

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 8, 2003

The Board consisted of:

Patrick J. Delaney III, Chairman
Jonathan G. Gossels, Clerk
Thomas W.H. Phelps
Stephen A. Garanin, Alternate
Jeffrey P. Klofft, Alternate

Notice was published in the Sudbury Town Crier on March 6 and 13, 2003, posted mailed and read at the hearing. The hearing was originally scheduled for March 25, 2003; however, at the request of the petitioner who was unable to be present on that date, the hearing was continued to April 8, 2003.

Mr. Delaney, 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.

William Schirmer was present to represent a petition for renewal of Special Permit 00-5 to conduct a Home Business, specifically the sale of antiques in a building at the rear of the house at 850 Boston Post Road. Mr. Schirmer he has been in business for over 10 years. He said business has been good; there have been no problems, and he was requesting renewal under the same conditions.

Mr. Schirmer also asked whether the 3-year renewal period was the maximum given by the Board. Mr. Delaney explained that it was and provides the ability for review of those businesses for which permits have been granted.

There were no further questions nor were there any abutters present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant William C. and Dorothy J. Schirmer, owners of property, renewal of Special Permit 00-5, under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically the sale of antiques in a building at the rear of the house, property located at 850 Boston Post Road provided that:

1. Not more than one additional employee, other than family members, will be allowed.
2. All parking will be off-street.
3. Hours of operation are Wednesday through Sunday 10AM-5PM.
4. One sign, not to exceed two square feet, will be allowed.
5. No exterior changes to the property or additional exterior lighting will be allowed, and no additional indicators of activity such as flags, banners or exterior display of merchandise are permitted.
6. This permit is non-transferable and will expire in three years on April 8, 2006, 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 applicant is requesting renewal of a special permit to conduct an antique business. The location of this operation is appropriate for this activity and the applicants have complied with the terms of the previous permits. No abutters were present to oppose renewal.

Patrick J. Delaney III, Chairman

Jonathan G. Gossels, Clerk

Thomas W.H. Phelps

Stephen A. Garanin, Alternate

Jeffrey P. Klofft, Alternate

LAND ROVER METRO WEST/FOREIGN MOTORS WEST, INC.
83 & 103 Boston Post Road
03-21

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS

TUESDAY, APRIL 8, 2003

The Board consisted of:

Patrick J. Delaney III, Chairman
Jonathan G. Gossels, Clerk
Thomas W.H. Phelps
Stephen A. Garanin, Alternate
Jeffrey P. Klofft, Alternate

Notice was published in the Sudbury Town Crier on March 20 and 27, 2003, posted, mailed and read at this hearing.

Mr. Delaney, 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, for renewal of Special Permits 02-8, 9 & 10, for the sale and rental of new and used motor vehicles, for new and used motor vehicle general and body repair, and for new and used motor vehicle light service at the property located at 83 and 103 Boston Post Road.

Attorney Fox explained that this is the site for the new Land Rover facility. He said the Board granted five special permits, three of which were renewable. Construction, while going well, is not yet completed due to significant delays in the weather coupled with the fact that following ZBA approval, four to five months were spent obtaining the additional required approvals from Town Board and Departments including approvals from Wayland. The expected completion date is the fall of 2003.

Mr. Delaney said renewal would appear to be perfunctory at this time given the fact that the uses granted have not been able to occur.

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

After deliberation the following motion was placed and seconded:

MOTION: "To grant Land Rover Metro West/Foreign Motors West, Inc., owner of property, renewal of Special Permits 02-8, 02-9 and 02-10, granted under the provisions of Section 2230, A,C, Use 12, 13, 14 of the Zoning Bylaws, for the sale and rental of new and used motor

LAND ROVER METRO WEST/FOREIGN MOTORS WEST, INC.

83 & 103 Boston Post Road

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vehicles, for new and used motor vehicle general and body repair, and for new and used motor vehicle light service, property located at 83 & 103 Boston Post Road, Industrial District #4, provided that:

1. Hours of operation shall be Monday through Friday from 7AM-8PM, Saturday, 9AM-5PM, Sunday, Noon to 5PM.
2. No heavy bodywork is allowed on the premises.
3. No fuel storage is allowed on the premises.
4. The premises currently consist of three separate legal parcels spanning the Towns of Sudbury and Wayland, MA. The Board makes its findings based upon the applicant's representation that all three parcels comprise the project premises. Certain of the applicant's calculations, specifically lot coverage calculations as required by Section 2600 of the Zoning Bylaw, have been based on the entire lot area of the three parcels combined. As such, the entire area of the three parcels has been essential to the applicant's proposal. All parcels comprising the project area must remain intact and dedicated to the applicant's project and may not be alienated from the project, or otherwise developed in ways that are inconsistent with this decision, without further modification of the Special Permits issued herein by decision of this Board. Notwithstanding the foregoing, the property consisting of 7.77 acres \pm now or formerly of the Evergreen Realty Trust, as shown on the Plan entitled "Plan of Land in Sudbury & Wayland, Massachusetts, Prepared for Foreign Motors West," dated February 28, 2002, prepared by Schofield Brothers of New England, Inc., may be encumbered by a conservation restriction in accordance with the provisions of M.G.L.,c. 184, Section 26, et seq., or may be conveyed in fee to a conservation organization, provided that said parcel shall be used for conservation purposes only.
5. Landscaping and fencing shall be substantially as proposed in the plans entitled "Site Plan," Sheet LP-1, prepared by Rico Associates dated March 12, 2002, as may be modified in accordance with Site Plan Approval by the Board of Selectmen, with ongoing maintenance and replacement of materials as necessary. Additional fencing, consistent with the wood cedar fence on the westerly border, shall be provided in order to screen the adjacent Mass. Highway property.
6. Prior to the issuance of a Certificate of Occupancy, or applicant's commencement of use of the premises, whichever comes sooner, the applicant shall take such measures so as to legally combine all three lots comprising the project premises into a single parcel, with the exception of the 7.77 acre parcel, which may be alienated in the manner set forth above in Condition 4.
7. No flags, banners, spinners, pennants or other such display banners shall be displayed on the premises without first obtaining the required approvals.

LAND ROVER METRO WEST FOREIGN MOTORS WEST, INC.
83 & 103 Boston Post Road
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8. All lighting shall be substantially the same as that proposed in the plan entitled "Site Lighting Plan", Sheet SL-1, prepared by Rico Associates, dated March 12, 2002, as may be modified in accordance with Site Plan approval by the Board of Selectmen, and shall be otherwise consistent with the provisions of Section 3427f. of the Zoning Bylaws. Lighting shall be extinguished during non-business hours to the greatest extent possible so as to provide minimum lighting for security purposes consistent with adjacent properties.

9. All car repair and car service work shall be performed inside the buildings on the premises. There shall be no exterior storage of car parts or equipment. No car washing is permitted except for the incidental hand washing of cars with biodegradable soap.

10. The parking and storage of vehicles and the loading of car parts, equipment and other supplies shall be substantially in accordance with Site Layout Plan SP-2, prepared by Schofield Brothers of New England, Inc., dated February 28, 2002, as may be modified in accordance with Site Plan approval by the Board of Selectmen. No parking or storage of vehicles will be allowed at the entrance drive on the north of the building. At no time will cars be allowed to park or load on Boston Post Road (Rt. 20).

11. This permit is non-transferable and will expire in one year on April 8, 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 three Special Permits granted for the use of the property. Since the uses have not yet commenced as construction has not been completed, the Board voted to grant a one-year renewal period.

Patrick J. Delaney III, Chairman

Jonathan G. Gossels, Clerk

Thomas W.H. Phelps

Stephen A. Garanin, Alternate

Jeffrey P. Klofft, Alternate

JACQUELINE CINICOLA
76 Indian Ridge Road
03-22

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 8, 2003

The Board consisted of:

Patrick J. Delaney III, Chairman
Jonathan G. Gossels, Clerk
Thomas W.H. Phelps
Stephen A. Garanin, Alternate
Jeffrey P. Klofft, Alternate

Notice was published in the Sudbury Town Crier on March 20 and 27, 2003, posted, mailed and read at this hearing.

Mr. Delaney, 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.

Jacqueline Cinicola was present to represent a petition for Special Permit to alter and enlarge a nonconforming structure by constructing a 3-season porch at 76 Indian Ridge Road. This porch would replace an existing porch which is in disrepair and it is proposed to shift the new porch a bit further back towards the rear. The house sits at an angle on the lot and one quarter of the porch would encroach on the rear yard setback.

Ms. Cinicola said she has spoken with two adjoining neighbors who have no problem with the porch. She has not spoken with the neighbor to the rear; however, she said that area is wooded and the porch would not be visible to them.

Mr. Gossels said he drove by the property and agreed that any porch would be well hidden from view of the abutters.

Following a review of the plan and application the hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Jacqueline Cinicola, owner 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 12X14 foot three-season porch, which will result in a rear yard setback deficiency of 5 feet \pm , property located at 76 Indian Ridge Road, Residential Zone A-1."

JACQUELINE CINICOLA
76 Indian Ridge Road
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This Special permit shall lapse if construction has not begun, except for good cause, within 12 months following the filing of the Special Permit approval, plus such time required to pursue or await the determination of an appeal under M.G.L., Chapter 40A, Section 17.

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

REASONS: The petitioner requires a Special Permit due to the nonconforming nature of the property. The Board finds that the proposed porch, which will result in a rear yard setback deficiency, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The porch will replace an existing porch which is disrepair and will be slightly larger. Because the house sits at an angle on the lot, a small portion of the porch will encroach on the setback. The area at the rear of the property is wooded and the porch will not be visible to the neighbors or cause a nuisance.

Patrick J. Delaney III, Chairman

Jonathan G. Gossels, Clerk

Thomas W.H. Phelps

Stephen A. Garanin, Alternate

Jeffrey P. Klofft, Alternate

FIRST FRIENDS CHILD CARE CENTER
761 Boston Post Road
03-23

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 8, 2003

The Board consisted of:

Patrick J. Delaney III, Chairman
Jonathan G. Gossels, Clerk
Thomas W.H. Phelps
Stephen A. Garanin, Alternate
Jeffrey P. Klofft, Alternate

Notice was published in the Sudbury Town Crier on March 20 and 27, 2003, posted, mailed and read at this hearing.

Mr. Delaney, 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.

Laura McGilvary was present, representing the First Friends Child Care Center, in a petition for Special Permit to erect two 8 s.f. signs below the Orchard Hill Assisted Living Facility signs at 761 Boston Post Road which are in the process of being moved to a new location as voted earlier by the ZBA. The signs for the child care center will share the same lighting as the Orchard Hill signs.

Ms. McGilvary explained that the signs are needed because there currently are no signs for the child care center on the property. There is no sign on the building, there is only a directional sign further up the driveway where the road splits.

Mr. Delaney said this is an unusual situation because technically these are both businesses but not traditional businesses such as retail. Normally when more than one business needs to put up a sign in a complex, the Bylaws has a provision for what is called a "business center sign", which is similar to the Orchard Hill sign. The idea is that this will tell people where to pull in. Once one enters the property, there are secondary signs telling people where to go.

In this case, because there are only two operations in the building, it would seem to be clearer for First Friends' clients if there was some type of secondary sign on the building. Ms. McGilvary reiterated her earlier statement regarding the directional sign located where the road splits.

FIRST FRIENDS CHILD CARE CENTER
761 Boston Post Road
03-23 Page 2

Mr. Delaney felt people would be able to cue in on the Orchard Hill sign, knowing that that is where they are supposed to pull in and that would take care of identifying the center. Then, when they saw the secondary sign that would alert them to go to the back of the building.

Mr. Klofft said unlike the 1776 Plaza, it seemed to him that the hanging sign was a almost like secondary sign.

Mr. Delaney said the real difference here that he saw is that the intent of the Bylaw is not to stack signs up by the road. He felt this is a little bit different in that it's not a retail mall where a lot of space for rent; that it was probably unlikely that there would ever be another tenant besides First Friends.

Mr. Klofft asked what would happen if this tenant leaves. It was Mr. Delaney's understanding that approval would not carry forward to other signs.

Mr. Delaney said the point of difference between retail and this situation would leave him with a more comfortable level that a precedent was not being set.

Mr. Phelps said he is on the subcommittee which is working on addressing sign issues in town. He said his committee addressed the issue of the freestanding sign and would like to have the Bylaw address this subject. He cited as examples the Village Green center and Mill Village. Mr. Phelps would suggest exercising caution when dealing with this type of signage.

Ms. McGilvary emphasized the need for the sign to be able to locate the child care center.

Mr. Delaney said he did not really see an identification problem noting that once parents cue in on the Orchard Hill sign they will always know where to go. He also noted that the sign appears low and might be obscured because of snow in the winter months.

There were no further comments. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant First Friends Child Care Center & Preschool, applicant, a Special Permit under the provisions of Section 3290 of the Zoning Bylaws, to erect two 8 s.f. signs in accordance with the sign design, prepared by Sign-Right, Inc., Marlboro, MA, submitted with the application, marked as Exhibit A and incorporated and made part of this Decision, said signs to be placed below the main Orchard Hill Assisted Living Sign, in the locations as voted by the Board on January 7, 2003 for that main sign."

REASONS: The petitioner requires a Special Permit to erect two signs below the Orchard Hill Assisted Living facility signs. Included within this facility is a child care center which currently
FIRST FRIENDS CHILD CARE CENTER
761 Boston Post Road
03-23 Page 3

has no signage. While for this particular situation, the Board was agreement on the need for the signs, it was their belief that this may not be the case for the majority of situations, i.e., retail, which may arise. The Board notes that approval of this petition is for this specific case only. Further, it is not the desire of the Board to see a proliferation of such signage, nor would it be favorably inclined to grant a Special Permit in the event of any additional operations within this facility.

Patrick J. Delaney III, Chairman

Jonathan G. Gossels, Clerk

Stephen A. Garanin, Alternate

Jeffrey P. Klofft, Alternate

ROBERT & CHRISTINA DEIGNAN
200 Old Lancaster Road
03-24

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 8, 2003

The Board consisted of :

Patrick J. Delaney, Chairman
Jonathan G. Gossels, Clerk
Thomas W.H. Phelps
Stephen A. Garanin, Alternate
Jeffrey P. Klofft, Alternate

Notice was published in the Sudbury Town Crier on March 20 and 27, 2003, posted, mailed and read at this hearing.

Mr. Delaney, 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.

Robert and Christina Deignan were present to represent a petition for a Special Permit to alter and enlarge a nonconforming structure by constructing a 2-car garage which will result in a side yard setback deficiency of 15 feet at 200 Old Lancaster Road. Lot size is 25,500 s.f. with frontage of 100 feet.

Mr. Deignan said the proposed construction consists of a 2-car garage and family room. The garage will be built in front of the existing garage. He said he looked at a couple of alternatives; however, because of the location of the septic system the construction could only be located to the side or rear of the house.

Mr. Deignan said he consulted with his next door neighbors (Michael and Laura Dreese, 204 Old Lancaster Road), abutters on the side of the proposed construction, as to the best place to locate the addition and decided on the plan submitted with the application. Since they could

not be present this evening, Mr. Deignan submitted a letter dated April 5, 2003 in support of the proposed plan vs. the alternative which could be constructed without a Special Permit.

Mr. Delaney asked how close the nearest structure on the neighbor's property was to the proposed construction. Mr. Deignan said he hand drew it on the plan.

Mr. Delaney said from the plan, the neighbor's house is close to the property line, the proposed construction is close to the property line, but they don't line up. The garage will be forward of the neighbor's house.

ROBERT & CHRISTINA DEIGNAN
200 Old Lancaster Road
03-24 Page 2

Mr. Delaney asked whether there was an option of shrinking the size of the construction and reducing the amount of setback deficiency. Mr. Deignan said he would not be able to have a 2-car garage.

Mr. Phelps asked whether there is a 2-car garage there now. Mr. Deignan said there is. Mr. Phelps asked if 23 feet is the minimum amount for a garage. Mr. Deignan said he originally was going to ask for a 21-foot garage but after speaking with the Dreese's, they (Dreese's) suggested going with 23 feet; that if it was an issue, it could be reduced.

Mr. Phelps asked whether there would be living space above the garage. Mr. Deignan said there would not.

Mr. Gossels asked when the septic system was built. Mr. Deignan said the house was rebuilt in 1985; he did not know about the septic system.

It seemed to Mr. Gossels that Mr. Deignan was building around the septic system and pushing the construction right up against the neighbor. He said someday that system may need to be replaced. It seemed to Mr. Gossels that other alternatives, possibly the other side or front could be had.

Ms. Deignan said to build on the other side would also create a setback deficiency. Mr. Klofft said it appeared that the only place would be either the front or back.

Mr. Klofft asked whether the Deignan's would be amenable to a condition stating that the garage, if approved, could not be converted into living space. The Deignans had no objection.

Mr. Phelps voiced concern with regard to the construction being 5-feet from the property line although he agreed that it makes some difference since the houses are not lined up side by side. Mr. Delaney added that the construction would be very close to the property line; if it were any closer it would be difficult to maintain the building.

Rodney DeMille, 179 Old Lancaster Road, spoke in favor of the proposed plan. He believed if construction was set further back it would be more detrimental to the Dreese's and obstruct their views.

Mr. Gossels had problems with the proposed construction being so close to the lot line. He also voiced concern that the setbacks were derived from a mortgage inspection plan which may or may not be accurate. A plan drawn by a registered land surveyor could possibly result in the garage being even closer to the property line. Mr. Gossels noted that while the neighbor is agreeable, he is bearing the brunt of this construction.

ROBERT & CHRISTINA DEIGNAN
200 Old Lancaster Road
02-24 Page 3

Mr. Klofft, although agreeing that 5 feet is close, felt more comfortable given the fact that the neighbor's house is further back. However, he did agree that 5 feet is tight.

Mr. Gossels did not believe having a 2-car garage was a matter of right. He said it was the Deignan's choice to take their existing garage and turn it into living space. He believed there may be alternatives to this construction.

Mr. Delaney asked if Mr. Gossels would feel more comfortable if the size of the garage was reduced perhaps from 23 feet to 21 feet. Mr. Gossels felt the more important issue was the lack of a certified plot plan.

Discussion followed on what the Board would consider acceptable. The general consensus was that with a certified plot plan the closest the structure could be would be 7 feet from the property line and that the length of the garage not exceed 21 feet.

Mr. Phelps reminded the Board that there is an alternate location which would not require a Special Permit from the Board.

Mr. Gossels felt the petitioner was exacerbating the problem on a small lot. He said the decision was to take the existing garage and turn it into living space. He felt there were alternate areas to construct the living space without encroaching on the side.

The Board agreed that before any vote they would want to see a certified plot plan which shows actual setbacks. A suggestion was made that the petitioner consider withdrawing his application without prejudice, obtain a certified plot plan and refile. The Board would agree to waive a second filing fee.

Although Mr. Deignan was agreeable to obtaining a certified plot plan, he was concerned about timing. Mr. Delaney said the Board would try its best to schedule the refiling as soon as possible.

Mr. Deignan agreed to request a withdrawal.

A motion was made, seconded and unanimously voted to accept Mr. Deignan's request for withdrawal without prejudice and to waive a second filing fee.

ROBERT & CHRISTINA DEIGNAN
200 Old Lancaster Road
02-24 Page 4

Patrick J. Delaney III, Chairman

Jonathan G. Gossels, Clerk

Thomas W.H. Phelps

Stephen A. Garanin, Alternate

Jeffrey P. Klofft, Alternate

BROOKS PHARMACY
423 Boston Post Road
03-25

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 8, 2003

The Board consisted of:

Patrick J. Delaney III, Chairman
Jonathan G. Gossels, Clerk
Thomas W.H. Phelps
Stephen A. Garanin, Alternate
Jeffrey P. Klofft, Alternate

Notice was published in the Sudbury Town Crier on March 20 and 27, 2003, posted, mailed and read at this hearing.

Mr. Delaney, Chairman, explained the requirements necessary to substantiate the granting of a 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.

Attorney Kenneth J. Hill was present representing the petitioner, Brooks Pharmacy, in a petition for a Use Variance to allow a print and photo processing operation on the premises at 423 Boston Post Road.

Attorney Hill said that because of Town Meeting he was not able to schedule a meeting with the Planning Board. He was present to request the Board continue this hearing until such time as he has been able to meet with the Planning Board. However, at this time he does not know when he will be scheduled on their agenda.

The Board agreed that input from the Planning Board is critical to their decision. In light of the fact that Attorney Hill doesn't know when he would be meeting with the Planning Board, he would suggest a withdrawal without prejudice and a refile of the application after the meeting. The Board would agree to waive a second filing fee.

Attorney Hill was in agreement and requested he be allowed to withdraw.

A motion was made, seconded and unanimously approved to accept Attorney Hill's request to withdraw his application without prejudice and to waive a second filing fee.

Mr. Delaney pointed out that pages 4 and 5 were missing from the Use Variance application and should be submitted at the time of refile.

BROOKS PHARMACY
423 Boston Post Road
03-25 Page 2

Patrick J. Delaney III, Chairman

Jonathan G. Gossels, Clerk

Thomas W.H. Phelps

Stephen A. Garanin, Alternate

Jeffrey P. Klofft, Alternate

SEANN & MICHELLE O'CONNELL
28 Beechwood Avenue
03-16

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, MARCH 25, 2003
TUESDAY, APRIL 8, 2003

The Board consisted of:

Patrick J. Delaney III, Chairman
Jonathan G. Gossels, Clerk
Thomas W.H. Phelps
Stephen A. Garanin, Alternate
Jeffrey A. Klofft, Alternate

Notice was published in the Sudbury Town Crier on March 6 and 13, 2003, posted, mailed and read at this hearing.

At the request of the petitioner, the Board granted a continuance from March 25, 2003 to April 8, 2003.

On April 8, 2003, the Board was in receipt of a letter dated April 8, 2003 from Sean O'Connell requesting he be allowed to withdraw his application without prejudice. During the course of applying for a Special Permit he made an offer to purchase another house in Sudbury. This offer was accepted and eliminates the need to proceed further.

A motion was made, seconded and unanimously voted to accept a request from the petitioner to withdraw his application without prejudice.

Patrick J. Delaney III, Chairman

Jonathan G. Gossels, Clerk

Thomas W.H. Phelps

Stephen A. Garanin, Alternate

Jeffrey P. Klofft, Alternate