

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 18, 2002

The Board consisted of:

Patrick J. Delaney III, Acting Chairman
Richard L. Burpee, Acting Clerk
Thomas W.H. Phelps
Jonathan G. Gossels
Melinda M. Berman, Alternate

The hearing was reconvened by the Acting Chairman Mr. Delaney.

Attorney Giannetti noted that the last hearing, the Board was interested in what could be done to move the house further back on the lot, the idea being that a larger house would appear even larger if located closer to the street. He said he tried to balance that with the abutter's concerns and not place it too far back. A revised plan was submitted for the record. Attorney Giannetti said the original plan sited the house 60 feet from Hudson Road. The new plan sets the house 90 feet from Hudson Road. The revised plan also shows the proposed septic system location which is in front of the house.

Mr. Delaney noted that the last hearing the Board was concerned that the siting be consistent with the adjacent homes. Attorney Giannetti said the newer home that was built is similar in distance.

In addition, with the building being sited further back, there was the issue of the trees at the back of the lot. Mr. Delaney asked how many and which trees would be removed.

Mr. Maillet said approximately ½ dozen trees will need to be removed; however, he said this still leaves quite a bit of trees remaining to act as a buffer. He would estimate there to be at least 20 trees which consist of oak and pine approximately 12-14 inches in diameter.

Mr. Phelps felt the applicant provided the necessary information requested by the Board.

There were no further questions or input. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant France Maillet and Andre Maillet, applicants, Nicholas and Margaret J. LaGrassa, 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 not to exceed 3,140 s.f., on a nonconforming lot which will exceed the area of the original

nonconforming structure, said residence to conform to all zoning setback requirements as shown on Certified Plot Plan prepared for France Maillet by Sullivan, Connors & Associates, Sudbury, MA, dated February 13, 2002, revised May 10, 2002, property located at 364 Hudson Road, Residential Zone A.”

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, 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 new residence will conform to all zoning setback requirements.

The Board notes that the petitioners have revised the original plan and have sited the house further back on the lot to be compatible with the locations of other homes in the area. This revised location will enhance the aesthetics of the neighborhood and provide a pleasing flow to the streetscape. In addition, the petitioners will be removing a minimal amount of trees which will provide a buffer for the abutter to the rear of the property.

Patrick J. Delaney III, Acting Chairman

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Thomas W.H. Phelps

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MINUTES
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 18, 2002

The Board consisted of:
Mark A. Kablack, Chairman
Patrick J. Delaney III, Clerk
Thomas W.H. Phelps

Jonathan G. Gossels
Melinda M. Berman, Alternate
Stephen M. Richmond, Alternate
Richard L. Burpee, Alternate

The meeting was called to order by the Chairman, Mr. Kablack.

Discuss ZBA Rules Change

Discussion followed on the question of whether the Board should consider requiring a performance bond on a case-by-case basis for those applications which come before the Board for tear downs and reconstruction. This issue arose as a result of the tear down on Peakham Road which has been ongoing for the past three years and which resulted in a lengthy period where two structures were on the lot, in addition to numerous construction vehicles being parked on the premises, which was disruptive to the neighborhood.

It was noted that for subsequent applications for teardowns, the Board has imposed time limits on construction and has set other conditions which, hopefully, will prevent this type of situation from occurring. It was, however, agreed that in some situations a performance bond may be in order and the Board wanted to have the option of requiring a performance bond should it feel it to be warranted.

A motion was made, seconded and unanimously voted to amend the Rules of the Board of Appeals as follows:

Section D. Restrictions the Board May Consider

Item 6 – Change to read: Other considerations as appropriate including, but not limited to, the requirement of a performance bond at the discretion of the Board.

Interview Applicants for ZBA Vacancies

The Board interviewed Carol Zais and John Brown who have applied to fill the vacancies on the Board. Each provided a brief description of their background and the reasons why they felt they should be considered for the positions.

It was then unanimously voted to recommend both names be submitted to the Board of Selectmen for review and consideration to fill the vacancies.

There being no further business the meeting was adjourned.