

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, MAY 29, 2001

The Board consisted of:

Mark A. Kablack, Chairman  
Patrick J. Delaney III, Clerk  
Thomas W.H. Phelps  
Gilbert P. Wright, Jr.  
Lauren S. O'Brien

Notice was published in the Sudbury Town Crier on May 10 and 17, 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.

John Hammerle, applicant, was present to represent a petition for renewal of Special Permit 99-15 to operate a motel/inn at 738 Boston Post Road. Mr. Hammerle was requesting renewal under the same conditions. He had no problem with the conditions of the permit and was requesting no changes other than a longer term.

Mr. Hammerle said he anticipated several interior improvements and upgrades to the inn. In addition, the landscaping has continued to be maintained and improved. He noted that his inn was voted the #1 Clarion Inn of the Year. Further, in 6 ½ years there have been no customer complaints.

The Board commended Mr. Hammerle on the appearance of his operation and his award. There were no questions. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Sudbury Hospitality LP, owner of property, renewal of Special Permit 99-15, granted under the provisions of Section III,B,2,e of the Zoning Bylaws, to conduct a motel (inn) on the premises, property located at 738 Boston Post Road, Business District #5, provided that:

1. The westerly access (at the intersection of Boston Post Road and Lafayette Drive) shall be closed to all regular vehicular traffic and shall be access only to emergency vehicles.

2. There shall be no lighting affixed to the rear of the building.
3. The stockade fence and natural plantings (screening) shall be continually maintained and, if damaged or destroyed, shall be repaired or replaced within two weeks from such damage or destruction.
4. There shall be no rubbish pickup prior to 10:00AM or after 6:00PM.
5. Live entertainment shall be allowed on said premises provided that:
  - (1) any "live entertainment" be associated with a private function
  - (2) that it be held indoors
  - (3) that it be discontinued as of midnight
6. A lounge, located on the ground level of the premises, shall be allowed provided that:
  - (1) seating capacity shall be displayed and shall be in accordance with the requirements so stated by the State Fire Marshall and/or any other appropriate authority
  - (2) hours of operation shall be in accordance with the requirements of the applicant's current liquor license
7. This permit is non-transferable and will expire in three (3) years on May 29, 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 petitioner seeks renewal of a special permit to operate an inn in a business district. Under the Zoning Bylaw, the use as a hotel/motel is allowed with a special permit and the Zoning Bylaw sets forth the criteria the Board must find in order to issue a special permit. The Board finds this criteria has been met.

The inn has been in existence at this location for approximately fifteen years. The petitioner, who has operated the inn for the past eight years, has complied with the conditions of the previous permits. The Board has observed that the inn has been meticulously maintained and its appearance is an asset to the area. Further, no abutters were present to oppose renewal. The Board finds a three-year renewal period to be appropriate in this case.

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Daniel Kenn, owner, was present to represent a petition for Special Permit to install a secondary wall sign which exceeds 6 square feet. The property is the Sudbury Coffee Works at 15 Union Avenue.

Mr. Kenn submitted a large scale photograph of the building and a sample of the proposed lettering. He explained that there is a sign on the side of the building which faces Union Avenue. There is a painting over the front entrance; however, there is nothing to identify the building entrance which is set back off the road and is difficult for commuter to see. Traveling down Union Avenue towards Route 20, the building is difficult to identify until one has passed the building.

The proposed gold lettering to identify the business would consist of individual formed letters, gold in color, which would be pin mounted to fit within the existing painting over the front door. Lighting would be the same as currently exists.

The Board reviewed the plans with questions asked for clarification. All were familiar with this property and the problems associated with identification.

Mr. Kablack read a letter dated February 20, 2001 from the Design Review Board (DRB) which voted to recommend approval of the secondary sign. The DRB believes that this specific location, with the given setback and traffic patterns, is justified in having a secondary sign larger than the Bylaw permits.

SUDBURY COFFEE WORKS  
15 Union Avenue  
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There were no further comments. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: “To grant Daniel Kenn (Sudbury Coffee Works), owner of property, a Special Permit under the provisions of Section V,D,12 of the Zoning Bylaws, to install a secondary wall sign which exceeds 6 square feet, property located at 15 Union Avenue, Industrial District #2.”

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

REASONS: The petitioner requires a Special Permit to install a secondary wall sign which is larger than allowed in the Bylaw. In this particular case, the location of the building is such that the side faces the street and the front entrance to the building is perpendicular to that street. The combination of the existing wall sign and the location of the entrance to the property results in many customers passing the business and then having to turn around. The petitioner has demonstrated the need for a second wall sign in order for motorists to safely identify the business while traveling in either direction. Lettering will be added to a wall painting that exists over the front entrance and should provide adequate identification.

It is the Board’s opinion that the Bylaw was intended to address a situation of this type and that the granting of a special permit is appropriate. It further notes that the Design Review Board recommended approval of this petition.

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