

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

DATE: October 13<sup>th</sup>, 2009  
TIME: 6:30 pm  
LOCATION: Butterick Municipal Building

**Board Members Present:**

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

**Alternate Member Present:**

Jerry Siver

**Agenda:**

- 6:30pm Discussion of Minutes
- 6:35pm Case 592 AT&T Mobility-Special Permit
- 7:05pm Continuance Case #589 James and Ellen Gardner -*Variance*
- 7:35 pm Continuance Case # 590 Cynthia and James Greve-*Variance*
- 8:05 pm Continuance Case # 591 Cynthia and Richard Schicho-*Variance*
- 8:35 pm ZBA Business

**Proceedings:**

- 6:30pm Mr. William Bird opened the meeting with a roll call and a discussion of the submitted minutes of September 8<sup>th</sup>. Mr. Bird noted that the Board needs to discuss those minutes because of the summons the Board has for them with regards to the appeal on 59 Lakeshore Drive. The Board needed to send them to town counsel.
- *Mr. Joseph Curtin* moved to approve the minutes as amended. Motion seconded by *Mr. Jeffrey Donaldson*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, David Lozier, William Bird*) Nays: 0.
- Mr. Bird also opened discussion on the issue of the dog Kennel on 189 Chace Hill road. Mr. Bird said that the Board has researched the property and found no records of a special permit issued to the owners of the property. Mr. Bird added that this issue is being discussed with the Animal Control Board and they have sent the ZBA a letter with some guidelines. The recent changes in the by laws have affected these issues and that is why the ZBA is trying to make sure it follows the recent changes.
- Mr. Bird also talked about another issue that the Board needed to discuss and that was special permits versus variances such as for case #590 and case# 591. Town counsel has not yet determined the best way to handle these cases but Mr. Stone has requested that both cases be withdrawn without prejudice so they can reapply.
- *Mr. Joseph Curtin* moved to allow the applicants of cases 590 and 591 to withdraw without prejudice. 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.
- Mr. Bird opened the hearing for case # 592 AT &T mobility for a special permit.
- Mr. Bird noted that the applicants were granted a previous special permit which has expired, and also they had a surety bond which has lapsed as well. The town would need to have the bond updated.

- Representative from AT&T explained the project and what they intended to add on the antenna.
- Mr. Bird asked if there were any questions or concerns from the Board or the audience.
- *Mr. Jeffrey Donaldson* moved to grant the special permit. 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.
- Mr. Bird asked that the applicants submit a copy of the current bond.
  
- Mr. Curtin commented about grandfathered lots and how they relate to special permits and variances since the issues are not very clear.
- Mr. Donaldson agreed that this part of the law is one of the most confusing and that the determination should be done first by the Building Inspector and then it could be brought up to the ZBA.
- Mr. Lozier also added that the Board after all that has to make the determination that it is not detrimental to neighborhood.
  
- Mr. Bird opened the continuation for case 589 James and Ellen Gardner. Mr. Bird noted that it is a difficult shaped lot like a triangle. Mr. Bird added that the main question was how to proceed with this case since the variances are typically harder to prove versus a special permit which is not as hard to apply to.
- Mr. and Mrs. Gardener both said that they have been in the process for several months and they really would like to proceed with their intended project. The procedures were getting very confusing.
- Mr. Curtin commented to them that the reason for this is that the ZBA has other two cases with similar issues and they decided to withdraw without prejudice so they can resubmit.
- Mrs. Gardner said that they have been pushed in this process for three months.
- Mr. Bird replied that the Board does not have a clear definition from Town counsel on that issue.
- Board members and applicants discussed the case.
- *Mr. Jeffrey Donaldson* moved to grant the requested variance. Motion seconded by *Mr. Joseph Curtin*. Motion carried. All in favor, Yeas: 5 (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, David Lozier, William Bird*) Nays: 0.
  
- Meeting adjourned