

TOWN OF STERLING  
ZONING BOARD OF APPEALS MINUTES  
Butterick Municipal Building, Room 205 6:00 p.m.  
August 14, 2018

MEETING:	Chairman Fox called the Zoning Board of Appeals to order at 6:03pm. Present were members Diana Baldarelli, Pat Fox, Jerry Siver and Joe Curtin. Absent were: Matt CampoBasso and alternate member Rich Lane.
Minutes Approval	Jerry Siver moved to approve the minutes of July 10, 2018 as amended, Joe Curtin seconded. Pat Fox - aye, Diana Baldarelli - aye. All in favor.
Extension of Special Permit – Eight Point Sportsmen’s Club 143 Beaman Rd Parcel ID 77-19	<p>The Eight Point Sportsmen’s Club has requested a two year extension on their Special Permit originally issued July 6, 1982 (recorded in the Registry of Deeds on November 18, 1982, Book 7604/Page 264). The Special Permit allows a mobile home to be located on the property for a caretaker to live to ensure safety and security of the club. On August 7, 2001, Robert Lanciani (Chairman of the ZBA at the time) approved the renewal of the Special Permit by letter every two years. There was some discussion as to whether or not the continuation of requesting extensions was required and that maybe input from Town Counsel would be needed to decide that.</p> <p>Joe Curtin made a motion to approve the two year extension of the Special Permit. Diana Baldarelli seconded. All in favor, vote 4 aye – 0 opposed.</p>
Special Permit (Continued from 7/10/2018 mtg.) 39 Flanagan Hill Road Parcel ID 47-12	<p>At 6:18 pm the Special Permit hearing for a multifamily development located at 39 Flanagan Hill Road continued with the Board asking the applicant, Jim Simpson, additional questions and clarification of issues reviewed at the last meeting. Some of the topics of discussion were the requirements from NHESP (Natural Heritage Endangered Species Program); other board/department comments (these were submitted to Mr. Simpson and the planning board); signage at sharp turn on Flanagan Hill Road as discussed with DPW; Fire Department approval; and screening for abutter located at 46 Flanagan Hill Road. Additionally, Mr. Simpson read the report from Haley &amp; Ward (an independent engineer review required through the Planning Board’s site plan review process) and also provided the Board an updated narrative of section 4.2.4 of the Sterling Protective Bylaws (original was missing “H” – <i>Impacts on the visual environment through preservation or displacement of visual assets, and consistency with existing development in the area.</i>)</p> <p>The meeting was then opened to the public. Questions and concerns were related to impacts on our water resources, maintaining the character of a farming community, and compliance with NHESP (Natural Heritage Endangered Species Program), Conservation Commission and other state regulatory agencies. There was also some concern about “rushing” the decision process on this application. The Board explained that they are strictly bound by time frames set forth by Section 9 of the Zoning Act (MGL Chapter 40A).</p> <p>The Board closed the meeting to public discussion at 7:23 pm and began to review the application as it pertains to section 4.2 (Multifamily) of the Protective Bylaws. The proposal meets all design and dimensional requirements with the possible exception of the driveway slope. Written approval of slope will be required by the Fire Department and the Planning Board. The Board then reviewed section 4.2.4 (Decision) of the Bylaws and discussed each item line by line.</p> <ul style="list-style-type: none"><li>• Municipal costs would be lower because the development is responsible for its own roadway maintenance. Revenue would increase with the addition of 18 units.</li><li>• The housing will be marketed to seniors (no age restriction), and there are not many two bedroom, lower priced homes in Sterling.</li></ul>

- There will be more adults in the development that would patronize local businesses. Mr. Simpson also uses local businesses and contractors.
- Any type of construction would have an impact on the environment. Conservation Commission and NHESP will address the use of fertilizers and the applicant is working with NHESP to set up a permanent Conservation Restriction.
- There will be an impact on traffic, but there is no way to quantify how much. The DPW has determined that there is adequate water supply. This development is similar to Cider Hill Estates which has only 2 school aged children. Impact should be minimal or at least no worse than four single family homes/duplexes.
- Much of the vegetation to the north will remain undisturbed and to the south is I190. The homes will be over 400 feet off of Flanagan Hill Road.

A motion was made to allow the Special Permit subject to conditions which were discussed (and listed below). Joe Curtin moved, Jerry Siver seconded, all in favor, vote 4 aye – 0 opposed.

Conditions:

1. Compliance with the provisions of Article 4.2 of the Town of Sterling Zoning Bylaws.
2. Compliance with all other applicable sections of the Town's Zoning Bylaws.
3. At the option of the abutter located at 46 Flanagan Hill Road, after notice has been given, the petitioner shall, at its expense, furnish plantings or other screening sufficient, within the meaning of Article 4.2.3 (e) (2), to block headlight glare from vehicles exiting the interior road in the development.
4. Written approval from the Sterling Fire Department for the interior road of the development to have a slope which exceeds the maximum percentage requirement contained in the Sterling Planning Board's Subdivision Rules and Regulations.
5. Compliance with all specifications contained in the "Special Permit Application Narrative" attached to petitioner's application.
6. Compliance with guidelines issued by the National Heritage Endangered Species Program and the Sterling Conservation Commission for the treatment and maintenance of lawns at the development.
7. Compliance with the recommendations of the Sterling Department of Public Works regarding signage on Flanagan Hill Road.
8. Petitioner shall obtain, in writing, all required approvals or waivers from all state and local agencies having jurisdiction over the development.
9. Copies of all written approvals or waivers shall be filed with the Office of the Building Inspector for the Town of Sterling.

Earth Removal

The next action is to talk to the Town Administrator and to the Chairman of the Planning Board to pick a day that representatives from the Planning Board, ZBA and possibly Earth Removal to meet with the Selectmen and ask them to decide which proposal they support. Once that is decided - prepare the Bylaw to be an article at the next town meeting.

Chairman Fox will talk to Planning Board and Board of Selectmen and get on the agenda at a future meeting.

Adjourn

At 8:20 pm Jerry Siver made a motion to adjourn. Diana Baldarelli second. All in favor 4 – 0.