

ZBA MINUTES

DATE: October 14, 2014

TIME: 6:45 pm

LOCATION: Butterick Municipal Building, Room 205

6:45 pm – Sterling Zoning Board of Appeals was *called to order* by Acting Chairman, Joseph Curtin. Roll call taken. *Sitting as a Board:* Joseph Curtin, Richard Hautaniemi, Jeffrey Donaldson, and Jerry Siver. Alternate, Matthew Campobasso, was absent.

There being no discussion regarding the proposed *Minutes of September 8, 2014*, **Mr. Hautaniemi moved to accept the Minutes as presented. Mr. Siver seconded.**
Vote: 4-0 in favor. Motion carried.

6:46 pm – *Review of MGL c.40 §57- Consider motion/protocol concerning tax delinquent applicants.*

J. Curtin presented that any city/town which accepts the provisions of **MGL c.40 §57** may, by bylaw or ordinance, deny applications. Mr. Curtin will verify with the Town Administrator whether the Sterling has the pertinent bylaw. Mr. Hautaniemi inquired about the licensing authority. Mr. Donaldson responded it would depend on what Board was reviewing an application. Mr. Donaldson suggested an automatic tax delinquency check be protocol when accepting any ZBA application.

6:51 pm – Next month's meeting will be held on November 18th due to Veteran's Day and the election.

6:52 pm – Chairman, Bird Bill confirmed by letter to the Board of Selectmen that the ZBA voted in favor of Jerry Siver becoming a permanent member and requested the BOS appoint Mr. Siver to the position.

6:53 pm – J. Donaldson made a motion to move the *Review of the Open Meeting Law* up on the agenda. J. Siver seconded. There being no discussion it was voted to move the agenda item.
Vote: 4-0 in favor. Motion carried.

6:53 pm – *Review of § 22 of the Open Meeting Law.* Mr. Curtin read from §22 and noted that "a public body shall maintain and create accurate records of all meetings including executive sessions setting forth a date, time and place, members present, a summary of the discussion on each subject and a list of documents and other exhibits used at the meeting, the decision made and the actions taken at each meeting including the record of all votes...no vote taken at open session shall be taken by secret ballot, any vote taken in executive session shall be recorded by

*roll call and entered into the minutes. Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist, and whether approved or in draft form, should be made available upon request by any person within ten days.” Hereafter, protocol will be to provide whatever draft minutes we have within 10 days of the request. Mr. Donaldson noted that the *Records Retention Schedule* issued by the Secretary of State’s Office also provides that draft minutes must be retained for 90 days unless an Open Meeting Law request has been filed.*

6:55 pm –

J. Curtin made the motion to move the ZBA Business up on the agenda. J. Donaldson seconded. There being no discussion, a vote was taken. Vote: 4-0 in favor. Motion carried.

6:57 pm – ZBA Business

R. Hautaniemi gave an **overview of the budget**. The original ZBA allocation was \$7,900 and we have expended \$2,907.53 to date.

Seminar Notices – Money for training is available to anyone interested in attending training seminars.

Possible Alternate Member: Emily Morneault of 18 Fitch Farm Road has expressed an interest as a possible Alternate ZBA Member. However, Ms. Morneault requested that the appointment be put on hold until the 4 Runaway Brook Road case has been completed.

7:07 pm – Motion to waive the fee for the re-filing of 4 Runaway Brook.

Mr. Curtin noted the petition would not be heard at this time. The only item on the table was whether or not the \$400 application fee will be waived if the ZBA hears the petition for a second Special Permit for 4 Runaway Brook Road. The disbursement for publication and postage would still exist.

Mr. Curtin called for a motion.

Mr. Siver moved to waive the fee.

Mr. Donaldson seconded.

There being no discussion a vote was taken to waive the fee should the second application be submitted. Vote: 4-0 in favor. Motion carried.

7:13 pm –

J. Donaldson moved to adjourn.

R. Hautaniemi seconded

There being no discussion a vote was taken to adjourn.

Vote: 4-0 in favor.

Meeting adjourned.