

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

DATE: February 10, 2009
TIME: 6:30 pm
LOCATION: Butterick Municipal Building

Board Members Present:

William Bird, Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson

Agenda:

- 6:30pm Discussion of Minutes
- 6:35pm Meeting with Mr. David Rota (Rota Spring Farms)
- 6:55pm Meeting with Mrs. Diane Erickson (Groundwater Supply Co.)
- 7:15pm ZBA Business

Proceedings:

- 6:30pm ZBA Board members had no quorum. Members present were Mr. William Bird, Mr. Richard Hautaniemi, and Mr. Jeffrey Donaldson.
- 6:50pm Mr. William Bird opened the meeting to discuss ZBA business.
- Mr. Bird mentioned that he met with the Planning Board and there were discussions on the accessory apartment bylaw changes.
- Mr. Bird also reported on the 55 Lakeshore Drive meeting with Town counsel and town administrator. Mr. Bird questioned whether the 55 Lakeshore Drive group was now acting as a lobbying group. The State Building Inspectors met with Sterling Building Inspector to see if there was any kind of violation, and they saw no violation or a problem from the Town of Sterling. They reported that it was a civil matter.
- 6:55pm Mr. William Bird opened the discussion with Diane Erickson regarding Groundwater Supply Co.
- Mr. Jeffrey Donaldson noted that he will not be able to participate in the discussion regarding the Ericksons because he is their legal counsel on other matters.
- Mrs. Erickson stated that they know that there was a special permit issued by the ZBA to Barletta's.
- Mr. Bird said that the ZBA may send out its Building Inspector to check out the issue. He added that the special permit issued to them has already expired and it was not recorded.
- Mr. Erickson said the problem becomes really apparent in the snow time.
- 7:02pm a quorum was established and Mr. Joseph Curtin arrived at the meeting.
- 7:03pm Mr. Bill Bird opened the meeting with Mr. David Rota.
- Attorney M.Campobasso representing Mr. David Rota noted that he does not need a special permit or a variance as it is part of his right under MA General Laws protecting agriculture.
- Mr. William Bird noted that the ZBA needed to see the plans he proposes and any supporting material from the State or any approvals they might have acquired.
- Mr. Rota showed the ZBA members what he proposes do, and said that the downstairs will be for selling his produce.
- Mr. Bird asked if Mr. Rota will be renting it out.

- Mr. Rota replied that he does not plan on that at all and it was not for renting purposes.
- Mr. Joseph Curtin asked about procedural steps in this case since Mr. Rota was not there for a special permit or a variance, and why could not the Building Inspector make a decision in this case. Mr. Rota has agricultural exemptions.
- Mr. Bird replied that the Building Inspector wanted the ZBA to make this determination.
- Mr. Campobasso said that they are present at the meeting to establish that Mr. Rota does not have to get a special permit or a variance. For example, there was that same issue with Clearview Farm and they never had a problem from the State.
- Mr. Curtin believed that he has a right to do what he wants to do.
- Mr. Norman Clemence, 17 John Dee Road, said that Mr. Mark Brodeur wanted to make sure he is doing the right thing.
- Mr. Richard Hautaniemi noted that the issue is what happens in this case if it ceases to be a farm.
- Mr. Donaldson added that this is adjunct to agricultural use, it is not an accessory apartment and that is why the ZBA does not need a motion.
- Mr. Campobasso said that the Building Inspector needed something satisfactory for him that there is not special permit or variance required.

ZBA Business

- Mr. Bird opened the discussion about the suggested by law change with regards to accessory apartments and asked if the ZBA is serious about pursuing this in Town meeting.
- Mr. Donaldson replied that he was willing to attend Town meeting and defend the change and also to answer any questions regarding it.
- Mr. Bird said that one of the issues that might need discussion was the number of people.
- Mr. Ken Williams, Planning Board, said that people may object to this-since many people could live in an 800sq.ft.
- Mr. Bird noted that the question would be how to enforce it.
- Mr. Norman Clemence said that he suggested to the Assessors Department to double check from the Building Inspector about any accessory apartment and see if it is legal or not.
- Mr. Bird said that his concern was with unrecorded apartments.
- Mr. Ken Williams replied that it should not be a concern unless someone has a legitimate concern.
- Mr. Curtin suggested that the ZBA just submits that article to Town meeting since a lot of work has been spent on it.
- Mr. Donaldson agreed that the ZBA has to be prepared to defend it.
- Mr. Bird said that we have to explain our reasoning that the bylaw was not clear.
- Mr. Hautaniemi added that the by laws are ambiguous and the size issue was a problem because it was hard to be consistent in determination. Now, with the suggested change, the Board will have an average size.
- Mr. Ken Williams said that the best part was to get rid of “accessory building” because it was a big problem.
- Mr. Donaldson said that we have a meaning behind the word “accessory” now.
- Mr. Clemence suggested that the Board limits the number of bedrooms to be “one”.
- Mr. Bird said that we just left it to 800sq.ft and leaves it to the capacity of the septic system.
- Mr. Ken Williams said that still the Board has to make sure that the lot looks like a single family home.
- Members also discussed parking spaces.
- Mr. Donaldson suggested he would be working on editing the wording and then sends it to Naglaa to draft the cover letter and be ready to submit it to the Selectmen.
- 7:40pm Board members discussed Minutes of December 9th, 2008.

- 7:50pm *Mr. Richard Hautaniemi* moved to approve amendments to December 9th minutes. Motion seconded by *Mr. Joseph Curtin*. Motion carried. All in favor, Yeas: 4 (*Richard Hautaniemi, Joseph Curtin, William Bird, Jeffrey Donaldson*) Nays: 0.
- Members discussed Minutes of January 13th, 2009.
- 7:53pm *Mr. Joseph Curtin* moved to approve the minutes of January 13th with corrections. Motion seconded by *Mr. Richard Hautaniemi*. Motion carried. All in favor, Yeas: 4 (*Richard Hautaniemi, Joseph Curtin, William Bird, Jeffrey Donaldson*) Nays: 0.