

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

DATE: August 9<sup>th</sup>, 2011  
TIME: 6:30 pm  
LOCATION: Butterick Municipal Building

**Board Members Present:**

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

**Alternate Members Present:**

Jerry Siver

**Agenda**

- **6:30 pm Discussion Of Minutes**
- **6:35 pm ZBA Business**  
[Issues to be discussed may include: Budget-Bills-Administrative Issues-Memos]
- **7:05 pm ZBA Hearing – Christine Komaridis – 8 Laurel Avenue**

**Proceedings:**

- 6:30pm Mr. Bill Bird opened the meeting with a roll call. Mr. Bird noted that they will postpone the discussion on July meeting minutes since they were not yet submitted.
- Mr. Bird opened the discussion on procedurally how to work out the issue of Variances versus Special Permits.
- 6:45pm Mr. Jeffrey Donaldson arrived at the meeting.
- Mr. Donaldson noted that he wrote to get the opinion of Town Counsel but have not heard from him yet. He added that he wrote to get his opinion on whether the ZBA could advertise for both a Variance and a Special Permit for future cases, or should the Board decide at the meeting what it should be granting (so it is one advertisement).
- Mr. Joseph Curtin asked Mr. Donaldson after writing that letter if the response from Town Counsel would be some kind of a guide for Mr. Mark Brodeur.
- Mr. Bird commented that initially he wanted to draft the advertisement with an “and/or” notice but Mr. Brodeur had issues with this suggestion. Mr. Bird stated that he was hoping to get a response from Town Counsel before this meeting. However, Mr. Bird expressed his support for the suggestion to advertise with “Variance and/or Special Permit” on the legal notice.
- Mr. Curtin said that the ZBA has been working with the current format for years and he was comfortable and felt strong about handling Special Permits and Variances separately the same way.
- Mr. Bird noted that he will be making another attempt to have Mr. Brodeur attend ZBA meetings.
- Mr. Richard Hautaniemi thought that the ZBA needed to get Counsel’s opinion first before making a decision.
- Mr. Donaldson commented that the ZBA has to ask Town Counsel about the “and/or” option because they come from different sections of the law and they have different criterions.
- Mr. Bird expressed his concern for the applicants.
- Mr. David Lozier agreed as well and noted that from the point of view of the applicants, it is a burden.
- Mr. Jerry Siver remarked that the burden falls on the applicants.

- Mr. Bird said that the ZBA forms are easy for fill out.
- Mr. Hautaniemi asserted that the ZBA needed clear guidelines.
- Mr. Siver commented that the ZBA can have an interpretation.
- Mr. Bird added that the Building Inspector should be making recommendations.
- Mr. Siver explained that Mr. Brodeur did not want to make a determination.
- Mr. Bird said that he can entertain a motion to proceed if the Board thought that it can go ahead and hear the coming case as a Special permit or just wait to hear back from Town Counsel.
- Mr. Donaldson asked Mrs. Christine Komaridis if they plan on starting construction this year.
- Mrs. Komaridis replied affirmatively.
- Mr. Donaldson explained that the ZBA wants to make sure the proper procedures are followed in applications for Special Permits and Variances.
- 7:10pm *Mr. David Lozier* moved to proceed with the Special Permit. Motion seconded by *Mr. Joseph Curtin*. Motion carried. All in favor, Yeas 5: (*Richard Hautaniemi, David Lozier, Jerry Siver, Bill Bird, Jeffrey Donaldson, and Joseph Curtin*) Nays: 0.
- 7:11pm *Mr. Joseph Curtin* excused himself from the meeting for other commitments.
  
- 7:12pm *Mr. Bird* opened the hearing for case #611 *Christine Komaridis* for a Special Permit and read the legal notice.
- *Mrs. Komaridis* explained that they wanted to tear down the existing dwelling and build a 2-bedroom house.
- *Mr. Donaldson* asked if they are taking down a 2-story house and making it a one –story dwelling.
- *Mrs. Komaridis* replied affirmatively and noted that it will be the same dimensions.
- *Mr. Donaldson* noted that he had a copy of her application with “Variance” marked on it.
- *Mrs. Komaridis* said that she spoke with *Mr. Bird* and he asked her to cross out “Variance” and check the “Special Permit” and initial that choice. She asked what the difference between a Variance and a SpecialPermit is.
- *Mr. Donaldson* explained the difference between the two concepts and asked her how the project would not be substantially more detrimental to the neighborhood than the existing structure.
- *Mr. Hautaniemi* replied that the setbacks would be improved.
- *Mrs. Komaridis* said that the main concern was that the current home is a fire hazard and they would like to correct that and it would be better for the neighborhood.
- *Mr. Bird* asked if there were any further comments from the audience or the Board.
- 7:24pm *Mr. Jeffrey Donaldson* moved to grant the Special Permit. Motion seconded by *Mr. Jerry Siver*. Motion carried. All in favor, Yeas 5: (*Richard Hautaniemi, David Lozier, Jerry Siver, Bill Bird, Jeffrey Donaldson*) Nays: 0.
- 7:25pm *Mr. David Lozier* moved to adjourn. Motion seconded by *Mr. Jerry Siver*. Motion carried. All in favor, Yeas 5: (*Richard Hautaniemi, David Lozier, Jerry Siver, Bill Bird, Jeffrey Donaldson*) Nays: 0.

Attachments:

- Case #611 *Christine Komaridis* file
- Communication from Town Counsel Dated September 13, 2011