

ZONING BOARD OF APPEALS MINUTES

DATE: November 10, 2015

TIME: 6:35 pm

LOCATION: Butterick Municipal Building, Room 205

6:35 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, Jerry Siver, Patrick Fox and Matthew Campobasso. William Bird and Jeffrey Donaldson were absent.

There being no discussion regarding the proposed Minutes of October 14, 2015,
Mr. Hautaniemi moved to accept the Minutes as presented. Mr. Siver seconded.
Vote: 5-0 in favor. Motion carried.

6:40pm – Discussion: Patrick Fox opens meeting with concerns of recording minutes. After a brief discussion among members, all agreed Administrative Assistant Dawn L. Metcalf will hand write meeting of the minutes and if not in attendance, a recording device will be used.

Joseph Curtin requested that Zoning Board of Appeals Meetings start promptly at 6:35 pm with 15 minute interval for any discussion or hearing on the agenda. All agreed to Curtins request.

6:50pm- Variance- Thomas Regh, 44 Redstone Place, Construct a Utility Shed: Joseph Curtin opens discussion and has Thomas Regh come forward to plead his case. ***Please see attached petition regarding this case.***

Joseph Curtin asked for Mr. Regh to present the Hardship in this case. Mr. Regh answers that the shape and dimensions of the lot would make putting the Shed in accordance to the set back rules an eye sore, thus placing it in the back yard with complimentary shrubs blocking shed from neighbors was the best fit for his property. Patrick Fox questions placing the Shed on the side lot, Regh replies that he knows there are considerations for placing the shed elsewhere on the property but the best spot for it is in the corner of his lot and reiterates that the neighbors are ok with it. Patrick Fox questions the topography of the of landscaping surrounding the shed. Mr Regh replied that neighbors have horses and its mostly wooded area surrounding him. Mr Fox asked for photos of showing side lot. Mr Regh has none but explains that all area is relatively flat. Richard Hautaniemi states this Variance is basically straight forward. Patrick Fox states that all abutters were notified.

Mr. Curtin opened the hearing for public comments and questions. None heard.

7:00 pm- J Siver moved to grant the Variance. Richard Hautaniemi Seconded. No Discussion. Voted: 5-0. All in Favor. Motion Carried. VARIANCE GRANTED.

7:10pm- Variance- Gary Griffin, 87 Newell Road, Proposed House on Existing Foundation: Joseph Curtin opens discussion and has Gary Griffin come forward and plead his case.

Gary Griffin states verbatim the 3 findings of fact from his petition to the Zoning Board Members. ***Please see attached findings of fact.***

Patrick Fox questions the Lot # 4 on Map and questions if Lot #1 is owned by conservation. Gary Griffin confirms the property he owns. ***Please see attached map.***

Joseph Curtin makes known that he ran into this type of Variance before and it led to a written by-law to be put into place to avoid this type Variance being granted.

Richard Hautaniemi asks Mr. Griffin if he ever thought of tying Cap Foundation into an ANR.

Gary Griffin responded yes and DCR denied it due to Watershed Protection Act. Spent years dealing with DCR, went all the way to Superior Court and was denied.

Gary Griffin states he just wants to maintain use of his property prior to Zoning and for family purposes for elderly care.

Joseph Curtin advises Griffin to look at the Accessory Apartment By-Law. Griffin confirms he has and DCR made it difficult to do so and feels economically and practically his petition for Variance is the best way and wants to gain rights he once had.

Matthew Campobasso asked Mr. Griffin if 2 houses did ever co-exist on this property. Gary replied yes in the mid-lates 80's.

7:38 pm Mr. Curtin opened the hearing for public comments and questions: Mr. Scott Johnson, abutting neighbor stood up and stated that this Variance will have NO affect to his property.

7:40 pm Mr. Curtin Closes public hearing and with continuation of closed discussion among board members.

8:02 pm Mr. Siver made a Motion to Approve Variance, Matthew Campobasso seconded. Patrick Fox, Joseph Curtin, Richard Hautenaniemi, Opposed the Variance. 3 Opposed, 2 in Favor, Voted: 3-2 MOTION DENIED.

Decision: Petition did not meet the criteria for a Variance.

8:08pm Discussion of Double Application on Agenda. All members agreed a separate petition will be filed per variance or per special permit.

8:10pm Matthew Campobasso made motion to Adjourn, Jerry Siver seconded, No Discussion, Vote:4-0 Meeting Adjourned.