

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

DATE: September 13<sup>th</sup>, 2011  
TIME: 6:30 pm  
LOCATION: Butterick Municipal Building

**Board Members Present:**

Bill Bird, Richard Hautaniemi, Jeffrey Donaldson, Joseph Curtin

**Alternate Members Present:**

Matthew Campobasso, Jerry Siver

**Agenda**

- **6:30 pm Discussion Of Minutes**
- **6:35 pm Discussion & Vote: The Various Parameters for Special Permits and Variances**
- **7:00pm ZBA Business**
- [Issues to be discussed may include: Budget-Bills-Administrative Issues-Memos]

**Proceedings:**

- 6:30pm Mr. Bill Bird opened the meeting with a roll call.
- Mr. Bird said that he would get to the minutes after the Board finishes the discussion on the various parameters for Special Permits and Variances.
- Mr. Jeffrey Donaldson said that a special permit gives the applicant a more flexible way to achieve what they need to do on their land, especially if they have a non-conforming lot. However, a variance would be less flexible since it requires a hardship.
- Mr. Richard Hautaniemi commented that the Board just received opinion from town Counsel with regards to ZBA questions.
- Mr. Donaldson noted that town Counsel agreed with ZBA opinion.
- Mr. Jerry Siver added that Mr. Weinberg saw no problem in publishing the notices with “special permit and/or variance”.
- Mr. Bird said that the ZBA wanted to see the possibility of changing the notices to include the “and/or” so the board members can decide in the meeting what is a more appropriate relief based on the case.
- Mr. Donaldson said that the ZBA needed to give the Building Inspector a copy of the Town Counsel opinion memo so he feels more comfortable.
- Mr. Matthew Campobasso argues that the Building Inspector’s concern was that he did not want to give a legal advice.
- Mr. Donaldson added that now the Building Inspector can show people a copy of town Counsel’s opinion and it should be clear to them. That would be good to eliminate confusion of owner of non-conforming lots.
- Mr. Bird thought that the Board has now some kind of consensus on the issue.
- Mr. Hautaniemi said that the ZBA needed to talk to Mr. Mark Brodeur (the Building Inspector) so he knows how to reply to permit requests. Mr. Hautaniemi asked about the procedure that an individual would have to go through before coming to ZBA.

- 7:00pm Mr. Joseph Curtin arrived at the meeting.
- Mr. Hautaniemi asked about how would an individual know which correct forms to file.
- Mr. Bird replied that the ZBA could advertize both special Permit and variance, even if the person qualifies for one.
- Mr. Hautaniemi said that the ZBA has two forms one for special permits and one for variances.
- Mr. Campobasso suggested that it will not be a problem to tell an applicant to apply for a special permit and if he does not agree or hesitate then he can apply for both.
- Mr. Curtin said that there is a misconception out there that the ZBA used to grant a lot of variances.
- Mr. Hautaniemi thought that previous ZBA members struggled with distinctions between the special permits and variances.
- Mr. Bird stated that the ZBA has done extensive research on this issue and now the ZBA is better equipped to make that determination
- Mr. Bird opened discussion on the presented minutes of July and August meetings.
- 7:15pm *Mr. Joseph Curtin* moved to accept both minutes as amended. Motion seconded by *Mr. Jeffrey Donaldson*. Motion carried. All in favor, Yeas 6: (*Richard Hautaniemi, Bill Bird, Joseph Curtin, Jeffrey Donaldson, Jerry Siver and Matthew Campobasso*) Nays: 0.

### **ZBA Business**

- Mr. Bird informed the Board that the decision to dismiss 55 Lakeshore case is going to be appealed. The case so far has cost the town about \$27,000 in legal fees.
- 7:20pm *Mr. Jeffrey Donaldson* moved to adjourn. Motion seconded by *Mr. Joseph Curtin*. Motion carried. All in favor, Yeas 6: (*Richard Hautaniemi, Bill Bird, Joseph Curtin, Jeffrey Donaldson, Jerry Siver and Matthew Campobasso*) Nays: 0.

### **Attachments:**

- Town Counsel Letter dated 09/13/2011