

~~~~~

**Present:** John Santoro ~ Chairman  
Charles Hajdu ~ Vice Chairman  
Michael Pineo ~ Clerk  
Russ Philpot ~ ANR Agent  
David Shapiro ~ Member  
Betty Kazan ~ Administrative Assistant

Mr. Santoro called the meeting to order at 7:08 PM in Room 202 of the Butterick Building.

## Minutes

Mr. Shapiro moved that the Board approve the minutes for May 25, 2016 as amended. Mr. Pineo seconded the motion. The motion passed unanimously.

## Warrants & Payroll

Board members signed vouchers for payroll, WB Mason (Office supplies), and Stipends.

### **Administrative Assistant's Report/Notices**

## Rafferty Aluminum

Ms. Kazan informed the Board that she received the Stormwater Management Permit for Rafferty Aluminum from the Conservation Agent today.

## Office Hours

The Board agreed with Ms. Kazan's request to change office hours to 8 am to 3 pm or 8:30 am to 3:30 pm. Ms. Kazan will notify the Board of the hours once she has had a chance to think it through.

## Contractor's Bond

The Board agreed to have this as an agenda item at their next meeting to establish internal policies and procedures as they relate to contractor's bonds. Once clarified, a memo outlining the policies and procedures would be sent to the appropriate departments.

## June 29<sup>th</sup> Meeting

Mr. Hajdu stated that he would not be able to make the Planning Board meeting scheduled for June 29, 2016.

### Upcoming Agenda Items

Mr. Philpot requested that a Zoning Map review, internal procedures for Contractor's Bond and ANR application/procedure be agenda items for the upcoming June 29<sup>th</sup> Planning Board meeting.

## Review of ZBA Memos regarding Site Review Cider Hill Estates

Mr. Philpot recused himself from this discussion.

The Board acknowledged the ZBA's Notice of Continuation dated May 10, 2016 for Sterling Real Estate Development Co., Inc., James Simpson & Sholan Homes, Inc., Assessor's Map 91, Lot 53 (43 Redstone Hill) & Assessor's Map 91 Lot 30 (Off Redstone Hill Road). At their May

**Final**  
**STERLING PLANNING BOARD MINUTES – June 8, 2016**

~~~~~  
10, 2016 meeting the ZBA voted to continue the hearing contingent on obtaining a final decision from Counsel as to the proper owners of the abandoned or discontinued land on Redstone Place.

The Board also acknowledged a memo from ZBA Chairman William Bird dated May 16, 2016 requesting the Planning Board review the status of said road and Lot 30 Redstone Place and provide the ZBA with the Town of Sterling's position on road ownership, right of way that can or cannot be used.

After a discussion the Planning Board still saw no reason to seek further legal opinion on the matter because as shown in the Planning Board minutes of July 31, 2013, the matter was fully discussed with then special legal counsel Mark Bobrowski, Esq. Specifically, Mr. Bobrowski concluded:

Whether the word used was "abandon" or "discontinue", it was confirmed the abutters own to the center of the abandoned/discontinued way. This opinion was further supported by a second 'recognized expert' on such matters, Mr. F. Sydney Smithers, Esq.

Mr. Pineo pointed out that the Planning Board was recently (January 25, 2016) provided with a drawing generated, stamped and signed by a Professional Land Surveyor describing the abutting properties.

He also mentioned that the Sterling ZBA could if they choose make this demand of the applicant.

Given both Mr. Bobrowski's and Mr. Smithers' reputations are beyond reproach, the Planning Board has complete confidence in their opinions and conclusions. Therefore, this Board sees no reason to take this matter further and incur additional legal expenses.

The Board agreed to have Ms. Kazan draft a memo incorporating this discussion. They asked that she send the draft to all Board members for their comments.

**Review of wording regarding Cider Hill Estates Site Plan previously approved on April 13, 2016**

Mr. Pineo moved that the Board accept the language corrections of condition #1 of the Site Plan for Cider Hill Estates, Off Redstone Hill Road, Sterling, MA, to the following:

1. The project shall not make a connection of the roadway servicing the project to the existing paved portion of Redstone Place.

Mr. Hajdu seconded the motion. The motion passed with three in favor and one abstain (Mr. Shapiro).

Mr. Santoro moved that the Board leave the language of condition #2 the same. Mr. Hajdu seconded the motion. After further discussion, Mr. Santoro moved that the Board accept the language corrections of condition #2 to the following:

~~~~~

Mr. Pineo seconded the motion. The motion passed with three in favor and one abstain (Mr. Shapiro).

**9:40 P.M. MOTION TO ADJOURN**

Mr. Pineo moved that the Board adjourn. Mr. Shapiro seconded the motion. The motion passed unanimously.

**APPROVED BY:**

---

---

---

---

---

---