

**TOWN OF STERLING
ZONING BOARD OF APPEALS
Minutes of Meeting**

DATE: October 9th, 2012
TIME: 6:30 pm
LOCATION: Butterick Municipal Building

Board Members Present:

Richard Hautaniemi, Joe Curtin, William Bird

Alternates Present:

Matthew Campobasso

Agenda:

6:30 pm Discussion of Minutes

6:35pm Hearing Case # 619 Edmoth H Matthews-*Special Permit*

[30 East Park Road requesting a special permit to install kitchen equipment in existing garage area, for use with his home occupation catering]

7:05pm Hearing Case # 620 Anne Mirth and David Gauthier - *Variance & Special Permit*

[62 North Cove Road Requesting variance and a special permit to replace an existing shed with a new larger shed]

7:35pm ZBA Business

➤ Sterling Senior Center Building Committee

[Requesting input and expertise on the project, the Special Permit process, and other questions.]

➤ ZBA Budget

[Also other issues to be discussed may include: Budget-Bills-Administrative Issues-Memos-Comments from the Public]

Proceedings:

- 6:30pm Mr. Bill Bird opened the meeting with a roll call attendance.
- Mr. Bill Bird opened the meeting for a hearing for Edmoth Matthews for a special Permit and opened the floor for the applicants.
- Mr. Douglas Rowe, Attorney representing the applicants, noted that they are appealing the decision of the Building Inspector. He explained that Mr. Matthews applied for a permit to put kitchen equipment in the garage for his catering business. The Building Inspector noted that he cannot do that because he needed to come to the ZBA. Mr. Rowe added that it is mainly a question of definition of “commercial kitchen” in the bylaws. Mr. Rowe added that Mr. Matthews has been operating his business for the past 2 years and he had a license from the Board of Health as well as a DBA. It is a small operating business in the confines of the existing house with no customers coming in. It is operating as a home occupation. However, as far as the “commercial kitchen”, he will not be renting the facility to anyone else. It is strictly for use of home occupation. Some of the neighbors are in attendance to support this application. The applicant has gone to all the neighbors and he got their support.
- Mr. Curtin asked if the applicant is licensed for the home occupation and abide by the town by laws.

- Mr. Bird asked if there were any changes to the outside of the structure.
- Mr. Rowe replied negatively but added that there might be an exhaust fan on the side of the garage.
- Mr. Bird asked if there are no changes such as windows or in the structure.
- Mr. Rowe replied affirmatively.
- Mr. Hautaniemi commented that the applicant is currently cooking in the house but now he wanted to cook in the garage.
- Mr. Rowe replied that this is exactly what the applicant would like to do because it will help him better organize his business by relocating the kitchen.
- Mr. Bird noted that the ZBA has not heard from the Building Inspector about any objections to the application.
- Mr. Curtin commented that he does not see any changes or indications that the applicant is not abiding by the bylaws. He added that he has no objection to the application.
- Mr. Matthew Campobasso asked about the exhibits if exhibit D is the garage.
- Mr. Rowe replied affirmatively.
- Mr. Bird asked if there were any questions from the audience. There were none.
- 7:02pm *Mr. Matthew Campobasso* moved that after review of the application from Edward Matthews with regards to the denial of the Building Inspector for the installation of commercial kitchen in the garage, we find it in compliance with the bylaws. Motion seconded by *Mr. Richard Hautaniemi*. Motion carried. All in favor, Yeas: 4 (*Richard Hautaniemi, Joseph Curtin, Matthew Campobasso, and William Bird*) Nays: 0.
- 7:05pm Mr. Bird opened the hearing for Mr. David Gauthier.
- Mr. Gauthier said that he has a non-conforming lot.
- Mr. Bird asked about the set back.
- Mr. Gauthier said that the existing one is 4 ft. but he wanted to be 2 ft. from the boundary line.
- Board members discussed the intended project.
- Mr. Curtin noted that it is recommended to allow the applicant a foot instead of what is being requested for the benefit of the applicant.
- 7:13pm *Mr. Richard Hautaniemi* moved to approve the applicant's request and also move the building 1 foot to the north. Motion seconded by *Mr. Matthew Campobasso*. Motion carried. All in favor, Yeas: 4 (*Richard Hautaniemi, Joseph Curtin, Matthew Campobasso and William Bird*) Nays: 0.
- 7:15pm *Mr. Joseph Curtin* moved to approve the minutes of August 13, 2012. Motion seconded by *Mr. Richard Hautaniemi*. Motion carried. All in favor, Yeas: 4 (*Richard Hautaniemi, Joseph Curtin, Matthew Campobasso, William Bird*) Nays: 0.
- 7:16pm *Mr. Joseph Curtin* moved to approve the minutes of August 28, 2012. Motion seconded by *Mr. Richard Hautaniemi*. Motion carried. All in favor, Yeas: 4 (*Richard Hautaniemi, Joseph Curtin, Matthew Campobasso, William Bird*) Nays: 0.
- 7:35pm Mr. Bird opened the discussion with Ms. Maureen Cranson with regards to the Senior Center Building Committee.
- Ms. Cranson said that they are looking into building the new Senior Center on the lot on the corner of Boutelle Road and Muddy Pond Road. Ms. Cranson asked about the process to get a special permit in this residential area.
- Mr. Curtin checked the by laws and commented that it is an allowed use with a special permit.

- Mr. Hautaniemi asked about how many people would be coming to this center.
- Ms. Cranson replied that it is about 21% of the population are senior citizens currently, but in about 10 years, it will be about 38%. There is a need for expansion and more space. She added that the Fire Chief Hurlbut suggested also that it could be used as a shelter in emergency situation and also to store extra beds their.
- Ms. Cranson added that they wanted to get a feel for what is being required to approve the special permit.
- Mr. Campobasso said that the by laws are clear when it comes to special permits.
- Mr. Dick Maki asked if they would have to go to the planning Board first then the ZBA.
- Mr. Curtin replied that they could that simultaneously.
- 7:38pm *Mr. Joseph Curtin* moved to adjourn. Motion seconded by *Mr. Richard Hautaniemi*. Motion carried. All in favor, Yeas: 4 (*Richard Hautaniemi, Joseph Curtin, Matthew Campobasso, William Bird*) Nays: 0.