

**TOWN OF STERLING
ZONING BOARD OF APPEALS**

Final Minutes of Meeting

DATE: July 8, 2014

TIME: 6:45 pm

LOCATION: Butterick Municipal Bldg., Room 205

6:47 pm: Sterling Zoning Board of Appeals was **called to order** by Chairman, William Bird. Roll call taken. **Sitting as a Board:** William Bird (Chairman), Richard Hautaniemi, Jeffrey Donaldson and Joseph Curtin. **Absent:** Jerry Siver and Matthew Campobasso.

6:47 pm: **Discussion of Minutes:** There being no discussion, Mr. Curtin moved to accept the Minutes of May 13, 2014 as written. Mr. Donaldson seconded. **Vote: 4-0 in favor; Motion carried.**

6:48 pm: Case #632- Variance Requests – 38 Clinton Road

Brian Foley, Esq. representing the current landowner of referenced property, Lisa A. Kennedy, presented an overview of the petition for three (3) variances: 1) for earth removal in excess of the allowed 1,000 cubic yards; 2) for reduction of frontage setback from 40' to 12'; and 3) pertaining to Lot #1, a dimensional variance to clarify what constitutes a half acre. Hardship: Without a variance, the property is currently inaccessible and unusable.

Mr. Foley addressed questions from board members.

Chairman Bird opened ***comments from the floor:***

- **Steven Philbin, Esq.**, representing the abutter, Mr. Roy Ellis (36 Clinton Road), gave a history of the subject area and his reasons for opposition against issuing any of the requested variances. Mr. Philbin indicated there is no substantial hardship to the applicant, but would be for the abutters. Mr. Philbin also noted that the owner is asking for earth removal for mineral rights she does not currently own.
- **Carol Smith** (of Plymouth) noted her reasons for opposition to earth removal and dimensional variances including citing the bylaws prohibit earth removal in the zoning district and the requested frontage setback would be a substantial derogation from the intent and purpose of the bylaws.
- **Bob Gibson (of Orleans)** voiced his opposition for granting the variance citing the request is for 5 lots and it should only be for 1 lot, as was purchased by Ms. Kennedy.
- **Paul Belair (34 Clinton Road)** voiced his opposition citing his concern regarding the water table and what might happen after the earth removal.
- **Ryan Parkinson (30 Clinton Road)** voiced his opposition and concern of water issues, traffic and rock dust created by blasting.
- **Jessica O'Malley** voiced her opposition and concern about the dust, noise and traffic.

- **Jim McDonald (33 Clinton Road)** voiced his opposition to the request for the setback variance.
- **Bob Kariotis (51 Clinton Road)** voiced his concern about the air quality.
- **Brian Foley, Esq.** responded to each comment made by the concerned members of the public.

8:10 pm – Public Hearing Closed. Board Deliberation. 10 minute break.

8:20 pm – Discussion among Board Members

- Mr. Curtin reviewed the sections of the town’s protective bylaw pertaining to earth removal.
- Mr. Curtin read the pertinent Earth Removal Bylaw.
- Mr. Donaldson stated he would be in favor of granting a continuance in order to communicate with Town Counsel to further understand the “dovetailing” between the earth removal bylaw and the variance.

Mr. Foley requested a continuance.

8:45 pm – Motion to grant a continuance to the next meeting on August 12, 2014 was made by Mr. Donaldson. Seconded by Mr. Hautaniemi. Vote: 4-0 in favor; Motion carried.

8:48 pm – Case #633 –Special Permit Request, 8 Crescent Ave. – Daniel H. Kloczkowski

- J. Curtin gave a review of the pre-existing non-conforming lots of the Waushacum Village.
- Mr. Kloczkowski gave an overview of the project.

9:01 pm – After the Board’s review of the project and there being no additional questions from neither the Board nor the audience, Jeffrey Donaldson ***made a Motion to approve the request for a Special Permit for purposes of demolition and reconstruction of dwelling owned by Daniel H. Kloczkowski and situated on Lot 71, known as number 8 Crescent Avenue, Sterling, MA and shown in Assessors Map Plan Book as Map #175 Lot #71 and being zoned Neighborhood Residential. Joseph Curtin seconded. Vote: 4-0 in favor; Motion carried.***

9:06 pm – Motion to adjourn by J. Donaldson. J. Curtin seconded. Meeting adjourned.