

## **ZONING BOARD OF APPEALS MINUTES**

**DATE:** November 21, 2017

**TIME:** 6:00 pm

**LOCATION:** Butterick Municipal Building, Room 205

**6:00 pm** – Sterling Zoning Board of Appeals was ***called to order*** by Chairman William Bird. Roll call taken.

***Sitting as a Board:*** Chairman William Bird, Joseph Curtin, Jerry Siver, Matthew Campobasso, Patrick Fox and Diana Baldarelli.

**6:01 pm- Variance: Duane Fogerty, 319 Leominster Road, Sterling, MA:** Chairman William Bird reads first agenda item regarding an application for a Variance for purposes of building a 20' x 24' addition to the rear of existing 20' x 24' detached garage. Chairman Bird states due to the time frame from which the applicant first filed for a Variance, up to the Public Hearing, was over the time frame in which to hear a case. Therefore, Chairman Bird suggests to the Board to approve the Variance for 319 Leominster Road.

**6:04 pm- Motion to approve the Variance for purposes of building a 20' x 24' addition to the rear of existing 20' x 24' detached garage was made by Joseph Curtin and seconded by Matthew Campobasso. Vote 6-0, All in favor, Motion approved.**

**6:05 pm- Discussion: Earth Removal Board:** Chairman Bird states the discussion of Earth Removal Board and Zoning Board and the roles they play have been ongoing for a while. The Zoning Board feels there may be no need for the Earth Removal Board, due to the fact the Town has a Planning Board and a Zoning Board, which both could cover the basis of the by-laws regarding Earth Removal. Chairman Bird will extend an invitation to the Town Administrator and Earth Removal Board to come to the next Zoning Board of Appeals meeting and discuss the current situation between the Boards.

**6:15 pm- Special Permit: Robert and Arlene Latini, "Off Hall Ave", Sterling, MA :** Chairman William Bird reads second agenda item regarding an application for a Special Permit for purposes of demolishing the existing camp and building a seasonal camp structure on the same footprint. Chairman Bird calls forth applicant and asks him to state his name and intentions.

Robert Latini comes forth and states he is with a gentleman Keith Howard and that he has property on the Lake which was vandalized years ago and would like to tear it down and build a seasonal cottage on the same footprint and it would be a similar building as the old one. A Board member asks if there was an abandonment issue? Mr. Latini states not to his knowledge because he has used the camp all along to gain access to the beach.

**6:21 pm: Chairman Bird opens discussion to public.** An abutter wants Mr. Latini to take caution as to not infringe on her land. She would also like to know where he will be putting the septic? And if a possible fence can be erected between the properties. Mr. Latini states he has had the site surveyed and whatever the town and conservation will allow him to do he will take every caution and obey all necessary laws. A board member states that Mr. Latini will have to comply with all by-laws if granted the Special Permit and that a fence is a civil issue to be discussed amongst themselves.

Another abutter states how fragile the lake is and with all the construction vehicles, trees being taken down, runoffs, how all this will have an impact on the land and how is Mr. Latini to protect that? Mr. Latini states most of the land is ledge and that he will take every precaution as to not to disturb the land. He also states one pine tree will have to come down to his knowledge so far. Also the Board reiterates that Mr. Latini will have to comply with all Conservation and Board of Health rules and regulations. The Zoning Board was only his first step in this process.

**6:30 pm- Chairman Bird closes public hearing.** The Board discusses that if they were to grant this Special Permit it would be under certain stipulations. Also, with it being rebuilt on same footprint, Mr. Latini has the right to rebuild and that abandonment is not a qualifying issue here.

**6:35 pm – Motion to Approve Special Permit under certain conditions as follows: 1. Subject to comply with Board of Health and Conservation Commission requirements if needed, was made by Patrick Fox, seconded by Joseph Curtin. Vote 6-0, All in favor, Motion approved.**

**6:37 pm – Discussion Food Truck by-law:** The Board states that Dawn has sent a letter to Board of Selectman awhile back regarding Food Trucks. The Zoning Board of Appeals agreed to research other town by-laws and discuss at subsequent meeting.

**6:43 pm- Review of August 8, 2017 Minutes: Patrick Fox made Motion to approve minutes, Matt Campobasso seconded, Vote 6-0, All in favor, Motion approved.**

**6:47 pm - Motion to adjourn meeting made by Matthew Campobasso, Joseph Curtin seconded, Vote 6-0 All in Favor. Meeting Adjourned.**