

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

DATE: May 20th, 2008
TIME: 6:30 pm
LOCATION: Butterick Municipal Building

Board Members Present:

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

Alternates Present:

Jeffrey Donaldson

Agenda:

6:30 pm	ZBA Business Discussion of Minutes
6:35pm	Continuation Case # 573 Julie Persson Trustee of the Camire Family Irrevocable Trust- <i>Special Permit</i>
7:05pm	Case #578 Angelo and Carol Rossi- <i>Variance</i>
7:35pm	Case # 579 Frank C. Heinemann- <i>Special Permit</i>
8:05pm	Mr. Steven Morgan
8:20pm	Mr. Richard Hautaniemi
8:35pm	ZBA Business

Proceedings:

- 6:30pm Mr. William Bird opened the meeting for the discussion of the presented minutes from last month.
- 6:35pm *Mr. Richard Hautaniemi* moved to accept the minutes. Motion seconded by *Mrs. Renee Perry*. Motion carried. Yeas: 4 (*Richard Hautaniemi, Jeffrey Donaldson, Deanna Batstone, Renee Perry*) Nays: 1 (*William Bird*) as he was not in attendance.
- Members waited for a few minutes until Mr. Joseph Curtin arrived so he can hear the case.
- Mr. Bird discussed the issues raised at the town meeting regarding the accessory apartment proposed By-law changes. He suggested that the Board opens the discussion again and move forward with the issue.
- Mrs. Deanna Batstone said that it would be a good idea to get together with the Planning Board and decide what both Boards can do to clarify the By-laws.
- ZBA members agreed on the suggestions.

- 6:44pm Mr. William Bird opened the continuation of case # 573 Julie Persson Trustee of the Camire Family Irrevocable Trust for a *Special Permit*.
- Mrs. Renee Perry excused herself from hearing the case as she is an abutter.
- Mr. Donaldson summed up what happened form the last meeting and that the Board needed some time to review submitted material.
- Ms. Christine Tree representing the applicant explained again what they were requesting.

- Mr. Packard, abutter, said that he submitted a letter to the town explaining the history of the property and the case. He added that the history of the owners include a lot of deceiving information including advertising the house as a 2-family property.
- Mr. Bird asked if there was any discussion and read a letter from Mr. Le Blanc saying that the will no longer represent the Packards.
- Mr. Bird asked if there were any more questions from the audience or the Board.
- Mr. Hautaniemi said that the question is if the board was looking at the submitted application or at the extensive history of the case.
- Mr. Curtin added that if the Board approved the case then a condition needed to be put to limit the number of people occupying the apartment, and this will be under the enforcement of the Zoning Officer.
- Ms. Tree said that her client would not have any objection to limiting the number of occupants on the premises to even 2.
- The Packards voiced their disagreement with the applicant's deceitful history.
- Ms. Tree noted that both sides believe they were right.
- The Packards added that there was a kennel that encroached on their property and showed the Board a plan they got from the Planning Board showing the encroachment.
- Ms. Tree asked the Board that they needed to remember that the opposing abutters did not even notice the presence of the apartment until it was advertised.
- Mrs. Packard replied that they always thought that the occupant was a family member living in the apartment.
- Mr. Packard added that they met the prospective buyer and he did not even know the background of the case and what was even going on- this just tells the Board what the character of the applicants was.
- Mr. Donaldson noted that he has been struggling with the issue and if the Boar has to take into consideration the history of the property.
- Mr. Bird noted that maybe the solution was to condition the decision.
- Mr. Curtin said that he looked at the map and it seemed that most of the land was in a Commercial zone not the Residential.
- 7:03pm Mr. Joseph Curtin moved to grant the special permit for an accessory apartment with stipulation to limit the occupancy to 2 people.
- Mr. Jeffrey Donaldson cited the by laws and members discussed them.
- Mrs. Deanna Batstone said that she does not think there will be a change in the character of the neighborhood.
- 7:06pm *Mr. Joseph Curtin* continued with the motion to grant the special permit with stipulation to limit the occupancy to 2 people. Motion seconded by *Mrs. Deanna Batstone*. Motion did not pass. Yeas: 3 (*Joseph Curtin, Deanna Batstone, Richard Hautaniemi*), Nays: 1 (*Jeffrey Donaldson*).
- There was no quorum.
- 7:13pm *Mrs. Deanna Batstone* moved to reconsider the last vote on the hearing. There was no second on the motion.
- 7:15pm Mr. William Bird opened the hearing for Angelo and Carol Rossi and read the published legal advertisement.
- Mr. William Bird explained the case.
- Mr. Angelo Rossi said that they have lived several summers on the lake. The back steps have been inadequate and they had a number of gatherings there and found that it was an area that needed a deck. Also, the steps caused them to fall several times.

- Mrs. Rossi said that she put the wrong measurement and it was not 14` but it was 12.6`. She had corrected plans from the surveyor.
- Mr. Packard noted that abutter have trees so it will not affect their privacy in any matter.
- Mr. Curtin observed that it was definitely a pre-existing non-conforming lot and the proposed project might be making it more non-conforming.
- Mrs. Barbara Roberti, abutter, 51 Lakeshore Dr., said that she has no objection to the project but just wanted to make sure that it will be an open deck.
- Mrs. Rossi replied that it will be an open deck.
- Other abutters from 57 Lakeshore Dr. said they have no objection to the project.
- Mr. Donaldson asked if this was consistent with the area.
- Mrs. Roberti said that it was a little big.
- Mr. Hautaniemi said that everyone should have a deck.
- Mr. Donaldson said he has no problem with the project.
- 7:32pm *Mrs. Renee Perry* moved to grant the application with stipulation that the deck does not exceed 300 feet and remain open. Motion was seconded by *Mrs. Deanna Batstone*. Motion carried. Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Deanna Batstone, Renee Perry, William Bird*) Nays: 0
- 7:35pm Mr. Bird opened the hearing for case# 579 Frank C Heinemann for a special permit and read the published legal advertisement.
- Mr. Hautaniemi excused himself from hearing the case as he is an abutter.
- Mr. Bird said that he went through the history of the case in order to correct the previously granted special permit.
- Mr. Jim Burgoyne, representing the applicant gave an overview of the history of the case and said that the original permit was supposed to represent a granting of an accessory apartment, however, the decision as it was made did not reflect this. During the meeting, the discussion was around an accessory building. Mr. Heinemann has a nice historic building and unfortunately when he went to get the building permit, they did not find a mention of the accessory apartment. The application was granted as presented but they could not still get a building permit. They consulted with Mr. Stan Weinberg and also Mr. Tony Zahariadas and they both said that coming back was the easiest way to correct this situation and modify the obtained permit.
- Mr. Bird read a letter from Mr. Tony Zahariadas, previous building Inspector, who noted that it was in his opinion that the previously granted permit was for an accessory building and that he supported the case.
- Mr. Burgoyne said that he asked the Board to grant the special permit and modify the previous permit. He also suggested using the wording in his application to draft the decision.
- Mr. Norman Clemence said that he was the Building Inspector at that time and said that it was the intention of the decision to reflect that it was for an accessory apartment/building.
- Mr. John McCall, 21 Squareshire Road asked what was the difference in the clarification.
- Mr. Bird replied that it would be now considered not an in-law apartment but an accessory apartment.
- 7:50pm *Mr. Jeffrey Donaldson* moved to grant the special permit as requested. Motion seconded by *Mrs. Renee Perry*. Motion carried. Yeas: 5 (*Jeffrey Donaldson, Joseph Curtin, Deanna Batstone, Renee Perry, William Bird*) Nays: 0
- Mr. Burgoyne offered his help with drafting of the decision.

- Mr. Bird opened the discussion for Mr. Richard Hautaniemi.
- Mr. Hautaniemi said that he received a variance and would like to make some changes in the driveway location.
- 8:10pm *Mr. Joseph Curtin* moved to approve the requested modification to approve the alternate previous driveway added in the plan dated 5-11-08. Motion seconded by *Mrs. Renee Perry*.

- Mr. Steven Morgan asked the Board about whether his special permit would carry to the new owners of his property.
- Mr. Bird said that the permit would be inherited to the new owners as long as it is recorded.

ZBA Business

- The Board received request for information from Mrs. Lori Wells.
- Mr. Ken Williams suggested that the ZBA charges for that research.
- Mr. Curtin noted that there were a lot of disputes among the neighbors.
- 8:25pm Meeting Adjourned.