seconded by Radzicki, no further discussion, all in favor, approved by the Board.**

**The next regularly scheduled meeting will be on Wednesday, March 25, 2009 at 7:00 PM.**

**APPROVED BY:**

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