



TOWN OF STERLING  
ZONING BOARD OF APPEALS MINUTES  
Butterick Municipal Building, Room 205 6:00 p.m.  
October 20, 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 (Continued)** - 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** – Paul & Betty Sushchik have applied to the Zoning Board of Appeals seeking a Special Permit for the purposes of building an Accessory Apartment at a property located at 163 Princeton Road, Sterling MA, Parcel ID 95-14. The property is located the Rural Residential and Farming zoning district.

**6:45 pm – Minutes** – Review minutes from September 8, 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 reviewed the traffic reports and stated that the combined project (Southgate in Leominster and Northgate in Sterling) will result in LESS traffic. Mr. Whitney commented that originally they had anticipated that the business park would have more office space, but in actuality, they have more manufacturing businesses in Southgate that have decreased parking requirements as well as decreased traffic trips associated with it.

Mr. Whitney also commented with regards to North Row Road/Pratts Junction Road – they have completed the required Final Environmental Impact Report (FEIR), the Environmental Notification Form (ENF). He also stated that MassDOT decides about traffic lights. It is not within the purview of the Board as it is a state requirement. Most likely if traffic counts increase, MassDOT would only change the timing of the lights in Leominster to allow for breaks in the traffic for entrance onto Leominster Road/Central Street. Mr. Whitney also noted that they have provided a turn lane to Research Drive in Leominster as required by MassDOT.

After a lengthy discussion regarding secondary access roads to the project, Mr. Paul Haverty noted that the Housing Appeals Committee (HAC) have upheld denials of Comprehensive Permits based on a single access point. He also asked the applicant to prepare why the current plans meet the safety requirements and explain why the secondary access is not needed. Length of the roadway, number of housing units and roadway all matter when making this determination. The applicant was asked to provide a "focused analysis" on why the secondary access is not needed and the viability of the proposed emergency access on the grassy areas.

Chairman Fox then reviewed other items that were addressed at the last meeting. Emergency services in town requested an upgrade to the radio system to allow for safe coverage of Northgate Meadows. Applicant has agreed.

Applicant stated that the impervious area of the currently proposed project is less than the original proposal. They will meet the DEP Stormwater Management requirements. Additionally, the Town will have a peer review of the stormwater changes.

Chairman Fox reviewed a request to waive Mitigation Funds that were part of the original approval of the Comprehensive Permit. Applicant stated that the funds were only for homeownership units, not rental and therefore no longer applicable. Mr. Paul Haverty stated that this request should be part of the modification request. It is not an insubstantial amount. The Board still needs to discuss and it will be part of the final decision.

Chairman Fox opened the meeting for public comment at 7pm. A member of the public asked about access to the MassDOT data and the FEIR (Final Environmental Impact Report), Attorney Bovenzi and Mr. Whitney noted that this information is available online through these agencies, but will provide to the Board.

Mr. Curtin also asked that the applicant provide a copy of the approved plans and an updated set of plans of the proposed changes.

Mr. Curtin made a motion to continue the Public Hearing to November 10, 2020 at 6pm. Mr. Siver seconded. All in favor, motion passed 5-0.

Mr. Paul Sushchyk called into the meeting present his application for a Special Permit to build an accessory apartment attached to his home located at 163 Princeton Road. The property is located in the Rural Residential & Farming Zoning District. Mr. Sushchyk stated that the accessory apartment would not create any adverse impacts on the town. He has sufficient acreage to meet the required setbacks.

Chairman Fox opened the meeting for public comment, there was none.

Mr. Curtin made a motion to approve the petition subject to compliance with Section 2.3.5 of the Protective Bylaws and compliance with all other applicable sections of the Protective Bylaws. Ms. Baldarelli seconded. All in favor, motion passed 5-0.

Mr. CampoBasso made a motion to approve the minutes of September 8, 2020 as amended. Mr. Curtin seconded. All in favor, motion passed 5-0.

Mr. Curtin made a motion to adjourn. All in favor, 5-0. Motion passed unanimously.

Special Permit –  
Accessory  
Apartment - 163  
Princeton Road –  
Parcel ID 95-14

Minutes

Adjournment