

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

DATE: July 14th, 2009
TIME: 6:30 pm
LOCATION: Butterick Municipal Building

Board Members Present:

Richard Hautaniemi, Joe Curtin, Jeffrey Donaldson, William Bird, David Lozier

Alternates Present:

Jerry Siver

Agenda:

- 6:30pm Discussion of Minutes
- 6:35pm Case # 585 Timothy Regan and Judith Regan-*Special Permit*
- 7:05pm Case # 586 Henry F. Hulick and Marion J Hulick-*Special Permit*
- 7:35pm ZBA Business

Proceedings:

- 6:30pm Mr. William Bird opened the meeting with a discussion of the presented minutes of June.
- Mr. Jeffrey Donaldson noted that the minutes should include a specific reference to the plan number and date for the Foster case.
- 6:33pm *Mr. Joseph Curtin* moved to accept the minutes as amended. Motion seconded by *Mr. Richard Hautaniemi*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, William Bird and David Lozier*) Nays: 0.
- 6:35pm Mr. William Bird read a letter from Attorney Brian Foley representing Mr. Timothy Regan requesting a continuation of the case to the August meeting.
- 6:36pm *Mr. Joseph Curtin* moved to continue the hearing to August 11th, 2009. Motion seconded by *Mr. David Lozier*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, William Bird and David Lozier*) Nays: 0.
- Mr. William Bird read a letter requesting continuation for case #586 Henry and Marion Hulick.
- 6:38pm *Mr. Joseph Curtin* moved to continue the hearing to August 11th, 2009 at applicant's request. Motion seconded by *Mr. David Lozier*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, William Bird and David Lozier*) Nays: 0.

ZBA Business

- Board members discussed the request by Stonegate Village to modify the comprehensive permit.

- Mr. William Bird asked Mr. and Mrs. Fossile about the number of affordable units.
- Mr. Fossile replied that they have 4 units-one of them is already occupied.
- Mrs. Fossile asked the Board for their help and advice. She said that they have a lottery agent but they could not do any more thing and they have a unit which the prospective seller does not have the down payment.
- Mr. Fossile asked where he can go from here.
- Mr. Jeffrey Donaldson asked if the actual affordable units were defined in the master deed, and why should the restriction be removed.
- Mr. Ken Williams Planning Board asked if they could just record the correction in the regulatory agreement.
- Mr. Donaldson noted that Board was asked before to approve switching affordable units 14 and 13. That is why the Board needs to review the regulatory agreement.
- Mr. Jerry Siver added that mainly the Town cares about maintaining its affordable units' number.
- Mr. William Bird agreed and added that any big change might need to be advertised.
- Mr. Donaldson suggested that the Board defers that to Town Counsel for guidance.
- Mr. Siver suggested that it will be easier if the Board has all the information altogether before making any decision.
- Mr. Fossile asked the Board if they would not mind being contacted the prospective buyer's attorney.
- Mr. Bird replied that it was ok, but the ZBA still does not understand what was requested exactly.
- Mr. Fossile said that they were in a dilemma.
- Mr. Bird stated that bank's attorney can write a request.
- Mr. Donaldson suggested that the Fossile's attorney and the buyer's attorney agree on the problem and then let Town Counsel guide the ZBA.

- Mrs. Deanna Batstone presented to the Board her concern over issues on 29 Legate Hill Road, and noted the noise and truck problems. She talked with the owner and he told her that he uses this area to park trucks. Mrs. Batstone added that she presented her concerns to the Selectmen and to the Police and to Mr. Mark Brodeur.
- Mrs. Batstone also mentioned issues on Pratts Junction Road with regards to Truck traffic.
- Mr. Curtin noted that issues on Pratts Junction Road seemed to be Zoning Enforcement Officer issues.
- Mr. Ken Williams added that he spoke with Mr. Mark Brodeur with regards to those issues and they will both go and make a site visit.
- Mrs. Batstone said that she can dig out some information if needed.
- Mr. Donaldson suggested that the issues be separated and described clearly.

- Mr. Bird said he would contact the Zoning Enforcement Officer but Mrs. Batstone needed to submit it in writing with explanation.
- Mr. Bird noted the decision on Lakeshore Drive.
- Mr. Donaldson said that the minutes need to be extensive to explain how the Board came to this conclusion and decision.
- Mr. Bird mentioned to the Board that AT&T is requesting to renew their cell tower special permit for 5 Pinewoods. Their permit expired in 2008.
- Mr. Donaldson noted the normally the special permits need to be renewed maybe for reasons to see if they were good neighbors or they did maintain the tower.
- Mr. Bird stated that they need to reapply.
- Mrs. Hulick asked the Board about her case.
- Mr. Bird informed her that her lawyer has requested a continuation which the Board has granted.
- Mr. William Bird welcomed Mr. Jerry Siver to the Board.
- 7:38 *Mr. Joseph Curtin* moved to change Mr. David Lozier from alternate member to a regular full member of the Board. Motion seconded by *Mr. Jeffrey Donaldson*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, William Bird and David Lozier*) Nays: 0.
- 7:40 *Mr. Jeffrey Donaldson* moved to adjourn. Motion seconded by *Mr. Joseph Curtin*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, William Bird and David Lozier*) Nays: 0.