

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

DATE: March 8th, 2011
TIME: 6:30 pm
LOCATION: Butterick Municipal Building

Board Members Present:

Jeffrey Donaldson, Richard Hautaniemi, Joseph Curtin, David Lozier

Alternate Members Present:

Agenda

- **6:30 pm Discussion Of Minutes**
- **6:35 pm Discussion: Kennel License-Mrs. Pamela Marshall**
[12 Gates Terrace discussion of Building Inspector determination to decline her requested Kennel License]
- **6:50pm Discussion: The Various Parameters for Special Permits and Variances**
- **7: 15pm ZBA Business**
 - **Annual Report Draft**[Other Issues to be discussed may include: Budget-Bills-Administrative Issues-Memos]

Proceedings:

- 6:40pm Mr. Joseph Curtin opened the meeting with a roll call and a discussion of the presented minutes of February 8th, 2011.
- Board members discussed the minutes and noted some corrections.
- 6:50pm *Mr. David Lozier* moved to approve the submitted minutes of February 8th, 2011 as corrected. Motion seconded by *Mr. Richard Hautaniemi*. Motion carried. All in favor, Yeas 4: (*Jeffrey Donaldson, David Lozier, Joseph Curtin, and Richard Hautaniemi*) Nays: 0.

- 6:52pm Mr. Curtin opened the discussion for 12 Gates Terrace denied kennel License.
- Mr. Mark Brodeur (Building Inspector) said that they wanted a license for 11 dogs which they have had for a long time.
- Mr. Jeffrey Donaldson thought that they went through Town Meeting and got a vote to change their land zoning determination into rural Residential and Farming.
- Mr. Brodeur commented that he has checked current and previous Town maps and looked for the change to be effective on the maps, but it was not.
- Mr. Curtin noted that he has researched lots of information available at the Town for history of the issue and it seemed that the issue might be that the vote was not made effective after the Town Meeting.
- Mr. Brodeur added that the Town would need approval from the Attorney General for such a change.
- Mr. Curtin commented that the ZBA might need Mrs. Marshall to be present at the meeting to show the documents backing up their request.
- Mr. Donaldson noted that he has attended a meeting for the Animal Control a long time ago and recalled that Mrs. Marshall said that the Town maps did not reflect the zoning change voted at Town Meeting.
- Mr. Brodeur said that he told the Marshalls about that, and suggested they come to the ZBA for Findings.

- Mr. Curtin suggested that they talk to Mrs. Marshall and ask her for more information at least on the time frame, so the issue could be researched easier and the records could be located.
- Mr. Brodeur noted that the Zoning Map is part of the Zoning Bylaw.
- Mr. Curtin stated that this seemed to be a valid vote at the Town Meeting, but the ZBA has to dig deeper and research the records to see if the Town has dropped the ball.
- Mr. Hautaniemi suggested that the Marshalls come to the ZBA, present copies of their documentation, and the ZBA can maintain those for the record.
- Mr. Curtin thought that the ZBA does not have to maintain that record because it is a Town meeting vote.
- Mr. Hautaniemi maintained that at least Mr. Brodeur should have a copy of those documents for his record before approving the license.
- Mr. Curtin said that he will contact the Marshalls to check the history of the issue, and gather all the information before the next ZBA meeting. This will help make the determination if they would have to come to the ZBA and apply for a special permit or not.
- Mr. Donaldson remarked that he does not know if “Finding” is allowed by the Bylaws, and he does not know how things were done 30 years ago. However, the ZBA should send the information/ documentation of their findings to the Board responsible for updating Town maps to correct that error.
- Mr. Curtin stated that he will get the contacts of the Marshalls from the ZBA Administrative Assistant and contact them right away.
- 7:10pm Mr. Curtin opened discussion for Mr. Donaldson’s presentation with regards to the various parameters for special permits and variances.
- Mr. Donaldson noted that he has gathered a lot of information but was not totally ready for presenting it.
- Mr. Hautaniemi asserted that he wanted the ZBA to do its homework upfront because we get cases that has special permits vs. variances and more on non-conforming lots.
- Board members recalled some past cases of non-conforming lots that were contingent upon the determination of whether a special permit or a variance would be the way to proceed.
- Mr. Curtin noted that most of the cases that the ZBA received were of pre-existing non-conforming lots. At some point, someone on the Board said that they cannot change the foot print of the houses.
- Mr. Donaldson commented that sometimes the issue is like a matter of right.
- Mr. Hautaniemi agreed and said that that is why the ZBA has to do its homework.
- Mr. Curtin thanked Mr. Brodeur for attending the meeting.

ZBA Business

- Mr. Curtin noted that they have a submitted draft for the Annual ZBA Report.
- Mr. Donaldson noted that he had some editorial notes.
- 7:55pm *Mr. Jeffrey Donaldson* moved to adjourn. Motion seconded by *Mr. Richard Hautaniemi*. Motion carried. All in favor, Yeas: 4 (*Jeffrey Donaldson, David Lozier, Joseph Curtin, and Richard Hautaniemi*) Nays: 0.