

TOWN OF STERLING
ZONING BOARD OF APPEALS MINUTES
Butterick Municipal Building, Room 205 6:00 p.m.
July 10, 2018

MEETING:	Chairman Fox called the Zoning Board of Appeals to order at 6:00pm. Present were members Diana Baldarelli, Pat Fox, Jerry Siver and Joe Curtin. Absent were: Matt CampoBasso and alternate member Rich Lane.
Minutes Approval	Jerry Siver moved to approve the minutes of June 12, 2018 Joe Curtin seconded. Pat Fox - aye, Diana Baldarelli - aye. All in favor.
Special Permit 39 Flanagan Hill Road Parcel ID 47-12	<p>Petitioner James Simpson of James E. Simpson Excavating Co., Inc. submitted an application for a Special Permit for the subdivision of an 11 acre parcel located at 39 Flanagan Hill Road, Sterling, MA, Parcel ID 47-12.</p> <p>Wesley Flis of Whitman & Bingham Associates presented the petition to the Board.</p> <ul style="list-style-type: none">• The subdivision will contain 9 buildings – (18) two bedroom condo units.• The driveway is 760 feet long and 24 feet wide.• All units will have garages to the side of the unit, with the exception of 3 units that will have drive-under garages due to grade.• They will be supplied with municipal water.• There will be 2 septic systems.• Drainage via catch basins and retention/detention pond.• The driveway has been offset as to not interfere with the neighbor.• Application currently submitted to the Planning Board for site plan review and Haley & Ward for independent review.• Mr. Simpson is working with NHESP (Natural Heritage Endangered Species Program) – Mr. Simpson has walked the site with their herpetologist regarding the turtles populating the Wekepeke Brook. NHESP will require a permit which also takes into consideration stormwater design.• Conservation will be issuing their own permit (Conservation Commission requires a 100' buffer on either side of the Wekepeke Brook.)• EPA Stormwater Pollution Plan for erosion control has been submitted to the state.• The condo association will handle maintenance. <p>Mr. Flis continued with a review of a document he presented at the meeting titled "Special Permit Application Narrative" which addresses regulations in section 4.2 "Multifamily Development" of the Sterling Protective Bylaws. He also provided a drawing that showed the proposed site & grading plan. Mr. Simpson presented a narrative of section 4.2.4 "Decisions" (which is under 4.2 "Multifamily Development" of the Sterling Protective Bylaws).</p> <p>At 6:47 pm Chairman Fox opened the meeting to the public for questions and discussion. The meeting was very well attended and many citizens addressed the board. Areas of concern were the "advantages of a multi-family subdivision" (in reference to 4.2.4 of the Bylaws), road congestion, water supply, safety of roadways, run-off to the Wekepeke/environmental concerns. Chairman Fox noted that all requirements of section 4.2 (Multifamily Development)</p>

were met with the possible exception of the slope of the driveway. This will also be addressed during the Site Plan Review with the Planning Board and independent review with Haley & Ward.

The Board asked that Mr. Simpson speak to Mr. Bill Tuttle of the DPW before the Planning Board meeting scheduled for July 25, 2018 to discuss the sharp turn at the end of Flanagan Hill Road as the belief is that most residents from the subdivision would most likely be traveling in that direction to get to the highway. In addition to agreeing to speak with Mr. Tuttle, Mr. Simpson offered to speak with anyone who wishes to further discuss the project at any time and even meet at the worksite.

Mr. Simpson formally requested that the board continue the meeting until the August 14, 2018 meeting after beginning Site Plan Review process with the Planning Board (Planning Board meeting is July 25, 2018.)

Mr. Curtin made a motion to grant the applicant's request for a continuance to the August 14, 2018 meeting. Jerry Siver – 2nd. All in favor, 4-0.

Earth Removal

The board continued the discussion on the Earth Removal Bylaw Amendment. Mr. Fox spoke to Town Administrator Ross Perry and told him that the ZBA would like to move forward and keep this process going. There are currently two proposals - one from the Earth Removal Working Group, and the other from Selectman Rich Lane. Copies of Mr. Lane's proposal were provided to the other members. The plan would be to get the Board of Selectmen to agree on one of the proposals. Mr. Lane envisions the Board of Selectmen would be the point of entry for the Earth Removal permit applications and if someone is aggrieved, they'd go before the ZBA. In the Earth Removal Working Group model, either the ZBA or Planning Board, depending on the issue, would be the Permit Granting Authority. Also in the Working Group model would be "Rules and Regulations" which would be controlled by the Permit Granting Authority. This allows changes to be made without going to Town Meeting. The ZBA would like to schedule a meeting jointly with representatives of the ZBA and the Planning Board with Board of Selectmen after Labor Day. Long term goal after selecting a model is to have a public hearing and get this as an article for the next town meeting.

Adjourn

Joe Curtin made a motion to adjourn at 8:03 p.m. Jerry Siver second. All in favor.