

STERLING PLANNING BOARD MINUTES – April 26, 2017

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

Mr. Santoro called the meeting to order at 7:04 PM in Room 202 of the Butterick Building.

### Minutes

Mr. Pineo moved that the Board approve the minutes of March 29, 2017 as printed. Mr. Shapiro seconded the motion. The motion passed unanimously.

### Warrants & Payroll

Board members reviewed vouchers for payroll, Minuteman Press, and Haley & Ward (Homestead Lane & Thomas Lane).

The Board reviewed an invoice from the Telegram & Gazette for \$176, for a legal ad for a Public Hearing on two proposed articles. The Board requested that Ms. Kazan forward this invoice to the Board of Selectmen for payment. The Board felt that they should not be liable for this bill due to the fact that their decision to have two warrant articles was not carried out in the Town of Sterling Warrant for the Annual Town Meeting of May 1, 2017.

### 7:05 P.M. Discussion regarding issues at 140 Pratts Junction Road ~ Joseph Spinelli, Spinelli Construction

Mr. Joseph Spinelli was on hand to speak with the Board on any questions they may have. Mr. Santoro asked Mr. Spinelli if he was aware of all the issues raised by the Field Agent Matthew Marro of the Conservation Commission. Specifically his letter dated March 28, 2017. Mr. Spinelli indicated he was and that he was working on the items which hopefully will be resolved by the end of June.

Mr. Santoro stated he has received numerous telephone calls from residents about the area looking like a trash dump consisting of construction equipment, debris and unregistered vehicles.

Mr. Spinelli suggested that the Board give him until the end of June to get everything spruced up and plants planted. Mr. Spinelli stated that he certainly wants the place to look nice and assured the Board he could complete this by the end of June.

The Board agreed to meet with Mr. Spinelli for an update at their meeting scheduled for July 12, 2017. Mr. Spinelli will call Ms. Kazan if he is ready prior to the meeting to have the Board's engineer perform a site review. If not, it will be discussed at the July 12, 2017 meeting.

Note: Check #1081 for \$1,704.96 for review fees was also received.

### ZBA Notices

Notice was received from the ZBA that an application from John T. McNally for a Special Permit for purposes of constructing an 8' deep by 26' wide farmer's porch on the front home at property located at 78 Kendall Hill Road.

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### Chairman's Report/Notices/Discussions Special & Annual Town Meetings

A memo from Ross Perry reminding everyone that 'the Special and Annual Town Meetings are next Monday, May 1, 2017 at the Chocksett School starting at 6:30 p.m. If anyone knows or anticipates any questions that might be asked, he would appreciate you sharing this information and the answers if you have them.'

### Discussion regarding Marijuana Article #29

Mr. Pineo explained that at this point Article #29 is just the Moratorium and the Board needs to vote on whether they support the Moratorium or not. Mr. Pineo stated that he was in favor of the Moratorium but he had wished as previously discussed that there had been an article on the Prohibition had been disregarded and the Board will have to entertain that at a later date.

Mr. Pineo moved that the Board vote in support of Article #29. Mr. Shapiro seconded the motion. The motion passed unanimously.

### 7:45 P.M. Discussion regarding Thomas Lane ~ Al Cormier, D'Boss & Son Builders, Inc.

Al Cormier was on hand to meet with the Board to discuss the Thomas Lane project. He stated that he came before the Board in order to update them on the status of his project and try to resolve items on the punch list from Haley & Ward.

Mr. Cormier agreed to respond to Haley & Ward regarding all punch list items prior to the next Board meeting

Mr. Santoro mentioned that someone on Thomas Lane went to pull a permit in the Building Department to install a pool and they were denied because the lot lines were not accurate. Mr. Cormier stated that this had been addressed. Mr. Santoro stated according to Ms. Culgin's email it has not.

Mr. Santoro stated that the Board received an email dated April 25, 2017, from Sarah Culgin, Building Commissioner:

*I was made aware of lot line problems by the owner of 5 Thomas Lane on 4/24/17. He wants to install a pool.*

*This is a summary of the documents I saved to the file for 5 Thomas Lane:*

*Owner of 5 Thomas Lane purchased lot "4A" (about 40,000 sf) according to registry of deeds in 2012.*

*Original owner of 3 Thomas Lane purchased lot "5A" (about 36,000 sf) according to registry of deeds in 2013.*

*The lots on the subdivision plan are labeled "4B" and "5B" instead of "4A" and "5A"; the difference between A and B versions is about 10' along adjoining side lot line (4B is about 4000 sf smaller than 4A and 5B is about 4000 sf larger than 5A)*

*Attorney Foley filed an affidavit at the Registry of Deeds trying to change lots from 4A and 5A to 4B and 5B in March of 2016, apparently without consent of the property owners.*

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The owner of 5 Thomas Lane hired an attorney who sent a letter to Foley (see word document attached). Foley wrote back with a proposal to “solve” the problem.

*The foundation as-builts submitted to the Building Dept. when 3 and 5 Thomas Lane were built are referencing 4B and 5B, not 4A and 5A which are on the deeds (both are attached). **The house at 3 Thomas Lane is about 5’ too close to the side lot line of lot 5A, which is the lot that was actually purchased.***

The Building Department needs accurate foundation as-builts for both 3 and 5 Thomas Lane referencing the correct property boundaries. Either a variance or a transfer of property must occur to make 3 Thomas Lane compliant with zoning.

After closer review of the Building Commissioner’s email, Mr. Pineo discovered that the property at 3 and 5 Thomas Lane is zoned neighborhood residential not rural residential like Ms. Culgin thought. Thus the lot requirements would be different. Mr. Santoro agreed to discuss this matter with Ms. Culgin.

Mr. Cormier agreed that the plans submitted (Job 21711, Plan L-12895) he submitted are not accurate plans. Mr. Cormier agreed to submit new plans and discuss issues with the Building Commissioner and return at a later date.

Mr. Cormier also agreed to submit a check in the amount of \$1384.57 by May 10, 2017 to replenish the review fee account for Thomas Lane. Mr. Cormier also mentioned he would like a discussion at another meeting on the reduction of his performance Bond. He believes it is around \$93,000. Ms. Kazan will contact Haley & Ward requesting a cost to complete.

Accept/Reject Thomas Lane as an accepted Road

Mr. Pineo moved not to consider Thomas Lane as an accepted Road as the applicant has pulled the article which had been previously submitted. Mr. Shapiro seconded the motion. The motion passed unanimously.

Board member representation at Annual Town Meeting

Mr. Pineo stated he would be at the Annual Town Meeting.

8:30 P.M. Update on Homestead Lane ~ Jim Simpson

Jim Simpson was on hand to update the Board on the Homestead Lane project. The following is an updated Punch List prepared by Haley & Ward:

Haley and Ward has completed a review of the as-built plan for Homestead Lane, dated February 8, 2017 with revisions through February 28, 2017, and conducted site visits on March 13, 2017, April 05, 2017, and April 25, 2017. On April 25 the site was completely clear of snow cover, and we were able to observe the topography and drainage of the site in addition to vegetation patterns and grass regrowth. The following punch list from March 3, 2017 has been updated accordingly.

- ~~1. Driveway Aprons missing for lots 4 & 5.~~
2. *Swale berm in rear of lot 6 is not fully established. The water is currently not channeling run-off into pond as called out on sheet 4 of 7 of the approved plans.*

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- a. *Due to grading adjustments at Lot 6 during construction, the swale was not constructed. The existing septic leaching field layout will not allow a swale to be constructed as proposed. I discussed this with the owner's engineer, Paul Grasewicz, and this results in a minor variation in the runoff pattern from the pre-developed condition. Furthermore, the swale was not added for handling the small runoff from Lot-6, but as an overly conservative approach to route overflow from a flooded roadway (an extremely unlikely scenario).*

The Board may wish to determine this as a minor modification to the plan and accept the subdivision modification to the as built condition.

3. *Swale established along the north-east side of lot 3 not called out on approved plans or shown on as-built plan. This swale appears to be partially completed, and a deep runoff channels has formed from groundwater overflowing the swale and flowing onto Lot 4. On Lot 4, this runoff channel intersects with the drainage swale along the Lot 3/ Lot 4 property line. This lot should be stabilized against erosion. The runoff channel should be backfilled, and the swale should be modified to prevent groundwater flow onto Lot 4 and direct this water to the underdrain at the roadway.*
 - a. *The section of the swale that crosses from Lot 3 to Lot 4 appears to have been prepped for installation of perforated underdrain pipe. While this work should be completed, we do not believe that this will cause a disruption to the right of way area. Therefore, the Board may wish to consider this as a minor modification to the proposed plan, and accept the subdivision modification to the as-built condition.*
4. *Swale shown on as-built plans along the Lot 3/ Lot 4 property line is not called out on the approved plans. This swale appears to be partially installed, and is carrying water towards the cul-de-sac, where it takes on groundwater flow from Lot 3 via a runoff channel crossing Lot 3, and ponds around the location of the Lot 4 well. There are no roadway catch basins in this part of the cul-de-sac. This site should be stabilized against erosion, and the swale should be redirected to avoid ponding at the well.*
 - a. *While we believe this work should be addressed, this is not likely to have a significant impact on the right of way area. As such, the Board may wish to consider this as a minor modification to the proposed plan, and accept the subdivision modification to the as-built condition.*
- ~~5. Seeding needs to be completed and grass started on parts of the Right of Way (ROW) along Homestead Lane.~~
- ~~6. Stone wing wall/check dam is not built on the northwest side of the house on lot 6 as shown on plan sheet 4 of 7 of the approved plans.~~
- ~~7. 18" snouts were not observed in catch basins as shown on the catch basin detail sheet 6 of 7 of the approved plans.~~
 - a. *Two (2) single catch basins remain without snouts; CB 10 and CB 11.*
8. *Erosion control / turf reinforcement mat was not observed on 2:1 slopes as called out on sheet 5 of 7 of the approved plans.*
 - a. *The developer has responded that Lot 3 was lowered, eliminating the need for the erosion control mat. The as-built plans do not provide elevations of Lot 3. However, the runoff channel observed on Lot 3 and described above in Item 3 is evidence that the site should be stabilized by erosion control mat or otherwise,*

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and the lowering of the buildable part of the lot may have increased the grades elsewhere on the property.

- b. At today's site visit, only a small area of the hill at the frontage of Lot 3 was not vegetated. This area should be stabilized, however it is not within the right of way. As such, the Board may wish to consider this as a minor modification to the proposed plan, and accept the subdivision modification to the as-built condition.*

~~9. Light not observed at the intersection of Osgood Road and Homestead lane as called out on sheet 4 of 7 of the original drawings.~~

10. *A separate sign placed under the street sign with the word "private" is missing.*

Reference General note 6 sheet 7 of 7 of the original drawings.

~~11. Drain pipe from DMH 3 to DMH 4 on the as-built drawings show 12" diameter on the construction drawings it calls for 15" diameter. This deviation should be confirmed and the impact on the drainage design presented by the applicant.~~

- a. The developer has responded that this is a typo on the as-built. This typo has been corrected.*

12. *Catch basin 8 was observed to have a section of the wall collapsing into the structure, with backfill material also washing into the basin. This collapsing section should be removed, the backfill stabilized, and all other catch basin/ manhole structures along the roadway should be inspected for similar conditions prior to roadway acceptance by the Town.*

Mr. Simpson mentioned that most of the punch list items from Haley & Ward had been taken care of except for Item #7 two single catch basins without snouts (CB10 & CB11). Mr. Simpson mentioned the reason he hadn't put the snouts on is that the DPW Director Bill Tuttle said it isn't necessary as the cleaning trucks will pull them off. Note: This was confirmed with Bill Tuttle via a telephone conversation with the Board during their meeting.

Mr. Simpson stated he would not request a Bond reduction until the recorded plans are submitted to the Planning Board.

Mr. Shapiro moved that the Board approve the acceptance of Homestead Lane as a public way Article #34 of the Annual Town Meeting Warrant contingent upon Mr. Tuttle inspecting Item #12 of the punch list from Haley & Ward dated April 24, 2017 as follows; 'Catch basin 8 was observed to have a section of the wall collapsing into the structure, with backfill material also washing into the basin. This collapsing section should be removed, the backfill stabilized and all other catch basin/manhole structures along the roadway.' Mr. Pineo seconded the motion. The motion passed unanimously.

The Board contacted Mr. Tuttle via a telephone conversation during their meeting in which he indicated that he will inspect/approve Item #12 of the punch list prior to the Annual Town Meeting.

A check #10169 in the amount of \$2,000 was received for the Homestead Lane Review fee account.

Discussion on house numbering protocol and possible changes to Bylaws

Mr. Maurice Boiteau of 14 Wilder Road was on hand to discuss with the Board the house numbering for the house with an accessory apartment on Wilder Road. Mr. Boiteau stated that Lt. Kokernak and the Postmaster agreed to assign #12 for the apartment and #14 for the house. It

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is an accessory apartment but is a separate residence, with separate utilities and a separate entrance. Mr. Pineo confirmed it was not a separate structure.

Mr. Santoro explained the reason this is being discussed is because of the way the Bylaw reads and has nothing to do with the numbering.

The Board agreed not to take action on this item as all parties were not in attendance.

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

#### **Upcoming Site Plan Review**

Ms. Kazan received a phone call from an Engineer regarding a proposed development Off Pratts Junction Road (85 acres) will be coming in to discuss with the Board at a future meeting.

### **Anne Cervante**

Anne Cervante's last day is Tuesday, May 2<sup>nd</sup>. There will be coffee and deserts served from 2 p.m. to 3 p.m. on Tuesday if anyone would like to come by Town Hall.

### **Goals**

Ms. Kazan suggested that goals be established for the Board. Once this is done, each member could take an item from the list of goals, do the research, and report back to the Board for discussion and hopefully implementation.

### **ANR Procedures & possible future public hearing**

The Board agreed to set a date for a Public Hearing and review proposed changes at their next meeting.

### **Review Fees & Performance Bonds**

No action was taken but the Board agreed to continue discussions at their next meeting.

### **9:37 P.M. MOTION TO ADJOURN**

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

### **APPROVED BY:**

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