

TOWN OF STERLING
ZONING BOARD OF APPEALS

Minutes of Meeting

DATE: April 16, 2014

TIME: 6:30 pm

LOCATION: Butterick Municipal Bldg., Room 205

Board Members Present: Joseph Curtin, David Lozier, Richard Hautaniemi,

Alternate Members Present: Jerry Siver, Matthew Campobasso

Board Members Absent: William Bird, Jeffrey Donaldson

Agenda:

6:30 pm - Discussion of Minutes

6:35 pm - Case #631 – Continuance: Jim Simpson – Special Permit

[Special Permit for purposes of construction of a new multi-family dwelling development at 43 Redstone Hill Road in Sterling]

7:05 pm – ZBA Business

- Eight Point Sportsmen's Club re application for special permit to maintain mobile home
- Follow-up re revision to Kennel License Application Form C
- ZBA Resignation of David Lozier
- Administrative matters: accounts payables, budget, seminar notices, time record review and public hearing notices

Proceedings:

6:35 pm – Sterling Zoning Board of Appeals was **called to order** by Acting Chairman, Joseph Curtin.

Roll call taken. ***Sitting as a Board:*** Joseph Curtin (Acting Chairman), David Lozier, Richard Hautaniemi, Jerry Siver and Matthew Campobasso.

6:35 pm – Discussion of Minutes: There being no discussion, Mr. Hautaniemi made a ***Motion to accept the Minutes of March 11 and April 8, 2014*** as written. ***Mr. Lozier Seconded. Vote: 5-0;*** Minutes accepted as written.

6:36 pm – Continuance of Case #631 – Special Permit

Applicant Presentation: Jim Simpson, Sterling Real Estate Development and Mark Piermarini, P.E., Whitman & Bingham Associates, presented plans for a proposed multi-family development.

Mr. Piermarini reviewed the proposal consisting of 21 buildings, 2 units in each. Approval by Conservation Commission on 2/4/14. Order of Conditions issued on 3/4/14. Approval of Utilities by Board of Health on 4/10/14. Planning Board public hearings on 1/12, 1/26 and 1/29/14; Approval of Planning Board on 1/29/14; Haley & Ward reviewed the project for drainage; Fire Dept has reviewed the plans as well. The project was previously approved in 2004. Bylaws have changed. Plan has been changed to keep the multi-family neighborhood similar to the single family surroundings. ***Mr. Simpson*** presented and reviewed his narration of reasons why the proposal complies with the protective by-laws of the Town of Sterling. (***Attached as Exhibit A***)

6:55pm – Mr. Curtin opens the hearing to the Board for questions to the Applicant

Mr. Curtin inquired about the Planning Board review re access roads.

Mr. Simpson stated changes were made from recommendations by Haley & Ward re water flow.

Mr. Siver inquired about sidewalks?

Mr. Simpson replied no sidewalks. Units are close to the driveway. The road is 24' wide which is 4' wider than a lane in Sterling. Bus stops will be installed in the subdivision.

Mr. Campobasso inquired about recommendations and changes made to the original plan.

Mr. Simpson acknowledged the cul de sacs were made larger, fire hydrants were moved to the end of the cul de sacs, bus stops were added, the names of the project and the streets were changed, and street lights were added.

Mr. Lozier inquired how many street lights?

Mr. Simpson responded one in each cul de sac and at the intersections. There are 4 within the project and one light at the end where it connects with Redstone Hill Road.

Mr. Hautaniemi inquired if the Conservation Commission has approved the project?

Mr. Simpson replied yes, it has been approved by the Conservation Commission, the Board of Health, and the Planning Board. The Order of Conditions has been recorded.

7:00 pm - Mr. Curtin opens the hearing to the Public

Sterling residents expressed the following questions and concerns:

Mr. Artur Perkins, 32 Redstone Hill Road spoke on the lack of protection re the safety problems and issues on Redstone Hill Road, especially during the winter months when there is ice on the roads. Mr. Perkins felt that speed should be reduced while construction is in process. **Mr. Curtin** suggested the safety issues should have been addressed at the Planning Board hearing. As part of his wetland approval Mr. Simpson must submit a storm water management compliance report. He will be responsible for maintaining and making sure there is no run-off from the site. Certain contingencies will be addressed in the conservation portion of his permit process.

Jayne Perkins, 32 Redstone Hill Road – inquired about the grade of the access road and the distance between the driveways. **Ms Perkins** expressed her concern about additional traffic from the development and the danger of the blind driveway.

Claire Fisher, 49 Redstone Hill Road – spoke about the water flow problem on Redstone Hill and its effect on causing ice in the winter. Ms. Fisher has a blind driveway (no sight line) and requested a traffic mirror so she can safely exit her driveway. Ms. Fisher also requested privacy trees be planted behind her lot line. Ms. Fisher inquired if there would be blasting near her property. **Mr. Simpson** assured Ms. Fisher there would be no blasting directly behind her house.

Brian Martin, 34 Redstone Hill Road – expressed his concerns about increased traffic on Redstone hill. He feels the development will increase additional traffic on a street that is already overburdened and not designed for the flow and speed of traffic right now. Redstone Hill Road is a curvy, bumpy rural route on a hill which was engineered incorrectly. Mr. Martin feels the access point of the development from Redstone Hill Road will create additional problems. Perhaps a different access point should be considered. **Mr. Curtin** asked if a guardrail might help.

Lea Frantz, 20 Redstone Place - queried if all clearing is complete. **Mr. Simpson** replied there may be a little more. **Ms. Frantz** has a privacy concern and asked if trees will be planted on her property line. **Mr. Simpson** agreed to plant privacy trees. **Ms. Frantz** asked where the lighting will be installed. **Mr. Simpson** replied it would be in the middle of the cul de sac. **Ms. Frantz** expressed concern about blasting and her septic. **Mr. Simpson** showed her on the plan where the blasting would take place. **Ms. Frantz** asked how soon before building and selling? **Mr. Simpson** replied ASAP. (This summer). **Ms. Frantz** asked how the “paper road” would be affected. **Mr. Simpson** replied it will not be touched at all.

Roland Wade, 19 Redstone Hill Road – has a blind driveway and is not able to safely back out onto Redstone Hill Road. He is concerned about the impact the development will have on the added traffic/access issue. Mr. Wade requested a traffic mirror be installed, making it possible to see the oncoming traffic. Mr. Wade also presented a case about reducing the speed limit on Redstone Hill Road and the serious need for sidewalks.

Greg Fynan, 13 Redstone Place – read for the Board’s review, his letter to the Board dated March 5, 2014 about stipulations originally agreed upon in 2004 re no cut through towards Redstone Place and that a no-cut buffer zone would be provided along the portion of the property toward Redstone Place. (**Exhibit B**). He asked if the ZBA would stipulate this matter in their findings. **Mr. Curtin** replied yes, they would.

Donald Patten, 3 Hazelhurst Way - inquired why the ZBA requires a Special Permit? **Mr. Curtin** explained for a multi-family development the applicant is required to get a Special Permit so that it will comply with the zone. A multi-family development is allowed with a Special Permit. It is not allowed by right, but it is allowed by right through a Special Permit. There are certain criteria that need to be addressed. **Mr. Patten** inquired about the distance requirement between driveways. **Mr. Curtin** assured him that will be addressed. **Mr. Patten** expressed concern about property value, and quality of life, which he felt would definitely change with a multi-family development of this magnitude being built in this area. He believes this would be a significant change in the character of Sterling.

Laura Giard, 10 Ashton Lane - expressed concerns about blasting. Ms. Giard asked if all of the units do not sell, who would be responsible for maintaining the property? **Mr. Simpson** replied, my development in Hubbardston still has an association. I am one of the trustees. I am still on the Board and still maintain it. It is 2/3 complete. My best interest as the developer is to make sure it is taken care of if I intend on selling more units. **Ms. Giard** inquired if the building would be done as the units sell, or building all and then sell. **Mr. Simpson** replied the infrastructure and model units would be built as soon as possible and then sales.

Rebecca Piland, 18 Redstone Place – inquired if the tree removal is complete. **Mr. Simpson** replied there may be an occasional tree in the way that will have to go. The majority of the tree cutting is done. The bulk of the clearing was done years ago and all of the stumps were removed, however, re-growth has occurred. So there are small trees which will be cut again. **Ms. Piland** inquired how foundations will be built near the cliff without blasting? **Mr. Simpson** replied not all of them will be cuts. Most of them will be fills. **Ms. Piland** expressed her concern about lighting. **Mr. Simpson** replied that the Planning Board required specific lighting. **Ms. Piland** expressed her concern about schools becoming overburdened. **Mr. Simpson** assured her that this is the best alternative to developing the property. Anything that has single family houses will have more children than what we propose. Short of not developing the land at all, this way is how you would get the fewest number of children. **Ms. Piland** inquired about the selling price. **Mr. Simpson** replied I really do not know yet. I am hoping high \$200’s for the 2 bedroom model.

Greg Frantz, 20 Redstone Place – questioned location of 11A at grade or fill? **Mr. Simpson** replied it is pretty much at grade. **Mr. Frantz** inquired about snow removal. **Mr. Piermarini** pointed out the various areas as shown on the plan. It will be over at the end of the cul de sacs. It is labeled with the Planning Board. Snow is not allowed to be pushed into the wetlands.

Edwin Jacques, 7 Ashton Lane – expressed his concern about blasting. What should we do if we are affected by the blasting? **Mr. Simpson** replied wells would be more of a concern than septic tanks. It is a much smaller area with a much lighter load because we are just trying to blast enough to get it out of the way. Seismographs set up by the blasting company record the intensity of each blast. We rely on the licensed company. They are required to pull a permit with the Fire Dept in order to do the blasting. The Fire Dept witnesses the whole thing. **Edwin Jacques asked:** If we experience a problem consistent with the blasting, what should we do? **Mr. Simpson** replied to document prior to blasting and then re-document after blasting just to verify something did happen. **Mr. Curtin** added the Fire Dept monitors it and if something happens you should notify them and they would investigate.

Mr. Curtin asked Jim Simpson to review the 150' driveway separation and the changes from the previous package. **Jim Simpson** explained the previous application was called Wickapickett Knoll. It had 3 large buildings totaling 21 units. The entrance is exactly the same. It has not changed. That was approved in 2004. We addressed site distance, traffic, fire, flow, and the driveway setback with that entrance. We obtained a variance on the driveway entrance because it was found that it did not make a lot of sense that you could build a subdivision road there and build 100 houses with zero setback to a driveway and yet if you build a driveway, serving a multi-family and serve as little as 5 units, you need to be 150' away from anyone else's residential driveway. It is a prohibitive regulation. We obtained a variance for the same exact entrance that was approved in 2004.

Joe Curtin asked Mr. Simpson what he would propose regarding the safety issue at Mr. Perkins' property (#32 Redstone Hill) as well as the need for traffic mirrors at #19 and #49? **Jim Simpson** agreed to work with the DPW to make the corner safer in both respects as well as provide evergreen trees for #49 Redstone Hill Road and #20 Redstone Place.

8:10 pm – Jerry Siver makes a Motion to close the public hearing portion of the meeting. **Matthew Campobasso Seconds. Voted: 5-0;** All in favor of closing the public hearing. Motion carried.

8:10 pm – Discussion among the Board

The Board reviewed each of the project's requirements and compliance with all of the applicable zoning bylaws. **Mr. Curtin** consulted with Town Counsel re the inclusion of the safety issues. **Town Counsel** advised while the Board acknowledges and appreciates the applicant's willingness to work on the safety issues, it is not within the Board's purview to do so. The Board encourages, and supports it, but cannot rule to make the improvements. **Matthew Campobasso** believes the Town Bylaws have been adequately addressed. **Jerry Siver** is in agreement. **Richard Hautaniemi** is in agreement.

8:42 pm - Jerry Siver made a Motion to accept the Special Permit findings as presented to and discussed by the Board. **Mr. Hautaniemi Seconded.** No further discussion. **Vote: 5-0. All in favor.** Motion carried.

8:49 pm - Eight Point Sportsmen's Club

A history and chronology of the renewal of the Special Permit to maintain a mobile home on the property of the Eight Point Sportsmen's Club was reviewed. The Board has obtained sufficient documentation such that it is no longer necessary for the property owner to apply for a new Special Permit and that we are empowered to act upon their written request of February 24, 2014. The Organization's letter will serve as its written request for application for renewal. **Jerry Siver** made a **Motion to grant the request** of The Eight Point Sportsmen's Club, as stated in their letter dated February 24, 2014, for a two year extension (until July 31, 2016) of the Special Permit to maintain a mobile home on the property of the Eight Point Sportsmen's Club. **Seconded** by **Matthew Campobasso**. No further discussion. **Vote: 5-0. All in favor.** Motion carried.

Follow-up re revision to Kennel License Renewal Form

A recommendation was received from the Animal Control Advisory Board on April 7, 2014 suggesting the ZBA discuss the instructions page with the Office of the Town Clerk. The ACAB did not support the proposed change in form.

Resignation of Board Member, David Lozier

Letter of resignation dated April 9, 2014 was received by the Board and posted with the Town Clerk on May 5, 2014. (cc: ZBA, Chairman Bird, Board of Selectmen, and Town Administrator, Jeff Ritter. **Matthew Campobasso** made a **Motion to accept the resignation of David Lozier** from the Town of Sterling Zoning Board of Appeals effective at the close of the ZBA meeting to be held on June 10, 2014. **Jerry Siver Seconded. Vote: 4-0. All in favor.** Motion carried.

9:09 pm – Matthew Campobasso made a **Motion to adjourn;** **Jerry Siver Seconded.** **Meeting adjourned.**