

Final

**STERLING PLANNING BOARD
MEETING MINUTES**

February 25, 2015

– Rm. 202 Butterick Bldg.

Present: Kenneth Williams– Chairman, Clerk
John Santoro – Vice - Chairman
Ron Pichierri – ANR Agent
Charles Hajdu – Member
Lucinda Oates – Administrative Assistant

Absent: Michael Pineo – MJTC Rep.

Chairman Williams calls the meeting to order at 7:05 PM.

ANR's.

Motion: John Santoro

Second: Ron Pichierri

Motion made to endorse ANR Plan, Map 112, Lot # 2, Kendall Hill & Adam Taylor Road, Sterling, MA. Plan submitted by Robert & Shirley Smiley, prepared by Jarvis Land Survey, INC., 29 Grafton Circle, Shrewsbury, MA., 01545, Plan # 14-708, dated February 25, 2015. Check #0305 received in the amount of \$100.00; Form A completed, with five copies of the plan. There was no further discussion, four to zero in favor, motion carried.

NOTE: This plan was previously submitted and endorsed at the meeting of February 11, 2015. The applicant requested that this plan replace the previously endorsed plan, the new plan has one modification to a lot line. The drawn plan number 14-708 remained the same.

7:20 PM

Sterling Senior Center Building Committee

Mark Piermarini, Associate with Whitman & Bingham, brought an updated plan for the Sterling Senior Center, basically an informational meeting with no official submission given. The updated plans show fourteen parking spaces that were cut to save money. There were no changes to the Order of Conditions due to the cuts done to the original plan.

7:40 PM

McCarty Engineering

Patrick McCarty read into record his Memorandum of Understanding.

Sterling Planning Board Minutes, February 25, 2015

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FR: Patrick McCarty, PE
McCarty Engineering, INC.
Edward & Patricia Thomas
Andre & Maureen Brouillard

RE: Proposed ANR lots
North Cove road
Sterling, MA.

On September 30, 2014 we submitted, on behalf of Ed & Patricia Thomas and Andre & Maureen Brouillard, an application to the Town of Sterling Planning Board for the approval of four (4) "ANR" lots located off Swett Hill Road and North Cove Road.

The "ANR" Plan for the site is entitled "Plan of Land in Sterling, Massachusetts Owned by Edward J. & Patricia Thomas and Andre & Maureen E. Brouillard" dated and stamped July 8, 2014, prepared by Whitman & Bingham Associates, LLC. (Plan 5-G-144).

The subject property contains 16.57 acres and is shown on the Town of Sterling Assessor's Maps as map 125, Lot 25.

The subject property has frontage on Swett Hill Road, a Public Way, and North Cove Road, a private way in existence prior to the Town of Sterling adopting a subdivision control law.

The Planning Board reviewed and discussed the proposed ANR lots at regularly scheduled meeting on October 8th, October 29th, December 14th, 2014 and on February 11, 2015.

As this Project involves the Special Circumstance of the lots having frontage on a a way "in existence prior to the Town of Sterling adopting a Subdivision Control Law" the Board sought the advice of Atty. Brian Winner of Kopleman and Paige, counsel for the Town of Sterling.

In an email dated January 8, 2015, Atty. Winner stated "the Planning Board could reasonably find that North Cove Road is a qualifying way for the purposes of ANR endorsement." In the same email, Atty. Winner goes on to state that "the Planning Board must, therefore, determine whether or not the way has sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed creation of the new lots."

On the ANR plan submitted, Whitman & Bingham provided a table of Minimum Access Standards for 1-6 dwellings and in each case, North Cove Road meets or exceeds those standards.

The applicants have agreed to make improvements to the first 905 LF +/- of North Cove Road based on their discussions with the Board. The improvements are shown on the

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attached “Exhibit A - Proposed North Cove Road improvements” prepared by McCarty Engineering, INC. dated February 17, 2015. The proposed improvements are as follows:

- Drag shim existing paved portion of North Cove Road
- Provide full depth widening to ensure a minimum 17 foot paved width
- Overlay full width with 1 ½ inch top course
- Clean & inspect existing drainage culverts

Both the Applicants and The Board agree that this case has Special Circumstances that may not be found on other ways in Town, that this endorsement by the Board does not set a precedent relative to other Private Ways in Town, and that the improvements listed above and shown on Exhibit A provide a benefit to the residents of North Cove Road and the Town of Sterling.

After further discussion the following was noted and will be added to the Memorandum of Understanding, until they are added to the ANR plan, no endorsement will be made.

- Rights-of-way in 20’ – wide and 40’ – wide reserve strip for roadway widening to be deeded to the Town of Sterling and annexed with the abutting 20’ right-of-way.
- The applicants agree to escrow the sum of \$2,000.00 for inspections of the work listed above. The balance is to be refunded upon satisfactory completion of the work.
- All work is to be completed within two (2) years of execution of this document. The applicant may request from the Planning Board a one (1) year extension in time to complete the work provided said request is made prior to the expiration of the initial two (2) year period.
- Patrick McCarty will correct the date on the Memorandum of Understanding, from February 17, 2015 to read February 16, 2015.

Daniel Kloczkowski, 55 North Cove Road, is not in favor of this project. McCarty is proposing, on the behalf of the applicant, a plan whose premise is that North Cove Road predates 1954, the year that Sterling adopted the subdivision control bylaw. McCarty has not demonstrated that North Cove Road existed prior to 1954. A portion of North Cove Road did exist before 1954, but it connected to the town beach. Kloczkowski would be in favor of endorsement of the ANR plan if the board would ask the applicant to provide something definite that justifies his claim that the road existed prior to 1954.

McCarty will return to the March 11, 2015 meeting at 8:00 pm., with the updated ANR plan and a revised Memorandum of Understanding.

Motion: John Santoro

Second: Ron Pichierri

Motion made to go into Executive Session in accordance with Massachusetts General Law Chapter 30A, Sec. 21 (a), #8 for the purpose to consider applicants for employment

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by the screening of resumes. The Planning Board will reconvene in open session following the Executive Session.

A roll call vote was taken:

Hajdu – aye

Williams – aye

Santoro – aye

Pichierri – aye

Motion carried, Executive Session opened at 8:50 PM.

Motion: Ron Pichierri

Second: John Santoro

Motion made to close Executive Session and reconvene to regularly scheduled meeting, there was no further discussion, a roll call vote was taken.

Hajdu – aye

Williams – aye

Santoro – aye

Pichierri – aye

Motion carried, meeting reconvened 9:29 pm.

MINUTES APPROVED

Motion: Ron Pichierri

Second: John Santoro

Motion made to approve February 11, 2015, minutes as corrected, there was no further discussion, four to zero in favor, motion carried.

ZBA

Upcoming meeting notice received for Stephanie and Walter Wilbur for a variance for Section 2.5.3 for compliance to construct a 26'x26' two car garage with a poured concrete foundation and an 8'x8' breezeway with a 8'x'4' porch, located at 362 Redemption Rock Trail. This variance will be heard on March 10, 2015.

Upcoming meeting notice received for Robert and Carol Sarafconn for a variance, Section 2.5.3 for compliance to construct a one car garage and additional living space located at 18 Wood side Drive. This variance will be heard on March 10, 2015.

Special Permit was granted with stipulations for Joseph Smith, 4 Runaway Brook Road for an accessory apartment.

Variance was granted with stipulations for Rock Breakers, LLC, 23 Chocksett Road, to construct a 50,000 square foot warehouse.

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CHAIRMAN'S REPORT

There is no chairman's report.

ADMINISTRATIVE ASSISTANT REPORT

The Administrative Assistant has nothing to report.

MAIL

No 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

Motion: Ron Pichierri

Second; Charles Hajdu

Motion made to close meeting, there was no further discussion, four to zero in favor.
Meeting adjourned at 9:42 PM.

The next regularly scheduled Planning Board Meeting is March 11, 2015 at 6:00 PM.

APPROVED BY:
