

FINAL

**STERLING PLANNING BOARD
MEETING MINUTES**

January 25, 2012 – 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.

There are no ANR's.

MINUTES APPROVED

Pichierri moves to approve the minutes of January 11, 2012, as corrected. The motion is seconded by Hajdu, there is no discussion and all are in favor, approved by the Board.

DISCUSSIONS/REPORTS

Street Signs – new regulations proposed.

Pichierri has provided all board members with a handout regarding street signs. Pichierri explains that he has heard that new Federal guidelines for street signs have been proposed, as is suggested in this handout, and feels that the Board should be aware of any changes coming along. The Board asks French to research the topic to see if any new regulations are in place or proposed.

Performance Zone I – Land on Redemption Rock Trail, owned by Debbie Dupuis.

As a follow up to prior discussions regarding land on Redemption Rock Trail, located in the Performance Zone 1, Chairman Protano updates the Board of the following information: (See minutes of January 11, 2012 for a history).

Chairman Protano has had a discussion with Mark Brodeur, Building Inspector, who has now determined that the lot owned, and for sale, by Debbie Dupuis is not to be considered a building lot. The Planning Board has an ANR Plan, approved by the Planning Board on February 12, 1997. Dupuis brought this plan before the Board, at that time, to allow the transfer of a 1 acre+/- lot to her son, Darrell Dupuis. This plan approval and transfer took place after adoption of the Performance Zone I in 1995. In doing so, Dupuis' remaining land is now a 3.167 acre lot with 127.12 feet frontage. Although "pork chop" in shape it does not meet the zoning regulations for a 5 acre pork chop lot as defined in the Performance Zone I Regulations. The ANR Plan clearly states that this land is "not to be considered a building lot".

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Brodeur has responded to an email from Darrell Dupuis letting him know that this land is not to be considered a building lot. Brodeur's letter, dated 1-19-12, also lets Dupuis know that they can appeal his decision to the Zoning Board of Appeals within 30 days from the date of his letter.

Chairman Protano reads into the minutes a letter, dated 1-16-12, from George Pape, 69 Redemption Rock Trail. Attached to this letter is a plan of land, dated 7-12-77, of the 5.17 acres owned by Debbie Dupuis. Pape outlines the splitting of this acreage and ends by stating his "surprise that the Planning Board gave her bad information". Chairman Protano, and the Board, feel that they gave no information to Dupuis and question to what bad information Pape is referring. Chairman Protano stated that he placed a phone call to Pape, but did not reach him as of this writing.

Budget Schedule –

Chairman Protano reviews a memo from T. Ackerman regarding the scheduling for meetings between the Finance Committee and the various departments/boards. Dates and times are scheduled with an "as needed" policy for meeting with the Finance Committee to discuss the FY 2013 Budget. (Planning Board is scheduled for February 7, 2012).

Days Way –

Corrinne Mongiat and her attorney, James Connors, are present this evening to continue the discussion regarding land on Days Way. See minutes of January 11, 2011 for a history. Connors explains that he has read and reviewed all the material and notes that the merging of Lot 4 (the 3.16 acre parcel as shown on the Definitive Subdivision Plan, Trebor Lane) with the Day family's existing 0.2+/- acre parcel, with improvements, was never done. This merger was a condition of the Order of Conditions for the Trebor Lane Subdivision. Connor is before the Board to ask what the Board proposes as a remedy to the issue of this recorded order never being carried out.

Chairman Protano asks Connors if the Order of Conditions is not enough of a legal document for the court to force this action to take place. Connors answers that he believes it is, but that Walter Day and his successors have refused to do it. Connors is trying to avoid another lawsuit for his client. When asked what he is looking for from the Planning Board, Connors replies an Order of Compliance for the merger of the lots. Pichierri suggests an Order of Compliance be placed on Tim McGuire, the developer of Trebor Lane. Connors feels that it was Walter Day's widow, Donna Day's responsibility to carry through the order.

The only answer the Board has for Connor and Mongiat is that the Board hold a Public Hearing to rescind the approval of the subdivision based on non-compliance, noting that this would be very complicated, as there are now other homeowners and Trebor Lane has been accepted as a town road. It appears that the solution would be to bring the original Order of Conditions to court.

Connors thanks the Board stating that he now has a better understanding of the situation.

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OPEN SPACE & IMPLEMENTATION

Presentation by Marion Larson

It being 8:00 PM, Chairman Protano invites Marion Larson, Open Space & Implementation Committee, to speak to the Board. Larson explains that she is visiting various Boards to discuss and make them aware of the “7-Year Action Plan Schedule” that was recently written by the Open Space & Implementation Committee (OSIC) as part of their “Sterling Open Space and Recreation Plan”.

Larson would like the Planning Board to review the 7 year plan and identify any areas in which the Board might be able to contribute. Larson explains that it is OSIC’s goal to implement some of the goals over the next year and prevent the Open Space and Recreation Plan from becoming something that sits on a shelf. Larson would like to see the Planning Board, and other Boards, help in the development of “actions” that the 7 year plan proposes. These “actions” have been labeled with the various “responsible parties” that OSIC feels is best suited to their implementation.

Chairman Protano states that one thing the members of the Planning Board might be helpful with is the determination of trails in the town. Larson explains that the trail mapping is just a piece of letting the towns people know where the areas for recreation are.

Larson feels that something the Planning Board could work on, even though it is not included in the 7 year plan, is the business of a formal sign-off procedure when a piece of land comes up that the town has right of first refusal on. Larson states that there used to be a formal procedure in place. Williams responds that the process is still alive and well but that Chapter 61A land does not come up for sale very often anymore. Larson feels that there is sometimes other land, besides 61A, that comes before the town and that there is no procedure in place under which all the Boards are made aware.

Williams feels that the “7-year action plan”, while a good idea, is enormous and much too ambitious. Williams feels that three or four items should be picked out of it for the Boards to work on. Larson agrees and states that what they are asking is for the individual Boards to pick out what they would be able to work on and contribute to.

Chairman Protano suggests that the Planning Board create a list of what they might be able to do. Larson asks that the Board produce a list of trails that they are aware of, that she might compare to the existing list to see if anything is missing.

Chairman Protano thanks Larson for coming in and indicates that the Planning Board will work on a list for OSIC.

ZBA

There was no ZBA business to discuss.

CHAIRMAN’S REPORT

Chairman Protano has nothing to report.

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ADMINISTRATIVE ASSISTANT REPORT

M. French lets the Board know that an application for a Site Plan Review has been submitted and gives each member a copy of the application letter. The proposal is for expansion to the Sterling Ice Cream Bar. The Site Plan Review will begin on February 8, 2012.

M. French reads a memo, dated 1-24-12, from T. Ackerman regarding the adoption of an Appointment Policy. The memo invites input from all Boards and Committees. A copy of the attached draft policy is given to the Board members.

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

**Hajdu makes a motion to adjourn the Planning Board Meeting at 8:59 PM.
Seconded by Williams, no discussion, all in favor, motion approved.**

The next regularly scheduled Planning Board Meeting is February 8, 2012 at 7:00 PM.

APPROVED BY:
