

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

DATE: June 11, 2013
TIME: 6:30 pm
LOCATION: Butterick Municipal Building

Board Members Present:

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

Alternate Members Present:

Jerry Siver, Matthew Campobasso

Agenda

6:30 pm Discussion Of Minutes

6:35 pm Hearing for Atlanta Gadoua, James & Christine Innamorati- *Special Permit*

[59 Lakeshore Drive Special Permit for purposes of *reconstruction of single family home*]

7:05 pm ZBA Business

➤ Eight Point Sportsman Club Renewal (vote/discussion)

[Request for renewal of mobile home permit issued on July 6, 1982]

➤ Follow Up on Kennel issue in 30 School Street

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

Proceedings:

- Mr. Bill Bird opened the meeting with a roll call attendance.
- Board members discussed the submitted minutes of May 21, 2013.
- 6:35pm *Mr. Matthew Campobasso* moved to approve the minutes of May 21, 2013 with correction. Motion seconded by *Mr. David Lozier*. Motion carried. All in favor, Yeas: 6 (*David Lozier, Jeffrey Donaldson, Richard Hautaniemi, Joseph Curtin, Jerry Siver, Matthew Campobasso*) Nays: 0.
- Mr. Bird noted that this is a continuation of the case where it was left off.
- Mr. Joseph Curtin said that they have closed the public testimony at the last meeting so the ZBA members have the chance to do some research and take a step back for a thorough review.
- Mr. Jim Burgoyne, attorney for the applicants, voiced his concern over the change in the Board reviewing the case at this meeting. He noted that Mr. Jerry Siver didn't hear the case at the last meeting.
- 6:39pm Mr. Bird asked Mr. Jerry Siver if his professional background at Siver Insurance would affect his review of the case.
- Mr. Siver replied that his stance would be impartial and his professional affiliation will not affect his opinion.
- Mr. Curtin continued that he did some research on the area and went to the building permits of the area. He read the zoning laws on the granting of special permits, Section 6.
- Mr. Curtin said that from the last meeting, the abutters brought up the issue that there are other garages in the area confirming or non-conforming. Mr. Curtin added that he looked at 47 Lakeshore Drive garage which was done in 1992. The property had over 600 square feet garage. The Roberti's for example had a garage in 1996. There were not any building permits in the Building Inspector files. The Roberti's have a 557sq. ft garage. For example, Mr. Beauregard has

both a special permit and a variance (case#488 &489) for an 880sq. ft garage. This is the same kind of logic that the applicant has used to apply for his project. Mr. Curtin added that he has researched whether the project will be detrimental or not to the neighborhood, and that is why he looked at other properties in the area and they are similar to the proposed project.

- Mr. Curtin asked the Corbett's about the property behind the proposed project and who owned it.
- Mr. Tim Corbett replied that it was his uncle's and his mother's.
- Mr. Richard Hautaniemi wanted to make sure that section 6 is for variances.
- Mr. Curtin commented that it was for both as a means of guidance.
- Mr. Donaldson added that this was very helpful research.
- Mr. Hautaniemi asked Mr. Burgoyne if there is room to park a vehicle in front of the garage.
- Mr. Burgoyne replied that nobody is proposing to park there. There will be a wider right of way more than what is available now.
- Mr. Hautaniemi noted that he would not want to change the nature of the neighborhood.
- Mr. David Lozier replied that you should have a wider space in front because the project is pushing the garage back. However, usually, people do not park in front of the garage.
- Mr. Bird asked if there were any further questions from the Board.
- 7:04pm *Mr. Joseph Curtin* moved to grant the requested variance by James & Christine Innamorati for 62 Lakeshore Drive, based on the provisions of Section 6 of the Sterling bylaws findings that the project is not detrimental to neighborhood. Motion seconded by *Mr. David Lozier*. Motion carried. All in favor, Yeas: 4 (*David Lozier, Jeffrey Donaldson, , Joseph Curtin, Jerry Siver*) Abstain: 1. *Richard Hautaniemi*

- 7:05pm Mr. Jerry Siver and Mr. Matthew Campobasso recused themselves from the hearing the case on 150 Clinton Road.
- 7:05pm Mr. Bird opened the hearing for case #623 for Sterling Warehouse & Distribution.
- Mr. Vincent Campobasso, representing the applicant, said that his client, Mr. Denis Jenks has the property under agreement. The property is zoned Commercial. In 1968, the ZBA granted a special permit to the property and now his client would like to do the same. The building inspector has noted that the special permit was valid but they needed to ask the ZBA for a modification of the previously granted special permit. They are seeking to modify the special permit to allow the warehouse to distribute more goods.
- Mr. Curtin inquired if the applicant wanted to modify the special permit and have "general commodities" and what could be considered as a general commodity.
- Mr. Campobasso said that the definition of "general commodities" is in the bylaws and he is asking the Board to include that definition.
- Mr. Curtin asked what are the commodities that the applicant would like to be working with.
- Mr. Campobasso replied that the commodities would be grains, paper products, canned goods, corn starch, lumber etc.
- Mr. Jenks noted that he would be the manager of the potential new business and it is not the first time they operate such a business. They have other locations in the US and they have to follow the department of transportation rules and regulations. They will be warehousing commodities such as plastics, mulch, wood pellets, and other goods that get transported by CSX. He added that this would be a good business for Sterling and would bring jobs to the towns.
- Mr. Bird asked if there will be any retail business on the property.
- Mr. Jenks replied that it is strictly distribution. The hours of operation would be 6 or 7am to 5pm.
- Mr. Hautaniemi asked the applicant if they want to use the previously granted special permit.
- Mr. Jenks replied affirmatively and added that they would like to modify the special permit.
- Mr. Hautaniemi noted that the special permit does not allow for the outside storage of products unless unloading, and asked if Mr. Jenks would like to keep that condition.

- Mr. Craig Miller 149 Clinton Road, asked if that special permit would allow for trucking terminal without coming to the ZBA.
- Mr. Curtin also asked if the applicant is planning to make some alterations.
- Mr. Campobasso replied that it will depend on the business which may make them do alterations and modifications to the building.
- Ms. Abigail Grant, abutter, asked if there will be any transportation of pesticides or any other chemicals.
- Mr. Jenks replied negatively.
- Ms. Grant asked how they would imagine the traffic in the neighborhood being affected by the trucks.
- Mr. Jenks said that it would be about 10-12 trucks and they will be using a special route going in and out.
- Ms. Judy Spencer, 64 Clinton Rd, noted her concern about the 1968 special permit because there were pesticides and chemicals being stored in the lot along with farm products.
- Mr. Jenks replied that this is one of the reasons why they wanted to come to the Board so he could explain what they were seeking.
- Mr. Donaldson asked if there would be products that could be reactive and that could catch fire.
- Mr. Jenks replied that they do not intend to have any harmful chemicals there and in any case, they will still have to abide by local, State and Federal regulations.
- Ms. Grant asked if they could exclude these types of products from the special permit.
- Mr. Campobasso noted that they do not have a problem with that, however for example, the Fire Department would be involved if there were any types of chemicals on the property.
- Mr. Curtin pointed out the products that were not allowed in the aquifer region and commented that the concerns of the neighbors into considerations.
- Mr. Donaldson explained that Mr. Curtin's suggestions is to include the restrictions of the aquifer region in this special permit (even though it might not be aquifer region).
- An abutter pointed out concern over truck traffic going on Chocksett Road.
- Mr. Curtin commented that any changes would be going through the Planning Board.
- Mr. Campobasso noted that the property is under agreement and Sterling Warehouse Distribution will own it.
- M. Curtin commented that the applicant is requesting modification to the previously granted special permit and voluntarily agreeing to more restrictions.
- Ms. Miller asked if the applicant could improve the way the property looks.
- Mr. Jenks replied affirmatively.
- 8:10pm *Mr. Jeffrey Donaldson* moved to grant the requested special permit modification with the following conditions: to incorporate the provisions of the previously granted special permit of 1968, and incorporating the prohibitions of Section 4.6.4 of the Sterling Bylaws for prohibited uses in any aquifer protection district, to be referenced as additional restrictions on the use of the property; with the exception of 4.6.4 a, c, j,k, n, o, t, u, and aa which will be considered allowed uses with proper review, approval and compliance with all federal, state, and local laws and regulations. Motion seconded by *Mr. Joseph Curtin*. Motion carried. All in favor, Yeas: 5 (*David Lozier, Jeffrey Donaldson, Richard Hautaniemi, William Bid, Joseph Curtin*) Nays: 0.

ZBA Business

- Mr. Donaldson brought up the issue of new definitions for the bylaws with regards to ACAB kennel definitions.
- Another subject the Board discussed was the marijuana moratorium.
- Mr. Bird suggested that the ZBA will need input from other Boards.

- Mr. Bird opened the discussion with Ms. Charla Kroll who is an abutter to 95 Chace Hill Road
- Mr. Kroll said that the Building Inspector stated that it was grandfathered.
- Mr. Curtin stated that this needed to go back to the Building Inspector who is the Zoning Enforcement Officer and based upon his determination, she could appeal his decision.
- Ms. Kroll agreed to the process.
- 8:30pm *Mr. Joseph Curtin* moved to adjourn. Motion seconded by *Mr. Jeffrey Donaldson*. Motion carried. All in favor, Yeas: 7 (*David Lozier, Jeffrey Donaldson, Richard Hautaniemi, Matthew Campobasso, Jerry Siver, William Bid, Joseph Curtin*) Nays: 0.