

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

DATE: November 13th, 2007
TIME: 6:30 pm
LOCATION: Butterick Municipal Building

Board Members Present:

Richard Hautaniemi, William Bird, Joseph Curtin, Deanna Batstone, Renee Perry

Alternate Members Present:

Jeffrey Donaldson

Agenda:

6:30 pm Meeting for Chocksett Crossing
7:30pm Meeting With Mr.Steven R. Morgan Sr. for a Special Permit
8:00pm ZBA Business

Proceedings:

- 6:30pm Mr. William Bird opened the meeting for Mass Housing Opportunities Corp (MHPOC). Mr. Bird explained to the Board that MHOC is requesting a release of the funds related to the road work. The account has about \$29,574.20 in performance bond money.
- Mr. Russell Philpot, Heywood Road, (former member & chairman of the ZBA) stated to the Board that there was one fund for pedestrian safety alongside RT 12 and there was another fund to complete a survey of Chocksett Crossing design and engineering for traffic and pedestrian safety. Another fund was called the “mitigation” money which was a sum of \$4000 per unit to be used by the town at its discretion. The first thought was that the money be used in something for the safety of the intersection.
- Mr. William Bird asked about the exit criteria of performance bonds.
- Mr. Philpot replied that these bonds are generally used for the health and safety issues- usually in the past they were released by recognized authority.
- Mr. Joseph Curtin asked what the terms were.
- Mr. Jeffrey Donaldson said that from the last meeting, the Board decided that if MHOC provided all the reasons for release, the town would do so.
- Mr. Philpot recalled that the \$50,000 bond money was released when the conditions were met.
- Mr. Mike Ivas, MHOC, noted the Engineer Scott Miller checked the site and made an estimate to complete the work.
- Mr. Scott Miller observed that the Board can release down to \$21,000 amount.
- Mr. Donaldson said the ZBA asked to be provided with the terms of the escrow agreement.
- Mr. Ken Williams said that he never heard of an escrow agreement, and it seems that they are hung up on a technicality.
- Mr. Miller said that he has a list on the second page of what is not completed.
- Mr. William Bird said that he can ask town attorney and town administrator.

- Mr. Philpot noted that his experience with MHOC has always been positive as they usually did the work requested from them as Mr. Miller noted.
- Mr. Ivas said that they just ask that Mr. Miller knows what needs to be done so they can get it finished. Mr. Miller can take a look at it and then report back what was done.
- Mr. Philpot stated that funds seem to be common to comprehensive permit cases. The ZBA controls them but not spend them. The Selectmen can spend the money.
- Mr. Ivas asked if Mr. Miller can finish looking into it by the end of the week.

Other ZBA Business:

- Mrs. Claire Fisher mentioned to the Board that she agreed with Mr. Simpson to pave her driveway before the snow and she has not heard from him yet.
- Mr. Bird said that he will call him and see what he is planning to do.
- Mr. Steven Morgan came to the meeting to ask about his application for a special permit in relation to his request on campground land.
- Mr. Bird asked Mr. Tony Zahariadas about the case.
- Mr. Zahariadas said that Mr. Morgan was mixed up between ZBA instructions and Building Permits.
- Mr. Morgan said that he wanted to build a ranch.
- Mr. Zahariadas stated that he has spoken with Mr. Stan Weinberg and he advised him to send people to the ZBA if the case was detrimental to the town.
- Mr. Curtin noted that the campground land is a one piece of land and now it is being subdivided to separate lots.
- Mr. Williams added that the structure of the land changed.
- Mr. Steven Morgan said that he just bought the property so he can fix it up and sell it, and with the proceeds he can buy his land.
- Mr. Williams said that most people own the houses but have a release on the land-it is similar to a condo type of ownership.
- Mr. Morgan stated that Mr. Zahariadas has the knowledge so why do people have to come to the ZBA. This could speed up the process.
- Mr. Donaldson asked about how the Board can help Mr. Morgan.
- Mrs. Renee Perry suggested that the applicant can consult a lawyer.
- Mr. Zahariadas said that they have a covenant restricting them.
- Mrs. Perry asked if the Board could be provided by a copy of it.
- Mr. Donaldson suggested that the ZBA can only be concerned with the enforcement of the bylaws and not the covenant.
- Mr. Bird summed up some of the issues that the Board has to work on: MHOC, Call Mr. Simpson, and work on a budget for the Board.
- Mr. Williams suggested that the Board create some sort of a procedural chart to help applicants.
- Mrs. Deanna Batstone said that she can work on a flowchart of procedures.
- Mr. Donaldson said that he does not think that the ZBA are not the enforcing body of the campground covenant. However, the ZBA needs guidance on this.
- ZBA members discussed minutes of October.
- 8:13pm *Mrs. Deanna Batstone* moved to accept the minutes of October 9th, 2007 as submitted. Motion seconded by *Mr. Joseph Curtin*. Motion carried. All in favor, Yeas:5 (*Richard Hautaniemi, William Bird, Joseph Curtin ,Renee Finn, and Deanna Batstone*) Nays: 0.
- 8:15pm Meeting adjourned.