

Final

August 14, 2013

**STERLING PLANNING BOARD  
MEETING MINUTES  
Rm. 202 Butterick Bldg.**

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

Chairman Williams calls the meeting to order at 7:00 PM.

**ANR's**

There are no ANR's

**MINUTES APPROVED**

**Motion: Ron Pichierri**

**Second: Mike Radzicki**

Motion made to approve July 31, 2013 minutes as corrected, five to zero in favor, motion carried.

**Sterling Crossing / Leominster Road**

**Motion: Ron Pichierri**

**Second: Mike Radzicki**

Motion made to grant Cutler Brothers, LLC, P.O. Box 674, Sterling, MA 01564 request for a two year extension of the period for "substantial use" of their site plan for Sterling Crossing. Sterling Crossing is an approved Site Plan on Leominster Road, approved by the Board on August 27, 2007. The deadline date is now set for August 27, 2015. There was no further discussion, five to zero in favor, motion carried.

**Sterling Solar / Release of Performance Guarantee**

Charles Hajdu, visited Sterling Solar, 12 Wiles Road, and found no constructed swale. The apron located at the end of the driveway is not paved but lined with pavers, which could be upended by winter plowing. The order of condition specifies that a swale be constructed. There was discussion concerning the release of the funds, and the possibility of holding an amount in escrow to repair the pavers if damaged by the town's plows.

Charles will contact Bill Tuttle ( DPW Superintendent) and talk to him about the Board's concerns and come to some kind of agreement. Charles will bring information prior to our next meeting or at the meeting of August 28<sup>th</sup>. At this time the five thousand dollars will be held.

**New Senior Center / Preliminary Analysis Traffic Count Data**

Richard Maki provided the Board with his interpretation on the report from MRPC. The board does not have a copy of the original traffic study. Lucinda will obtain a copy of the report for our next scheduled meeting.

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**ZBA**

There were no notices.

**CHAIRMAN'S REPORT**

There is no chairman's report.

**ADMINISTRATIVE ASSISTANT REPORT**

**Motion: Charles Hajdu**

**Second: Ron Pichierri**

Motion to approve Administrative Assistant's request for a personal day, Monday, August 19, five to zero in favor, motion carried.

MRPC boxes containing "grant applications" will be stored with the town clerk, possibly in the town vault. The town clerk will research the retention schedule and take the boxes.

Sterling Department Head meeting will be August 28 @ 12:30 pm. At this meeting the Town Administer would like input for new legal counsel from the various boards. It was suggested that the town administer look at neighboring towns and see who they use for legal counsel.

The Public Hearing for Article 40, Annual Town Meeting May 13, 2013, regarding the multi-family by-law changes submitted to the Attorney General for adoption by the Town Clerk was denied due to a deficiency. The date stamped Public Hearing notice was not included with the submission. This document was found by the Town Clerk and forwarded to the Attorney General. There is a ninety-day appeal period from the date that the Attorney General gives final approval, and then the by-law will be part of the protective by-law of the Town of Sterling.

**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 signed an invoice for an update for Planning Law & Land Use Handbook and administrative assistant payroll.

**Continuation Special Permit Shared Driveway  
Gary Griffin, dba Sholan Homes, INC.  
Off Redstone Place, Map 91, Parcel 30**

Chairman Williams opened the Continued Public Hearing for Shared Driveway at 8:00 PM.

An email was received from the Sterling Fire Chief and was read into record.

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To: Planning Board  
From: Fire Chief  
Date: August 12, 2013  
RE: Redstone Place Project Proposal

During the Planning Board Meeting on 7/31/13 the Fire Department was tasked with providing an opinion to the Planning Board on the point of "adequate access" as used in the definition of "frontage" in the Zoning Bylaw as it relates to the development of property along and adjacent to Redstone Place. It is understood by us that this determination shall be made by evaluating existing conditions notwithstanding any improvement or alteration to the existing conditions.

On 8/1/13 Lt. Kokernak conducted a site visit along with Mr. Griffin to the property on Redstone Place that he is proposing to develop. Mr. Griffin was able to clearly show the specific lot locations and the section of Redstone Place that is used to provide the frontage that he requires to develop the property in question.

Upon evaluation of this section of Redstone Place, specifically from the point going from the driveway of #42 Redstone Place and ending at the third gun barrel boundary marker located further down Redstone Place in the direction of Maple St., I have determined that this section of Redstone Place does not provide any form of adequate access for emergency vehicles, especially fire apparatus.

Should you have any other questions on this matter please feel free to contact me.

David C. Hurlbut, Jr.  
Fire Chief

Don Patten provided the Planning Board with a packet of information concerning Patten's research along with his lawyer's (John Shea) research, this information will be added to the file regarding Redstone Place.

An email was received from Gary Griffin and was read into record.

*Dear Chairman Williams and Board members,*

*Please accept this e-mail communication as a formal request from the Applicant, R. Gary Griffin, representing Sholan Homes, Inc. to respectfully withdraw the above referenced Application, without prejudice, upon the opening of the continued Public Hearing scheduled for 8:00 PM August 14, 2013.*

*I wish to thank the Board for their time and efforts in the consideration of this Application. We did not foresee the issues that have been raised in opposition to the project and feel that the Board's time and our efforts will be better served in exploring reasonable resolutions of the questions that may relate to the project going forward.*

*Please confirm receipt of this communication and contact me at 978-514-3193 if you have any questions.*

*I do not plan to attend the meeting this evening.*

*Regards,  
R. Gary Griffin*

Ron Pichierri added that John Santoro accompanied him to the site on August 4, 2013, Sunday morning, and walked what was assumed the projection of Redstone Place down towards Mr. Griffin property. Ron Pichierri said that his personal opinion, for the record, is that the road as it stands is not suitable for a public way, especially for all types of weather and emergency apparatus needing to access the road. John Santoro was in agreement with Pichierri's opinion.

**Motion: Ron Pichierri**

**Second: John Santoro**

Motion to accept submission by Gary Griffin to withdraw without prejudice his application for a Shared Driveway at the end of Redstone Place, there was no further discussion, five to zero in favor, motion carried. Notification will be given to the Town Clerk.

Chairman Williams then closed the Public Hearing along with public input on this permit.

Attorney Bobrowski will continue to examine Redstone Place abandonment or discontinuance and provide information by the date of our next regularly scheduled meeting of August 28, 2013.

**MOTION TO ADJOURN**

**Motion: Mike Radzicki**

**Second: Charles Hajdu**

Motion made to close meeting, there was no further discussion, five to zero in favor, meeting adjourned at 8:15 pm.

**The next regularly scheduled Planning Board Meeting is August 28, 2013 at 7:00 PM.**

**APPROVED BY:**

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