

TOWN OF STERLING
ZONING BOARD OF APPEALS MINUTES
Butterick Municipal Building, Room 205 6:00 p.m.
January 14, 2020

MEETING:	<p>Chairman Fox called the Zoning Board of Appeals to order at 6:00 pm. Present were members Pat Fox, Diana Baldarelli, Matt CampoBasso, Joe Curtin and associate member Charlie Conroy. Absent was member Jerry Siver.</p> <p>Also present was Paul Haverty of Blatman, Bobrowski & Haverty, LLC as the technical review consultant to the Zoning Board of Appeals.</p>
Agenda	<p>6:00 pm – COMPREHENSIVE PERMIT (Continued) – Petitioner Taniel Bedrosian, Almik Construction Inc. (applicant) and Doris E. Bedrosian (owner) have applied to the Zoning Board of Appeals for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 21, to construct 8 duplexes for a total of 16 3-bedroom units, with 4 units being affordable. The property is zoned Rural Residential and Farming.</p> <p>7:30 pm – Minutes – Review minutes from November 12, 2019 and December 9, 2019 meetings.</p> <p>7:45 pm – Discussion and vote on changes to the town's Protective Bylaws.</p> <p>Next scheduled meeting: Tuesday, January 28, 2020 @ 6:00 pm</p>
Minutes Approval	<p>Joe Curtin made a motion to approve the minutes of 11/12/2019. Diana Baldarelli seconded. 3 aye, 0 opposed, 2 abstain (Matt CampoBasso, Charlie Conroy). Charlie Conroy made a motion to approve the minutes of 12/9/2019. Matt CampoBasso seconded. 4 aye, 0 opposed, 1 abstain (Joe Curtin).</p> <p>Chairman Fox announced that member Joe Curtin has certified in writing that he has examined all evidence and viewed a recording of the session he missed on December 9, 2019. A record of this will be filed with the Town Clerk (per MGL Chapter 39, § 23D.)</p>
Comprehensive Permit (40B) 81 Chace Hill Rd Parcel ID 150-21	<p>The comprehensive permit for 81 Chace Hill Road continued. On hand were Bethany Ordnung of Haley & Ward for the peer review of stormwater and civil engineering.</p> <p>Mr. Dean Harrison (consultant to applicant) discussed the contents of a letter that was sent today (1/14/2020) to the Board and Ms. Bethany Ordnung. In the letter, the applicant announced that the roadway would remain private in perpetuity. Mr. Harrison stated that he would provide the board with a list of waivers pertaining to the roadway prior to the 1/28/2020 meeting. Additional information that will be provided for 1/28/2020: the tree planting plan, lighting plan, traffic engineer and peer review (still need to provide sight triangles as well as turnaround). Proposed lighting is to be residential in nature: light at front and back door, flood light over garage and backyard. All lighting will be "dark/night-sky friendly."</p> <p>Mr. Paul Haverty reiterated that the roadway cannot be made a public way – it is a driveway – it is not a subdivision road, therefore does not require a waiver. The applicant is still reviewing the driveway regulations, and will have updated information prior to the 1/28/2020 meeting.</p> <p>Ms. Ordnung provided an updated review letter dated 1/10/2020. She identified a number of areas that require additional information or comment from the applicant.</p> <ul style="list-style-type: none">• A number of concerns no longer apply as applicant stated that this would be a private roadway.• An easement may be required if town is bringing in the water. The homeowners association would grant easement rights – need to check with DPW on regulations.

Comprehensive
Permit Cont.

- Mounding analysis – impermeable layer in D basin berm – make sure it does not change the surface area. Sketch on site plan showing analysis in two directions.
- The DPW stated that they did not want to perform a flow test until spring (concerns about safety and icing).
- SMLD needs to comment on utility plan – nothing on plans. Mr. Haverty stated this could be a condition of approval.
- There was a lot of discussion regarding the makeup of the roadway. Applicant will provide additional and updated information at the next meeting.

Applicant stated that there are no sidewalks proposed, but the Board expressed concerns and the applicant stated they would review and report back at the next meeting after speaking to their traffic engineer. Mr. Haverty recommended that the Board do the same with their traffic peer review consultant.

The hearing was then opened up to the public. An abutter expressed concerns over excessive lighting. Mr. Haverty stated that all concerns should be addressed with the light plan, which should be available for the 1/28/2020 meeting.

Another abutter submitted some concerns via email. He had many questions regarding the septic design. Engineer for the applicant, Mr. Robert Truax stated that there has been no final plans submitted at this time. The plans that had been reviewed were conceptual in nature. The Board of Health has jurisdiction over septic design/approval as it applies to Title V. If the applicant requests any waivers of Sterling Board of Health rules/regulations, this would be addressed by the Zoning Board of Appeals, as they are the permit-granting authority for a Comprehensive Permit. Same would apply to the Stormwater. The Conservation Commission would review as it pertains to state law. The ZBA would handle any waivers – none have been requested at this time.

Mr. Haverty reminded the Board that they are making a decision on preliminary plans. Final plans would need to be submitted to the Board prior to the applicant applying for a building permit. “Small” issues may require modifications, but if they are deemed “insubstantial” as opposed to “substantial” (as defined in 760 CMR 56). Changes deemed insubstantial do not require a public hearing/notification, whereas substantial changes do.

Diana Baldarelli asked about fire separation between buildings (a concern raised by the Fire Department during the initial open comment phase). State law only requires a 5’ separation, therefore 10’ between buildings. The building code also does not require duplex buildings to be sprinklered.

Mr. Haverty stated that once outstanding items are addressed – the process of drafting the decision could begin.

Joe Curtin made a motion to continue the hearing until Tuesday, January 28, 2020 at 6:00 pm. Matt CampoBasso seconded. All in favor.

Proposed Zoning
Changes

After some discussion, the Board agreed to table the proposed amendments to the Table of Principal Uses until the March meeting (TBD) and possibly have the Town Planner, Domenica Tatasciore on hand to present.

The public hearing on the bylaw changes on signs and earth removal (previously discussed) will be heard on 2/12/2020 by the Planning Board (per state law).

Adjourn

Adjourn.