



TOWN OF STERLING  
ZONING BOARD OF APPEALS MINUTES  
Butterick Municipal Building, Room 205 6:00 p.m.  
November 10, 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. Members Jerry Siver and Matt CampoBasso phoned into the meeting. The Board had quorum with 5 members present.

Also present was Paul Haverty of Blatman, Bobrowski & Haverty, LLC as the technical review consultant to the Zoning Board of Appeals. Via phone was Mr. Jeffrey Dirk of Vanasse & Associates Inc. as our peer traffic review engineer.

**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 – Minutes** – Review minutes from October 20, 2020.

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

Attorney Bovenzi recapped the unit figures for the Board. The original permit would have been for 86 homeownership units with 18 being designated as affordable and counting towards the town's subsidized housing inventory. The new proposal eliminates the homeownership units and replaces them with 144 rental units of which 36 would be affordable, but all 144 (and the original 72) units would count towards the town's subsidized housing inventory. With a total of 216 units counted as opposed to the original which would have provided an additional 90 units to the inventory.

Attorney Bovenzi then went on to discuss some of the outstanding items. One being the proposed access modification. The applicant has reviewed with the Fire Department and agreed that proper signage and lane markings would be agreeable. Attorney Bovenzi proposed an additional condition requiring "do not block" markings with detailed plans and signage for emergency access.

The discussion moved on to Graves Engineering's (the Board's peer review engineer) report on Stormwater Management and Drainage System. The plans are currently conceptual and the engineer had no issues with the proposal, but recommended that an updated analysis be completed with actual plans when submitted. The applicant has proposed a condition that prior to the issuance of building permits, that they will provide updated stormwater information for review.

A waiver of Article 4.2.2 (Dimensional Requirements – which addresses density) of the Town of Sterling's Protective Bylaws was requested. The Bylaws require 15,000 square feet per dwelling unit. The original permit had a waiver granted for 6,100 square feet per unit and now it will be 3,580 square feet per dwelling unit if all rentals are approved.

Mr. Patrick Fox asked about the buffer zone to the houses along Route 12. The original proposal had the homeownership units approximately 25 feet from the property lines of the homes. The new proposal will have one apartment building 210 feet away and the other 320 feet away from the property line. The existing tree line is owned by the private residences and Mr. James Whitney indicated that he has no plans to do any additional clearing.

Mr. Jeffrey Dirk of Vanasse & Associates, Inc., traffic peer review engineer for the Town, presented his findings. Mr. Dirk indicated that the increase in units will create an increase in traffic, but minimal. He stated that the change in uses of the buildings in the business park

portion of this development located in Leominster will have less traffic than originally proposed. The net result is a decrease in traffic volume projections even with the creation of the additional rental units. Mr. Dirk thought there might be some confusion about the request for an “advisory ruling” from MEPA. He explained that his concerns stemmed from the car queue that may impact emergency vehicle access. Therefore he recommended that the applicant refer to the Manual on Uniform Traffic Control Devices (MUTCD) and install “do not block” intersection markings as indicated in the Manual. The applicant agreed to a condition to mark the areas of concerns per the MUTCD.

Mr. Fox opened the hearing up to the Board members for additional questions or concerns. There were none at this time.

Mr. Haverty asked the applicant for an updated list of Waivers. Mr. Haverty indicated that some of the original waivers may no longer be applicable or need modification. The applicant agreed to provide that information.

Mr. Fox then brought up the mitigation funds that were put in the original permit. Mr. Haverty indicated that although this use of mitigation funds was common when this permit was first approved, it is not widely used now unless the funds are directly tied to areas that require improvements such as water lines, sewer lines and traffic improvements. Additionally, rental units tend to have less of an impact on the Town’s services. The Board discussed further and determined that it was not necessary to impose the mitigation requirement on the rental units.

Mr. Haverty will begin drafting the Decision for Board’s next meeting.

Mr. Curtin made a motion to continue the Public Hearing to December 8, 2020 at 5:00 pm. Mr. Siver seconded. All in favor, motion passed 5-0.

Minutes

Mr. Siver made a motion to approve the minutes of October 20, 2020 as amended. Mr. Curtin seconded. All in favor, motion passed 5-0.

Adjournment

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