

FINAL

**STERLING PLANNING BOARD
MEETING MINUTES**

August 31, 2011 – Rm. 202 Butterick Bldg.

Present: Robert Protano – Chairman
Ronald Pichierri – ANR Agent
Kenneth Williams – Clerk
Melissa French – Administrative Assistant
Charles Hajdu – MRPC Rep.

Absent: Michael Radzicki – Vice Chairman

Chairman Protano calls the meeting to order at 7:00 PM.

ANR's.

Larry Sabean of Hannigan Engineering, 8 Monument Square, Leominster MA, is present this evening with an ANR plan for land abutting and including the previously approved subdivision entitled Stonecrest, located off of Meetinghouse Hill Road. The Stonecrest subdivision was purchased by Robert Eyles, who Larry Sabean is representing. The Stonecrest Subdivision was rescinded by a majority vote of the Planning Board on August 10, 2011, after holding a Public Hearing. At the time of this meeting, the 20 day appeal period for the rescission of the subdivision had not expired.

Sabean presents to the Board a map illustrating the proposed changes which include five lots and five parcels, amongst four homeowners. Eyles has proposed to his neighbors that various parcels be created and swapped in order to reconfigure frontage and access from Meetinghouse Hill Road to Olde Parish Lane, and to create enough frontage to provide a conforming single house lot from the previously approved four lot subdivision. The latter mentioned transfer of land is by way of a sale from Foster to Eyles. The others are land swaps, with no sale transactions taking place.

Williams points out that the subdivision rescission has not completed the twenty day appeal period. The period is due to expire on September 1, 2011. Any approval for the ANR would have to be contingent upon the recording of the Certificate of No Appeal.

Hajdu moves that on behalf of the Planning Board, Pichierri or Williams endorses the ANR plan, contingent upon the recording of the pertinent documents at the Worcester South Registry of Deeds, by the applicant. Seconded by Pichierri, there is no discussion, all are in favor, approved by the Board.

The Board is in receipt of the Form A's and Agent for Applicant forms for each of the parties involved. The Board is also in receipt of a check for \$300.00.

Chairman Protano reads into the minutes a letter from Sabean, written on July 13, 2011, in which an extension is granted to the Planning Board for the time to endorse an ANR Plan. This letter was necessary as the original submission of the ANR Plan was on June 29, 2011.

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Chairman Protano reads into the minutes a letter, dated June 27, 2011 from Lt. Thomas Kokernak, Fire Department, in which Kokernak states that the Fire Department is not opposed to using a house number of "0". The reconfiguring of driveways from Meetinghouse Hill Road to Olde Parish Lane will result in "0 Olde Parish Lane".

Robert Eyles arrived at the meeting after the above vote and after Sabean had left. Eyles was informed of the decisions made and votes taken.

TRI-PARTY AGREEMENT – DISUCSSION WITH CHAIRMAN PROTANO

Chairman Protano states that he will have to leave the meeting at 8:30 to attend the Board of Selectmen meeting across the hall. There will be a discussion between the BOS regarding the recently ongoing meetings with Sterling, Boylston and West Boylston relative to developing a tri-party agreement to discuss affordable housing. Chairman Protano was an alternate on the committee that was formed to meet with the other towns. Chairman Protano explains that the discussion of affordable housing does not necessarily mean "40B" housing, but homes that are built by builders/developers that are moderately priced and affordable.

From the discussion at these meetings, the idea was raised to hire a person to consult with the three towns, acting as an agent for the towns. Chairman Protano explains that the BOS have indicated that they are not interested in getting involved in this tri-party agreement and the regionalization of affordable housing. Chairman Protano reads an excerpt from a prior set of BOS minutes in which Selectman Philpot states that he read the plan and was against the idea of regionalization and had concerns with regards to the funding policy in the plan. Philpot stated he was not willing to commit without knowing the full extent of the program. Larry Pape, Finance Committee, stated that he saw no benefit to the Town of Sterling and Selectman Sushchyk made the motion to enter into and participate in the peer to peer assistance program as there is no harm in listening and learning. The motion was passed with the stipulation that Sterling would not enter into any further steps of this program without BOS approval.

Chairman Protano states that the cost to the Town of Sterling would be between \$5,250 and \$7,875, annually.

Chairman Protano is looking for input from the Planning Board so that while at the BOS meeting, should he be asked if the Planning Board is in favor of hiring a consultant he will have a consensus from them.

After numerous questions and discussion the general consensus is that the Board sees no real need for this plan and consultant in the near future.

MINUTES APPROVED

Hajdu moves to review and correct the minutes of August 10, 2011 at the next regularly scheduled meeting. Seconded by Pichierri, no discussion, all are in favor, approved by the Board.

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Williams moves that the Board take no action towards approval of the minutes of the Executive Session of August 10, 2011. Copies of the minutes will be distributed to the Board members, for their confidential review, only. The motion is seconded by Pichierri, there is no discussion and all are in favor, approved by the Board.

**STERLING HEALTHCARE
SITE PLAN REVIEW**

William Maher, Nitsch Engineering, 186 Lincoln Street, Suite 200, Boston, MA 02111, is present this evening with a Site Plan Review. The plan is for the addition of thirty (30) parking spaces and one catch basin to the existing drainage system at the Sterling Healthcare Facility at 18 Dana Hill Road.

Chairman Protano reads into the minutes a letter from DCR, dated August 30, 2011 in which the DCR states that they have reviewed the proposed changes to the property and states that “The DCR believes there will not be any water quality impacts as a result of this parking lot expansion...”.

Matt Marro, Conservation Commission, has been asked to review the plans and provide comment. To date, nothing has been received from Matt Marro or the Conservation Commission relative to the proposed changes at Sterling Healthcare.

Williams asks the Board if they feel approval of the Site Plan should be held off until input from the Conservation Commission is received. Pichierri feels that the applicant should not be held up due to a lack of response from Matt Marro.

Pichierri calls Marro, speaks to him over the phone, stating that the Site Plan Review is taking place and the only thing lacking is input from the Conservation Commission relative to the proposed changes. Pichierri quotes Marro as saying “based on what he has seen, he recommends approval”.

Pichierri moves that the Planning Board approve the Site Plan as submitted and request that Matt Marro puts his opinion in writing that he is happy with what he has seen and approves the changes on behalf of the Conservation Commission. Hajdu seconds the motion, there is no discussion. Chairman Protano, Pichierri and Hajdu vote aye. Williams abstains, stating that he has no issue with the project, but with the lack of written input from Conservation.

At 8:25 PM, Chairman Protano excused himself from the Planning Board Meeting to attend the Board of Selectmen Meeting across the hall. Pichierri resumes the meeting as the acting chairman.

DISCUSSIONS/REPORTS

STONECREST – It has previously been decided that the money in the Review Fee Account for the Stonecrest Subdivision would be returned to the original developer, Brian Foley, upon the rescission of the subdivision approval. Chairman Protano reads an excerpt from the minutes of September 8, 2010 in which it states that the Board suggested

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to Foley that they would consider releasing the review fee account back to Foley after Robert Eyles one year extension to develop Stonecrest expires or upon a written release of the money from Eyles. Upon the aforementioned rescission of the subdivision, the Board votes to return the money in the account to Foley. The balance as of the March 31, 2011 statement is \$4,955.96, plus interest.

Williams moves to return the balance of the Review Fee Account, contingent upon the recording of pertinent documents and verification that there are no outstanding fees. The motion is seconded by Pichierri, there is no discussion and all are in favor, approved by the Board.

SANDY RIDGE – Chairman Protano explains that he, Pichierri and Williams performed a site visit to view the newly planted trees on Sandy Ridge Road. These trees were planted by the DPW. The Board members feel that the six trees that were recently planted, and paid for from the remaining funds in the Sandy Ridge Performance Bond account, do not look healthy. The Board would like Bill Tuttle, DPW, to be made aware of their concerns.

(Note added after the meeting; a letter was sent to Bill Tuttle. To date, no response has been received.)

PANDOLF-PERKINS SOLAR PROJECT – The Board reviews the most recent revisions to the Site Plan for the solar project that has been approved for Jewett Road. Additional inscriptions, that were to be added to the plan, have been completed. The Board is waiting for receipt of a copy of the determination from the DCR.

The Board noted that the Board of Selectmen held a Pole Hearing relative to this project.

(Note added after the meeting; a letter was sent to Joe Curtin, Pandolf-Perkins, letting him know that the Board is satisfied with the plan and are waiting for the DCR determination/permit(s). Curtin was also informed that Bill Tuttle, DPW, indicated that a paved apron at the entrance to the site is required.)

KATHLEEN LANE – The Board is informed that the plans and deeds for Kathleen Lane have been recorded at the Worcester South District Registry of Deeds. Acting Chairman Pichierri reads into the minutes a letter, dated August 29, 2011, from David Hinckley, BDK Development, in which he is requesting the return of the balance of funds in the Performance Bond account.

Williams moves to approve the release of the funds (\$10,017.48), with interest to date, in the Performance Bond account for BDK Development, seconded by Hajdu, no discussion, all in favor, approved by the Board.

HOMESTEAD LANE – Acting Chairman Pichierri reads into the minutes the most recent correspondence between the Planning Board, Scott Miller and Jim Simpson, regarding the partial development of Homestead Lane. (See minutes of July 27, 2011 for a history). The Planning Board has asked Simpson to give them his intentions in writing.

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To date nothing has been received from Simpson. This most recent correspondence from Scott Miller, dated August 24, 2011, offers the latest update.

I received a phone call from Jim Simpson yesterday, August 23rd. He is in the process of executing a purchase and sale agreement on the existing home in the Homestead Lane subdivision.

He stated that he will be contacting you to request a bonding amount for the completion of the entire project with a separate total for the roadway fronting the lot to be sold. He will be requesting that that portion of the road be released under bond so that the sale can be completed.

He intends to place binder along that initial section of roadway prior to the sale. Jim will be arranging to have the gravel base compaction tested just prior to binder placement. He will also install the single catch basin at Osgood on top of the existing drain to avoid breaking the binder at a later date.

The utility conduits will be installed at a later date. He states that he has sufficient shoulder space to install the conduit without undermining the road base and binder. He will need to remove and replace the binder at the driveway apron.

*Scott A. Miller, PE
President*

Haley and Ward, Inc.

(Note added after the meeting; A letter was sent to Simpson on 9-1-11 reminding him that the covenant will need to be released on Lot 1, prior to any sale. The letter asks Simpson to let the Board know, in writing, what his plans are.)

50 LEOMINSTER ROAD – Acting Chairman Pichierri reads into the minutes a letter, dated August 15, 2011, from David Favreau, Board of Health, in which Favreau lets the Board know that no representation for 50 Leominster Road appeared at the BOH meeting of August 11, 2011, as was previously scheduled.

FOIA REQUEST – Christine Nyberg, 58 Redstone Hill Road – Christine Nyberg has submitted several Freedom of Information Act requests for “As-built” plans from the Planning Board. Nyberg has been informed that the Planning Board has no “As-Built” for her land, as it is not part of the Redstone Heights (Chad Lane) Subdivision. The Board asks that another letter be sent to Nyberg letting her know what is available to her with regard to her property at 58 Redstone Hill Road.

(Note added after the meeting: A letter was sent to Nyberg, letting her know that the Planning Board has no “As-Built” for her property, but that we could offer her a copy of the ANR Plan and /or a copy of the Definitive Subdivision Plan for Redstone Heights. Nyberg visited the Planning Board on September 14, 2011 with a handwritten request for her house plans. She was directed to the Building Department.)

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WEST STERLING TENNIS COURTS – Acting Chairman Pichierri reads a letter from some town residents commending the DPW and Rec. Committee for their work in returning the West Sterling Tennis Courts to “great condition”.

ZBA

A Zoning Board of Appeals meeting was held on August 9, 2011. The Board reviews the agenda. No Planning Board members attended the meeting.

CHAIRMAN’S REPORT

Hajdu visited the Chad Lane site to view the storm water management system following the heavy rains resulting from Hurricane Irene. Hajdu offers photographs of the site and its surroundings to the Board for review. Hajdu reported that he felt the system was working properly.

ADMINISTRATIVE ASSISTANT REPORT

Williams printed an article pertaining to the Sterling Country Club. French offers copies of the article to anyone interested.

French requested a vacation day for Tuesday, September 6, 2010, which the Board granted.

French informs the Board that she will be out of the office on September 20, 2011 due to Jury Duty.

French informs the Board that Joe Spinelli has emailed the Board, seeking to be placed on the agenda for the next meeting. Spinelli will be submitting an ANR Plan for Bates Realty Trust, Pratts Jct. Road.

MAIL

Various items of mail were noted by Chairman Protano and made available for Board members to further review.

NOTICES FROM OTHER TOWNS

Notices from other Towns were made available for review and passed to the Zoning Board of Appeals.

INVOICES

The board members sign invoices and payroll.

MOTION TO ADJOURN

Williams makes a motion to adjourn the Planning Board Meeting at 9:06 PM. Seconded by Hajdu, no discussion, all in favor, motion approved.

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The next regularly scheduled Planning Board Meeting is September 14, 2011 at 7:00 PM.

APPROVED BY:
