



TOWN OF STERLING
ZONING BOARD OF APPEALS MINUTES
Butterick Municipal Building, Room 205 6:00 p.m.
May 9, 2023

MEETING:

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

Agenda

- 6:00 pm – Special Permit (Continued)**- CD Corrinne Builders Inc. has applied for a Special Permit for the purposes of building a Multi-Family Development. (Article 4, Section 4.2 of the Sterling Protective Bylaws). The property is located at 100 Clinton Road, Sterling, MA, Parcel ID 70-2.1, and is located in the Neighborhood Residential and Rural Residential Zoning Districts.
- 6:15 pm – Variance (Continued – Applicant has filed a Leave to Withdraw)** - Dana McKiel of Integrity Building and Design has petitioned the Zoning Board of Appeals on behalf of Jeffrey and Christine Ward seeking a Variance for relief from the side yard setback requirements (Section 2.5.1 of the Protective Bylaws) at a property located at 18 Stuart Road, Sterling MA, Parcel ID 65-4. The property is located in the Rural Residential and Farming zoning district.
- 6:20 pm – Minutes** - Review minutes from April 11, 2023
- 6:30 pm** – Consideration of proposed amendment to Administrative Rules and Regulations
- 6:35 pm** – Election of Officers
- 6:45 pm – Special Permit (re-hearing)** - On February 23, 2023, the Planning Board voted to recommend the re-hearing of a previously unfavorably acted upon application for Katrina Jablonsky by the Zoning Board of Appeals on November 1, 2022. The application is for a Special Permit for a Commercial Kennel (see Section 2.3.1., C10 of the Sterling Protective Bylaws) to be exercised at 15 School Street, Sterling, MA, Parcel ID 105-21. (See MGL 40A Section 16). The property is located in the Town Center zoning district and the Groundwater Protection District.

100 Clinton
Road – Multi-
Family Dev. SP

At 6:00 pm Chairman Fox read into record his Mullin Rule which allows him to participate in the hearings after missing a single hearing per MGL 39, Section 23D.

Mr. Carl Corrinne (applicant) and Mr. Brian Milisci of Haley Ward were present to continue the hearing on the multi-family development located at 100 Clinton Road. One of the questions at the previous hearing was the distances of the homes to the units and property line. 106 Chocksett is 100' to the property line and 150' to the closest unit. 4 Albright is 285' from the property line and approximately 330' from the closest unit. 6 Albright is 110' from the property line and 160' to the nearest unit. 45 Chocksett is 50' from the property line and 125' to the nearest unit. There is a 40' buffer that will remain the same. The septic design might require some grading into the buffer and if that is the case, the applicant will vegetate that area.

Chairman Fox expressed concerns with the project meeting the requirements set for in section 4.2.3 of the Protective Bylaws, particularly the scale & site design. Would the applicant be willing to scale back the scale and density. Mr. Milisci reiterated that the density calculation is allowed in the bylaws. Mr. Fox stated he's still concerned about the scale and density. Mr. Milisci stated that it would be feasible to reduce the scope of the project, but concerned about making the project uneconomical. There was some more discussion about shifting the roadway or the cul-de-sac. Mr. Pierce made a motion to reopen the public hearing, Ms. Bergeron seconding. All in favor, 5-0.

There were concerns regarding the septic design as well as the accuracy of the perc testing witnessed by the Town's Board of Health (BOH). Mr. Milisci stated again that the septic design will be required to meet Massachusetts Regulations as well as the slightly more stringent regulations of the local BOH. After additional discussion, the applicant agreed to look into reduction of density and possibly shifting the roadway. Mr. Curtin made a motion to continue the hearing until June 13, 2023 at 6 pm, Mr. Pierce seconded. All in favor, 5-0.

18 Stuart Rd –
Variance, side
yard setback

Mr. Dana McKiel of Integrity Building & Design (representing the owners of 18 Stuart Road) submitted a Request to Leave Without Prejudice. Mr. Pierce made a motion to grant the leave, Ms. Bergeron seconded. All in favor, 5-0.

Rules & Regs
Modification

Chairman Fox presented some language to modify the ZBA's Rules and Regulations as it pertains to modifications. After some discussion, the Board agreed to lowering the fee for modifications from \$400 to \$200. Mr. Pierce made a motion to amend Section 602-17 "Filing fees; cost of public notice," Item B, #2 to reflect the change in fee from \$400 to \$200 (last item of the sentence). Ms. Baldarelli seconded. All in favor, 5-0.

15 School St –
re-hearing of SP

Attorney Jeremey Cohen of Boston Dog Lawyers submitted additional documents just hours prior to the meeting. The documents indicated that he would not be in attendance at the hearing, and included a number of doctor notes for the residents of the property. Representing the application were Mr. John Rousseau and Ms. Katrina Jablonsky. Mr. Rousseau had a number of concerns with some of testimony given at the previous hearing. Ms. Kelly Jones presented a number of facts as well as clarifying some of the errors in Attorney Cohen's letter.

Ms. Terry Sadler from the Animal Control Advisory Board (ACAB) stated that there is a prior history with this family and there have been many issues. Regardless of all that, the applicant still requires a kennel license. That being said, the ACAB does not support the kennel license. She answered some questions the Board had regarding differentiating between an Emotional Support Animal and a Service Animal. There was one member of the public that spoke in favor of the kennel license, and one neighbor who did not support it at all.

At 7:17 pm, Mr. Pierce made a motion to close the public hearing, Ms. Bergeron seconded. All in favor, 5-0.

The Board continued deliberations. There were a number of concerns in the inconsistency of testimony and applications submitted. After some discussion, Mr. Pierce made a motion to deny the Special Permit for a kennel license. Ms. Baldarelli seconded. All in favor, 5-0.

Minutes

Mr. Pierce made a motion to approve the minutes of April 11, 2023. Ms. Baldarelli seconded. All in favor, 5-0.

Election of
Officers

Mr. Curtin made a motion to have Mr. Fox continue as chairman. Ms. Baldarelli seconded. All in favor, 5-0.

Mr. Fox made a motion to have Mr. Curtin continue as vice chairman, Mr. Curtin seconded. All in favor, 5-0.

Mr. Curtin made a motion to have Ms. Baldarelli continue as clerk. Mr. Pierce seconded. All in favor, 5-0.

Meeting was adjourned.

Minutes were approved at a meeting held on 6/13/2023, P. Page.