

TOWN OF STERLING
ZONING BOARD OF APPEALS
Hearing- Senior Center Special Permit
September 1, 2015

MEETING:

At 6:30 Chairman Bird called the meeting to order. This is a continuation of a hearing that was originally held on August 18, 2015, regarding the request for a Special Permit for the Senior Center on Muddy Pond Road. Roll call; Bill Bird – Present. Richard Hautaniemi – present. Joe Curtin - Present. Patrick Fox – present.

The Chairman reported that there had been a challenge regarding a possible Open Meeting Law violation for the previous hearing. Subsequently, Town Council had been consulted and the Attorney General had been contacted. Ultimately, the Attorney General verified that no OML violation had occurred. The Chair reminded the audience that frivolous OML complaints ultimately place an unnecessary burden on the taxpayer.

The attendees were advised that the rules of the hearing were the same as they had been at the initial hearing, and asked if anyone wanted the rules to be repeated. No one chose to hear them again.

The Chairman stated the following :

- This hearing, regarding the Special Permit request for the Senior Center on Muddy Pond Road, was scheduled per the request of the Board of Selectmen because the building permit had been issued without the Special Permit required
- The original Building Permit, issued in error, will not be discussed because the Zoning Board of Appeals has no purview on that permit.
- The hearing on August 18, 2015 adjourned with the expectation that the neighbors, the Building Committee and the Town Administrator would meet to try to mediate their differences.

Maureen Cranson, Chairman of the Senior Center Building Committee, assured the Zoning Board of Appeals members and the public that inroads had been made during the subsequent meetings with Mr. Pierce and the neighbors, who live near the new Senior Center on Boutelle Road. She reported that they had come to agree upon some of the points of concern that had been submitted by Mr. Pierce, via his attorney. During these discussions;

- They had established that the Senior Center is a Municipal Building and as such is subject to the decisions of the Board of Selectmen
- Prior to ever changing the usage of the building from Municipal to Commercial, a Town Meeting vote and ballot would be required
- Motion sensors/auto shutoffs and/or dimmers may be employed in the parking lot to mitigate disruption of darkness in the neighborhood
- The grade of the parking lot is lower than Boutelle Road which will prevent headlights from shining into the neighborhood on Boutelle Road
- The access road on Boutelle Road will be eliminated so that the only access will be from muddy Pond Road
- Large metal dumpsters will not be used. Roll away containers will be emptied by the same garbage pickup as employed in the neighborhood and fencing will most probably be used to camouflage the area where the containers will be stored
- Landscaping will be manipulated to ensure privacy and enhance aesthetics
- Connecting the two parking lots (school and Senior Center) is improbable

- More signage will be employed to discourage parking on the street

Mr. Pierce's attorney reiterated his request that the Board include these solutions as part of their restrictions for the Special Permit.

After further discussion, Patrick Fox moved that having evaluated the adverse effects and beneficial impacts of the proposed use with regard to the six factors listed in S. 6.3.2 of the Zoning Bylaws for the Town of Sterling, and having determined that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site, and having further determined that the proposed use is in harmony with the general purposes and intent of the Bylaws, the Board grant the special permit, subject to the following conditions:

- Hours of operation from 7 am to 10 pm, unless otherwise authorized on a per diem basis by the Board of Selectmen
- Primary use as a Senior Center, with community usage
- Lighting directed away from the residential neighborhood
- No vehicular access from Boutelle Road
- Landscaping along Boutelle Road arranged so as to minimize noise and light

Joe Curtin seconded the motion. The vote to grant the Special Permit for the Senior Center, with the stated conditions, was unanimous. Motion passed.

Adjourn

Joe Curtin moved to adjourn at 7:14. Richard Hautaniemi 2nd. Unanimous vote.