

Final
STERLING PLANNING BOARD MINUTES – October 14, 2015

~ ~ ~ ~ ~

Present: Kenneth Williams– Chairman, Clerk
John Santoro – Vice - Chairman
Charles Hajdu – Member
Betty Kazan – Administrative Assistant

Absent: Michael Pineo - MRPC Rep. & M.R.J.T.C. Alternate Rep.
Russ Philpot – ANR Agent

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

ANR's
Redstone Place

Gary Griffin on behalf of Sholan Homes, Inc., 33 Main Street, Sterling, MA 01564 had submitted an ANR application at the Board's meeting held on August 26, 2015, to create a parcel by the statute and create a parcel that may be given to the Town which would give better access to the Town's water main. The ANR regarding Assessor's Map 91, Lot 30 requests the following:

1. 2,064 Square feet (Parcel B-2) may be conveyed by Sholan Homes, Inc. to the Town of Sterling and combined with its abutting land as a single tract of land.
2. 7,149 Square feet (Parcel A-1 Non-buildable Lot) and 451 square feet (Parcel B-1 Non-buildable Lot) together comprise the Southerly half of the private portion of Redstone Place where it abuts land of Sholan Homes, Inc. Under the provisions of M.G.L. Chapter 183 Section 58, Sholan Homes, Inc. asserts its ownership to the center line of the private portion of Redstone Place where it abuts land of Sholan Homes, Inc.
3. Parcel A-1 is to be combined with Parcel A-2 as a single tract of land.
4. Parcel A-2 and Parcel B-2 (Non-buildable Lot) together comprise Parcel A as shown on Plan Book 906 Plan 45.

Plans prepared by Whitman & Bingham Associates, LLC 510 Mechanic Street, Leominster, MA 01453, Plan 5-G178B, dated August 25, 2015, no payment was received; Form A completed, with one copy of the plan. **Note:** On August 31, 2015 Mr. Griffin dropped off the original Form A and one Mylar and seven copies of the plan.

Mr. Griffin and Jamie Rheault of Whitman & Bingham Associates were on hand to discuss any other questions the Board may have in regards to the ANR submitted for Redstone Place.

Mr. Griffin mentioned that he had not received any additional questions from the Board after their September 30, 2015 meeting.

Final
STERLING PLANNING BOARD MINUTES – October 14, 2015

~~~~~  
Mr. Hajdu stated that his question was regarding the abandoned Parcel A-1. Is it legal to absorb this parcel into the applicant's own property? The way the parcels are divided with Parcel A-1 being a rightfully owned portion, is it legal to divide it up into those parcels? (A-1, B-1 & B-2)

Mr. Santoro stated that he walked the property and was concerned about discrepancies. He also had questions regarding Parcel B-1 which appears to lack access. He stated he would not vote in favor of this ANR without having legal counsel's opinion.

Mr. Williams did not have any questions and indicated he would be in favor of approving the ANR.

The Board discussed the possibility of approaching Town Counsel for an estimate on reviewing the plan. Having done prior research on this property, the Board also spoke of contacting Attorney Mark Bobrowski's office for their opinion and estimate.

Mr. Rheault felt that if the Board sought Town Counsel it could take a month to two months to resolve.

Instead Mr. Rheault offered the Board the following suggestion which he felt could get taken care of within thirty days; He asked that the Board allow him (Whitman & Bingham) to write a letter to Blatman, Bobrowski, Mead & Talerma, LLC and copy the Planning Board. The letter would state that the Planning Board is requesting their office review the plan and advise if the plan qualifies for ANR endorsement. Also, requests they review the entire Redstone Place ANR plan with emphasis on Parcels A-1, B-1 and B-2 (non-buildable lots). He would request that the Attorney(s) respond with a letter to the Planning Board and Whitman & Bingham rendering their opinion on whether the Planning Board should endorse this ANR plan. Mr. Rheault also offered to pay this legal expense.

He stated he would forward this letter to the Administrative Assistant who in turn will forward it to the Board members, and pay the bill and be back in thirty days to get this resolved.

Mr. Hajdu moved that the Board approve Mr. Rheault's suggestions and agreed to render a decision once the opinions of legal counsel have been submitted to the Board. Mr. Santoro seconded the motion. The motion passed unanimously.

Note: It was also agreed that the Administrative Assistant would contact Mr. Pineo who was not present at the meeting for any questions he may have for the Attorneys relative to this ANR.

The Board agreed to tentatively schedule a meeting for Wednesday, October 21, 2015 at 7 p.m. with only one agenda item consisting of an ANR for Gary Griffin, Sholan Homes, Inc., Redstone Place, Map 91 Lot 30 & Redstone Place Private Way. This meeting will

**Final**  
**STERLING PLANNING BOARD MINUTES – October 14, 2015**

~~~~~  
be held contingent upon the Planning Board receiving a letter of opinion on this ANR prior to the meeting from Blatman, Bobrowski, Mead & Talerman, LLC.

Note: Mr. Griffin agreed with the Board that he would like them to get their questions answered by legal counsel prior to making any decision on his ANR application.

MINUTES

The Board agreed to postpone approving the minutes of September 30, 2015 until its meeting on October 28, 2015.

NOTICES FROM OTHER TOWNS

Notices from other Towns were made available for review and were passed on to the Zoning Board of Appeals.

INVOICES

Board members signed vouchers for payroll, W. B. Mason and Haley & Ward, Inc. (Thomas Lane)

NEW BUSINESS

Thomas Lane

Mr. Williams read the following email from Scott Miller, Haley and Ward, Inc., dated October 13, 2015, regarding Thomas Lane:

I stopped at Thomas Lane to check on the existing conditions prior to overlay paving. There are a few items that I will let the developer know about:

- 1. The catch basin drop inlets are blocked. They do not allow free flow of water down through the inlet to the catch basin. Part of the precast structure will need to be cut out. The binder, granite and bituminous curbing is in place. Excavating and resetting the structure would disturb this work which is otherwise in good condition.*
- 2. The valve box for the fire hydrant at the end of the line should be exposed, particularly if it is under the paved surface*
- 3. The sidewalk at the driveway at 6 Thomas Lane has a 3" drop to the apron. The apron should be raised or the two approaching sidewalk panels replaced to allow for wheelchair access.*

I know that the Postal Service has pushed for a delivery box at the end of new roadways and drives in Sterling. In this case, the multiple boxes have been placed on the left side of the roadway as you exit Thomas Lane. They seem to limit the sight distance looking left, back to the Sterling Ice Cream Bar on a high speed and busy roadway. Has your Board had any contact with the Sterling U.S.P.S. on this? Note: Scott was asked to discuss his concerns with the Postmaster. No response had been received as of this meeting.

~~~~~

The Board agreed to discuss at their meeting scheduled for October 28, 2015.

---

---

---

---

---