

KARL D. GINAND
31 Great Lake Drive
03-49

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, SEPTEMBER 9, 2003

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen M. Richmond, Clerk
Patrick J. Delaney III
Richard L. Burpee, Alternate
Jeffrey P. Klofft, Alternate

Mr. Gossels, 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.

Karl Ginand was present to represent a petition for a Special Permit to alter and enlarge a nonconforming structure by constructing a deck which will result in a rear yard setback deficiency of 3 feet at 31 Great Lake Drive.

Mr. Ginand explained that the location of the deck is such that one will be able to go from the deck to the pool area. It will be low to the ground with three risers. The plan submitted with the application shows the proposed 529 s.f. deck as well as the pool and other structures.

The Board also reviewed the mortgage inspection plan submitted with the application asking questions for further clarification.

No abutters were present. The public hearing was then closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Karl D. Ginand, 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 529 s.f. deck which will result in a rear yard setback deficiency of 3 feet \pm , property located at 31 Great Lake Drive, Residential Zone A-1."

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 deck, which will result in a rear yard setback deficiency, will not be substantially more detrimental to the neighborhood. The deck will provide access to the pool area and enhance the enjoyment of the back yard. The Board notes that the existing pool encroaches further into the setback, and finds the setback deficiency of the deck will be minimal and not intrusive to the neighbors. Further, no abutters were present to oppose this petition.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Patrick J. Delaney III

Richard L. Burpee, Alternate

Jeffrey P. Klofft, Alternate

WAYSIDE INN CORP.
72 Wayside Inn Road
03-50

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, SEPTEMBER 9, 2003

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen A. Garanin, Acting Clerk
Patrick J. Delaney III
Richard L. Burpee, Alternate
Jeffrey P. Klofft, Alternate

Notice was published in the Sudbury Town on August 21 and 28, 2003, posted, mailed and read at this hearing.

Mr. Gossels, 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.

Guy LeBlanc was present to represent a petition for renewal of Special Permit 02-26 for a freestanding sign. The sign is located on the southern border of the inn, along Boston Post Road, almost directly behind the parking lot for the inn.

Although the Board had granted a special permit for the sign, it had concerns regarding the intensity of the proposed lighting. Therefore, the permit was renewable after one year in order that the Board might see the lighting and determine whether or not it was too intensive for the area.

Mr. LeBlanc said the sign was constructed as proposed; however, the wattage was decreased from that which was originally proposed. The stone surround is also in place. He said the intent is to aid people coming to the inn and also to identify the inn and area.

Mr. Delaney, who was present at the initial hearings, said the Board's main concern was with the high wattage which was originally proposed. He said he has seen the sign, which he said was attractive, and the lighting is subdued and not glaring. He was satisfied with the end result. The other Board members concurred.

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

After deliberation the following motion was placed and seconded:

WAYSIDE INN CORP.
72 Wayside Inn Road
03-50 Page 2

MOTION: "To grant Wayside Inn Corporation, owner of property, renewal of Special Permit 02-26, granted under the provisions of Section 3290 of the Zoning Bylaws, for a 21.5 s.f. freestanding sign with incandescent light at a wattage and intensity appropriate to the area in keeping with the historic nature of the Wayside Inn Historic District."

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

REASONS: The petitioner seeks renewal of a Special Permit for a freestanding sign. The sign was erected as proposed and the wattage is appropriate to the area. Therefore, renewal is granted.

Jonathan G. Gossels, Chairman

Stephen A. Garanin, Acting Clerk

Patrick J. Delaney III

Richard L. Burpee, Alternate

Jeffrey P. Klofft, Alternate

BRINDA GUPTA
202 Wayside Inn Road
03-51

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, SEPTEMBER 9, 2003

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen M. Richmond, Acting Clerk
Patrick J. Delaney III
Richard L. Burpee, Alternate
Jeffrey P. Klofft, Alternate

Notice was published in the Sudbury Town Crier on August 21 and 28, 2003, posted, mailed and read at this hearing.

Mr. Gossels, 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.

Brinda Gupta was present to represent a petition for renewal of Special Permit to conduct a Home Business, specifically a wholesale/limited retail travel agency at 202 Wayside Inn Road. Ms. Gupta explained that this is the third renewal. The operation is conducted in the basement of her home and she is the sole employee at this time.

Since the advent of electronic ticketing, Ms. Gupta said business has dropped off somewhat. Her business consists of many repeat customers. UPS trucks come to the house once or twice a day. There is a sign on the house but not on the street. Although the hours have decreased somewhat, Ms. Gupta would like to retain the hours stated on the permit.

Discussion followed on whether this business fits the category of a Special Permit Home Business. Ms. Gupta said although she is the sole employee, she would like to hope that in the future business would improve to the extent that she would require another employee. As to the sign, she said it is located on the house as a requirement of the airline to do business.

It was decided that this business should remain in the special permit category.

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

After deliberation the following motion was placed and seconded:

MOTION: "To grant Brinda Gupta, owner of property, renewal of Special Permit 01-14, granted under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically a wholesale/limited retail travel agency, property located at 202 Wayside Inn Road, Wayside Inn Historic Preservation Residential Zone, provided that:

1. Hours of operation shall be Monday-Friday, 9AM-5PM.
2. No more than one additional employee, other than family members, will be employed in this business.
3. No more than five (5) deliveries a week, associated with the business, will be allowed.
4. No retail advertising will be allowed.
5. No exterior indication of the Home Business is permitted, other than a 2 s.f. sign attached to the side of the house.
6. No additional exterior lighting will be allowed.
7. All parking is to be on site. No street parking is allowed.
8. This permit is non-transferable and will expire in two (2) years on September 9, 2005, 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 a special permit to conduct a travel agency in her home. The Board finds the use to be in harmony with the general purpose and intent of the Bylaw, is in an appropriate location not detrimental to the neighborhood, and does not by its presence significantly alter the character of the zoning district. Adequate and appropriate facilities have been provided for proper operation. The petitioner has been operating for five years in accordance with the conditions of the permit without incident or complaint from the neighbors, and no abutters were present at this hearing to oppose renewal.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Patrick J. Delaney III

Richard L. Burpee, Alternate

Jeffrey P. Klofft, Alternate