

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

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

Board Members Present:

Bill Bird, Richard Hautaniemi, Jeffrey Donaldson, David Lozier

Agenda

- **6:30 pm Discussion Of Minutes**
- **6:35 pm Meeting with Peter Galbert**
[127 Beaman Road. Inquiring if he needed a special permit or variance for his business of making Windsor Chairs from home. He was referred by the Building Inspector]
- **7:05pm Meeting with Jim Whitney Northgate Meadows- Comprehensive Permit**
[Request to the Board for a modification to the comprehensive permit changing the for sale units to rentals]
- **7:35pm ZBA Business**
[Issues to be discussed may include: Budget-Bills-Administrative Issues-Memos]

Proceedings:

- 6:30pm Board members waited for Mr. Bill Bird to arrive to the meeting and achieve quorum.
- 7:00pm Mr. Bird opened the meeting and noted that he will postpone discussion on the minutes till the end of the meeting. He then opened the floor for Mr. Peter Galbert to explain his reason for meeting with the Board.
- Mr. Galbert explained that he makes Windsor Chairs, and he produces about 10 chairs per year. He sometimes travels to teach. He also tutors students at his home workshop and usually gets about 10 students every year. He normally has one student at a time the student spends all day at the workshop with him. He only has 2-3 students at the same workshop only if they know each other.
- Mr. Bird asked about the kind of tools he uses.
- Mr. Galbert replied that he mostly uses hand tools and his business is not like carpentry or cabinetry.
- Mr. David Lozier asked if he uses green wood.
- Mr. Galbert replied that his material is environmentally friendly and he does not use processed wood.
- Mr. Donaldson asked Mr. Galbert if he had the chance to look at the home occupation section in the bylaws.
- Mr. Galbert replied that he did not yet.
- Mr. Donaldson explained that the bylaws ask that for home occupations, the business owner need to answer a 5-point test then determine whether a special permit is needed or not. Mr. Donaldson added that one of the questions on this five point test notes that the business owner shall not have more than one employee on the premises. Mr. Donaldson noted that the way he reads that, is that Mr. Galbert's students are considered like employees, unless he considers his business educational.
- Mr. Galbert replied that his business is based on education.
- Mr. Donaldson asked him if he makes those chairs for profit.
- Mr. Galbert replied affirmatively.

- Mr. Donaldson commented that if Mr. Galbert chose to go through the special permit route, then there will be a bigger discussion on the details of the business. Mr. Donaldson added that the ZBA cannot give legal advice, but give guidance.
- Mr. Galbert stated that he normally does not have more than one student at a time. He added that in the last 9 years he may have had more than one student at the same time probably 4 or 5 times only.
- Mr. Donaldson commented that Section 4.1 of the Bylaws has specific information on that issue, and suggested that Mr. Galbert reads it and see where he stands.
- Mr. Bird added that the ZBA does not want to make it too hard or anything but a special permit will make it clear for everyone. Mr. Bird noted that he personally thinks that it would be the best route and the public hearing will inform everyone.
- Mr. Hautaniemi commented that Mr. Galbert has a good location and if he complies with Section 4.1 of the Bylaws then this would be the way to go.
- 7:11pm Mr. Bird opened the meeting with Mr. Jim Whitney for Northgate Meadows comprehensive permit.
- Mr. Whitney stated that the project is approved for 182 units. There are 36 units at the back of the project which are rental units. Mr. Whitney added that with the housing and real estate market at this state, he thought of renting out the units that were for sale until the market improves. Mr. Whitney noted that he just wanted to share with the Board his thoughts and what is going on.
- Mr. Bird asked if there were any affordable units.
- Mr. Whitney replied that there should be 25% affordable units at all times, and that will not change.
- Mr. Hautaniemi asked if he would be renting out the affordable units.
- Mr. Whitney replied that he will be renting them all out.
- Mr. Hautaniemi asked about what will happen with the affordable units. Mr. Hautaniemi expressed concern that the affordable units should not be distinguished on the outside from the market ones.
- Mr. Whitney replied that some units are affordable rentals in order to comply with State laws.
- Mr. Hautaniemi asked about what Mr. Whitney would do if he will be selling one of the affordable units.
- Mr. Whitney replied that the project has 72 rental units and 86 for sale units. With the rental option, he would be just looking at the unit on annual basis and see whether it would be sold or rented. However, Mr. Whitney added that he has to comply with 25% affordable units at all times. That means that 25% of the 72 units will be rented out at affordable cost. The estimated rent would be for 768sqft. one-bedroom unit would be \$899 per month. The market rate is about \$1000/month.
- Mr. Bird noted that his concern is losing credit for affordable units.
- Mr. Whitney replied that this would actually make Sterling gain more affordable units since the rental units would be counted towards the affordable units.
- Mr. Whitney stated that he just wanted to stop by and give the ZBA information about his thoughts on the project and where it is at. He will be checking out with the State about what he would need to do next.
- Mr. Bird commented that he spoke with Town Administrator about that issue and the Selectmen would be concerned about the affordable housing count. He added that he will inform the Selectmen about the number of units.
- Mr. Whitney said that he is available for any questions the Board might have.

ZBA Business

- Mr. Doug Baldarelli, 70 Griffin Road, said that he wanted to ask the ZBA for their opinion about his pre-existing non-conforming lot. The lot has an old barn on it.
- Mr. Donaldson stated that the ZBA would not be able to make a specific decision or say anything that is substantive because Mr. Baldarelli was not on the agenda.

- Mr. Baldarelli explained that he has a pre-existing non-conforming lot and wants to put a house on it. The lot meet all the setbacks but does not have the correct frontage. He asked if he needed a special permit to build a house there.
- Mr. Donaldson said that his main concern is that this lot has never had a house or a residential building on it. Mr. Donaldson added that the Board cannot give legal opinion and the Board did not have the time to study the issue as well. The lot has never had a residential structure. Mr. Donaldson asserted that if the Building Inspector sees that this not going to increase the non-conformity of the lot, then he could issue a permit. However, it is a barn and this might need to have a granted special permit for building a house.
- Mr. Hautaniemi said that he could meet all the setbacks and a get a building permit since it s a pre-existing non-conforming lot.
- Mr. David Lozier asked if Mr. Baldarelli requested a building permit from the Building Inspector, or got a demolition permit. Mr. Lozier asserted that this was just an informal assessment and that Mr. Galbert still needed to go to Mr. Mark Brodeur the Building Inspector.
- Mr. Hautaniemi remarked that if Mr. Brodeur turned him down, then he would have to come to the ZBA.
- Mr. Donaldson pointed out that Mr. Baldarelli could check out Section 2.4.2 from the bylaws. It is the section that deals with non-conforming lots and there are references to building a residential structure on it.
- Mr. Bird asserted that the Board cannot have an opinion but they can guide Mr. Galbert to where to start his research.
- Mr. Lozier suggested that Mr. Galbert read Section 2.4.2.
- Mr. Bird added that Mr. Galbert needed to go to the Building Inspector first and if he approves his permit then he is all set, but if he does not then he would have to come to the ZBA.
- Board members discussed the submitted minutes of September. Mr. Lozier noted that he was not in attendance of the meeting but he would vote if needed.
- 7:45pm *Mr. Richard Hautaniemi* moved to accept the minutes of September 13 as presented. Motion seconded by *Mr. Jeffrey Donaldson*. Motion carried. All in favor, Yeas 4: (*Richard Hautaniemi, Bill Bird, Jeffrey Donaldson, David Lozier*) Nays: 0.
- The Board did a roll call.
- 7:50pm *Mr. Jeffrey Donaldson* moved to adjourn. Motion seconded by *Mr. Richard Hautaniemi*. Motion carried. All in favor, Yeas 4: (*Richard Hautaniemi, Bill Bird, Jeffrey Donaldson, David Lozier*) Nays: 0.

Attachments:

1. Email from Mr. Peter Galbert dated September 23rd, 2011
2. Email from Mr. Mark Brodeur dated October 6th, 2011
3. Email from Mr. Jim Whitney dated October 3rd, 2011