

TOWN OF STERLING
ZONING BOARD OF APPEALS MINUTES
Butterick Municipal Building, Room 205 6:00 p.m.
September 10, 2019

MEETING:	Chairman Fox called the Zoning Board of Appeals to order at 6:00pm. Present were members, Pat Fox, Diana Baldarelli, Joe Curtin, Matt CampoBasso and associate member Charlie Conroy. Absent was Jerry Siver.
Minutes Approval	Joe Curtin moved to approve the minutes of July 9, 2019 as amended, Charlie Conroy seconded. All in favor.
Agenda	<p>6:00 pm – SPECIAL PERMIT – Hearing on the petition by NEADS Inc. for a Commercial Kennel (Section 2.3.1, C10 of the Sterling Protective Bylaws) at a property located at 333 Redemption Rock Trail, Sterling, MA, Parcel ID 78-14 &15 and located in Rural Residential & Farming zoning district.</p> <p>6:20 pm – ADMINISTRATIVE APPEAL – Hearing on the petition by Sterling Real Estate Development, Inc. for an Administrative Appeal of the Building Commissioner's determination (Section 6.2.2.3 of the Town of Sterling's Protective Bylaw) regarding a use variance to exceed 1000 cubic yards of earth removal at a property located at 68 Heywood Road to develop the site for a single family house. Parcel ID 21-4 and the property is zoned Rural Residential & Farming.</p> <p>6:45 pm – SPECIAL PERMIT (continued from 8/13/2019) – Hearing on the petition by Cassandra Correia for a Commercial Kennel (Section 2.3.1., C10 of the Sterling Protective Bylaws) at property located at 34 Clinton Road, Sterling, MA, Parcel ID 86-2 and located in Rural Residential & Farming zoning district.</p> <p>7:00 pm – Sign Bylaw – Review and Vote on Sign Bylaw Amendment language. Discussion of proposed changes to the use regulations and setback requirements in the Town Center.</p> <p>7:15 pm -- Minutes – Review minutes from July 9, 2019 meeting.</p>
Special Permit – NEADS – 333 Redemption Rock Trail – Commercial Kennel Parcel ID 78- 14/15	<p>Petitioner NEADS, Inc. has submitted an application for a Special Permit for a Commercial Kennel. The property is located in the Rural Residential and Farming zoning district.</p> <p>Chairman Fox opened the hearing and informed the petitioner that on the advice of counsel, the Board will open the hearing, take evidence and testimony as well as any concerns, and will not close the hearing and reconvene on a date and time certain, which was determined to be September 24, 2019 at 6:00 pm.</p> <p>The CEO of NEADS, Gerry DeRoche presented to the board. They are still waiting for the Watershed/DCR determination. He supplied "Appendix K" which describes "active noise mitigation." The handout describes their operating protocols as well as describes the facility design which was designed to provide the maximum amount of noise mitigation. The majority of the puppy training is done in a prison. He also wanted to make the board aware that there is a very big difference between a true commercial kennel and the breeding facility that is proposed.</p> <p>The brood (female) and the stud (male) are only together for a short time. The puppies stay with the mother for 8 weeks. At 8 weeks, they go back to the main campus located in Princeton. Outdoor areas are covered and have sound-proofing in the ceiling as well as stockade fencing. The amount of time outdoors for dogs is 20 minutes or less at a time. The building is also U shaped which also assists with noise mitigation.</p> <p>There are typically 5 or less employees on site at a time, but mostly it's only 2 employees. The hours of operation is 24 x 7 when the mom is whelping (birthing) and for the first 2 weeks of life of the puppies. This is mostly to make sure the overly tired mom doesn't roll-over and fall asleep on a puppy and also to identify and high risk health issues that may arise.</p> <p>Per section 6.3 of the protective bylaws, the following criteria was addressed:</p>

NEADS (Cont.)

- Traffic - Will not increase. It will actually decrease from previous use. The building is not public and there will only be staff entering the property.
- Utilities – No major requirements
- Neighborhood – Wooded area and most visibility will be from route 140
- Impacts – Waste is bagged and removed biweekly. The facility is very clean because the puppies have virtually no immunity
- Fiscal – Sterling employees, volunteers and will be hiring local contractors for the project.

There were a number of residents that spoke in favor as well as against the petition. The major concerns of those opposed were: noise, light, neighborhood character and property values being negatively impacted. Current landowner also wanted to remind abutters that the lot was not going to remain unused. It will be sold regardless of the outcome of this petition. Those in favor praised NEADS for the services that they provide and the professional manner in which they do it.

Chairman Fox suspended the hearing. The hearing remains open and continued until September 24, 2019.

Administrative
Appeal – 68
Heywood Road
Parcel ID 21-4
(Earth Removal)

Petitioner Sterling Real Estate Development, Inc. has applied to the Zoning Board of Appeals seeking an Administrative Appeal of the Building Commissioner's determination regarding a Use Variance to exceed 1000 cubic yards of earth removal at a property located at 68 Heywood Road. The property is zoned Rural Residential and Farming.

Representing the petitioner was Mark Donahue of Fletcher Tilton PC. Mr. Donahue argues that the principal use of the property is a single family dwelling, therefore the removal of earth is incidental to the primary use and all grading was related to construction of the dwelling for a permit issued on January 14, 2019.

On June 18, 2019 the petitioner obtained an Earth Removal permit from the Earth Removal Board subject to the condition that the petitioner obtain permission from the Town's Building Commissioner to remove more than 1,000 cubic yards of fill from the property.

On a motion made by Joseph Curtin and seconded by Charles Conroy, the Board members voted 5-0 to uphold the Building Commissioner's determination that a Use Variance is required from the Sterling Zoning Board of Appeals in order to remove more than 1,000 cubic yards of earth from the subject property. Therefore, the appeal is denied.

Special Permit –
Correia, 34
Clinton Road –
Commercial
Kennel
Parcel ID 86-2

Petitioner Cassandra Correia of 34 Clinton Road has submitted an application for a Special Permit for a Commercial Kennel. The property is located within the Rural Residential and Farming district with the front of the property, including the driveway, being part of the Neighborhood Residential district.

Notice of the public hearing was sent to individuals listed on the Town of Sterling Certified Abutters list for the property. Notice of the hearing was duly advertised in the Worcester Telegram and Gazette on July 29, 2019 and August 5, 2019. The hearing was opened on September 10, 2019 (and continued to September 24, 2019.)

Master Plan
Committee
Liaison

Petitioner Cassandra Correia is a pre-vet graduate with 5 big dogs and 20 little dogs. The little dogs are mainly kept indoors during the day due to predators in the area. She presented letters from animal control and a neighbor from Hudson MA in favor in her petition noting that there were no problems while these dogs were kept in Hudson. The petitioner stated she owns all of the dogs. Her stated primary purpose for seeking a Special Permit is to keep the dogs as

pets, both in her residence and the shed, additionally, she stated that she might breed some of the dogs for sale.

Ms. Correia breeds 1-3 litters per year. There is no outside traffic, no boarding, and litters are up to 10 puppies per 3 litters. Puppies are usually placed in homes by the age of 16 weeks. There will be no employees, any additional lighting would be sensor lighting only from the house to the shed that would house the dogs. Animal waste would be picked up and placed in the trash.

Abutters raised concerns about wandering dogs, noise, odors and decrease in property values.

Chairman Fox suspended the hearing. The hearing remains open and continued until September 24, 2019.

Sign Bylaw

Discussion to modify the current sign-bylaw language. Dimensional is the same, but add "unless authorized by a Special Permit."

Joe Curtin made a motion to propose the zoning bylaw modification. Charles Conroy seconded. All in favor.

Adjourn

At 8:16pm, Charles Conroy made a motion to adjourn, Diana Baldarelli seconded. All in favor.