



TOWN OF STERLING  
ZONING BOARD OF APPEALS MINUTES  
Butterick Municipal Building, Room 205 6:00 p.m.  
October 17, 2023

MEETING:

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

Agenda

- 6:00 pm – Administrative Appeal (Continued)** - Jane B. Morgan and Raymond L. Quinlan are seeking an Administrative Appeal of the Building Commissioner's determination (Article 301-6.2.2(3) of the Protective Bylaws) that the farm/forestry activities taking place at 159 Upper [sic] North Row Road are not in violation of the Protective Bylaws and are protected under the Right to Farm bylaw. The Parcel ID is 10-21, and is located in the Rural Residential 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 301-2, Section 301-2.3.1, D(5) of the Sterling Protective Bylaws). The property is located at 110 Worcester Road, Sterling, MA, Parcel ID 126-5, and located in the Commercial zoning district and the Groundwater Protection District.
- 6:25 pm – Discussion** - Multifamily Zoning Bylaw proposed amendment.
- 6:30 pm – Minutes** - Review minutes from September 12, 2023

Administrative  
Appeal – 159  
(Upper) North Row  
Road – Farming  
activities -  
CONTINUED

Joseph Testagrossa submitted his signed Mullin rule affidavit which allowed him to participate in the hearings after missing a single hearing per MGL 39, Section 23D and Chairman Fox read it into public record.

Chairman Fox reminded the audience that the public comment portion of the hearing has been closed, but will open the floor to the attorneys for further discussion. Attorney DiLuna submitted a letter agreeing to cease and desist activities at the property in question. The letter further states that they will need 10 days to vacate from the lot. He stated that the owner of the property will only leave 30 cords of wood and that will be strictly for personal use. Attorney Zuretti indicated that the offer was satisfactory and requested that a written decision with conditions be issued. Mr. Pierce wanted clarification on what will remain on the property. There will be one piece of "wood processing" equipment and the 30 cords.

Chairman Fox reiterated that the activity at 159 (Upper) North Row Road is not a permitted use because wood materials were brought from other non-exempt locations and then processed commercially on site. "Cotton Tree Service" case law, which has many similarities to this case, can be used for guidance. Mr. Curtin stated that the evidence/paperwork does not back up what is going on there.

After discussion, Mr. Curtin made a motion to overturn the Zoning Enforcement Officer's determination as the use does not meet the agricultural exemption based on the information provided. Padula/Gagnon must comply with the agreement letter to cease and desist operations. Mr. Pierce seconded. All in favor, 5-0.

110 Worcester Road  
– Contractor's Yard  
SP, Parcel 126-5

Mr. Brandon Fursaro of Twins Landscaping presented his case for Special Permit. There will be a retail sales component. There are no proposed alterations to the building or site and no increase to the impervious area. The site will remain tidy with no trash and season plantings. They intend to keep the landscaped buffer and are also willing to increase plantings and add fencing. The proposed hours of operation are Monday thru Friday 7:30 to 6:30pm and 8 to 2pm Saturdays and will remain closed on Sundays. Hours will decrease as the days get shorter. Most of the site activity will take place in the first 30 and last 30 minutes of the day. The remainder of the day will be mostly passive. They anticipate receive 3-4 deliveries.

Chairman Fox confirmed that the concrete bins will be for mulch, crushed stone and loam. Any buffer existing on the site will remain with no further cutting. That the applicant is not looking to expand operations beyond what is being proposed. The

other equipment that will be on site would be a loader/truck that will remain overnight. The building will hold the offices/retail sales. Mr. Pierce confirmed that salt storage would not be at this site.

Chairman Fox opened the floor to the public, but there were no comments. Mr. Curtin stated that he would prefer some sort of fence/buffer for the concrete bins to shield the neighbors on Jewett Road. He also reiterated that access should only be from Route 12 and never from Jewett.

Mr. Pierce made a motion to approve the Special Permit subject to the following conditions: all vegetation shall remain undisturbed; fencing on the northerly side; access only from route 12; bins are to be placed in front of vegetation on the grassy area; maintain proposed hours of operation; comply with existing bylaws and regulations. Ms. Baldarelli seconded. All in favor, 5-0.

Multifamily Bylaw  
Amendment  
Discussion

Chairman Fox discussed the amendment to the multifamily bylaw proposed by the ZBA. The Planning Board will be holding the public hearing in November. Some concerns he has heard was regarding "Note 1" which does not allow wetlands, easements, etc. to be used in the calculation of units. Additionally, the 200' setback was of concern, but that is currently in the bylaw and not one of the changes that were proposed by the Board. Chairman Fox plans on attending the public hearing and asked if other members were available to attend as well.

Minutes

Mr. Pierce made a motion to approve the minutes of September 12, 2023 as amended. Mr. Curtin seconded. All in favor, 5-0.

Adjourn

Meeting adjourned.

*Minutes were approved at a meeting held on 11/14/2023, P. Page.*