



Town of Sterling

BOARD OF APPEALS

1 Park Street
Sterling, Massachusetts 01564

Final Minutes of Meeting

DATE: September 8, 2014

TIME: 6:35 pm

LOCATION: Butterick Municipal Building, Room 205

6:35 pm – Sterling Zoning Board of Appeals was called to order by Chairman, William Bird. Roll call was taken. Sitting as a Board: William Bird, Chairman, Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson and Jerry Siver. Alternate, Matthew Campobasso, was absent.

6:37 pm – There being no discussion regarding the *proposed Minutes of August 12th*, *J. Curtin moved to accept the Minutes as written. R. Hautaniemi Seconded. Vote: 5-0 in favor (W. Bird, R. Hautaniemi, J. Curtin, J. Donaldson and J. Siver). Motion carried.*

6:38 pm – *Discussion of Special Permit Decision for Case #634, Joseph Smith, 4 Runaway Brook Road.*

Mr. Smith expressed his disapproval of the restriction of future expansion of his driveway as stipulated in the ZBA Decision dated August 12, 2014. The clause in question originated from a concern for an abutter who expressed apprehension about the additional vehicles and parking. Mr. Donaldson questioned whether the Board had the authority for the limitation. Mr. Hautaniemi suggested the Board could apply conditions to a Special Permit. Mr. Curtin suggested the clause be stricken from the record and possibly add... "Any future extended parking needs to be brought before the Board for approval". Mr. Donaldson questioned the Board's authority to do that, however, suggested instead, "Any expansion of the driveway or parking will be in compliance with the protective bylaws". Mr. Donaldson also held that if all 12 requirements for a Special Permit are met, then a Special Permit should be issued. Mr. Siver indicated a motion should match the recorded meeting. Mr. Siver held that when a motion is made, it is the motion that carries. If there is ambiguity in the words in the motion, then you go to the intent. Mr. Curtin read the recorded Motion. "...parking will be as stated in the garage. Anything else? Do I have a motion to grant it pending the other stipulations?" Mr. Bird viewed the motion as containing the contingency that any occupants of 4 Runaway Brook will utilize the current driveway and 3 car garages in the front of the house. Mr. Donaldson suggested changing the word "must" to "will, meaning if another parking alternative arises, existing parking should be used as opposed to parking on the street. (The Board reviewed Mr. Smith's house construction plans.)

Emily Morneault, an abutter, stated her main concern with the Special Permit as being the lack of a natural barrier, the vehicles that would be traveling down the side yard between the two properties and the safety of the children. Mr. Donaldson suggested a Special Permit be granted with the use of the existing driveway and the existing garage and if there is a change in layout

that would serve the accessory apartment; a new Special Permit be required. Mr. Smith inquired if he redesigned the house plan to eliminate the isolation of the separate living quarters, would this eliminate the need for the Special Permit for an accessory apartment? J. Siver and J. Donaldson confirmed that would be correct. J. Curtin suggested a modification of the Special Permit if there was any modification for parking in the future. When J. Siver expressed concern about future change in Board Members, Mr. Curtin suggested Mr. Smith return to ZBA with plans showing the parking needs for the accessory apartment including the back of the building and it would be discussed in an open session. Mr. Bird concurred with Mr. Donaldson recommending the language of the Special Permit be consistent with the language contained in the Motion.

7:38 pm - Mr. Donaldson moved to revise the wording of the August 12th Special Permit on the third line changing the word "must" to the word "will" so that all automobiles owned by any occupants at 4 Runaway Brook will use the existing driveway and garage for parking. Strike "No future parking will be allowed." J. Siver Seconded. There being no discussion, it was voted 5-0 in favor (W. Bird, R. Hautaniemi, J. Curtin, J. Donaldson and J. Siver). Motion carried.

7:39 pm - Chairman Bird called for a motion to vote Mr. Siver be moved from Alternate Member to Permanent Board Member. J. Curtin so moved. J. Donaldson seconded. Discussion: J. Donaldson inquired about accurate procedure. After confirmation of the appropriate procedure it was **voted 4-0 in favor (W. Bird, J. Curtin, J. Donaldson, and R. Hautaniemi). Motion carried.**

7:40 pm - Chairman Bird proposed agenda item for the next meeting: To discuss and consider a Motion re protocol concerning tax delinquent ZBA applicants.

7:45 pm - Chairman Bird called for a motion to adjourn. J. Donaldson so moved. J. Curtin seconded. Voted: 5-0 in favor (W. Bird, R. Hautaniemi, J. Curtin, J. Donaldson and J. Siver). Meeting adjourned.