

TOWN OF STERLING
BOARD OF SELECTMEN
April 28, 2016

MEETING:	Chairman Cutler called the meeting to order at 7:00 PM. Roll Call: Selectwoman Cranson - Present. Chairman Cutler – present. Selectman Kilcoyne – present.
Minutes	<p>The Earth Removal Board, Planning Board and Board of Health also called their meetings to order.</p> <p>Selectman Kilcoyne moved to approve the minutes for April 20, 2016, as written. Selectwoman Cranson 2nd. Selectman Kilcoyne – Aye. Selectwoman Cranson – Aye. Selectman Cutler – Aye. Motion Carried.</p>
Neighbor to Neighbor	After discussion Selectman Kilcoyne moved to approve the recommendation of Lisa Call to disburse funds from the Neighbor to Neighbor account to pay the June rent for the Neighbor to Neighbor applicant to total 850.00 and to purchase a gift card for Market Basket for the family for \$100.00. Total disbursement to be \$950.00. Selectwoman Cranson 2 nd . Selectman Kilcoyne – Aye. Selectwoman Cranson – Aye. Selectman Cutler – Aye. Motion Carried. Selectman Kilcoyne will be in touch with Lisa call and Ed Sweet, member of the Finance Committee, to discuss the direction of the Neighbor to Neighbor program. Lisa is moving and will no longer be able to participate as the lead person for this program.
Request from B-mans Tavern	The request from B-Man's tavern, regarding the outdoor operational hours, will be discussed at the next meeting.
38 Clinton Road	<p>Attending Boards – Board of Health, Planning Board and Earth Removal Board.</p> <p>LCM Realty Trust and TCF Holding LLC have been moving toward development of the land at 38 Clinton Road since 2014. Attorney Foley represents the consortium.</p> <p>This meeting was called in order to make all boards aware of each other's involvement and decisions regarding this parcel of land.</p> <p>In November, 2014 Mr. Foley requested 5 driveway cut permits. These requests were "signed off" by the Department of Public Works (Stated condition – pending ANR endorsement), the Fire Department, the Planning Board, the Building Inspector and finally the Board of Selectmen. The Planning Board endorsed a 5 lot ANR (Approval Not Required) plan for the property. This plan was recorded at the Worcester Registry of Deeds on October 30, 2014. However, as Stated by Mr. Kenneth Williams, Chairman of the Planning Board, the middle lot, (Lot # 3), was determined to be "unbuildable" by the Planning Board.</p> <p>The Chairman of the Earth Removal Board, Russ Philpot, reported that the following spring it was determined by the Earth Removal Board that earth removal activity on the property was in violation of the Town's By-laws. Therefore, on June 4, 2015 the Earth Removal Board issued a Cease and Desist order to Mr. Foley and the earth removal operations on that property. He was later given endorsement to operate within the confines of the By-laws and has endeavored to do so.</p> <p>In April, Mr. Foley submitted 4 individual plot plans to the Health agent and requested 4 septic system permits be granted, for those proposed lots. It was noted by the Board of Health Chairman, Alan Hoffman, that the boundary lines on 3 of the plot plans, submitted for this request, deviated from the originally endorsed and recorded ANR plan. However, David Favreau, the Health Agent, reported that sufficient testing was done and the results were compliant with Massachusetts</p>

regulations for Title 5 for these 4 proposed lots. Therefore, the permits were granted, per the submitted lot lines. (Those submitted lot lines are required to agree with the final endorsed and recorded ANR plan, in order to remain valid.) Therefore, Mr. Favreau also stated that, according to regulations 15.020; Disposal System Constructions Permits... In the event it is discovered during installation of the system that site conditions differ from those contained in the site evaluation and/or the approved design plans, the originally issued Disposal System Construction Permit is void, installation shall stop and the applicant shall reapply for a new Disposal System Construction Permit. The Board of Health instructed Mr. Foley to stake out the perimeters of these 4 proposed systems.

Joe Curtain reported that Mr. Foley had gone to the Zoning Board of Appeals to request a variance on the "unbuildable" lot but when denied, he withdrew without prejudice.

The Planning Board chairman, Ken Williams stated that the Planning Board has never received a request to revise the initial plan that shows 5 lots. And also stated that any changes to the plot lines must be approved by the Planning Board for an ANR and subsequently registered with the courts.

Mr. Foley stated that the plot lines have shifted and may continue to shift in order to accommodate building/driveway/septic placement. In fact, eventually, the middle "unbuildable lot" **may** be absorbed into the adjacent lots.

Mr. Foley was asked to stake out/mark foot prints for houses, driveways and lot lines, as well as the septic systems so that any one may be able to "see" how everything will fit on the proposed lots.

The Chairman of the Select Board asked the Town Attorney if it is within the authority of the BOS to withdraw their approval of the driveway permits since the final plan will most certainly deviate from the proposed plan, upon which the Board and others made their initial determination. The Attorney replied that she would have to research that answer.

The Boards adjourned: BOH @ 8:34. Earth Removal @ 8:36. Planning Board @ 8:38.

The Board thanked Kenneth Williams for over 30 years of Service to the Town. Mr. Williams is currently the Chairman of the Planning Board but has chosen not to run for re-election this year.

Public Session

Mr. Paul Belair repeated his concerns that he believes there is septic drainage from a neighbors lot, running down Mr. Belairs driveway. He invited members of the Board to visit his property to investigate the issue.

At 8:39 Chairman Cutler made a motion to convene in Executive session pursuant to MGL Chapter 30A, Section 21 (a) (2) To conduct Strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel. Selectman Kilcoyne 2nd. Selectman Kilcoyne – Aye. Selectwoman Cranson – Aye. Selectman Cutler – Aye. Motion Carried. The Chairman stated that the public session would reconvene after the Executive Session, only to adjourn. The Board proceeded to Executive Session.

At 9:10 pm, Chairman Cutler made a motion to reconvene in public session. Selectman Kilcoyne 2nd. Selectman Kilcoyne – Aye. Selectwoman Cranson – Aye. Selectman Cutler – Aye. Motion Carried.

Adjourn

At 9:12 pm, Chairman Cutler made a motion to adjourn the public meeting. Selectman Kilcoyne 2nd. Selectman Kilcoyne – Aye. Selectwoman Cranson – Aye. Selectman Cutler – Aye. Motion Carried.

Materials: minutes, Neighbor to Neighbor Info., driveway permits for 38 Clinton Road, BOH requirements for Disposal System permits, Attorney letter regarding court results for cease and desist, Earth Removal Board Courtesy memo, G.Menin's opinion email

