

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

DATE: January 11th, 2011
TIME: 6:30 pm
LOCATION: Butterick Municipal Building

Board Members Present:

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

Alternate Members Present

Jerry Siver, Matthew Campobasso

Agenda

- **6:30 pm Discussion Of Minutes**
- **6:35 pm Discussion: 14 North Cove Variance Vs. Special Permit**
[Discussion whether 14 North Cove Road would require a variance instead of the granted special permit]
- **6:50pm ZBA Business**
 - **Review of Board Positions**
[Other Issues to be discussed may include: Budget-Bills-Administrative Issues-Memos]

Proceedings:

- 6:35 pm Mr. Bill Bird opened the meeting with a roll call and a discussion of the presented minutes of December 14th, 2010.
- 6:33pm *Mr. Richard Hautaniemi* moved to approve the minutes of December 14th, 2010 as presented. Motion seconded by *Mr. Matthew Campobasso*. Motion carried. All in favor, Yeas: 5 (*William Bird, Joseph Curtin, Richard Hautaniemi, Jerry Siver, Matthew Campobasso*) Nays: 0.
- 6:35pm Mr. Bill Bird opened the floor for discussion on the second item on the agenda with regards to 14 North Cove Road. Mr. Bird noted that this issue in particular was previously discussed.
- Mr. Ken Williams, Planning Board, commented that he had written in his notes from Case #591 that the Zoning Board was going to ask Town Counsel about his opinion with regards to a Special Permit vs. a Variance. Mr. Williams asked about what that consultation resulted in.
- Mr. Bird replied that the Board has consulted Town Counsel back then, had discussions about the case, and concluded that they would need to apply for a special permit.
- Mr. Williams argued that he thought that a variance was the way to go. The applicant already applied for a variance and then they withdrew it and applied for a special permit.
- 6:43pm Mr. Jeffrey Donaldson arrived at the meeting.
- Mr. Bird said that that was made upon direction from the Board. He added that this issue was already discussed in previous meetings and he saw nothing new or any new evidence from the Building Inspector to have the Board re-open the discussion.
- Mr. Richard Hautaniemi asked about the guidelines the Board has to look at if a similar case came to the Board.
- Mr. Donaldson commented that as much as he can recall, the situation is not that simple because it is really a matrix of different issues when it come to a non-conforming lot. Those were non-conforming lots which he thought would fall under special permits.

- Mr. Bird agreed and stated that that is what the Board has thought before.
- Mr. Donaldson noted that they already have a non-conforming lot to start with.
- Mr. Hautaniemi argued that the ZBA is giving more liberties when dealing with non-conforming lots as compared to conforming lots.
- Mr. Joseph Curtin asserted that it all comes from the bylaws and not the ZBA itself.
- Mr. Jerry Siver remarked that the Board members have read some documents about two years ago which pertained to the provisions of granting a variance such as topography, hardship and the public good. Mr. Siver asked the question of when to make the determination that a case would require a special permit and not a variance.
- 6:44pm Mr. David Lozier arrived at the meeting.
- Mr. Bird noted that that was something discussed about a year ago.

ZBA Business

- Mr. Richard Hautaniemi updated the Board on the drafted budget for the new fiscal year 2011-2012. He noted that for the secretarial work, the average would be 16.5 hours per week which the ZBA does not expect to change from last year. As for the legal expenses, Mr. Bill Bird spoke with Town Counsel with regards to an estimate for the expected expenses this year and that is why they added \$10,000. Mr. Hautaniemi added that he would be presenting this budget on February 2nd and if the Board has any changes, then there is still time to do that at the next meeting. The draft still has the same postage expenses. Also, for the anticipated number of cases, so far from July 2010 until now, the ZBA only received 4 cases and we anticipate maybe getting another 5. However, the estimate for July 2011-July 2012 is about 15 cases. Mr. Hautaniemi said he was not comfortable with estimating \$28,000 for the legal expenses and he is more comfortable with \$23,000.
- Mr. Curtin said that if they want to cut that budget than it would be ok.
- Mr. Bird added that the Town moved that expense from the General Budget to be under the ZBA budget.
- Mr. Donaldson asked about why the legal expenses were moved to be under the individual Boards/Committees, and thought that it was probably because they needed to track down that expense by Board.
- Mr. Hautaniemi also talked about the 10% reduction scenario.
- Mr. Bird opened about the next item on the agenda which is the ZBA positions. He noted that he would be happy to appoint a new Chairman for the Board if any member from the Board would like to take on that role. Mr. Bird added that he will not be able to attend the next three meetings as well.
- Mr. Curtin said that he does not have a problem to take on that role to help run the meetings and help with administrative duties if Mr. Bird can't attend the meetings. However, he indicated that it would only be temporary until Mr. Bird comes back from his vacation.
- Board members stated that they needed Mr. Bird to continue serving as the Chairman of the Board.
- Mr. Bird stated that he will be away for the next three months.
- Mr. Hautaniemi added that the Board could also choose a new vice-Chairman.
- Mr. Bird said that the Board needed to choose a new Vice Chairman since Mr. Hautaniemi is not willing to continue his role as such.
- Mr. Hautaniemi said that he can help with the budget however.
- Mr. Curtin said that later on he could serve as the Vice-Chairman.
- Mr. Curtin asked the Board about why the Building Inspector does not attend the ZBA meetings. He noted that the ZBA could speak with the Selectmen about this issue and maybe pay him for the over time especially if the ZBA needed him for a discussion. The Board had two cases that month in which the Building Inspector did not know their background because he does not attend the ZBA meetings.

- Mr. Curtin commented that the ZBA made the right decision for 14 North Cove Road.
- 7:15pm *Mr. David Lozier* moved to appoint Mr. Joseph Curtin as the Vice Chairman for the Board. Motion seconded by *Mr. Matthew Campobasso*. Motion carried. All in favor, Yeas: 7 (*William Bird, Joseph Curtin, Richard Hautaniemi, Jerry Siver, Matthew Campobasso, David Lozier, Jeffrey Donaldson*) Nays: 0.
- 7:17pm *Mr. Jeffrey Donaldson* moved to adjourn. Motion seconded by *Mr. Matthew Campobasso*. Motion carried. All in favor, Yeas: 7 (*William Bird, Jeffrey Donaldson, David Lozier, Joseph Curtin, Richard Hautaniemi, Jerry Siver, and Matthew Campobasso*) Nays: 0.