

TOWN OF STERLING
ZONING BOARD OF APPEALS MINUTES
Butterick Municipal Building, Room 205 6:00 p.m.
April 10, 2018

MEETING:	Chairman Fox called the Zoning Board of Appeals to order at 6:00pm. Present were members: Diana Baldarelli, Rich Lane, Pat Fox and Joe Curtin. Absent were: Jerry Siver and Matt Campobasso.
Minutes Approval	Joseph Curtin moved to approve the minutes of February 13, 2018 with the words “of potential changes to the bylaw and” removed in the second paragraph of the “Continuation of Food Truck Bylaw Discussion.” Diana Baldarelli seconded. Pat Fox - aye, Rich Lane abstained.
Special Permit 10 Blueberry Ln	<p>Petitioners Rebecca and Ryan Butler submitted an application for a Special Permit for the purposes of building an accessory apartment in an existing basement. Noted in the petition the applicants propose to eliminate the fourth bedroom from the second floor and relocating that bedroom to the basement, maintaining a four bedroom dwelling. A recorded four bedroom deed restriction provided to the Board of Health shall be required prior to signing a building permit application.</p> <p>Joe Curtin made a motion to grant a Special Permit for the purposes of an accessory apartment in the basement of the property located at 10 Blueberry Lane, Map No. 63, Lot No. 10 as presented. Subject to conditions of compliance with section 2.3.5 of the Zoning Bylaw. Diana Baldarelli seconded, all in favor. Vote 4 in favor 0 in opposition.</p>
Adoption of Policy for Food Trucks	There are currently two Food Truck “licenses” issued by the ZBA in the past; Berube's – expiration 6/2/2018, and Lowes – expiration 12/30/2018. There is no specific provision for Mobile Food Trucks in the Zoning Bylaws. The consensus is that the ZBA should not be issuing permits for uses not recognized by the Zoning Bylaw. The Selectman intend to treat this as a licensing issue. The statute allows the Selectman to license, just like the Hawker and Peddler license. Rich Lane has put together a draft of the regulations, and he is going to propose to the Selectboard that they hold a public session in the manner of a bylaw to discuss and perhaps form a subcommittee to make sure it serves the town and Food Trucks. The Selectman have not officially adopted a policy. For the record, notice was sent to the two current food truck permit holders inviting them to this meeting for discussion and input. Motion to adopt a policy that the ZBA going forward will not entertain applications for special permits for Mobile Food Trucks since there is no provision for that use in any zoning bylaws. After discussion, Joe moved to approve adoption of policy, Diana Seconded. All in favor. No discussion. Vote 4 in favor, 0 opposed.
Recreational Use Marijuana Establishments	There will be three articles on the Warrant relating to marijuana establishments. The first will prohibit recreational marijuana establishments as defined in the law. The second is a “back-up” article. If the prohibition doesn't pass, this article proposes zoning restrictions for such establishments. The last is regarding taxing. This is unrelated to medical use. Purpose of discussion is to take a position to inform the Selectman of position.
Proposed Article 30 “Prohibition”	Chairman Fox made a motion that the ZBA take a position and convey that position to the Board so that they are aware of it. Position of board to be published in the warrant as presented to the Selectman by Richard Lane. Motion in favor of Article 30 moved by Joe Curtin and seconded by Diana Baldarelli. All in favor. Vote 4 in favor, 0 in opposition.

Proposed Article 31 "Back-up" to Article 30	Chairman Fox made a motion to accept the Article 31 as written and that the ZBA will endorse Proposed Article 31 assuming Proposed Article 30 does not pass. Seconded by Diana Baldarelli. All in favor. Vote 4 in favor, 0 in opposition. Selectman Lane to bring position of ZBA to Board of Selectman.
Earth Removal	<p>The intention of the board is to streamline the Earth Removal process in the protective bylaws. The earth removal working group created a proposed document addressing Earth Removal definitions, requirements, exemptions and regulations. Also provided was a sample of revised Earth Removal Rules and Regulations for Chapter 63 of the Sterling General Bylaws.</p> <p>Present in the audience were Brian Foley and John Scarsella. Both of which raised some concerns regarding the language in proposed regulations.</p> <p>The ZBA is in agreement to recommend a new form of the Earth Removal Bylaw that would eliminate the Earth Removal Board (ERB) and take the responsibilities to the ZBA, Selectman, or Planning Board.</p>
Discussion of Policy for Notifications & Findings	Currently we require applicants to send notifications via certified mail/return receipt to abutters. Town Counsel states that there is no statutory requirement that the notice be sent by certified mail. From this point forward we will not require applicants to use certified mail, and leave it to the applicant whether they wish to send notifications regular mail or certified/return receipt. Motion to agree to a policy that applicants will not be required to send certified mail when they file an application, though they do have the option to do so. Joe Curtin motion to move, Diana Baldarelli second. Vote 4 in favor, 0 opposed.
(Findings)	For clarification, an example of some of our written findings were sent to Town Counsel. Response was that Chapter 40A, Section 15 requires that the ZBA create a "detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason for its decision and of its official actions..." Since every petition and decision is fact specific, there is no template for all types of decisions. The board will issue findings that are in compliance with Chapter 40A, Section 5. Joe Curtin motion to move, Diana Baldarelli second. Vote 4 in favor, 0 opposed.
Adjourn	Chairman Fox made a motion to adjourn at 7:28 p.m. Diana Baldarelli second. All in favor.

Materials: Proposed Marijuana Articles, Proposed Earth Removal Bylaws and regulations.