



TOWN OF STERLING  
ZONING BOARD OF APPEALS MINUTES  
Butterick Municipal Building, Room 205 5:00 p.m.  
January 12, 2021

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

**MEETING:**

Chairman Pat Fox called the meeting of the ZBA to order at 5:05 pm. Present were members Patrick Fox, Joseph Curtin, Diana Baldarelli, Jerry Siver and Matt CampoBasso.. 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.

**Agenda**

**AGENDA:**

5:00pm – 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.

5:45 pm – Discussion with Animal Control Board regarding proposed zoning changes relating to kennels

6:00 pm –TWO (2) SPECIAL PERMITS – Notice is hereby given that an application has been filed with the Sterling Board of Appeals by Janet Mynttinen for two (2) Special Permits. One for purposes of a Commercial Kennel and the other for an Occupation on Special Permit (see Sections 2.3.1., C10 and Section 4.1.2 of the Sterling Protective Bylaws respectively) at property located at 58 Mellon Hollow Road, Sterling, MA, Parcel ID 46-30 and located in Rural Residential & Farming zoning district.

6:30 pm – SOUTH MEADOW VILLAGE 40B – Project update.

6:35 pm - Proposed Zoning Amendments

- Discuss and review proposed zoning changes relating to signs, earth removal and Table of Principal Uses
- Discussion and possible vote regarding Accessory Dwelling Units draft bylaw

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

Attorney Thomas Bovenzi and Mr. James Whitney phoned into the meeting to discuss the draft decision prepared by Attorney Haverty (technical review consultant to the Board). The Board reviewed the draft decision page by page with the applicant and his attorney. Mr. Curtin proposed additional language to be added regarding traffic monitoring in the Traffic/Traffic Safety Conditions of the decision.

At 5:52 pm, Chairman Fox opened the public hearing to the public for comment. There was a question about traffic. The traffic study was addressed at a previous meeting and was reviewed by a peer review Traffic Engineer. At 5:53 pm, Mr. Joseph Curtin made a motion to close the public hearing. Mr. Matt CampoBasso seconded. All in favor, 5-0. Motion passed.

Mr. Joseph Curtin made a motion to grant the modified Comprehensive Permit subject to all the terms and conditions written in the amended decision for Northgate Meadows LLC, located off Leominster Road with all its additions, deletions and waivers. Mr. Matt CampoBasso seconded. All in favor, 5-0. Motion passed.

Discussion  
with Animal  
Control  
Board  
regarding  
proposed  
zoning  
amendments

Ms. Terry Sadler and Ms. Ann Marie Catalano of the Animal Control Advisory Board phoned into the meeting to discuss the proposed changes to the Table of Principal Uses regarding Commercial Kennels. After a lively discussion with members of the public and the Animal Control Advisory Board, Chairman Fox closed the discussion at 6:25 pm and reminded participants that this is not the final discussion for these proposed changes. The amendments will be referred to the Planning Board for a public hearing – open to the public for further discussion and deliberation per state statute. Ultimately, after the public hearing, the final decision on the proposed changes rests on the voters of Sterling at the next Town Meeting.

(2) Special Permits – Commercial Kennel and Home Occupation on SP – 58 Mellon Hollow Road, Parcel ID 46-30	<p>At 6:30 pm, the public hearing that was scheduled for 6:00 pm began. Ms. Janet Mynttinen phoned into the meeting and presented her case. She was informed by Animal Control Officer Louis Massa that she required a Commercial Kennel permit which requires a Special Permit to be obtained by the Zoning Board of Appeals to have more than four dogs at her property. Ms. Mynttinen currently has three rescue dogs at her home and takes 1-2 dogs on periodically for “playdates” and has also taken in a friend’s dog while she recuperated from surgery. She stated that she no longer charges for these playdates as she initially indicated in her petition submitted to the Board. She also indicated that she came up with a noise mitigation plan that involved moving the dogs play area to the front of the home which faces route 12.</p> <p>Chairman Fox acknowledged a number of documents he received that were in support of the application, as well as documents opposed.</p> <p>Many members of the public had concerns about noise, the number of dogs and the possible effect on their property values.</p> <p>Chairman Fox cited 6.3.2 of the Protective Bylaws and did not feel the applicant could show evidence that the detrimental effects of approving a commercial kennel outweigh the positive effects. Additional, section 4.1.2 states that there shall be no persistent or excessive sound as well as the article states the home occupation must be in the home – the dogs would be outside at times.</p> <p>After some additional discussion, Mr. Jerry Siver made a motion to deny the Special Permit for the purpose of a Commercial Kennel and to deny the Home Occupation on Special Permit. Mr. Joseph Curtin seconded. Ms. Diana Baldarelli abstained. The motion to deny the Special Permits was approved by a vote of four in favor, 1 abstain, the motion fails.</p>
Proposed Zoning Amendments	<p>After some discussion, Mr. Jerry Siver moved that the Board shall present the proposed zoning changes to the Board of Selectmen. Mr. Matt CampoBasso seconded. All in favor, 5-0.</p>
Minutes	<p>Chairman Fox recommended that the discussion regarding Accessory Dwelling Units be postponed until the next ZBA meeting.</p>
Adjournment	<p>Mr. Joseph Curtin made a motion to approve the minutes of December 8, 2020. Mr. Matt CampoBasso seconded. All in favor, motion passed 5-0.</p> <p>Mr. Curtin made a motion to adjourn. All in favor, 5-0. Motion passed unanimously.</p>