

KARL & TANIA BORG
44 Pine Street
03-52 (amendment)

MINUTES
SUDBURY BOARD OF APPEALS
MONDAY, NOVEMBER 24, 2003

The Board consisted of:

Jonathan G. Gossels, Chair
Melinda M. Berman, Acting Clerk
Patrick J. Delaney III
Thomas W.H. Phelps
Jeffrey P. Klofft, Alternate

The meeting was convened by Mr. Gossels, Chair, for the purpose of discussing an amendment to Variance 03-52 granted to Karl & Tania Borg to construct a pool which will result in a rear yard setback deficiency. That variance contained a condition requiring the Borgs to provide a 6-foot stockade fence extending from the stockade fence along the rear property line for 100 feet along both sides of the property. The condition assumed ownership of the rear fence belonged to the Borgs.

It was subsequently discovered that the rear fence is not owned by the Borgs. The intent of the condition was to provide visual screening from the abutters. This screening was separate from fencing which is required for a pool. Since the Board failed to recognize that the Borgs did not own the fence, Mr. Gossels said this condition must be changed to reflect the reality of the situation.

Mr. Borg did not want to construct a fence alongside the abutter's fence.

Mr. Gossels said this area consists of small lots where houses are close to each other. He said Mr. Borg needed to come to the Board for relief from the setback requirements; hence the Board imposed conditions to insure a visual buffer from the neighbors.

Brian Williams, 26 Autumn Street, abutter to the rear, had no objection to his fence being the buffer between the two properties. His concern was that his fence not be used as the safety fencing surrounding the pool.

Discussion followed on how best to handle the situation. The Board wanted to be sure the Decision included the requirement for a visual barrier, not necessarily a fence, but perhaps some type of vegetative screening.

Following further discussion the following motion was placed and seconded:

MOTION: “To amend Variance 03-52 by deleting the wording contained in Condition 1 and inserting in lieu thereof the following: ‘The applicant shall be required to provide or maintain a 6-foot tall visual buffer along the rear property line. In addition, a 6 foot stockade fence, or equivalent visual screening, shall extend from that rear property line 100 feet along both sides of the property.’”

All other terms and conditions shall remain in full force and effect.

VOTED: In favor: 5 (unanimous) Opposed 0

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