

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, OCTOBER 29, 2002

The Board consisted of:

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

Notice was published in the Sudbury Town Crier on October 10 and 17, 2002, posted, mailed and read at this hearing.

Mr. Delaney, Acting 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.

Frank & Barbara Durant were present to represent a petition for special permit to alter and enlarge a nonconforming structure by constructing a 22 ½ X 30 foot garage which will result in a street centerline setback deficiency of 19 feet ± on West Street. The property consists of a corner lot with frontage on both West Street and Pratts Mill Road.

Mr. Durant explained that the proposed construction will add a second stall to park another vehicle. In addition, it is proposed to relocate the driveway, which is currently on Pratts Mill Road, to West Street. The reason for the change is that the existing driveway location is near Willow Road and it is very difficult to navigate and back out onto Pratts Mill Road. The garage will be reoriented to accommodate this change.

Mr. Delaney asked whether the Durants have spoken with their neighbors regarding their proposed construction. Mr. Durant said he had and that they are in favor of both the construction and driveway relocation.

The Board reviewed the plans submitted with the application which consist of a Mortgage Inspection Plan prepared by Colonial Land Surveying Co., Inc., Hanover, MA, and two sketches, one showing the existing house, garage and setbacks, and the other showing the proposed dimensions of the construction and setbacks.

Mr. Gossels pointed out that the Mortgage Inspection Plan orients the house at an angle to Pratts Mill Road while the sketches do not. Mr. Durant said since there was no setback

deficiency on Pratts Mill Road, he drew the sketches on a parallel scale to provide an ease of understanding of the setback issue on West Street.

It appeared to the Board that the addition of the garage to the house, following the angle of the house, might well result in a street centerline setback deficiency from Pratts Mill Road. It was suggested that Mr. Durant recheck with the Building Inspector to determine whether this is the case. If it is determined that there is an additional setback deficiency, Mr. Durant would have to return to this Board because the hearing notice was advertised only for the deficiency on West Street.

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

After deliberation the following motion was placed and seconded:

MOTION: To grant Frank A. & Barbara M. Durant, owners of property, a Special Permit under the provisions of Section 2420 of the Zoning Bylaws, to alter and enlarge a nonconforming structure by constructing a 22 ½ X 30 foot garage which will result in a street centerline setback deficiency of 19 feet ± on West Street, property located at 124 Pratts Mill 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 result in a street centerline setback deficiency on West Street, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The proposed garage, which is an extension of the garage, will be architecturally compatible with the existing structure. Further, the relocation of the driveway to the side street, which is less traveled, will provide for safer egress onto the street. The Board notes the petitioner has stated that he has spoken with his neighbors who have no objection to the construction or driveway relocation. No abutters were present at the hearing to oppose the petition.

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John Williams, representing Gravestar Inc., was present to represent a petition for Special Permit to erect nine awning signs on the easterly building (CVS, Thunder Sports, Sovereign Bank) located at 505-525 Boston Post Road. The sign area is 103 inches by 10 inches for each sign.

Mr. Williams explained that he has been before the Design Review Board (DRB) which recommended approval of the awnings but has indicated that application must be made to the Board of Appeals for the signage on those awnings.

Nine awning signs are proposed: three for CVS (drive thru/pharmacy, CVS/pharmacy, 1 hour photo), two for Sovereign Bank, and four for Thunder Sports (The Sports Source). The signs will not be illuminated.

The Board asked why all the signs were needed. Mr. Williams referred to a color rendering which depicts the awnings and signs. He said the building will be enhanced visually by the awnings and the proposed signage is not intrusive and will bring attention to the businesses.

The Board was in receipt of a letter dated October 29, 2002 from the DRB which notes the proposed awnings will add color, texture and scale which are desirable characteristics. The requested verbiage, although beyond what is allowed under the Bylaw, is quite small and does add useful information that will benefit the public without negative consequence. The

construction of the awnings has been negotiated with the applicant to create a soft image mitigating the effect of “extra signage”. The building is large enough to tolerate more signage than allowed under the Bylaw.

Following further discussion on the number of signs and their appearance on the awnings, the hearing was closed. The following motion was placed and seconded:

MOTION: “To grant Gravestar Inc., applicant, Sudbury Plaza Trust, owner of property, a Special Permit under the provisions of Section 3290 of the Zoning Bylaws, to erect nine (9) awning signs, each sign being 103 inches by 10 inches, with no illumination, property located at 505-525 Boston Post Road, Limited Business District #2.”

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

REASONS: The petitioner requires a Special Permit for additional signage on awnings located on a building within a shopping plaza. The Board finds that the proposed signs, while in excess of that allowed by right under the Bylaw, will not be intrusive or offensive to the area. The Board notes that the architecture of the building is such that the awnings will serve to soften the building façade and the wording on the awnings will provide identification to the public without visual confusion.

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