

FINAL

**STERLING PLANNING BOARD  
MEETING MINUTES  
December 16, 2009 – Rm. 202 Butterick Bldg.**

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

**Absent:** Charles Hajdu – MRPC Rep.

**Note: Due to malfunction of the digital recorder, the recordings from this meeting could not be retrieved. Minutes have been written from notes and memory.**

Chairman Protano calls the Planning Board Meeting to order at 7:04 PM.

**ANR's**

- Doug Andrysick, Andrysick Land Surveying, is present this evening to represent Shawn T. Morris, with an ANR for division of property on Hardscrabble Road. Assessors' Map 42 Parcels 10 and 16 are being divided to become 4 lots and 5 parcels. Parcels A & E are to be conveyed to the Sterling Land Trust.

Williams states that he is a trustee on the Sterling Land Trust and will abstain from any voting on this ANR.

**Chairman Protano moves to waive the usual ANR fees in lieu of the donation of land to the Sterling Land Trust, seconded by Radzicki. Pichierri amends the motion to only waive the fee on the parcels being donated, seconded by Radzicki. No further discussion, Pichierri and Radzicki vote aye, Chairman Protano votes nay and Williams abstains. The amended motion is passed.**

**Radzicki makes a motion for the board to endorse the Plan of Land for Hardscrabble Road, prepared for Shawn Morris dated 10-16-09, File #8586M239, prepared by Andrysick Land Surveying, 206 Worcester Road, P.O. Box 97, Princeton, MA 01541. Seconded by Pichierri, no further discussion, Chairman Protano, Pichierri and Radzicki in favor, Williams abstains, approved by the board.**

The Form A, Agent for Applicant form, and a check for \$275.00 have been collected. The \$50.00 credit for the two lots to be conveyed to Sterling Land Trust will be refunded through a signed warrant.

- Anne Desmarais is present this evening with a plan of land on Leominster Road, prepared by Whitman & Bingham Associates, LLC and dated 12-15-09. After review the board feels that the plan is not valid for endorsement as an ANR and instructs Desmarais of what is required. The plan does not show an adequate right-of-way for the parcel off of Rte 12. No action is taken.

**MINUTES APPROVED**

**Pichierri makes a motion to approve the minutes of the Sterling Planning Board Meeting of November 29, 2009, as corrected. Seconded by Radzicki, no further discussion, all in favor, approved by the Board.**

**SITE PLAN REVIEW –**

**50 LEOMINSTER ROAD, J & M. Batista, FLP.**

Matt Doyle and John Batista are present this evening to submit a site plan for review for the property located at 50 Leominster Road. Changes to this existing property are being proposed which will expand the building area and add additional parking spaces.

The site plan is accepted by the board and the 60 day deadline is determined to be February 14, 2010.

Some time is spent with the board and the applicants reviewing and discussing the proposed changes/additions and Chairman Protano reads into the minutes the review letters that have been received thus far.

Matt Marro, Conservation Commission, sent an email dated 12-7-09 in which he states the applicant should file a Notice of Intent with the Con Comm.

John Kilgo, Sterling Municipal Light Department, states in a letter dated 12-7-09 that he has reviewed the plans and has no problems with the changes proposed.

Mark Brodeur, Building Inspector, indicated in an email that two projects, a renovation to the interior of the building and installation of an additional egress, and the re-working of an existing egress have been completed over the past year which did not trigger a site plan review. Williams brings it to Brodeur's attention that the proposal to add 500+ sq. ft. to the building and add additional parking does trigger site plan review. Brodeur responds in agreement but makes no comment with respect to review of the proposed changes.

The site plan review is tentatively scheduled for January 13, 2009 at 8:00 PM.

The Board continues to discuss the site plan after Matt Doyle and John Batista have left and feel that several things are needed from them prior to the January 13<sup>th</sup> meeting. The board would like to see one (1) plan sheet showing the existing property "as is" for the purpose of comparison with the proposed changes. They would also like to see, among other things clarification of existing and proposed fire hydrants, parking, landscaping and lighting.

(Note added after the meeting; a letter was sent to Matt Doyle requesting the information outlined above and Scott Miller, Haley & Ward Engineering was given the go-ahead to review the plans previously given to him along with a copy of the letter sent to Doyle.)

**DISCUSSIONS /REPORTS/NOTICES/FYI**

- The Sterling Town Government Study Committee has sent a letter and questionnaire to all Boards, Committee Chairs and Department Heads asking for input regarding the responsibilities and interdepartmental relations of each group.
- Homestead Lane's letter of approval, with the Order of Conditions, has been submitted to the Town Clerk, dated December 16, 2009 and copies have been sent to all involved persons. The appeal period ends on January 4, 2010. The board reviews this letter without incident.
- Sterling Auto Body – Mark Brodeur, building inspector, has submitted a letter to the Planning Board indicating that all the conditions for 9 Chocksett Road have been met and the Certificate of Occupancy is being issued. Sterling Auto Body had previously requested that any remaining funds from the site plan review process be returned. A warrant has been prepared for return of the funds in the amount of \$440.00 plus interest.
- Organizational Chart – Radzicki has been working on defining an organizational chart for the town government and reviews, with the Board, this latest submission. Various Board members suggested a vertical chart vs. horizontal, putting it on one piece of paper, etc.

(Note added after the meeting; more recent revisions to this chart have been made.)

- Baldarelli Landscaping – Chairman Protano reads into the minutes a letter, dated November 24, 2009, from the building inspector to Jason Baldarelli regarding his use of 46 Worcester Road as a contractor's yard. This letter is a follow up to several prior letters in which Baldarelli has been warned that his use of this site is unlawful. This latest letter summarizes that Baldarelli is also in violation of the Earth Removal By-law and is subject to fines.
- Ridgewood Subdivision – In a follow-up to the ongoing process of returning the Performance Bond funds being held for the development of the Ridgewood Subdivision to the rightful owner(s), a letter has been sent to Terry Ackerman from Atty. Stanley Weinberg asking that the Board of Selectmen sign the Agreement for Release of Performance Security and return it with the checks. The Planning Board has obtained a copy of this letter, for review and file purposes, as they are holding the checks to be returned to Atty. Weinberg with the BOS's signatures.
- Department Head Meeting – a department head meeting was held today, December 16, 2009, in which no one from the Planning Board attended, as per T. Ackerman. A notice is read from Terri Ackerman stating that the next department head meeting will be held on January 13, 2009 at 12:00 PM and all boards and departments are encouraged to attend.

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- MA Archaeological Society, Inc. – Chairman Protano reads into the minutes a letter, dated December 7, 2009, received from The Massachusetts Archaeological Society, Inc. This letter is addressed to the members of the Sterling Planning Board and states that they are “saddened to learn that the Town of Sterling plans to allow development of properties within areas in Sterling reported over the years as having been the sites of Native and Colonial battles, where likely burials of Native and possible Colonial peoples may still remain”. The society suggests that should development move forward, a qualified archaeological monitor be engaged to oversee the excavations. After review of this letter by the board, Chairman Protano has agreed to draft a letter of response.

(Note added after the meeting; a copy of this letter was given to Jim B. Simpson, Sterling Heights Builders.)

- Article 35, Contractor’s Bond – The Board reviews the letter received by the Town Clerk from the Attorney General, dated December 1, 2009, in which the Atty. General approves the amendments to the Town by-laws adopted under Article 35 on the warrant for the Sterling Annual Town Meeting that convened on May 11, 2009. Comments from the Atty. General are contained in this letter, filed with these minutes.
- 299-301 Leominster Road – the Planning Board has learned of a possible change of use for the building located at 299-301 Leominster Road. There has been discussion between the new owners, the building inspector and Williams as to just what the new use will be; a day care center or education facility. A site plan review may be warranted.

(Note added after the meeting; it has been determined that a site plan review will be required and the applicant is to contact the Planning Board office to schedule a review time.)

- Holiday Open House – An invitation to a Holiday Open House by the Board of Selectmen for Friday, December 18, 8:30 AM to 11:30 AM is read.

### **ZBA NOTICES**

- Williams reviews the latest notices from the Zoning Board of Appeals.

### **MAIL**

- Miscellaneous mail is reviewed, including Christmas Cards and the DCR Newsletter.

### **NOTICES FROM OTHER TOWNS**

Chairman Protano reviewed the notices from other towns.

### **INVOICES**

The board members sign invoices.

**OTHER BUSINESS**

- Radzicki comments on the ongoing discussion within the town of a new Master Plan, stating that students from WPI may be a source in the preparation and writing of a new plan.
- Pichierri asks about this year's holiday dinner and a date is set for January 11, 2009. Scott Miller and Mark Brodeur are to be invited.

**MOTION TO ADJOURN:**

**Williams makes a motion to adjourn the Planning Board Meeting at 10:27 PM. Seconded by Pichierri, no further discussion, all in favor, approved by the Board.**

**The next regularly scheduled Planning Board Meeting is January 13, 2010 at 7:00 PM.**

**APPROVED BY:**

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