



TOWN OF STERLING
ZONING BOARD OF APPEALS MINUTES
Butterick Municipal Building, Room 205 6:00 p.m.
January 10, 2023

MEETING:

Chairman Patrick Fox called the meeting of the ZBA to order at 6:00 pm. Present were members Joseph Curtin, Patrick Fox, Everett Pierce, Matthew CampoBasso and alternate Gail Bergeron. Absent was Diana Baldarelli.

Agenda

- 6:00 pm – Special Permit Modification** - Steven Flagg has applied for a Special Permit Modification for a permit granted in November 2022. Applicant wishes to modify the permit by eliminating condition #5 which restricts the storage of recreational or other vehicles on the site. The property is located at 141-149 Greenland Road, Sterling, MA, Parcel ID 117-2, and located in the Light Industrial zoning district.
- 6:15 pm – Special Permit** - Twins Lawn Service has applied for a Special Permit for the purposes of operating a contractor's yard. (Article 2, Section 2.3.1, D(5) of the Sterling Protective Bylaws). The property is located at 78 Worcester Road, Sterling, MA, Parcel IDs 137-3 & 4, and located in the Commercial zoning district and the Groundwater Protection District.
- 6:30 pm – Application for Special Permit for Commercial Kennel** filed by Katrina Joblonsky to be exercised at 15 School Street. Initial determination by the Board as to whether to re-hear application under MGL Chapter 40A, Section 16. Discussion and vote to determine whether specific and material changes in the conditions upon which the previous unfavorable action was based exist.
- 6:40 pm – Discussion** and possible vote regarding amendments to the table of uses regarding kennels and accessory dwelling unit bylaw.
- 6:45 pm – Minutes** - Review minutes from November 1, 2022

141-149
Greenland
Road, SP
Modification

Chairman Fox opened the hearing and read the public hearing notice into record. The applicant was not present at the meeting. Staff phoned Mr. Flagg. There was a misunderstanding regarding the hearing and the applicant was out of town. Mr. Flagg respectfully requested a continuance to February. After a brief recess and discussion, Mr. Pierce made a motion to continue the hearing until February 14, 2023 at 6:00 pm, Mr. CampoBasso seconded. All in favor, 5-0.

78 Worcester
Road, SP
Contractor's
Yard

Chairman Fox opened the hearing and read the public hearing notice into record. Present to discuss the application were Mr. Brandon Fusaro and Mr. Michael Fusaro. They intend to run a landscaping business as well have sales of mulch, stone and salt. There are currently concrete "bins" on the right side of the structure, and they are proposing and additional 4 on the left side of the property. They will maintain the structure as an office. Currently there is fencing along the back perimeter of the property as well as small arborvitaes. Applicants have been in contact with DCR to discuss their operation. Mr. Brandon Fusaro had provided the Board with a letter describing the operation and the Board had him read that into record. The letter describes the zoning of the area, the proposed use, hours and further site beautification plans. The Board had a number of questions for clarification and then the hearing was opened to the public.

A number of abutters commented negatively to the proposed use with a couple of members of the audience speaking in favor of the business. Concerns included noise, views, water run-off, etc. The Board asked a few more questions and after discussion, Mr. Pierce made a motion to deny the application, Mr. Curtin seconded. All in favor of denying, 5-0.

15 School
Street, SP for
Commercial
Kennel -
Reconsideration

Chairman Fox indicated that the Board was in receipt of correspondence from an attorney representing the applicant. The attorney believes the applicant is entitled to consideration under the American with Disabilities Act and has requested a re-hearing. Per MGL 40A, Section 16, the Board is tasked to determine whether "specific and material changes in the conditions which the previous unfavorable action was based." Mr. Fox commented that there was no information on the original application that mentioned specific needs and /or special circumstances. In an effort to be fair, said special circumstances would be enough to schedule the new hearing. Mr. CampoBasso made a motion to schedule a hearing at a later date, Mr. Pierce seconded. All in favor, 5-0. Mr. Fox also informed the applicant that there is a second step for reconsideration,

which is Planning Board approval. The applicant indicated that she was aware of the further steps required.

Discussion and
possible vote:
Kennels & ADUs

Chairman Fox noted that there was a meeting with the town planner, a planning board member, himself and members of the animal control advisory board. For the most part, all parties agreed on a recommendation for the Table of Uses with one exception. "Personal Kennels." Some want it to be allowed as of right, some would like to see the Special Permit process stay in place. The Board felt that this type of kennel should not be allowed as of right, but through a Special Permit. Mr. Fox also reminded the advisory group that since the prior Table of Uses was "unfavorably acted upon" at the 2022 Annual Town Meeting, that Mass General Law requires that there is a 2 year "cooling off" period and the only means of working around this holding period was to obtain Planning Board authorization (see MGL 40A, Section 5).

The Board is proposing to eliminate the detached accessory dwelling unit (ADU) from the Protective Bylaws. The original intent for allowing detached units was to increase the affordable housing stock in Town, but what the Board has been seeing is proposals that appear to be proposing the addition of an additional single family dwelling as opposed to a small apartment. Mr. Curtin was on the Board when they first developed the ADU bylaw, and one important factor was that they wanted the units to be attached so as to keep the rural character of the Town. The Board agrees.

Minutes

Mr. Pierce made a motion to approve the minutes of November 1, 2022. Ms. Bergeron seconded. All in favor, 5-0.

Adjournment

Chairman Fox adjourned the meeting at 7:57 pm.

Minutes were approved at a meeting held on 4/11/2023, P. Page.