

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

DATE: August 28, 2012
TIME: 6:30 pm
LOCATION: Butterick Municipal Building

Board Members Present:

William Bird, Richard Hautaniemi, Jeffrey Donaldson, Joe Curtin

Alternate Members Present:

Jerry Siver, Matthew Campobasso

Agenda

6:30 pm Discussion Of Minutes

6:35 pm ZBA Business

Sterling Inn

1. Appeal an order of the decision of the Zoning Enforcement Officer
2. Variance to allow an Inn/ Restaurant

[Also other issues to be discussed may include: Budget-Bills-Administrative Issues-Memos-Comments From the Public]

Proceedings:

- 6:35pm Mr. Bill Bird opened the meeting with a roll call attendance.
- Board members discussed the submitted draft minutes of the July meeting. It was decided to take them up after the hearing.

ZBA Business

- Mr. Bird opened up the discussion regarding the Sterling Inn.
 - Appeal an order of the decision of the Zoning Enforcement Officer.
 - Variance to allow an Inn/Restaurant.
- The Building Inspector/Zoning Enforcement Officer stated he had no problem with rescinding his order. That he felt the reopening of the Inn would be a benefit to the town. He did feel that the Board should make the decision not just him.
- Atty. Mark Bobrowski representing the buyers of the Sterling Inn, Pam Clemens. Spoke on her behalf stating why he felt that the Sterling Inn never was not in use as it has been advertised as such during the time it was up for sale. He also cited cases and gave copies of such to the Board members. He did question if the Inn in fact had a complete cessation since December 2010
- Mr. Bird asked the ZBA if they had questions.
- Mr. Donaldson commented that the ZBA does not have any proof that the building has been in use for 2 years.
- Mr. Curtin asked if they the Sterling Inn could go to a Town meeting and request a zoning change.
- Mr. Bird mentioned that the Fire Department had sent a large document of the many non compliances with regard to the Inn for the Board to review.
- Mr. Norman Clemence, former Building Inspector stated that the grass had been mowed during this time and questions if it was abandonment and that he was in favor of appealing the decision of the Zoning Enforcement Officer.
- Ms. Judy Reynolds stated the property has been on the market since 2004 and to change the Zoning by-laws would take years.

- Mr. Charles Miracle, an abutter, stated that he was in favor of over ruling the Building Inspector as there is sufficient evidence that the owners never intended to abandon the property.
- Anthony Trapasso, Flanagan Insurance Agency agrees with previous speakers that it is an asset to the Town if it were to remain as an Inn.
- Mr. Carl Strate, Site committee member, stated it would be a travesty to not reopen the Inn as an Inn.
- Mr. Hautaniemi made a motion to move from Step 1 the Appeal of the order on the decision made by the Zoning Enforcement Officer to Step 2 the Variance and then return to Step 1. Motion seconded by Jerry Siver. Yeas: 6 (*Richard Hautaniemi, William Bird, Jeffrey Donaldson, Matthew Campobasso, Jerry Siver, Joe Curtin*) Nays: 0.
- After the discussion on Step 2 regarding the variance. It was decided to take a 10 minute break so that Atty Boborowski, Ms. Reynolds and the Building Inspector could write a list of conditions.
- Mr. Siver made a motion to grant a variance with conditions as follows:
 - 1. Use and operation is limited to use as a bar, restaurant and Inn. No expansion of the building allowed without a variance modification.
 - 2. Existing parking to be repaired and restriped prior to certification of inspection.
 - 3. All plumbing, electrical and sanitary operations brought up to code.
 - 4. Hours of operation as determined by the Board of Selectmen under ABCC license.
 - 5. Annularly retail sales (gift shop) shall be allowed.
 - 6. All applicable permits
- wSeconded by Mr. Hautaniemi. There being no discussion the vote was as follows; Yeas 4 (*Richard Hautaniemi, William Bird, Matthew Campobasso, Jerry Siver,*) Nays 2: (*Joe Curtin, Jeffrey Donaldson*). The Variance was defeated.
- Mr. Siver made a motion that the Board rescind the decision of the Zoning Enforcement Officer and that the Board determines that the Inn was never abandoned and was in continuous use in the last 2 years in that it was marketed as a Bar, Restaurant and Inn and never the intention of the owners to abandon it. Seconded by *Richard Hautaniemi*. All in favor, Yeas: 6 (*Richard Hautaniemi, William Bird, Jeffrey Donaldson, Matthew Campobasso, Jerry Siver, Joe Curtin*) Nays: 0.
- Mr. Bird asked if the Board members present would be available for the next meeting September 11, 2012. All that were present except Mr. Curtin replied that they would be in attendance.
- 8:37 pm *Mr. Richard Hautaniemi* moved to approve the submitted minutes dated July 10, 2012, as corrected. Motion seconded by Jerry Siver. Motion carried. All in favor, Yeas: 6 (*Jeffrey Donaldson, William Bird, Joe Curtin, Matthew Campobasso, Richard Hautaniemi, Jerry Siver*) Nays: 0.
- 8:50pm *Mr. Matthew Campobasso* moved to adjourn. Motion seconded by *Mr. Jerry Siver*. Motion carried. All in favor, Yeas: 6 (*Richard Hautaniemi, William Bird, Jeffrey Donaldson, Matthew Campobasso, Jerry Siver, Joe Curtin*) Nays: 0.

