

**TOWN OF STERLING
ZONING BOARD OF APPEALS
Minutes of Meeting**

DATE: February 23rd. 2005
TIME: 6:30 pm
LOCATION: Butterick Municipal Building

Board Members Present:

Robert Lanciani, William Brassard, Julia Gauld, John Bouvier

Alternate Board Members Present:

Daniel Donovan, Donald Abare

Counsel: Lisa L. Mead

Agenda:

- 6:30pm Case #535 J. Whitney Development, Northgate Meadows- *Comprehensive Permit*.
- 7:00pm ZBA Business

Proceedings:

- 6:40pm Chairman Lanciani opened the public hearing for case#535 J. Whitney Development, Northgate Meadows for a comprehensive permit, by reading the published notice. Chairman noted that for the record, he is related indirectly to some of the abutters. They are relatives to his grandfather, however, and by definition of the State ethics commission, he is able to hear this case because they are not direct relatives.
- Chairman added that the ZBA has to hire experts and the applicant's Attorney Mr. Peter Campobasso has to agree on them. Chairman named the following experts: Mr. Mark Bobrowski from Baltman, Bobrowski & Mead, LLC (legal counsel), Eng. Scott Miller from Haley and Ward (civil engineering), Mr. Michael Abend from Abend Associates (Traffic consultant), and Mr. Mike Jacobs from MHJ Associates (Financial consultant). Chairman asked Mr. Campobasso if this is agreeable to his client.
- Mr. Campobasso agreed on them.
- 6:44pm *Mr. John Bouvier* made a motion to hire those consultants. Motion seconded by *Mrs. Julia Gauld*. Motion passed. Yeas: 5 (*Robert Lanciani, Donald Abare, William Brassard, Julia Gauld, and John Bouvier*), Nays: 0.
- Chairman explained that the main reason for this meeting was to have an initial presentation by the applicant about the case and then there will be a series of meetings to follow. The meetings will be discussing details of the case in depth.. Chairman remarked that if anyone wishes to be heard on the case, they can do so in upcoming meetings, as there will be ample opportunity to voice their opinions.
- Mr. Peter Campobasso, representing the applicant, stated that his discussion with Mr. Bobrowski touched upon the peer review process, they agreed upon the consultants the town will hire, the payment of the escrow, as well as continuing the hearing to another night. In addition, Mr. Campobasso noted that he will be submitting an amendment because of a typographical error on his application cover letter (page 3) on the correct parcel/lot number.
- Chairman stated that the ZBA administrative assistant spoke with Mr. Campobasso before publishing of the legal advertisement and the ZBA published the correct lot number in the legal advertisement.
- Chairman asked Mr. Campobasso about the list of waivers that they submitted. One of the waivers they asked for was the entire general bylaws of the town.

- Mr. Campobasso replied that they would be changing their list of waivers as they go through the discussions.
- 6:50pm *Mr. John Bouvier* moved to continue the case to March 29th at 6:30pm. Motion seconded by *Mrs. Julia Gauld*. Motion passed. Yeas: 5 (*Robert Lanciani, Donald Abare, William Brassard, Julia Gauld, and John Bouvier*), Nays: 0.
- Attorney Lisa Mead noted that Mr. Bobrowski has requested that they start with traffic issues.
- Attorney Robert Bowen, (50 Main Street, Lunenburg) representing an abutter (Mr. and Mrs. Giambrocco) asked about how the process goes and how will the people be able to present their opinion.
- Mr. Bouvier, ZBA, asked if the ZBA could dedicate a night just for public opinions?
- Chairman replied that any interested individual or abutter should come to every meeting so as to follow the issues closely. However, the ZBA will try to layout an agenda for each meeting with the specific issues to be discussed. Also, the ZBA will be posting agendas of meetings on the Town Website.
- Attorney Mead stated that people can attend the meetings and hear both the town consultant's views and the applicant's consultant views.
- Mr. Sal Jaconie and Mr. John Susa from Leominster Planning Board asked the ZBA if they would send them any information.
- Chairman replied that by law, the ZBA sends notices to them about the upcoming cases and hearings as well as decisions.
- Mr. Bouvier mentioned the address that the ZBA uses to mail them the notices.
- Mr. Jaconie replied that it is the correct address.

ZBA Business

- Chairman Lanciani noted the second order of business was that Mr. James Simpson is going to ask to re-submit his case for the multi-family housing project (Wickapicketknoll).
- Chairman read a letter from the Planning Board dated February 14th which approves allowing Mr. Simpson to re-submit his application. Chairman also read another letter from the Conservation Commission which requests the ZBA to look favorably on a re-submission of Mr. Simpson's case.
- Mr. Jim Burgoyne, representing Mr. Simpson stated that about a year and half ago they had been through a long process of the application. They received a variance for the driveway issue and they have worked closely with abutters to address their concerns. They have felt that after all the breakthroughs in the meetings, that they would be granted the special permit. However, they were denied because of 2 objections vs. 3 approvals in the final decision count. The applicant realizes the town needs to such a project and that is why they are asking informally if the ZBA would allow them to re-submit the case.
- Mr. John Bouvier noted that he has no problem with the re-submission.
- Chairman Lanciani noted that he was one of the members in favor of the project and he has no objection to the re-submission. He heard a lot of complaints after the hearing from people objecting to the Board's denial of the application.
- Mr. Donald Abare noted that he was one of the members against the project and that is why he cannot guarantee that he will be objective on the case, although he is not opposed to the re-submission. However, it will be up to the five regular members to vote on the case.
- Mr. James Simpson said that he would do his best to address the concerns that the Board had on the application.
- ZBA members suggested that Mr. Simpson consider several alternatives to cover town-housing needs such as senior housing & affordable housing.
- Chairman asked the Board to review the minutes of January 18th and February 9th as submitted by the administrative assistant.
- 7:30pm *Mr. John Bouvier* moved to accept the minutes of January 18th, 2005 as corrected. Motion seconded by *Mrs. Julia Gauld*. Motion passed. Yeas: 5 (*Robert Lanciani, Donald Abare, William Brassard, Julia Gauld, and John Bouvier*), Nays: 0.

- 7:35pm *Mr. John Bouvier* moved to accept the minutes of February 9th, 2005 as corrected. Motion seconded by *Mrs. Julia Gauld*. Motion passed. Yeas: 5 (*Robert Lanciani, Donald Abare, William Brassard, Julia Gauld, and John Bouvier*), Nays: 0.
- Another issue the Board discussed was ZBA's review of MHOC's submitted plans. Chairman noted that Mr. Scott Miller (Haley and Ward) had sent to Whitman and Bingham (on January 19th) his review on the plans and requested several changes on the plans. This was way under the 45 days requirement for the review. MHOC has said that they have incorporated the suggested changes and the corrected plans will be sent to Haley and Ward.
- Mr. Miller has informed the ZBA chairman that they will be submitting a bill for their review which will be around \$1500.
- Mr. Michael Ivas, MHOC, asked if they could communicate directly with Mr. Miller to make it easy for them.
- Mr. Bouvier replied that they could as long as the ZBA would be kept in the loop.
- Chairman brought up another issue that needs resolution for Chocksett Crossing. Chairman thought that to his understanding, applicants to the lottery would get extra chips according to their qualifications. However, the lottery agent noted that the lottery couldn't be done this way. She said that from the 12 units set aside for affordable housing, 8 would be set aside for the qualification group identified (such as parent of a Sterling resident, employees of the town, over 55, veteran, etc.) but they do not get multiple chips.
- Mr. Bouvier asked if this qualifying group could be from Sterling residents?
- Mr. Daniel Donovan said that it is to his understanding that they could be.
- Chairman noted that he has to inform the lottery agent about whether the Board will omit condition #5 points d and e from the decision, or they would decide to keep them.
- 8:10pm *Mr. William Brassard* made a motion to eliminate points d and e from condition 5 of the decision. Motion seconded by *Mr. John Bouvier*. Motion passed. Yeas: 5 (*Robert Lanciani, Donald Abare, William Brassard, Julia Gauld, and John Bouvier*), Nays: 0
- Mr. Michael Ivas commented that the market price units will sell from \$274,000-324,000, while the affordable ones will sell around \$144,000.
- 8:20pm Meeting adjourned.