

ZONING BOARD OF APPEALS MINUTES

DATE: August 9, 2016

TIME: 6:00 pm

LOCATION: Butterick Municipal Building, Room 205

6:01 pm – Sterling Zoning Board of Appeals was *called to order* by Chairman, William Bird. Roll call taken. ***Sitting as a Board:*** William Bird, Patrick Fox, Richard Hautaniemi and Jerry Siver. Absent : Joseph Curtin, Matthew Campobasso.

6:02 pm – ***Special Permit- Neady Cats Corp, Norman Roger Sarkisian, President, 215 Worcester Road:*** Chairman William Bird calls forth first Agenda item and reads hearing letter. Attorney Wayne Leblanc steps forth as representation for Norman Roger Sarkisian and states an application has been issued for a special permit for purposes of operating a cat shelter and for taking in , processing and adopting cats on the 1st floor, with all cats kept inside of building and continued use on the 2nd floor at said property. A site plan review will need to go into affect prior to the Special Permit being issued, in which the planning board will review at their August 31st meeting. Thus at the request of the petitioner, a Continuance was requested until the September meeting.

6:06pm- ***Request to continue the hearing was made by applicant; the public hearing portion of the meeting remains open and will be continued at the next meeting. Motion to grant a continuance to the next meeting on September 13, 2016, was made by Richard Hautaniemi. Seconded by Jerry Siver, all in favor, Vote: 4-0 in favor. MOTION TO GRANT CONTINUANCE OF HEARING UNTIL, September 13, 2016 AT APPLICANTS REQUEST.***

6:07pm- ***Review of Minutes from July 14, 2016:*** There being no discussion regarding the proposed Minutes of July 14, 2016. Patrick Fox ***moved to accept Minutes as presented.*** Richard Hautaniemi ***seconded. Vote 4-0 in favor. Motion carried.***

6:08 pm- ***ZBA Discussion:*** Patrick Fox will like to revisit and resolve the issue between the Zoning Board of Appeals and Earth Removal Board. Board would like Tax Language on applications to the ZBA to make sure taxes are up to date before applying for a Variance/Special Permit. Any and all parcels owned by applicant, if delinquent, will not be able to proceed with Zoning Board of Appeals application until taxes are paid up to date. New language for application will be reviewed.

6:15pm- ***Special Permit Extension- Eight Point Sportsmen's Club, Inc.:*** Chairman William Bird calls forth second agenda item for a two year extension of Special Permit issued in 1982, for purposes of a mobile home on property to allow a caretaker residence on the property to maintain safety and security.

Motion to grant extension was made by Jerry Siver and seconded by Richard Hautaniemi, All in favor. Vote 4-0. MOTION GRANTED.

6:30 pm- ***Special Permit Amended Continuance- Simpson, James B., 40 Redstone Hill/Off Redstone Hill:*** Chairman William Bird calls forth third final Agenda item and proceeds to read continuance letter from petitioners Counsel, attached hereto as Exhibit A. Chairman Bird also states the powers of the Zoning Board of Appeals and reads the General Laws, Chapter 40A, Section 14 attached hereto as Exhibit B. Chairman Bird states, the delay in this meeting is the fact there is no quorum and the research from Town Counsel for an answer of the standing issue of the ownership of the small roadway is still at hand.

6:35 pm- Request to continue the hearing was made by the applicant; the public hearing portion of the meeting remains open and will be continued at the next meeting. Motion to grant a continuance to the next meeting on September 13, 2016 was made by Jerry Siver . Seconded by Richard Hautaniemi. Vote: 4-0 in favor. MOTION TO GRANT CONTINUANCE OF HEARING UNTIL, September 13, 2016 AT APPLICANTS REQUEST.

6:36pm- Patrick Fox made motion to Adjourn, Jerry Siver seconded, No Discussion, Vote: 4-0 All In Favor. Meeting Adjourned.

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August 9, 2016

Attn: Dawn Metcalf
Zoning Board of Appeals
Town of Sterling
One Park Street
Sterling, MA 01564


Re: Sterling Real Estate Development, Inc. ("Sterling")
Cider Hill Estates, Sterling, Massachusetts
Amendment to Special Permit

Dear Dawn:

As you know, our office represents Sterling Real Estate Development Company with regard to its project off Red Stone Hill Road, Sterling. We have been informed that the Zoning Board of Appeals will not have a quorum for tonight's hearing and therefore we request a continuance of the public hearing of the Special Permit until September 13, 2016.

Please feel free to contact me if there are any questions or concerns.

Very truly yours,


Todd E. Brodeur
TEB/blm
(508) 459-8038 - Telephone
(508) 459-8338 - Facsimile
E-mail: tbrodeur@fletchertilton.com

Please direct all correspondence to our Worcester office.

EXHIBIT B

PART I ADMINISTRATION OF THE GOVERNMENT

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40A ZONING

Section 14 Boards of appeal; powers

Section 14. A board of appeals shall have the following powers:?

- (1) To hear and decide appeals in accordance with section eight.
- (2) To hear and decide applications for special permits upon which the board is empowered to act under said ordinance or by-laws.
- (3) To hear and decide petitions for variances as set forth in section ten.
- (4) To hear and decide appeals from decisions of a zoning administrator, if any, in accordance with section thirteen and this section.

In exercising the powers granted by this section, a board of appeals may, in conformity with the provisions of this chapter, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.