

FINAL

**STERLING PLANNING BOARD
MEETING MINUTES**

December 14, 2011 – Rm. 202 Butterick Bldg.

Present: Robert Protano – Chairman
Kenneth Williams – Clerk
Ronald Pichierri – ANR Agent
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.

THOMAS LANE

Al Cormier, D' Boss and Son Builder
Lots 4 and 5.

Jesse Johnson, David E. Ross Associates, is present with an ANR on Thomas Lane. Johnson states that the builder, Al Cormier of D'Boss & Son Builders, needs an offset to the property line of Lot 5 for the septic design. To accomplish this he needs a 15' extension into Lot 4. The proposed ANR plan is for the movement of the lot line, with no change to frontage on either lot.

Johnson states that he has the Form A and a check for \$125.00. Johnson does not have the Agent for Applicant Form.

The Board notes that adjacent land owners' names are absent from the plan.

The ANR Plan is not submitted at tonight's meeting. Johnson will return to the next scheduled Planning Board meeting, on January 11, 2011, to submit the plan, with the noted amendments, the Form A, the Agent for Applicant Form and the check.

NORTH COVE ROAD AND SWETT HILL ROAD

Book 19053 Page 291, Worcester South District Registry of Deeds
Assessor Map 129, Lot 25

Owner(s): Andre and Maureen Brouillard
Edward and Patricia Thomas

Continued from 10-26-11, 11-09-11 and 11-30-11.

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

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Also present is Daniel Kloczkowski, 55 N. Cove Road.

Rheault has submitted a letter granting, to the Planning Board, an extension for the review period of the ANR Plan for North Cove Road, to February 29, 2012. Chairman Protano reads this letter into the minutes.

Rheault submits to the Board a Brief of their proposed project for each Board member's review. Kloczkowski is also given a copy of this Brief.

Daniel Kloczkowski has submitted, to the Board, a letter dated December 1, 2011. This letter outlines Kloczkowski's concerns for the proposed plan. Rheault and McCarty have been given a copy of this letter.

The Board schedules the applicants to reconvene on January 11, 2012 at 7:30 PM, after giving the Board a chance to review the Brief at 7:00 PM, just after the start of the meeting. At that time the information from Rheault, McCarty and Kloczkowski will be reviewed and questions will be formulated to create a packet for submission to an attorney for professional review and opinion.

MINUTES APPROVED

Williams moves to approve the minutes of November 30, 2011, as submitted. The motion is seconded by Pichierri, there is no discussion and all are in favor, approved by the Board, 4-0.

DISCUSSIONS/REPORTS

Chad Lane

The Board has received an email, dated 12-6-11, from Matt Marro, Conservation Commission agent, with regards to a review of the Redstone Heights Drainage Report. Apparently the Con Comm had the Drainage report reviewed by Steve Pavlowich, who offered his observations and comments.

It was unclear, from the email, if information was being requested from the Planning Board. The Board asked French to contact Marro to determine if information was being requested and, if so, to ask for the request to be clarified and more formally requested.

(Note added after the meeting; Marro responded that no request for information was pending at this time.)

The Board also asked French to contact Scott Miller, Haley & Ward, to determine if Miller had reviewed the review letter from Pavlowich.

(Note added after the meeting; Miller was contacted and replied that he did receive the letter and would have to get back into a review of the original documents and look at the regulations that were applicable at the time of the approval to provide any substantive response. Knowing that the Planning Board has requested that he not incur any more cost to the developer on this project, Miller has not done any review work regarding this letter.)

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Also with regard to the Chad Lane Stormwater System, the Planning Board had, at a previous meeting, responded to a letter from Bill Tuttle, DPW, that indicated the DPW Board had been approached with concerns for the proper function of the Chad Lane Stormwater System. To date, there has been no response from Tuttle and the Board had asked that French follow-up with him. Chairman Protano reads into the minutes an email, dated 12-5-11, from French to Tuttle, asking that he provide some feedback as to the DPW's status with Chad Lane. Again, there has been no response.

Day Family - Land off Newell Hill Road and Trebor Lane.

Donna Day has contacted the Board, claiming that she has documentation to prove that she owns the land off Newell Hill Road that surrounds an existing home owned by the Day Family Trust, of which her late husband's children are the trustees. Donna Day's question to the Board is what is the mailing address of this land, separate from the .2+/- acre parcel with improvements, known as 2 Days Way?

There are 3+/- acres plus a .2+/- acre lot, the latter having an existing home on it. This is the remaining land after sale of what was a larger parcel for the development of the Trebor Lane Subdivision.

Review of the subdivision plans and Orders of Conditions indicate that, at the time of subdivision approval, the Board made a condition that the remaining land was to be combined into one lot and no additional homes could be built.

Day claims that a judge has ruled against this and that she owns the 3+/- acre parcel, separate from the .2+/- acre owned by the Day Family Trust. Donna Day is interested in marketing this parcel of land and wants to know what the mailing address would be.

The Board has provided her with a copy of the Order of Conditions, stating there cannot be a second home built on this combined lot. Donna Day has been told that the mailing address for the entire parcel is 2 Days Way.

Telegram Article Re: James Xarras.

The Board reviews an article, printed in the Telegram.com, which reports on the developer, James Xarras, and his "blatant blow to wetlands". The article reports that Xarras, and others, have been fined, by the DEP, \$200,000.00 "for illegally hiring timber harvesters for the proposed 251-home Crowne Point development off Legate Hill Road on the Sterling line". "The developers have also been ordered to restore the damaged land."

Fee Schedule

As the result of Terri Ackerman's project to brainstorm with the Department Heads for the purpose of assisting the Board of Selectmen to reach their goal of reducing the town budget, the Planning Board has been asked to look at their existing fee schedule to determine if fees are competitive with other communities.

French has researched neighboring, and similar, communities and the Board has determined that their fee schedule is competitive and should not be amended at this time.

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Planning Board Holiday dinner

The annual Planning Board holiday dinner is scheduled for January 18, 2012 at 7:00 PM. The building inspector and the Planning Board's consulting engineer will be invited.

ZBA

The Board reviews the agenda from the December 13, 2011 Zoning Board of Appeals meeting.

CHAIRMAN'S REPORT

Chairman Protano reports that he will be on vacation February 4 – 14, 2012 and the entire month of March, 2012.

ADMINISTRATIVE ASSISTANT REPORT

French reviews the agenda from the Department Head meeting, held on December 6, 2011.

French requests time off on December 15, 2011 to attend a funeral. French takes the time unpaid.

French reports that she was contacted by the buyer of 16 Osgood Road, aka 1 Homestead Lane. The new owner reports that the post office and Verizon will not accept 1 Homestead as the address, until the road is completed. The owner will use 16 Osgood in the meantime. The new homeowner also stated that after the October 31, 2011 snow storm, James Simpson, owner of Homestead Lane, refused to plow the road.

MAIL

Miscellaneous mail was reviewed.

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

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**Williams makes a motion to adjourn the Planning Board Meeting at 8:35 PM.
Seconded by Hajdu no discussion, all in favor, motion approved.**

The next regularly scheduled Planning Board Meeting is January 11, 2012 at 7:00 PM. The Planning Board meeting of December 28, 2011 will not be held.

APPROVED BY:
