

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

DATE: November 10th, 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 Case 593 Craig and Cynthia Miller-*Administrative Appeal*
- 7:00 Discussion of Minutes and ZBA Business

Proceedings:

- 6:30pm Mr. William Bird opened the meeting with a roll call and opened the hearing for case #593 Craig and Cynthia Miller administrative appeal.
- Mr. George E. Watts, Attorney representing Mr. and Mrs. Miller explained the appeal. He said that the Building Inspector's letter dated September 16th touched upon two issues with regards to 2 orders for zoning and for animal control. Mr. Watts wanted to identify and discuss this issue which affects the Millers and also affects as many as 20 others in town. The Animal Control Board sent to ZBA information on the proceedings which meant that the ZBA needed to take more time before any decision would be made.
- Mr. William Bird noted that it came to the Board's attention that there are some other people in town who have kennel licenses but not special permits as required by the zoning bylaws.
- Mr. Watts stated that he would like to make a request on behalf of the Millers to ask the Board to consider tabling this appeal case and take no further action so the Millers could file the appropriate Special permit application.
- 7:45pm *Mr. Jeffrey Donaldson* moved to approve the request to table the appeal and defer further action. Motion seconded by *Mr. Richard Hautaniemi*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, Jerry Siver, William Bird*) Nays: 0.
- Mr. Watts noted that the Millers will submit the appropriate special permit and they appreciate that the Board will defer taking further action.
- Mr. Craig Miller asked that the Board waive the filing fee for them since this would be the second time to apply for the same issue.
- Mr. Watts explained that the Millers moved in 1985 and wanted to open a commercial kennel but were denied a permit and so they opened Champion Kennels and it was built in the appropriate zoning.
- Mr. Bird said that he would be meeting with the Selectmen and hoped to resolve the dog issues at that time.
- Mr. Alton Stone, 10 Rugg Road, asked if the cease and desist order will be upheld.
- Mr. Kevin Shaunassy, 186 Chace Hill Road, abutter, noted that ZBA's decision would affect property values and asked that the Board deny the special permit if the Miller's apply for it.
- Mr. Joseph Curtin asked if Mr. Bird has spoken with Town Counsel.

- Mr. Bird noted that he did.
- Mr. Jeffrey Donaldson said that the bylaws get people confused but anyone with four or more dogs can get a permit.
- Mr. Bird added that anyone with more dogs has to make sure to follow the bylaws.
- Mr. Curtin also commented that some towns have more definitions such as “residential kennel”.
- Mr. Donaldson explained that the Attorney General is trying to solve this issue and make a general law on how to handle this because people get confused when they go and get a kennel license from the Town Clerk.
- Mr. Ken Williams, Planning Board, also added that sometimes the filing fees for licenses help confuse people.
- Mr. Curtin said that there must be a way to clear that up and clean up the bylaws to be less confusing to people.
- Mr. Donaldson said that we will have to divide nuisance complaints which are ACAB from zoning complaints..

ZBA Business

- The Board discussed bylaw provisions with regards to kennels.
- Mr. Hautaniemi discussed licensing fees and addressed the commercial aspects of it.
- Mr. Jerry Siver asked if the Board does not receive a complaint, then would it go and chase people, because that would not make sense.
- Mr. Bird said that the Board needed to focus on commercial kennels versus residential kennels.
- Mr. Siver said that this might be an issue that the Board could take to Town Meeting.
- Mr. Bird replied that he would be meeting with the Board of Selectmen and discusses those issues with them.
- Mr. Curtin asked if the Board has an idea about how many commercial kennels we have in town.
- Mr. Bird replied that there are 2 Kennels, Champion Kennels and Marion Hulicks’ who have special permits.
- Mr. Curtin stated that the Board could work on fixing the loopholes in the system and the bylaws. If the bylaws were corrected, then everything else would follow and the 20 other kennels would not have to come to the Board, since they would comply with a new corrected bylaw. That will assure that the Board corrects mistake of the past.
- Mr. Bird noted that we would need a mechanism by which the Board could have the Building Inspector enforce that and people would come to the Board.
- Board members discussed the next meeting date change due to elections. The date for the next meeting was decided to be December 9th 2009.
- Board members discussed minutes for May 5th 2009.
- 8:38pm *Mr. Joseph Curtin* moved to approve minutes of May 5th as amended. Motion seconded by *Mr. David Lozier*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, David Lozier, William Bird*) Nays: 0.
- 9:00pm *Mr. Joseph Curtin* moved to approve minutes of May 13th as amended. Motion seconded by *Mr. David Lozier*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, David Lozier, William Bird*) Nays: 0.
- 9:15pm *Mr. Joseph Curtin* moved to approve minutes of June 16th as amended. Motion seconded by *Mr. David Lozier*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, David Lozier, William Bird*) Nays: 0.
- 9:27pm *Mr. Joseph Curtin* moved to approve minutes of June 25th as amended. Motion seconded by *Mr. David Lozier*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, David Lozier, William Bird*) Nays: 0.
- 9:30pm *Mr. Joseph Curtin* moved to approve minutes of October 13th 2009 as corrected. Motion seconded by *Mr. David Lozier*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, David Lozier, William Bird*) Nays: 0.

- 9:35pm *Mr. Joseph Curtin* moved to adjourn. Motion seconded by *Mr. David Lozier*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, David Lozier, William Bird*) Nays: 0.