

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, JULY 29, 2003

The Board consisted of:

Stephen M. Richmond, Acting Chairman  
Jeffrey P. Klofft, Acting Clerk  
Thomas W.H. Phelps  
Elizabeth A. Taylor, Alternate

Notice was published in the Sudbury Town Crier on July 10 and 17, 2003, posted, mailed and read at this hearing.

Mr. Richmond, Acting 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.

Frank Riepe, architect, was present representing the petitioner Fern Chertok, also present, in a petition for Variance to construct a 22X22 foot detached garage which will result in front yard, street centerline and side yard setback deficiencies at 33 Singletary Lane.

This petition was originally submitted as a special permit application and heard on July 29, 2003. It was the opinion of the Board that this should have been a variance application and the petitioner withdrew the application and resubmitted this variance application. (see Minutes July 29, 2003, Case 03-41)

Mr. Riepe said the petitioners have lived at this address for 13 years and have never had a garage. They currently park their cars on the street. The topography of the property is such that it falls dramatically from the street. Photographs of the property were shown to the Board.

From the topographic survey plan Mr. Riepe described the area of the proposed construction. In order to comply with the setback requirements, he said considerable excavation would be required, including blasting, with the necessity to import earth and cut several large trees. Mr. Riepe said this is an area of modest homes, and the costs would not justify the end result.

Mr. Riepe said the proposed garage is modest in scope and the smallest size needed to accommodate two vehicles. It will have one door to allow for the smaller size. The location will also provide the ability for guests to park in front of the garage.

From the elevation plans, Mr. Riepe pointed out the garage as seen from different angles as well as the proposed storage area below.

Mr. Richmond, who was not present at the July 29, 2003 hearing, had questions relative to this application and proposed location of the garage. Mr. Riepe explained that with the interior configuration of the house, in order to attach the garage would require significant grading and tree cutting which would be cost prohibitive.

Mr. Phelps said the garage, as proposed, will be far enough back so as not to interfere with the streetscape. Mr. Klofft added that a garage will take the cars off the road which is a safer condition.

Russell Kirby, 222 Boston Post Road, abutter, had no objection to the petition as proposed. He felt that placement of the garage further back would impose an additional hardship on the petitioner in terms of snow removal because of the resulting grade.

There was no further input. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Fern R. Chertok & F. Thomas Rose III, owners of property, a Variance from the provisions of Section 2600, Appendix B, of the Zoning Bylaws, to allow construction of a 22X22 foot garage which will result in a front yard setback deficiency of 25 feet  $\pm$ , a street centerline setback deficiency of 35 feet  $\pm$ , and a side yard setback deficiency of 10 feet  $\pm$ , property located at 33 Singletary Lane, Residential Zone A-1, provided that:

1. The height of the garage shall not exceed the dimensions shown on Site Plan B, dated 5/9/03, prepared by Frank Warner Riepe, Architect, which is incorporated and made a part of this Decision."

VOTED: In favor: 4 (unanimous) Opposed: 0

REASONS: The petitioner requires a Variance to construct a garage which will result in front yard, street centerline and side yard setback deficiencies. The Board finds that the petitioner has satisfied the criteria for the granting of a Variance as follows:

The topography of the property is such that it slopes dramatically from the street which is above the house. The area is wooded and there are a number of large trees across the front of the property. There is no garage. Currently, the owner's vehicles are parked on the street.

To construct a garage in order to satisfy the Bylaw requirements would entail a significant amount of tree removal, earth removal and possible blasting. The house is modest in scope and these costs would render the construction impractical.

There will be no substantial detriment to the public good with the granting of this Variance. By locating the garage as proposed, the streetscape will be maintained and vehicles will no longer be parked along the edge of the road.

Granting of the Variance will not nullify or substantially derogate from the intent or purpose of the Bylaw. The garage will be located and designed so as to blend in with the other homes on the street. The size is the minimum required for two vehicles with the style and materials consistent with those used for the existing house.

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Stephen M. Richmond, Acting Chairman

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Jeffrey P. Klofft, Acting Clerk

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Thomas W.H. Phelps

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Elizabeth A. Taylor, Alternate

CELIA HINRICHS - CASE 03-45 – Continued to August 19, 2003

KEN & KARIN MANNING  
112 Powers Road  
03-46

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, JULY 29, 2003

The Board consisted of:

Stephen M. Richmond, Acting Chairman  
Jeffrey P. Klofft, Acting Clerk  
Thomas W.H. Phelps  
Elizabeth A. Taylor, Alternate

Notice was published in the Sudbury Town Crier on July 10 and 17, 2003, posted, mailed and read at this hearing.

Mr. Richmond, 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.

Ken Manning was present to represent a petition for renewal of Special Permit 01-13 to conduct a Home Business, specifically psychology, at 112 Powers Road. The business has been in operation for three years. No complaints have been received with regard to the business and Mr. Manning was comfortable with the conditions of the permit except that he would like to install a post light at the end of the driveway. He was not sure whether this would violate Condition 6 which states "No additional exterior lighting will be allowed."

The Board reviewed the conditions of the permit, and specifically Condition 6. It was the consensus of the Board that a post light would not violate this condition as it would be more for the homeowner's personal use. The Board agreed to modify Condition 6 to reflect this.

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

After deliberation the following motion was placed and seconded:

MOTION: "To grant Ken and Karin Manning, owners of property, renewal of Special Permit 01-13, granted under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically Psychology, in the barn located on the property at 112 Powers Road, Residential Zone A-1, provided that

1. Hours of operation will be 8AM-6PM, Monday through Saturday.

KEN & KARIN MANNING  
112 Powers Road  
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2. All parking shall be on the premises. No street parking will be allowed.
3. No more than eight (8) car trips per day will be allowed.
4. No employees, other than the residents, will be allowed.
5. There will be no exterior indication of the Home Business. No sign will be allowed on the street.

6. No additional exterior lighting will be allowed except for a post light at the end of the driveway.
7. This permit is non-transferable and will expire in two years on July 29, 2005, and the Board will consider renewal upon receipt of proper application on or before that date.”

VOTED: In favor: 4 (unanimous) Opposed: 0

The petitioner seeks to renew a special permit for a psychology practice which has been in operation for three years. The Board finds that the use is in harmony with the general intent and purpose of the Bylaw, is in an appropriate location, and is not detrimental to the neighborhood. The conditions imposed with regard to hours of operation and vehicle trips will insure no adverse impact on the neighborhood in terms of visibility, traffic and safety. The petitioner has complied with those conditions and there have been no complaints from abutters. A two-year renewal period is appropriate in this case.

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Stephen M. Richmond, Acting Chairman

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Jeffrey P. Klofft, Acting Clerk

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Thomas W.H. Phelps

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Elizabeth A. Taylor, Alternate