



TOWN OF STERLING
ZONING BOARD OF APPEALS MINUTES
Butterick Municipal Building, Room 205 6:00 p.m.
September 8, 2020

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

MEETING:

Chairman Pat Fox called the meeting of the ZBA to order at 6:00 pm. Present were members Joseph Curtin, Diana Baldarelli, Patrick Fox, Jerry Siver and Matt CampoBasso.

Also present was Paul Haverty of Blatman, Bobrowski & Haverty, LLC as the technical review consultant to the Zoning Board of Appeals.

Agenda

AGENDA:

- 6:00 pm – NORTHGATE MEADOWS – COMPREHENSIVE PERMIT MODIFICATION** - Notice is hereby given that a request has been filed with the Sterling Board of Appeals by J. Whitney Development, Inc. for a Comprehensive Permit Modification pursuant to 760 CMR 56.05(11) and 56.07(4)(a). The applicant would like to modify the permit to all rental units rather than the mix of part homeownership and part rental units. The applicant has also requested an increase in the total number of units from 158 units to 216 units. The Board has determined that this modification is Substantial in nature. The property is located "off" Leominster Road, Sterling, MA, Parcel ID 23-18 and located in Rural Residential & Farming zoning district.
- 6:30 pm -SPECIAL PERMIT & VARIANCE** - Joseph Evangelista has applied to the Zoning Board of Appeals seeking a Special Permit for the purposes of building a Single Family House and a Variance for relief from the front yard setback requirements at a property located 3 Trinity Avenue, Sterling MA, Parcel ID 175-53. The property is located in the Neighborhood Residential zoning district.
- 6:40 pm** – Discussion on amendments to Protective Bylaws.
- 7:00 pm – Minutes** – Review minutes from August 11, 2020.

Northgate
Meadows – "off"
Leominster Road
– Parcel ID 23-18
– Substantial
Change to
Comprehensive
Permit

Attorney Thomas Bovenzi and Mr. James Whitney called into the meeting to discuss the proposed change to the Comprehensive Permit first approved in 2006. The current permit is for 158 units with 86 being homeownership units (in 18 buildings) and 72 units as rental in 2 buildings, but made an "insubstantial" change to have all 72 rental units in one building as opposed to the original 2 buildings in 2019. The request is to change the project to all rental units for a total of 216 units.

Attorney Bovenzi asked that the Board allow Whitney Development to do a traffic analysis within the next 30 days, prior to the next meeting and in enough time for the Board to secure a review from an independent engineer. Additionally, they will provide an analysis of impervious surfaces – there is less impervious surfaces as confirmed by their engineer. They will also provide a narrative to the analysis.

The police department indicated that they had concerns with the radio reception from the site. The applicant has stated that they shall install a bi-directional amplification system (BDA system) in each building which has sufficient signal strength for transmission to the fire and police radio system in compliance with Section 916 of the Building Code.

Mr. Haverty noted that the applicant has designated 2 parking spaces per unit. He stated that 1.5 is the norm and that the applicant may want to have their engineer address this with regards to impervious surfaces.

Member Joseph Curtin requested the applicant provide setbacks with what they had originally approved and what is proposed relative to impervious surfaces. Mr. Haverty asked the applicant to complete a narrative on how the drainage is changing on the site.

At 6:20 pm Chairman Fox opened the hearing to the public. Callers expressed concern over increased traffic, well water, septic and property devaluation. Applicant stated that they will be doing a new traffic study and they will have their engineer discuss the water with the Department of Public Works. Septic/sewerage will be handled by the City of Leominster.

Mr. Haverty also requested that the applicant revise their waiver request – it would be helpful to know which were granted and no longer needed. Applicant stated that there will be no additional waivers.

	<p>Mr. Curtin made a motion to continue the hearing until October 20, 2020 at 6:00 pm. Mr. Siver seconded. All in favor, 5-0.</p>
3 Trinity Avenue – Special Permit & Variance to rebuild single family home – Parcel ID 175-53	<p>Attorney George Kiritsy and Mr. Joseph Evangelista called into the meeting to discuss the petition for 3 Trinity Avenue. The applicant seeks a Special Permit to rebuild a single family home and a Variance for relief from front yard setback. The original structure was damaged by fire and subsequently torn down and is currently a vacant lot that is overgrown. The lot is a triangular shape making it difficult to meet setback requirements.</p> <p>Chairman Fox asked the applicant if they had received any abutter concerns. Mr. Evangelista stated that quite the opposite is true. They've applied to be part of the Homeowners Association and abutters are excited to see the lot cleaned up.</p> <p>The meeting was then opened for public comment. No one dialed in to discuss this application.</p> <p>Mr. Jerry Siver made a motion to grant the Special Permit to rebuild in compliance with all applicable sections of the Town's Protective Bylaws and to grant the Variance for the front yard setback. Ms. Diana Baldarelli seconded, all in favor, 5-0.</p>
Protective Bylaw Amendments	<p>The Board reviewed a number of proposed Protective Bylaw amendments, including changes to the Table of Uses, and unanimously agreed to request that the Board of Selectmen refer the proposed bylaw amendments to the Planning Board for a public hearing.</p>
Minutes	<p>Mr. Jerry Siver made a motion to approve the minutes of August 11, 2020 as written. Diana Baldarelli seconded. All in favor, motion passed 5-0.</p>
Adjournment	<p>Joe Curtin made a motion to adjourn. All in favor, 5-0. Motion passed unanimously.</p>