

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

DATE: May 21st, 2009
TIME: 6:30 pm
LOCATION: Butterick Municipal Building

Board Members Present:

William Bird, Richard Hautaniemi, Jeffrey Donaldson
Renee Perry (arrived 6:40pm)

Alternates Present:

David Lozier

Agenda:

- 6:30pm Discussion of Minutes
- 6:35pm Case # 583 Timothy and Judith Regan- Variance
- 7:05pm Case # 584 Barbara S. Foster- Special Permit
- 7:35pm ZBA Business

Proceedings:

- 6:34pm Mr. William Bird opened the meeting by a discussion of the presented April 14th minutes.
- Board members discussed the presented minutes.
- 6:40pm Mrs. Renee Perry arrived at the meeting.
- 6:42pm *Mrs. Renee Perry* moved to accept the minutes as amended. Motion seconded by *Mr. Richard Hautaniemi*. All in favor, Yeas: 5 (*William Bird, Richard Hautaniemi, Jeffrey Donaldson, David Lozier and Renee Perry*) Nays: 0.

- 6:45pm Mr. William Bird noted Case# 583 for Timothy and Judith Regan for a variance.
- Mr. and Mrs. Regan requested to withdraw their case without prejudice.
- Mr. William Bird noted that the Board will be refunding them their application fees.

- 7:05pm Mr. William Bird opened case #584 Barbara Foster for a special permit.
- Attorney Steven B. Di Pace, representing the applicant explained that Mrs. Foster is a single lady who wanted to downsize and she has discussed it with her daughter Jessica Strunkin and her son in-law. Mrs. Foster would want to sell the house to her daughter and son in-law and then live in this accessory apartment. They need to comply with 2 things: the special permit provisions and the recently approved Article 58 in Sterling By laws with regards to accessory apartments. Attorney Di Pace added that the general criteria for beneficial aspects supersede the disadvantages. Mrs. Foster plans to move in to the accessory apartment while her daughter and son in-law would move in to the home. The property has enough parking spaces and there will be no traffic issues. The septic system would be made to comply by Board of Health requirements as well. There will be no change to any wetlands etc., and this is basically an addition to an existing single family

home. Mrs. Foster had the choice if she wanted to build this addition without a kitchen in it. She has the right to be doing this without having to have ZBA's approval. The home would be occupied by owners Mrs. Jessica Strunkin and her husband. Mr. Di Pace suggested that the Board of Health certification be put as a condition for ZBA's granting decision. The apartment's size would not also be more than 800square feet of living space.

- Mr. Di Pace showed the Board members where the parking area would be on the map, and noted that an architect would be presenting certified plans with the floor requirements.
- Mr. David Lozier asked Mrs. Foster if she is sure that the size would be below 800sq.ft.
- Mrs. Foster replied affirmatively.
- Mr. Jeffrey Donaldson stated that he is comfortable with the application.
- Mr. Ken Williams, Planning Board, asked Attorney Di Pace what were the basis by which he come to apply under the newly enacted law.
- Att. Di Pace replied that he is confident that he complied with Chapter 40A and they are sure to comply with the local zoning by laws.
- Mr. Richard Hautaniemi suggested that the applicant submit a certified architectural plan or exact project drawings indicating the intended way the project would look like as it would be presented to the Building Inspector. The goal is to be able to give the Building Inspector something to work with.
- Mr. Ken Williams explained to the applicant that they would have to record the notice from the town clerk's office.
- Mr. William Bird asked if there were any further questions from the Board.
- Board members discussed conditions for the granting of this special permit application.
- Mr. Hautaniemi suggested continuing until the next Board meeting on June 9th to allow the applicants to submit the new required plan.
- Mr. William Bird asked the applicants if they would like to continue till June 9th.
- Attorney Di Pace asked if the ZBA would require the approval or certification from the Board of Health before June 9th meeting.
- Mr. David Lozier replied that it is not required but the Board would be putting it as a condition for granting the special permit and it would be required by the Building permit.
- 7:30pm *Mr. Richard Hautaniemi* moved to continue the hearing on June 9th at 6:35pm. Motion seconded by *Mrs. Renee Perry*. All in favor, Yeas: 5 (*William Bird, Richard Hautaniemi, Jeffrey Donaldson, David Lozier and Renee Perry*) Nays: 0.

ZBA Business

- Mr. Jeffrey Donaldson asked Mr. Ken Williams for a copy of the Planning Board procedures so the ZBA could work on improving its procedures for issuing special permits and variances.
- Board discussed procedures for an application and how to investigate for a case.
- The Board discussed the request by Mr. Ronald Rana for the Eight Point Sportsman Club request to renew its permit for a trailer use.
- 7:48pm *Mr. David Lozier* moved to renew the permit for the Eight Point Sportsmen Club. Motion seconded by *Mrs. Renee Perry*. All in favor, Yeas: 5 (*William Bird, Richard Hautaniemi, Jeffrey Donaldson, David Lozier and Renee Perry*) Nays: 0.
- 7:50pm *Mrs. Renee Perry* moved to adjourn. Motion seconded by *Mr. Richard Hautaniemi*. All in favor, Yeas: 5 (*William Bird, Richard Hautaniemi, Jeffrey Donaldson, David Lozier and Renee Perry*) Nays: 0.