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**Present:** Kenneth Williams– Chairman, Clerk  
John Santoro – Vice Chairman  
Michael Pineo - MRPC Rep. & M.R.J.T.C. Alternate Representative  
Russ Philpot – ANR Agent  
Charles Hajdu – Member  
Betty Kazan – Administrative Assistant

Chairman Williams called the meeting to order at 7:00 PM in Room 202 of the Butterick Building.

## MINUTES

Mr. Pineo moved that the Board approve the minutes for April 13, 2016 as corrected. Mr. Santoro seconded the motion. The motion passed with four in favor and one abstain (Mr. Hajdu was not in attendance at this meeting.).

**Discussion regarding impact/ramifications of expiration of time to complete work on Primrose Lane Subdivision**

Mr. Philpot explained that when he read condition #22 it referred to the automatic rescission of the decision of the Board, he did not know what it meant.

Mr. Philpot read Condition #22 of the Primrose Lane Subdivision as follows:

“Failure by the Applicant to complete the construction of the way and the installation of the services shown on the Definitive Subdivision Plan within four (4) years of the date of endorsement shall result in the automatic rescission of this approval. The time for such construction and/or installation may be extended upon the written request of the Applicant, for good cause shown, prior to the expiration of said four (4) year period, and upon a vote of the majority of the Planning Board then present.”

Mr. Williams confirmed that the automatic rescission would rescind the decision of the subdivision. Mr. Philpot stated that if we find ourselves in this position, the subdivision does not exist until it is brought back to this Board for re-review and start the whole process over.

## Primrose Lane request for Extension of Subdivision Project

Ron Pichierri submitted a letter requesting an extension of time for the Primrose Lane Subdivision, including the filing of the decision with the Town Clerk, up to and including October 1, 2016. Mr. Pichierri's letter stated that 'the long educing real estate slump and weak economic conditions have greatly limited the financial means which are needed to complete the subdivision.' Mr. Pichierri also included his projected schedule of completion of tasks to be completed as follows; installation of all signs per plan ~ July 1, 2016, installation of eight (8) monuments along R.O.W. ~ September 1, 2016, and installation of trees in R.O.W. as required ~ October 1, 2016.

**Final**  
**STERLING PLANNING BOARD MINUTES – May 5, 2016**

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Mr. Philpot stated that the Permit Extension Act of 2012 started in 2010 and updated again. He confirmed that Mr. Pichierri is correct that the state Government, Governor and Legislators recognized a less than adequate economy in 2010, thus the reason they created this Act.

Mr. Philpot then read the following:

“What is the Permit Extension Act? The Permit Extension Act was created by Section 173 of Chapter 240 of the Acts of 2010 and extended by Sections 74 and 75 of Chapter 238 of the Acts of 2012. The purpose of this Act is to promote job growth and long-term economic recovery and the Permit Extension Act furthers this purpose by establishing an automatic four-year extension to certain permits and licenses concerning the use or development of real property. With limited exceptions, the Act automatically extends for four years beyond its otherwise applicable expiration date, for any permit or approval that was “in effect or existence” during the qualifying period beginning on August 15, 2008 and extending through August 15, 2012.”

Mr. Philpot further explained that the Act was used by Mr. Pichierri for the first four years, which brought his deadline from May, 2009 to May, 2013. He then requested and received an additional three years beyond that at the Board’s discretion. It seems evident that they created it and two years later extended it, but they haven’t come back and extended it again. So, it does not apply anymore.

Mr. Philpot mentioned that at the recent Town Meeting, the Building Commissioner stated that business is booming and that there is no economic down turn and that everything is taking off.

Mr. Philpot said another thing that is of concern, and correct him if he is wrong, but at this point in time the Planning Board has no bond being withheld on this project. Mr. Pichierri confirmed this information was correct. He said it was not mandatory because no one has asked for an occupancy permit.

Mr. Santoro stated that as long as he has been on the Board, anytime any developer is putting in road, they have been required to submit a bond to this Board.

Mr. Philpot further clarified that it was his understanding that there was a \$10,000 surety bond issued on May 11, 2005 which expired May 11, 2006.

Mr. Hajdu also confirmed that as far as he can remember there has always been a bond in place and when the project was complete, it was given back with whatever interest had accrued.

Mr. Philpot stated that his understanding is that the purpose of a bond is that a developer comes in, lays out the plan for a road design that will ultimately be accepted as a town road. The Planning Board makes sure that the plans include a design which meets the requirements for a town road. Then the bond is secured by the Town until all those requirements are met. Once they are, then the bond is released.

Mr. Philpot expressed concern that the Board’s only leverage was the time of extension. Mr. Williams stated that at the completion of the project, the Planning Board could recommend at the Town Meeting that the street not be voted as an accepted road. Mr. Philpot recalled Blueberry

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Mr. Santoro stated that he was not happy about the fact that there was not bond. There were people on this Board who knew there was no bond. The rules should be the same for everyone.

Mr. Hajdu asked Mr. Pichierri if he would have a problem getting a bond until the completion of his project. Mr. Pichierri stated he would not have a problem. Mr. Hajdu asked if Mr. Pichierri was planning on going before a Town Meeting to get the road accepted. Mr. Pichierri stated at this point he had not decided.

Mr. Pichierri then submitted a letter dated May 5, 2016 from his Attorney, Stephen J. Philbin. The following are excerpts from the letter:

Mr. Pichierri stated that he would still like to stick to his projected schedule of completion (six months).

Mr. Hajdu stated he would like to know whether this information is correct. If it is not, then the previous motion to deny the extension request remains on the floor.

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