

FINAL

**STERLING PLANNING BOARD  
MEETING MINUTES**

October 26, 2011 – Rm. 202 Butterick Bldg.

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

**Absent:** Michael Radzicki – Vice Chairman, MRPC Rep.

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

**ANR's.**

Jamie Rheault, Whitman & Bingham Associates, LLC, and Patrick McCarty, McCarty Engineering, are present this evening for a preliminary review of an ANR Plan on Kendall Hill Road, Swett Hill Road and North Cove Road, the latter being a private way.

The proposed plan will take one lot with an existing home and create five lots in total; Lot 1 will be accessed either from Kendall Hill Road, directly across the property, or via a right-of-way across an adjacent property. Access to the other four lots is being proposed from North Cove Road, a private road.

Chairman Protano asks McCarty and Rheault to explain why they think four lots should be allowed on a private road, being that frontage on private roads is not considered to be legal frontage. Chairman Protano also asks why they feel the right-of-way to Lot 1 could be used as a driveway. It is noted that the access across Lot 1 has a small brook and some wetland. McCarty states that if they had to, they could put the driveway tight to the higher elevated side and create a retaining wall to hold the driveway above the wet area. If the easement is used as a driveway it would have to be established as a “common drive”.

Chairman Protano reads into the minutes the “Grant of Easement” from Myra Gartland, 3 Swett Hill Road, to Edward J. and Patricia L. Thomas, and Andre Brouillard and Maren E. Brouillard.

The Board feels that access to Lot 1, from the easement, appears to meet the requirements for a common drive.

With regards to the proposed Lots 2 and 3, McCarty proposes that these lots be accessed from the existing driveway, by obtaining a special permit to convert it to a common drive. By doing so, there would be no further impact to the wetlands.

McCarty states that North Cove Rd is a twenty foot private right-of-way and he has prescribed that they reserve an additional twenty foot strip along the frontage of the

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proposed lots. McCarty states that this would provide a forty foot right-of-way, should the road become a town owned road. Williams' reminds the applicants that the availability of a forty foot right of way does not make the frontage on a private road legal.

Rheault states that he feels one of the ways in which the Planning Board could endorse the ANR, and consider the lots legal, is by basing it on the fact that North Cove Road meets the standards of adequacy for a public road and that it was developed prior to the implementation of the Subdivision Control Law. Rheault provides examples of ANR plans, on North Cove Road, endorsed by the Planning Board years ago, prior to any of the current members being on the Board.

The Board suggests that the applicants consider a plan for a subdivision rather than the ANR lots. In doing so, they would improve the road to the far point of Lot 5. The Board would have to waive the requirement of a cul-de-sac, being that the road continues beyond the proposed lot 5.

Williams suggests that the ANR be approved, but the stipulation made that the lots are not buildable until proven otherwise. Pichierri states that putting such a disclaimer would only be at the insistence of the applicant that the ANR be approved as is. Pichierri suggests that a solution be worked out, conferring with Town Counsel, at the applicant's expense, if necessary.

Hajdu would like to see the abutters notified, as a courtesy, to the applicants' plan to create five ANR lots.

McCarty and Rheault will prepare their argument that the ANR lots should be approved and return to the next Planning Board meeting, scheduled for November 9, 2011. They will wait to consider a Subdivision.

Williams points out that the Form A reflects only two of the four owners. There are two couples that own the property, and all persons should be listed and sign.

The official submittal date for the ANR plan is planned to be at the November 9, 2011 meeting.

The Board is holding the check for \$175.00. The applicant will provide a correct Form A at the November 9<sup>th</sup> meeting.

### **MINUTES APPROVED**

**Pichierri moves to approve the minutes of September 12, 2011, as submitted. The motion is seconded by Hajdu, there is no discussion and all are in favor, approved by the Board, 4-0.**

**DISCUSSIONS/REPORTS**

**Chad Lane Stormwater Management System**

Chairman Protano asks Jamie Rheault, Whitman & Bingham, Associates, LLC, if he can obtain a set of the Drainage Analysis for Chad Lane, stating that the Conservation Commission is requesting them. Rheault states that he can get them and will see that Matt Marro, Con Comm, receives them.

The Board reviews a site visit, to Chad Lane, that took place on October 19, 2011. The Conservation Commission invited the Planning Board to visit the site during a rain event. Williams and Hajdu were able to attend.

Chairman Protano reports that he visited the site two weeks prior, during rain. Mike Pineo, Conservation Commission, met Chairman Protano at the site. Chairman Protano stated that the pipe was only releasing water from the perforated portion of the pipe and from the flare.

Williams and Hajdu report that Barbara Roberti, Scott Michalak and David Mosley, from Con Comm, and John Santoro, 7 Lesley Lane, were present at the site visit. Hajdu states that there was an active flow of water coming from under the stone wall and running down into the wood line and into the area between the two houses (on Lesley Lane).

Williams and Hajdu state that there were no conclusions made at the time of the visit.

**Homestead Lane**

The Board confirms that they have received; a copy of the Partial Release of the Covenant (for Lot 1), recorded with the Worcester South District Registry of Deeds on 10/21/2011; Book 47998, Page 380, and a copy of the deed for the sale of Lot 1, recorded on 10/21/2011; Book 47998, Page 384 .

The Board has re-numbered 16 Osgood Road to 1 Homestead Lane and sent a letter to all necessary contacts.

**CHAIRMAN'S REPORT**

The Chairman has nothing to report.

**ADMINISTRATIVE ASSISTANT REPORT**

The Administrative Assistant has nothing to report.

**MAIL**

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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 were passed on 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 8:43 PM.  
Seconded by Pichierri, no discussion, all in favor, motion approved.**

**The next regularly scheduled Planning Board Meeting is November 9, 2011 at 7:00 PM.**

**APPROVED BY:**

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