

Final

**STERLING PLANNING BOARD  
MEETING MINUTES**

**May 8, 2013**

Room 202 Butterick Bldg.

**Present:** Ronald Pichierri – Chairman, ANR Agent  
Michael Radzicki – Vice Chairman, MRPC Rep.  
Kenneth Williams – Clerk  
Charles Hajdu  
John Santoro  
Lucinda Oates – Administrative Assistant

Chairman Pichierri calls the meeting to order at 7:02 PM.

**ANR**

**Motion: Mike Radzicki**

**Second: John Santoro**

Move to ask Chairman Pichierri on behalf of the Sterling Planning Board to endorse ANR plan, on property owned by Padula Sterling Realty Trust, dated April 2013, prepared by David E. Ross Associates, Inc., Civil Engineers – Land Surveyors Environmental Consultants, PO Box 368 – 111 Fitchburg Road, Ayer, MA. 01432, Job Number 28747, Plan No. L-12104.

The lot is located on the easterly side of Heywood Road, 163.05' southerly of the Sterling/Leominster line, zoned Rural Residence, the non-building lot, Parcel A, is to be conveyed and annexed with adjoining land of M.L. Padula to form one undivided, Assessor's Map 10 Parcel 20.

Parcel "A" is currently classified as property valued under the provisions of Chapter 61-A, G.L. Parcel "A" will remain valued under the provisions of Chapter 61-A, G.L. after conveyance to Michael L. Padula.

Check # 5064 received in the amount of \$100.00; Form A completed; one mylar and eight copies and seven 8x11 undersized copies of plan were received.

There was no further discussion; the motion carried five to zero in favor.

**MINUTES APPROVED**

**Motion: Mike Radzicki**

**Second: Charles Hajdu**

Motion made to approve of the Sterling Planning Board minutes of April 24, 2013 as corrected; there was no further discussion, four to zero in favor, with one member abstaining, motion carried.

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### **ZBA**

A notice was read that an application has been filed with the Sterling Board of Appeals by Richard A. Simmons and Nina L. Kaupp for a Special Permit for purposes of construction of an attached two car-garage on property owned by them and situated on the Southerly side of Squareshire Road known as number 13 Squareshire Road in Sterling. The Public Hearing will be held May 21, 2013 at 6:35 pm.

A notice was read that an application has been filed with the Sterling Board of Appeals by James & Christine Innamorati to vary the terms of the Protective By-Law of the Town of Sterling with regards to property owned by them and situated on the Easterly side of Lakeshore Drive and being zoned Rural Residence and requests a variance that the existing garage proposed to be removed and replaced with a new detached garage. The Public Hearing will be held May 21, 2013 at 7:05 pm.

### **CHAIRMAN'S REPORT**

House Bill 1859 – an Act promoting the planning and development of sustainable communities was reviewed outside of the meeting by the board members. After discussion at the meeting it was decided that the review of the document was outside the scope of the Planning Board members to review.

Copies of the Town Warrant were distributed to the members for the May 13, 2013 annual meeting. Articles that the board will discuss at the Town Meeting will be the Senior Center, Earth Removal Board and James Simpson's proposed bylaw changes, regarding Multi-family housing.

Montachusett Regional Planning Commission Traffic Study (MRPC); in the past the Planning Board has made recommendations for traffic studies. The response date for the Planning Board's input is June 1<sup>st</sup>; the board tabled the discussion and will revisit it at the next regularly scheduled meeting of May 29.

### **ADMINISTRATIVE ASSISTANT REPORT**

Minutes, ANR's, Site Plans and other various documents generated and / or by the Planning Board is permanent record. Now that the town's vault is nearing completion, the town clerk would like to consolidate the records and bind them in books for storage within the vault.

It was suggested that the minutes be bound. Further research was requested for the cost, format and estimated time needed to do the work and then return to the next scheduled meeting with the information.

The new Humans resource employee (Don Jacobs) wants Lucinda to serve on the Training Task Force. The Board needs additional information such as: estimated hours needed for the committee, frequency of meetings, length of time the committee will be in effect and what benefit would it be to the board. The Planning Board will revisit this discussion at the next regularly scheduled meeting of May 29, 2013.

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## **MAIL**

### **Insurance: Open Enrollment**

The month of May is open enrollment for Health and Dental. All elected board members are eligible to enroll in these benefits. If interested in joining or making changes to your plan, see the Treasurer's office prior to July 1<sup>st</sup>.

## **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 signed invoices for Haley & Ward and payroll.

## **PUBLIC HEARING**

Continued Public Hearing for Shared Driveway Special Permit by Gary Griffin was opened by Chairman Pichierri at 8:00 PM. This Public Hearing was continued from the last regularly scheduled meeting of April 24<sup>th</sup>. The Public Hearing Notice was then read into the record:

"In accordance with the provisions of M.G.L. Chapter 40A Section 11, the Sterling Planning Board will hold a Public Hearing on Wednesday, April 24, 2013, at 8:00 PM, (which was held and then continued until tonight), at the Butterick Municipal Office Building, 1 Park Street, Room 202, Sterling, MA, on the application of Sholan Homes, INC., P.O. Box 144, 33 Main Street, Sterling, MA, for a Special Permit under Section 3.4.2 "Driveway Access" of the Sterling Protective (Zoning) ByLaws, to allow a Shared Driveway to serve 4.3 acres on the east side of Redstone Place past Matthew Lane with three lots proposed, further identified on Sterling Assessors' Map 91, Lot 30. A copy of the application and plan are available in the Town Clerk's Office, at the Butterick Municipal Office Building, Room 113, during regular business hours. Any person interested, or wishing to be heard on the proposed plan, should appear at the time and place indicated. Ronald Pichierri, Chairman Sterling Planning Board."

The floor then was open to applicant Gary Griffin (Sholan Homes Inc.) to present his plan for a shared driveway off Redstone Place. Mr. Griffin then introduced his Engineer, Jamie Rheault, (Whitman & Bingham, Registered Engineer, Land Surveyor and Environmental Planner), who then presented the Sholan Homes Inc. plan for a shared driveway.

The plan consists of four proposed building lots; the first lot would have a driveway off of the approved existing pavement leaving the three remaining lots with a shared driveway. The plan will extend Redstone Place at the end of the existing pavement,

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opposite lot #1 and continue with a common driveway to service the three remaining house lots.

The testing has been completed for septic systems, the existing town water service will be extended and there will be a six inch line coming from the end of the existing line. The line will run parallel to the proposed shared driveway. A hydrant will be placed with two purposes, flushing and fire protection for the area.

The shared driveway, with town easement for utilities will be private and maintained by a private road association established to plow and conduct maintenance on the road, thereby taking the burden off of the town.

An email received from Thomas Kokernak, Sterling Fire Department, dated May 8, 2013, was read by Chairman Pichierri:

*Just a quick note to let you know that the Fire Department has met with Gary Griffin regarding his proposal to build houses at the end of Redstone Place. It is the opinion of the Fire Department that the logical method to accommodate this growth would be to simply extend the finished portion of Redstone Place; having said that, Mr. Griffin's proposal of adding a smaller extension and two common driveways does satisfy the requirements of the Fire Department.*

*Please feel free to contact me with any questions.*

*Lt. Thomas Kokernak  
Sterling Fire Department*

Chairman Pichierri then questioned the applicant regarding how fire trucks would be able to turn around on the proposed roadway. In the past, plans have shown access in and egress out, often with a turnaround at the end of the drive. Rheault replied that this plan does not propose a subdivision and that the existing Redstone Place at this time offers no means for a truck to turn around. Gary Griffin commented that with all his previous shared driveways, there has never been a turnaround, although there have been three point turns incorporated in the plan.

Chairman Pichierri will contact Lt. Thomas Kokernak, Sterling Fire Department; concerning what he feels will be needed to turn, a fire truck around or whatever equipment they would be using in the various driveways.

A letter dated April 24, 2013, from Bill Tuttle, Department of Public Works was read into minutes by Chairman Pichierri:

*The Sholan Homes proposal for Redstone Place was discussed at the regular DPW Board meeting on 4.23.13. Several questions were brought up regarding the plan to improve a portion of Redstone Place to the point of where the common drive would begin. The first question was why not improve Redstone Place to the end lot therefore eliminating the common drive? The Board went back and forth on this issue regarding*

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*winter maintenance and adding 300+ feet of new road. The consensus was that it would not add that much time to a plow route as it would be straight shot. They left it at that.*

*The second issue was the size of the turnaround on the plan as presented. The Board would like to see the turnaround the full width the right of way (ROW) of Redstone Place including a portion of the easement to a point where it would be some 45 ft wide as a fully rigged 6 wheel truck with 11' plow is some 28' long.*

*Bill Tuttle*

Mike Radzicki added that his mental model of a common drive was such that it is an option to use if there is something unusual about the site, such as ledge or slope that would make it impractical to do the normal curb cuts. There appears to be no such unusual features to these proposed parcels. It is really a matter of cost, less expensive to do a common drive for the developer and it is less expensive for the town because they are not going to have to pay for maintenance and plowing.

Gary Griffin commented that there is a reason why it is called Redstone Hill, because of the soil being mostly shale. The original path (cart road) was probably chosen because of the least amount of rock and stone. Extending the current road would cost the town more. The parcel could support more houses if the road was not private, but Griffin said that he preferred to stay with less development than any other scenario.

Chairman Pichierri will be in contact with the Department of Public Works to discuss truck turnaround aspects of the proposed plan; and the possible necessity of bonding of the project, to ensure that the road is built to town standards; performance guarantees; and a covenant or pass book account.

Attorney John Shea, from the firm of Lian, Zarrow, Eynon, Shea & Spofford, 34 Mechanic Street, Worcester, MA 01608, representing Don & Janice Patten, 3 Hazelhurst Way, addressed the Planning Board concerning his clients' failure to obtain a building permit due to a lack of frontage on the public way in 1991. Now the same length of road which has no frontage is proposed to build four new house lots. It is in Mr. Shea's opinion the ANR Plan for Sholan Homes Inc. should not have been approved.

Gary Griffin had previously provided the Planning Board a copy of the history of Redstone Place that consisted of every parcel and lot going back in town history. If Mr. Griffin does not have frontage on Redstone Place then he felt that the Ortiz property, also located on Redstone Place, did not have frontage on the town road.

Chairman Pichierri questioned Mr. Griffin as to the status of Redstone Place, if it has always been road, and that the title examiners report substantiates that it is a road. Mr. Griffin replied that he had done his research on the road.

Discussion continued on the status of Redstone Place, if it was discontinued or abandoned and at what point the road ended.

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Ken Williams stated that the meeting had moved into a discussion that did not pertain to the Public Hearing to hear the application for a shared driveway.

**Motion: Ken Williams**

**Second: Mike Radzicki**

Continue the Public Hearing for the Special Permit for a Shared Driveway presented by Gary Griffin until Wednesday, May 29, 2013 at 8:00 PM, our next regularly scheduled meeting, five to zero members in favor to continue, motion carried.

**MOTION TO ADJOURN**

**Motion: John Santoro**

**Second: Charles Hajdu**

Motion was made to close meeting, there was no further discussion, five to zero in favor, meeting adjourned at 9:52 PM.

**The next regularly scheduled Planning Board Meeting is May 29, 2013 at 7:00 PM.**

**APPROVED BY:**

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