

MINUTES  
SUDBURY BOARD OF APPEALS  
TUESDAY, DECEMBER 4, 2001

The Board consisted of:

Mark A. Kablack, Chairman  
Patrick J. Delaney III, Clerk  
Thomas W.H. Phelps  
Lauren S. O'Brien  
Jonathan G. Gossels, Alternate

The meeting was convened by the Chairman, Mark Kablack.

Request for Special Permit Extension – Lorenzo Majno 10 Hudson Road

Present: Lorenzo Majno

The Board was in receipt of a letter dated November 21, 2001 from Mr. Majno requesting extension of Special Permit 00-39 to alter and enlarge a nonconforming structure by constructing a garage/workshop addition which will result in a side yard setback deficiency. The project requires acquisition of adjacent church property.

Mr. Majno explained that this has been an ongoing project for 2 ½ years. He would still like to move forward on the project; however, after obtaining the necessary approvals, his economic situation has forced him to request an extension. He would ask for a one-year extension noting that if he does not begin within a year, the project will probably not proceed.

After a brief discussion the following motion was placed and seconded:

MOTION: To grant Lorenzo C. & Mary Lee Majno, 10 Hudson Road, a one-year extension of Special Permit 00-39, said permit to lapse on December 17, 2002 if construction has not begun by such date.”

VOTED: In favor: 5 (unanimous) Opposed: 0

General Business Meeting

Mr. Kablack Mark provided the following updates:  
Joint Task Force – Sudbury Crossing update: brick walkway between Osco Drug and Sudbury Farms to improve pedestrian access has been constructed.

Sudbury Crossing or Sudbury Farms has submitted a paving plan which should soon be circulating through the Town Boards/Department. Email received from Selectmen O'Brien which indicates movement to change egress on westernmost egress from Sudbury Farms to a right-only turn. This would be in conjunction with the intersection at Nobscot Road. The Selectmen will be looking at the easement for potential access to Raymond Road.

Sign Bylaw: Proposed Sign Bylaw tabled for Spring Town Meeting – scheduled for October Town Meeting. Was discussion about designating one member from each Board for the committee. Tom Phelps agreed to represent the ZBA.

Email received from Town Manager Valente regarding AV for Town Hall. Responses will be forwarded to her.

Power Point: Memo received from Planning Board Member Bill Keller offering to conduct a presentation of the Master Plan. Mr. Kablack will check as to what is involved and report back.

ZBA Rules: Fee structure. Currently the fee is \$5 for administrative appeals which does not cover the costs for processing. After discussion it was on motion voted to increase the charge to \$50 for each application. (4 in favor: Kablack, Phelps, O'Brien, Gossels, 1 opposed: Delaney) It was further agreed to obtain fee schedule information from surrounding towns prior to the Board's Annual Meeting in order to determine whether any other fees should be revised.

There being no further business the meeting was adjourned.

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Mark A. Kablack, Chairman

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Patrick J. Delaney III, Clerk

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Thomas W.H. Phelps

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Lauren S. O'Brien

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Jonathan G. Gossels, Alternate

VERRILL ET AL  
NORTHWOOD AT SUDBURY  
138 North Road  
01-32

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, DECEMBER 4, 2002

The Board consisted of:

Patrick J. Delaney III, Acting Chairman  
Lauren S. O'Brien, Acting Clerk  
Thomas W.H. Phelps  
Jonathan G. Gossels, Alternate  
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on November 15 and 21, 2001, posted, mailed and read at this hearing.

This case involves an appeal by Stephen and Joan Verrill, William M. Wagner, Jr. and Ralph S. Tyler of the decision of the Building Inspector not to revoke Building permit #00-150 for the Northwood at Sudbury Activities Center, and Building Permit #00-011 for Residential Tower #2 for property owned by Northwood Properties LLC, located at 138 North Road.

Present: Stephen Verrill, William M. Wagner, Jr., Ralph S. Tyler

In addition to the appeal and supporting documentation, the Board was in receipt of a letter dated December 3, 2001 from Mr. Tyler which was incorporated as part of the record. Mr. Delaney had questions for clarification regarding that letter.

He asked whether this appeal is for a particular permit for Building #2, specifically #00-011. Mr. Verrill said 00-011 was an older permit which was reinstated. Northwood applied for and received a new permit (01-323), began work, then 00-011 was reinstated.

Mr. Tyler further explained that the original owner, Mr. Conant, took out permits in 1999 for Building #2 under permit #00-011. He said everyone thought they were void, apparently including the new owners and the new builder who applied for and received permit #01-323. Mr. Tyler said when he went to the Building Department for a copy of the permit, he was given permit #01-323.

However, in a recent affidavit, Mr. Tyler said Building Inspector Hepting is saying that the permit under appeal (01-323) is void because this other permit (01-011) which has never been appealed is valid, and basically the building permit on Building #2 was never appealed.

VERRILL ET AL  
NORTHWOOD AT SUDBURY  
138 North Road  
01-32 Page 2

It was Mr. Tyler's opinion that this maneuver is an attempt to circumvent the process that is in motion to get the decision in the Land Court over Building #2 by saying that permit #01-323 is of no value because prior permits have been resurrected.

Mr. Tyler was aware that this Board cannot act under the State building code. He said under the State building code the permit that is being appealed now should be void. He was asking the Building Inspector to revoke the permit for zoning reasons, which he refused to do. Therefore, he said the Appellants must come to the Board of Appeals for standing in order to get in front of the Land Court appropriately.

Mr. Delaney asked whether the Appellants' correspondence from Mr. Hepting was his September 26, 2001 letter.

Mr. Tyler said "no". He said Mr. Hepting filed an affidavit dated August 31, 2001, a copy of which was submitted with the appeal application, in which Mr. Hepting stated that basically the permit which was appealed before is void and the old one is resurrected.

Mr. Delaney said he was attempting to sort out what the Board went through at the last hearing, which was Mrs. Verrill's case. He wanted to touch on the Board's jurisdiction before getting into any of the merits. He understood Mr. Tyler's position on Building #2 to be that is an initial appeal.

Mr. Tyler agreed. He said no one has ever appealed permit #01-011 for Residential Tower #2. As well as no one has ever appealed the activities center.

Mr. Delaney said it was his understanding that the petitioners believed that unlike the previous case which Mrs. Verrill brought when the Board decided it did not have jurisdiction because basically the appeal had already been made, this is a fresh appeal of an old decision and the germane date would be the one in Mr. Hepting's affidavit of August 31, 2001.

Mr. Tyler added that the facts are essentially the same. It is the same building, and to the extent that the Board has already looked at the facts, has decided, some in favor, some not in favor. He referenced Town Counsel's letter to the Board dated November 27, 2001, which appears to say that the Board can incorporate their prior decision (01-9) for this appeal.

Mr. Delaney asked whether a separate building permit was issued for the activities center.

Mr. Tyler replied that it was issued to Mr. Conant and most people thought it was inactive. He said that Northwood in the Superior Court case called it a foundation permit. It is only in Mr. Hepting's affidavit that it was decided to be a building permit.

VERRILL ET AL  
NORTHWOOD AT SUDBURY  
138 North Road  
01-32 Page 3

Mr. Delaney asked whether it was the same situation with Building Permit #00-150.

Mr. Tyler replied in the affirmative.

Mr. Delaney asked whether the first reference the Appellants have is the same affidavit.

Mr. Tyler again replied in the affirmative adding that the Building Inspector considers it a valid permit and will permit Northwood to go forward and build the activities building under that permit. They do not need to get another one; there may have to be some financial adjustment for inflation, building costs, etc., but the Building Inspector does not intent to issue a new permit.

Mr. Delaney felt the question to be whether this is a repeat of the previous appeals of Mrs. Verrill or a new appeal.

Discussion followed. There was some question as to whether the first decision (01-9) could include the activities building in this case. It was pointed out that in the first case a good number of the 25 issues in that case apply to the entire site. However, it was noted that in the last decision one issue that was different was the issue of impervious coverage. That Decision said that looking at Building #2 does not set it over the limit but one might want to look at it carefully. Now there was an activities building.

General agreement was that the whole project is being appealed, which includes the activities center.

Mr. Tyler said it appears that Town Counsel Kenny has given authority to incorporate the prior decision on the merits. Mr. Tyler said he would stipulate with an edit that the Appellants understand that the activities building is not too high.

There was no further input. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To deny an application of Stephen Verrill and Joan Verrill Et Al, appealing a decision of the Building Inspector not to revoke Building Permit #00-150 for the Northwood at Sudbury Activities Center, and Building Permit #00-011 for Residential Tower #2, property owned by Northwood properties, LLC, located at 138 North Road, Research District Zone."

VOTED: In favor: 5 (unanimous) Opposed: 0 APPEAL DENIED

VERRILL ET AL  
NORTHWOOD AT SUDBURY  
138 North Road  
01-32 Page 4

REASONS: The Board denies this appeal on the basis that the applicable issues have been heard and decided by the Board previously in Case 01-9 which is presently pending judicial review by the court. Subsequently, this denial incorporates the reasons for denial in the aforementioned

Case 01-9 which includes both the Majority and Minority Opinions contained therein. A copy of Case 01-9 is attached and made part of this Decision.

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Patrick J. Delaney III, Acting Chairman

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Lauren S. O'Brien, Acting Clerk

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Thomas W.H. Phelps

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Jonathan G. Gossels, Alternate

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Richard L. Burpee, Alternate

LINDA MATTSSEN  
598 Boston Post Road  
01-33

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, DECEMBER 4, 2001

The Board consisted of:

Mark A. Kablack, Chairman  
Patrick J. Delaney III, Clerk  
Thomas W.H. Phelps  
Lauren S. O'Brien  
Jonathan G. Gossels, Alternate

Notice was published in the Sudbury Town Crier on November 15, 2001, posted, mailed and read at this hearing.

Mr. Kablack, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Linda Mattsen was present to represent a petition for renewal of Special Permit 98-51 to operate an antique shop at 598 Boston Post Road. She said this is her eleventh year of operation and no complaints have been received. No changes to the conditions are requested.

Mr. Kablack reviewed the conditions of the previous permit. Ms. Mattsen said she has had no problems adhering to those conditions.

Mr. Delaney noted that should there be a need for an employee other than a family member, Ms. Mattsen would be required to come before the Board to request a change. Ms. Mattsen said she was not aware of this but now understood what was required. She said at this time there are no employees other than a family member.

There were no further questions. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Linda Mattsen, owner of property, renewal of Special Permit 98-51, under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically an antique shop, property located at 598 Boston Post Road, Residential Zone A, provided that:

1. Hours of operation shall be Wednesday through Sunday from 9AM-5PM.

LINDA MATTSEN  
598 Boston Post Road  
01-33 Page 2

2. The antique shop shall be conducted from the garage on the premises.

3. No exterior storage will be allowed.

4. A sign will be allowed in conformance with the Bylaw.

5. No flags or banners relating to the business shall be displayed on the premises.

6. All parking shall be off-street.

7. No more than one employee, other than family members, shall be employed in conjunction with this operation.

8. This permit is non-transferable and will expire in three (3) years on December 4, 2004, and the Board will consider renewal upon receipt of proper application on or before that date."

REASONS: The petitioner seeks to renew a special permit to operate an antique shop. The business has been in operation for the past ten years with no traffic problems or complaints from abutters. The Board finds that the use is in harmony with the general intent of the Bylaws, is in an appropriate location and does not by its presence significantly alter the character of the zoning district. Adequate and appropriate facilities have been provided for proper operation. The Board notes that no abutters were present to oppose renewal.

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Mark A. Kablack, Chairman

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Patrick J. Delaney III, Clerk

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Thomas W.H. Phelps

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Lauren S. O'Brien

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Jonathan G. Gossels, Alternate

GENEVIEVE DIONNE  
31 DeMarco Road  
01-34

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, DECEMBER 4, 2001

The Board consisted of:

Mark A. Kablack, Chairman  
Patrick J. Delaney III, Clerk  
Thomas W.H. Phelps  
Lauren S. O'Brien  
Jonathan G. Gossels, Alternate

Notice was published in the Sudbury Town Crier on November 15 and 21, 2001, posted, mailed and read at this hearing.

Mr. Kablack, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Ms. Dionne was present to represent a petition for renewal of Special Permit 98-50 to maintain an amateur radio tower at 31 DeMarco Road.

Mr. Kablack referenced Ms. Dionne's letter dated October 26, 2001, submitted as part of the application. The letter notes that the original 78-foot tower has been reduced to 30 feet. It is still situated at the same location and secured against the house. Also noted was Ms. Dionne's opinion that it appears, under the new Bylaw, that she may not be required to obtain a special permit because of the reduced height.



Mr. Kablack's understanding was that the height limit applied to wireless communications facilities, not amateur radio towers. He then read from the previous conditions.

James Idelson, 96 Morse Road, an amateur radio operator, noted that the new Bylaw has changed in some respects. He said the old Bylaw had a bond requirement whereas the new Bylaw eliminates that requirement. Currently a bond in the amount of \$65.00 is being held to cover dismantling costs and he felt it appropriate to consider eliminating the bond requirement.

In addition, Mr. Idelson pointed out that the term for wireless communications is five years. He would like the Board to consider a longer renewal period for amateur towers.

GENEVIEVE DIONNE  
31 DeMarco Road  
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Ms. Dionne said childproof shielding remains in place with the lower antenna. Her only concerns were with the requirement for a special permit and a request for a longer renewal period.

There were no further comments. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Genevieve G. Dionne, owner of property, renewal of Special Permit 98-51, under the provisions of Section 2632 of the Zoning Bylaws, to maintain a 30-foot amateur radio tower, property located at 31 DeMarco Road, Residential Zone A, provided that:

1. Childproof shielding, no less than 10 feet in height, shall be maintained at the base of the tower.
2. This permit is non-transferable and will expire in three (3) years on December 4, 2004, and the Board will consider renewal upon receipt of proper application on or before that date."

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The Board finds the operation of a home-based amateur radio hobby to be in harmony with the general purpose and intent of the Bylaw. The tower, which has been in existence for the past 19 years, is in an appropriate location, not detrimental to the neighborhood,

and is shielded by tall trees which act as a buffer to other residences. The tower is not lighted, nor is it offensive or detrimental to the adjoining zoning districts or neighboring properties as no smoke, noise or other visual nuisances are produced. No abutters were present to oppose renewal.

The Board notes that the current, revised Bylaw continues the requirement for a special permit for amateur radio towers and the Board has established guidelines for renewal for monitoring purposes. These guidelines allow a maximum three-year renewal period which has been applied to this petition. Additionally, in accordance with the revised Bylaw, the Board has eliminated the bond requirement and will begin the process to refund the bond amount currently being held for this special permit.

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Mark A. Kablack, Chairman

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Patrick J. Delaney III, Clerk'

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Thomas W.H. Phelps

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Lauren S. O'Brien

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Jonathan G. Gossels, Alternate

AUTO DIAGNOSTIC CENTER  
100 Boston Post Road  
01-35

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, DECEMBER 4, 2001

The Board consisted of:

Mark A. Kablack, Chairman  
Patrick J. Delaney III, Clerk  
Thomas W.H. Phelps  
Lauren S. O'Brien  
Jonathan G. Gossels, Alternate

Notice was published in the Sudbury Town Crier on November 15 and 21, 2001, posted, mailed and read at this hearing.

Mr. Kablack, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Attorney Joshua Fox was present representing the petitioner, William King, also present, in a petition for renewal of Special Permit 98-53 for the sale and repair of new and used motor vehicles, property located at 100 Boston Post Road.

Attorney Fox said this business has been in operation at this location for over eighteen years and his client is not aware of any complaints with regard to the use. He wishes to continue operation under the same conditions as the previous permit with the exception that he would like a renewal period of five years.

Attorney Fox referenced the pending law suit with regard to the sign noting that this issue is separate from this renewal application and should be heard in a different forum.

Mr. Delaney asked whether the use continues to be the same as previously granted. Mr. King replied that it was.

Mr. Delaney noted the Board has established guidelines which set renewal terms of from one to three years for monitoring purposes. He wanted the petitioner to be aware that should a 3-year renewal period be granted, it was because of those guidelines.

There was no further input. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

AUTO DIAGNOSTIC CENTER  
100 Boston Post Road  
01-35 Page 2

MOTION: 'To grant William King, Auto Diagnostic Center, owner of property, renewal of Special Permit 98-53, under the provisions of Section 2230, Appendix A,C, Use 12, 13, 14, of the Zoning Bylaws, for the sale and repair of new and used motor vehicles, property located at 100 Boston Post Road, Business District #1, provided that:

1. No more than two (2) cars for resale be stored overnight.
2. No more than twenty (20) cars being repaired can be stored overnight.
3. This permit is non-transferable and will expire in three (3) years on December 4, 2004, and the Board will consider renewal upon receipt of proper application on or before that date.'

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petition is seeking renewal of his special permit to allow for the sale and repair of new and used motor vehicles. The Board finds that the proposed use is a permitted one in the zoning district with the granting of a special permit. The facilities are proper for the use intended. There is no detriment to adjoining zoning districts or neighboring properties due to odor, smoke, noise, sewage, or refuse materials. The petitioner has complied with the conditions of the previous permit. The Board notes there were no abutters present to oppose renewal.

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Mark A. Kablack, Chairman

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Patrick J. Delaney III, Clerk

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Thomas W.H. Phelps

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Lauren S. O'Brien

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Jonathan G. Gossels, Alternate

ROBERT S. HERSHFIELD & CARL P. HERSHFIELD  
88 Butler Road  
01-36

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, DECEMBER 4, 2001

The Board consisted of:

Mark A. Kablack, Chairman  
Patrick J. Delaney III, Clerk  
Thomas W.H. Phelps  
Lauren S. O'Brien  
Jonathan G. Gossels, Alternate

Notice was published in the Sudbury Town Crier on November 15 and 21, 2001, posted, mailed and read at this hearing.

Mr. Kablack, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Attorney Robert Landry was present, representing the petitioner, Robert Hershfield, also present, in a petition for Special Permit to allow demolition of an existing residence and construction of a new residence on a nonconforming lot which will exceed the area of the original nonconforming structure. The property is located at 88 Butler Road.

Attorney Landry noted that the existing 2-bedroom house is in need of major repairs. It is comprised of approximately 1,700-1,900 s.f. of living space.

It is proposed to construct a 3-bedroom house, the footprint of which will be smaller than the existing house but will have more living space since it will be a 2-story structure. The new house will conform to all setback requirements. The existing structure is located within the wetland buffer; however, the new structure will be outside that area. A septic system has been approved by the Board of Health.

Mr. Kablack asked whether the existing shed will remain. Mr. Hershfield said he would like to have the option to keep it or perhaps move it to another location.

Mr. Kablack voiced concern about the fact that the petitioner intends to live in the existing structure while the new one is being constructed. He referred to a special permit which was granted for a similar situation on Peakham Road and said that construction has been ongoing for quite a lengthy period of time, with no estimate for completion, and there are still two dwellings on that lot. He did not want to see a repeat situation for this application.

ROBERT S. HERSHFIELD & CARL P. HERSHFIELD

88 Butler Road  
89 01-36 Page 2

Mr. Hershfield said if he gets the necessary approvals, construction could begin late March or early April 2002 and his contractor estimates a 5-month completion date. Demolition could occur two weeks after the Certificate of Occupancy is issued which will allow for the moving of furniture, etc. into the new house.

Mr. Phelps suggested the permit could be conditioned upon demolition of the old house within a specified time frame after receipt of the Certificate of Occupancy.

Discussion followed. Mr. Kablack noted that he did not want to impose onerous conditions but did not want to see another Peakham Road situation. In the event of some unanticipated delay, he would entertain an extension of the permit. Should that occur, Mr. Hershfield would have to contact the Board at least 30 days prior to expiration of the permit.

There was no further input. There were no abutters present. the hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Robert S. Hershfield & Carl P. Hershfield, owners of property, a Special Permit under the provisions of Section 2460 of the Zoning Bylaws, to allow demolition of an existing residence and construction of a new residence on a nonconforming lot which will exceed

the area of the original nonconforming structure, said residence to conform to all zoning setback requirements, property located at 88 Butler Road, Residential Zone A, subject to the following:

1. The new dwelling will be completed within twelve (12) months from issuance of a Building Permit, and the old structure will be demolished within six (6) weeks from the issuance of a Certificate of Occupancy for the new residence.”

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioners require a special permit due to the nonconforming nature of the property. The Board finds that the proposed construction of a new residence, which will exceed the area of the original nonconforming structure will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The proposed structure will conform to all setback requirements. It will be slightly larger than the original structure and is consistent with other houses in the neighborhood which have been constructed or upgraded.

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Mark A. Kablack, Chairman

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Patrick J. Delaney III, Clerk

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Thomas W.H. Phelps

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Lauren S. O'Brien

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Jonathan G. Gossels, Alternate

SUDBURY AMERICAN LEGION POST 191  
676 Boston Post Road  
01-37

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, DECEMBER 4, 2001

The Board consisted of:

Mark A. Kablack, Chairman  
Patrick J. Delaney III, Clerk  
Thomas W.H. Phelps  
Lauren S. O'Brien  
Jonathan G. Gossels, Alternate

Notice was published in the Sudbury Town Crier on November 15 and 21, 2001, posted, mailed and read at this hearing.

Mr. Kablack, Chairman, explained the requirements necessary to substantiate the granting of a Use Variance. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days

after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Floyd Stiles was present to represent a petition for renewal of Use Variance 00-36 to use the building and property at 676 Boston Post Road as a clubhouse and meeting hall.

Mr. Stiles said the only problem he has had was with the landscaped area near the Kankanpaa residence. He said he keeps planting but the plantings die. He will continue the efforts to landscape that area.

Condition 9 requires a letter be sent to all abutters in November to solicit comments or areas of concern. A copy of the letter that was sent was submitted at this hearing for the Board's record. He said he received no responses to the letter.

Mr. Stiles said he has no problems with the conditions of the Use Variance but would like a 2-year renewal period.

Bruce Kankanpaa 11 Stone Road, abutter, had no issues and said he supported a 2-year renewal period.

There was no further input. The hearing was closed.

After deliberation the following motion was placed and seconded:

SUDBURY AMERICAN LEGION POST 191  
676 Boston Post Road  
01-37 Page 2

MOTION: "To grant Sudbury American Legion Post 191, applicant, renewal of Use Variance 00-36, from the provisions of Section 2230, Appendix A,C, Use 24 of the Zoning Bylaws, to use the building and property as a private clubhouse and meeting hall, property located at 676 Boston Post Road, Residential Zone A, provided that:

1. There shall be no parking on Boston Post Road or Stone Road by those using the building, and there shall be no traffic hazard as defined by the Police Chief.
2. All off-street parking is to be on the westerly side of the property. The five-foot wide buffer between the parking area and rear lot line shall be maintained and shall consist of a low retaining wall at the rear of the parking area with suitable plantings within a buffer area.
3. The barrier constructed to prevent parking on Stone Road shall be properly maintained.
4. There shall be no illuminated signs on the property.
5. A sign no larger than one square foot to identify the building shall be allowed.

6. There shall be no exterior storage of any kind, nor shall exterior rubbish (dumpster) be allowed.
7. There shall be no organized outdoor activities on the property, except for the following three events: Earth Day, Memorial Day, and July 4<sup>th</sup> activities.
8. There shall be no exterior floodlights on the property except that a single light, consisting of a motion sensor light, to light the parking area and so located as not to shine into the public way or toward residences, is permitted. The light currently used to shine on the flag will be properly maintained.
9. No nuisance shall be created and abutters must be contacted by written letter, with a copy to the Board of Appeals, once a year during the month of November, to solicit complaints or areas of concern.
10. This Use Variance is non-transferable and shall not run with the land and shall be limited to a period of one (1) year to expire on December 4, 2002. The Board will consider renewal upon receipt of proper application on or before that date.”

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioner seeks renewal of a use variance to continue using the building and property as a clubhouse and private meeting house. The petitioner is attempting to rectify the

SUDBURY AMERICAN LEGION POST 191  
676 Boston Post Road  
01-37 Page 3

landscape situation with the abutter who was present at the hearing and appears to be satisfied with those efforts. Further, the petitioner complied with Condition 9 by sending letters to abutters soliciting comments or areas of concern. Although the petitioner requested a 2-year renewal period, the Board finds that given the nature of the use of the property, at least one more one-year renewal period is in order for monitoring purposes and to ensure compliance with the conditions of the Use Variance.

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Mark A. Kablack, Chairman

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Patrick J. Delaney III, Clerk

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Thomas W.H. Phelps

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Lauren S. O'Brien

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Jonathan G. Gossels, Alternate