



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

MEETING:

Chairman Pat Fox called the meeting of the ZBA to order at 6:03 pm. Present were members Joe Curtin, Diana Baldarelli, Pat Fox and by phone, Charlie Conroy. Absent was member Matthew CampoBasso. Jerry Siver joined the meeting at 7pm to vote on the public hearing scheduled for 7pm.

Staff Present: Patty Page, Administrative Assistant and Paul Haverty, consultant to the Board.

Agenda

AGENDA:

- 6:00 pm – Comprehensive Permit (continued) 81 Chace Hill Road
- 6:45 pm – Discussion of Proposed changes in conditions of approval
- 7:00 pm – Special Permit, 3 Redstone Hill Road
- 7:30 pm – Minutes from June 9, 2020

Due to the COVID-19 pandemic, public participated via teleconference.

Comprehensive
Permit
(Continued) – 81
Chace Hill Rd.

The Board reviewed the draft decision that Mr. Paul Haverty has prepared with input from the applicant and board members throughout the hearing process. At 7:52 pm, after a detailed review of the conditions listed in the decision, Mr. Fox asked if there was anyone present on the phone who wished to speak.

After hearing no one, Mr. Fox moved on to a letter received from an abutter and addressed their concerns. The letter asked for a reduction in density. Mr. Haverty stated that density reduction could only be made when it relates to health, safety or public concern. In Mr. Haverty's professional opinion, if the board were to reduce density, the Housing Appeals Commission (HAC) would overturn such a condition. When the HAC overturns one condition, then the Board loses all conditions agreed to, not just the one that was appealed. Additional concerns were:

- Request was for "Independent Review" – Mr. Haverty stated that this is not necessary and design review is for substantially sized buildings and such a review would reduce the visual impact (screening) of the project.
- Allow abutters to be involved in the Condominium Owners Association. Mr. Haverty stated that would violate condominium statute.
- "Seed money" of \$30,000 to address any issues with the development, septic, etc. The Board does not have the authority to impose such a condition, though the developer could consider it.
- 500' of arborvitae screening on the northerly side. The Board has already imposed a condition that would require a natural buffer that remain undisturbed. The Board then revised the condition to allow for plantings and/or fencing if any areas appear to be thin.
- Solar "slow" sign. Not in the jurisdiction of the Board.
- Lower the speed limit on Chace Hill Road. Not in the jurisdiction of the Boards.
- Establish an easement for walkers – the Board cannot grant an easement.
- Soil testing in relation to trash dumped on the site. Mr. Haverty stated that a 21E (Hazardous Materials testing) is required as part of financing of the project.
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At 8:15 pm, Mr. Fox again asked if there was anyone on the line for public comment, no one responded.

Northgate Meadows, Off Leominster Road	<p>Joe Curtin made a motion to close the public hearing, Diana Baldarelli seconded. All in favor, with one abstain (Jerry Siver), Vote passed 4-0-1.</p> <p>Joe Curtin made a motion to approve the Comprehensive Permit as discussed and as drafted. Diana Baldarelli seconded, and one abstain (Jerry Siver). Vote passed 4-0-1 with Patrick Fox, Diana Baldarelli, Charlie Conroy and Joe Curtin in favor.</p> <p>Attorney Thomas Bovenzi and Mr. James Whitney proposed a modification of the Comprehensive Permit for Northgate Meadows. The original permit was for 72 rental units and 86 homeownership units. The proposed modification would change to all rental units in 3 buildings for a total of 216 units, which would all count on the Town of Sterling's Subsidized Housing Inventory (which is currently just over 2% with a goal of 10%).</p>
	<p>Mr. Fox asked about the progress of the current rental unit – it is approximately 80% framed with an anticipated completion of the first 36 units to be by the end of this year and the remaining 36 within 6 months of the completion of the first.</p> <p>Attorney Bovenzi provided the Board with a letter agreeing to extend the regulatory time frame for public hearing for up to 90 days (state statute is 30 days).</p> <p>Joe Curtin made a motion that the proposed changes to the Comprehensive Permit are "Substantial," therefore requiring a public hearing. Diana Baldarelli seconded. All in favor, 5-0. The motion passed unanimously.</p> <p>Mr. Haverty recommended that the applicant contact Mass Housing regarding a new requirement that 10% of the units must be 3 bedroom. He also stated that we would need architectural plans, revised site plans and a revised waiver list. He also noted that the waivers could only be applied to the Bylaws that were effective in 2006.</p>
Special Permit – Accessory Apartment - 3 Redstone Hill Road	<p>Ms. Lori Parks was available to discuss her petition for an accessory apartment. Currently there is a vacant lot located at 3 Redstone Hill Road. Ms. Parks plans to build a single family home with an attached accessory apartment.</p> <p>Mr. Fox reviewed sections 2.3.5 and 6.3.2 of the Protective Bylaws with Ms. Parks and she agreed to all the requirements listed.</p> <p>A member of the historical commission called into the meeting and expressed concerns about drainage near the cemetery. Mr. Fox reminded the caller that the Board was only reviewing the accessory apartment and has no purview over the single family home that is to be constructed. Ms. Parks commented that they will do all that they can to contain water shedding from their property. They have designed the driveway to slope away from the cemetery.</p>
	<p>Jerry Siver made a motion to approve the Special Permit for the accessory apartment subject to the conditions listed in section 2.3.5 of the Protective Bylaws. Diana Baldarelli seconded. All in favor, 5-0. Motion passed unanimously.</p>
Minutes	<p>Joe Curtin made a motion to approve the minutes of June 9, 2020. Charlie Conroy seconded. Motion passed 3-0-2 with Diana Baldarelli and Jerry Siver abstaining.</p>
Adjournment	<p>Joe Curtin made a motion to adjourn. Charlie Conroy seconded. All in favor, 5-0. Motion passed unanimously.</p>