

FINAL

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

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

Chairman Protano calls the Planning Board Meeting to order at 7:02 PM.

**MINUTES APPROVED**

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

**DISCUSSIONS AND REPORTS**

**Pheasant Hill Lane**

Chairman Protano, K. Williams and Scott Miller met with James B. Simpson for a site visit on Pheasant Hill Lane. Chairman Protano has produced a punch list (attached to these minutes) of items for Simpson to complete prior to the Board's vote for acceptance as a public way at the May 11, 2009 Annual Town Meeting. Miller has not provided his punch list at this time. The Board requests that Miller come to their next meeting to review his punch list.

In reviewing the punch list and discussing the issues of catch basin and man hole placement, a suggestion was made by the Board that a new procedure be implemented to assure that prior to the laying of a basecoat, the roadway be inspected for placement of catch basins and quality and compaction of surrounding gravel. One idea was to add a "Pre-base coat" inspection to the existing Subdivision Checklist. Pichierri feels that a letter would need to go to all developers, working in Sterling, alerting them to the new requirement. Any new developers would be made aware of the requirement at the time of Subdivision Review.

(Note added after the meeting: Miller cannot attend the April 8, 2009 meeting and has offered to send an alternate or attend the April 29<sup>th</sup> meeting. An email was sent to Miller on March 30, 2009 asking him to send his punch list in for comparison.)

**Mountain View Estates**

Chairman Protano reads a letter from Patrick McCarty, dated March 13, 2009 stating that the appeal of the (Leominster) Order of Conditions by DCR has been satisfied with revisions to the Drainage system at Mountain View Estates. McCarty is now requesting that the Planning Board vote to amend the Definitive Subdivision Approval for Mountain

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View Estates. The Board requests that McCarty attend the April 8, 2009 meeting to explain the changes, prior to voting.

(Note added after the meeting; McCarty was called on March 26, 2009 requesting his attendance at the April 8, 2009 meeting. Attendance confirmation from McCarty is pending.)

**Trebor Lane**

Chairman Protano updates the Board on the Trebor Lane auction of foreclosed properties, stating that he attended and Tim McGuire bought back the properties in foreclosure.

The Board is in receipt of an As Built Plan for Trebor Lane, dated 11/20/08 which Haley & Ward has reviewed and approved. The As Built Plan that was recorded is dated 12-17-08 and has label omissions (concrete bounds, drill holes, berms and drainage check dams) from the first plan. Miller, Haley & Ward, was asked to review both plans for comparison. Chairman Protano reads into the minutes the review letter from Haley & Ward, dated March 18, 2009. The letter is as follows:

*Re: Trebor Lane As Built and Acceptance Plans*

*Dear Board Members:*

*Haley and Ward has completed a review of the as built plans for Trebor Lane. The plans were prepared by McGuire Engineering and are dated December 17, 2008. A quitclaim deed of Trebor Lane was included. At the request of your Board, we downloaded copies of these documents from the Worcester Registry of Deeds Plan Book 873 Plan 41 and Book 43796 Page 360, respectively. We offer the following comments:*

- 1. The documents meet the requirements of your Rules and Regulations.*
- 2. Please note that the drawings do not show the monument pins recommended to be installed in our letter dated January 8, 2009.*
- 3. We have attached a summary of the comments related to our prior review of similar as built drawings for this site. Notes regarding the resolution of these items are included. The street layout plan was not included in this current review package. The deed references the recorded subdivision plan.*

*Comment Summary*

*1) An as built profile of the roadway should be provided showing the roadway finish grade, drainage structures, rims and inverts, and drain lines with size, material and slope.*

*Response: These items are provided on the revised drawing.*

*2) The cable utilities (telephone, electric and CATV) should be shown schematically on the plan.*

*Response: These items are provided on the revised drawing.*

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3) *The culvert and drain lines should be shown on the plan.*

*Response: These items are provided on the revised drawing.*

4) *A separate roadway acceptance plan, stamped by a registered land surveyor, should be provided.*

***Response: A roadway acceptance plan has been provided with a signature date of October 9, 2008. The Chapter 41 Section 81X certification should be sealed by a registered land surveyor. The certification should state that the property lines shown are the lines dividing existing ownerships, and the lines of streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown.***

5) *The draft deed description should be revised as follows:*

a) *At page 1, paragraphs 4, 6 and 7, “by Trebor Lane” should be replaced with “by Lot 1”*

b) *At page 1, paragraphs 9 and 10, “by Trebor Lane” should be replaced with “by Lot 2”*

c) *At page 2, paragraphs 1, 2, 3, 4, 5 and 7, “by Trebor Lane” should be replaced with “by Lot 4”*

d) *At page 1, paragraph 5, “right” should be replaced with “left.”*

e) *At page 1, paragraph 13, “right” should be replaced with “left.”*

*Response: These modifications are reflected in the recorded deed.*

(Note added after the meeting; Williams has compared the two As Built plans against the review letter. All items in the Comment Summary are on the latest plan. An email was sent to Miller asking about the omission of labeling; why the labels were removed and is the plan adequate without them? Miller’s response is pending.)

### **Fern Lane and Runaway Brook Road**

Fern Lane and Runaway Brook Road were voted down for acceptance as town roads at the November 2008 Special Town Meeting. Gary Griffin is asking that they be put back on the warrant for the May 11, 2009 Annual Town Meeting.

**Williams moves that the Planning Board, at the town meeting, support the acceptance of Fern Lane and Runaway Brook Road as Public Ways. Pichierri 2nds the motion, no further discussion, all in favor, approved unanimously by the Board.**

**Williams moves that the Planning Board vote to allow acceptance of Fern Lane and Runaway Brook Road to appear on the Town Meeting Warrant within two years of the original defeated Article. Pichierri 2nds the motion, no further discussion, all in favor, approved unanimously by the Board.**

### **Contractor’s Bond**

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Chairman Protano reads the memo from Mark Brodeur, Bldg Inspector, stating that he approves of the newly drafted requirement for a Contractor's Bond. (See minutes of March 11, 2009). A verbal acceptance of the bond was also given by Bill Tuttle, DPW Superintendent.

**Williams moves that the Planning Board accept the version of the Contractor's Bond Article that has been submitted to the Board of Selectmen and furthermore that the Board vote to recommended, at the Annual Town Meeting, the passing of the Contractor's Bond. Pichierri 2nds the motion, no further discussion, all in favor, approved unanimously by the Board.**

Chairman Protano has requested that T. Ackerman place the Contractor's Bond Article, on the town warrant, prior to the Article for Fern Lane and Runaway Brook Road, hoping to make voters more comfortable to vote in favor of acceptance of these two roads as Public Ways. All Board members agree.

### **Public Hearings**

The Planning Board has received a letter from the Board of Selectmen requesting Public Hearings for the proposed Wind Energy Conversion (WECS) Bylaw, Accessory Apartment Bylaw and Amendment to Bylaw Section 2.2.4. These Public Hearings are scheduled for April 22, 2009 and will be advertised one and two weeks prior to the meeting date.

It was noted that the Contractor's Bond does not require a Public Hearing because it is being proposed to the General Bylaws, not the Protective Bylaws.

### **Codification**

Chairman Protano updates the Board on the progress of his work with Melanie Clark, Town Clerk, on Codification of the Town Bylaws.

**Williams moves that the Planning Board send a letter to T. Ackerman stating that some Board members feel that Codification is an amendment to the Zoning Bylaw and will require a Public Hearing, as per MGL 40A Section 5. Seconded by Pichierri, no further discussion, all in favor, approved by the Board.**

(Note added after the meeting; a letter was sent to T. Ackerman on March 26, 2009.)

### **NOTICES/FYI**

Chairman Protano reads the Planning Board's submission to the Town Clerk for the 2008 Annual Town Report.

With respect to the Ridgewood Subdivision and the ongoing attempt to determine the rightful owner of a Performance Account held by the Town of Sterling: As requested by Stanley Weinberg, the financial statements for the account have been sent to Attorney Burgoyne.

### **OTHER BUSINESS**

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**Sandy Ridge** – Hajdu and Pichierri drove through Sandy Ridge and Pichierri agrees that there is a problem with the catch basins and man holes. They feel that the problem may be a result of compaction issues at the time of development.

**Stormwater Management General Bylaw** - Williams attended the most recent meeting of the Stormwater Management Bylaw proposal, by Ed Himlan, and updates the Board of Himlan’s presentation. Williams states that the action in this bylaw is not in the bylaw, but in the Rules and Regulations that will be promulgated by the Conservation Commission after adoption of the bylaw by the Town Meeting. It was noted that the bylaw will be included in the General Bylaws.

**Zoning Bylaw 2.2.4** – Doris Bennett is proposing changes to this bylaw and Williams points out that each Board member has been given a copy of the proposed changes as well as the bylaw as it is currently written, for their review. The Board of Selectmen has requested a Public Hearing, as per MGL Ch. 40A Section 5.

**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 8:52 PM.  
Seconded by Radzicki, no further discussion, all in favor, approved by the Board.**

**The next regularly scheduled meeting will be on Wednesday, April 8, 2009 at 7:00 PM.**

**APPROVED BY:**

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