

BRUCE T. & EUGENIA L. QUIRK
236 Concord Road
04-13

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 27, 2004

The Board consisted of:

Jonathan G. Gossels, Chair
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Stephen A. Garanin, Alternate

Notice was published in the Sudbury Town Crier on April 8 and 15, 2004, posted, mailed and read at this hearing.

Mr. Gossels, Chair, 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.

Bruce Quirk was present to represent a petition for renewal of Special Permit 01-5 to operate a Home Business, specifically the sale of antiques, used furniture and accessories in a building at the rear of the house at 236 Concord Road. The business has been in operation since 1986. Mr. Quirk said the business is low-impact and he was requesting renewal under the same conditions. He has not received any complaints with regard to the business.

Currently there are no non-family members employed with the exception of a part-time person who works once a month. At this time he has no intentions of hiring a non-family member.

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

After deliberation the following motion was placed and seconded:

MOTION: "To grant Bruce T. and Eugenia L. Quirk, applicants, renewal of Special Permit 01-5, under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically the sale of antiques, used furniture and accessories in a building at the rear of the house, property located at 236 Concord Road, Residential Zone A-1, provided that:

1. A sign, not to exceed two square feet, in conformance with the Bylaw, will be allowed, said sign subject to approval by the Historic Districts Commission.

2. No exterior indication/display of such use or variation from the residential character (other than the sign) shall be allowed.
3. Hours of operation shall be 10:30AM-5PM, Monday through Saturday.
4. Only one (1) non-family member shall be employed.
5. The sale of antiques shall be confined to the rear portion of the barn.
6. No overnight parking of commercial vehicles in connection with this home business will be allowed.
7. No parking will be allowed on Antique Circle (or on a common driveway) or on Concord Road.
8. This permit is non-transferable and will expire in three (3) years on April 27, 2007, 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 an antique business which has been in operation at this location since 1986. The Board finds the use to be in harmony with the general purpose and intent of the Bylaw. It is in an appropriate location, not detrimental to the neighborhood and does not by its existence alter the character of the zoning district. Adequate and appropriate facilities have been provided for proper operation and the use does not cause traffic congestion in the area. No abutters were present to oppose renewal. The Board finds a three-year renewal period to be appropriate.

Jonathan G. Gossels, Chair

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Stephen A. Garanin, Alternate

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Mr. Gossels, Chair, 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 applicant, Land Rover Metro West LC, in a petition for renewal of Special Permit 03-21 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 83 and 103 Boston Post Road.

Attorney Fox said since the last renewal, Land Rover has received its Certificate of Occupancy from the Building Department. Prior to issuance of the Certificate of Occupancy, the site was visited by members of the Board of Selectmen, Planning Board, and Conservation Commission. There have been no complaints with regard to the business. There has been positive feedback from the community. He would request that the term of the permit is extended for more than one year.

Mr. Gossels said during the initial application and approval process the ZBA raised issues regarding screening of the car parking area. This Board sent a letter to the Selectmen which was incorporated into their Site Plan Approval Decision. Mr. Gossels said what is built there is not what is written in the Site Plan Approval Decision. Specifically, he said there was supposed to be a berm along the front of Route 20 which would hide the first row of cars. He said there is a little bit of a berm there but it in no way hides that first row of cars. The elevation of that parking area was not supposed to be as steep as it turned out to be, so that the second and third level of cars are now more visible than they should have been along Route 20.

Mr. Gossels said the issues raised in the ZBA's approval don't match what has been built, and they don't match what was called for in the Selectmen's Site Plan Decision.

Attorney Fox he went through numerous sets of revisions with the Selectmen during the site plan process regarding the slope and the berm issues. He said one of the items important to the Selectmen was to basically shield the Mass. Highway building from the front.

Mr. Gossels said the Site Plan Decision mentions bringing a fence along the back to shield the building, and for whatever distance the parking lot was lower, to continue shielding that building with a fence and landscaping. He said that was not what was built.

Attorney Fox said there is a screening of white pines which he said was preferential to a fence.

Mr. Gossels said the fence and landscaping were discussed when the original landscaping plan was brought to the ZBA. He said the idea was that if the parking lot was lower, a combination of fencing and landscaping would serve to screen the Mass. Highway building. To further clarify, he said at Route 20 there was supposed to be a well landscaped berm. He said there is a berm for part of the distance, then it slopes to essentially grade level. In the back, the slope of the parking lot was not supposed to be a display, which was originally proposed. It was recommended by the ZBA and the Selectmen's Site Plan Decision that that parking lot be not as steep so that more of the cars would be hidden.

Attorney Fox said it was his understanding that the Selectmen approved the site plan after several modifications, that Building Inspector Kelly looked over the final project and felt that the plans reflected what was approved by the Selectmen. He felt what may have happened was that when he was originally before the ZBA, certain items were brought to his attention and suggested to be incorporated into the final site plan, which were then subject to review and revisions by the Selectmen.

Mr. Gossels held up a copy of the Selectmen's Site Plan Decision. He read from Page 2, Item 7g (Town Planner's report) which states "To address the visibility of the vehicle storage area, it is recommended that the grade be depressed more toward Route 20, a berm installed, and the back two tiers be constructed at a lower grade than the existing grade, with the proposed fence and landscaping along the rear property line screening the highway facility from Route 20."

Attorney Fox said there is screening at the top of the hill blocking the Mass. Highway building. He said he believed that the applicant also lowered the grade of the property consistent with that letter. He also believed that the Selectmen signed the final site plan signing off on these items.

Discussion followed as to whether the Selectmen's signing off on the plan and the issuance of the Certificate of Occupancy removed any obligation of the applicant to meet the

permit conditions. Mr. Gossels said the ZBA gave permit approval and the Selectmen took the ZBA's recommendation. He would propose that this Board send a letter to the Selectmen asking them for a review of what currently exists. He felt strongly that what is there now does not reflect what was promised to the ZBA by the applicant at the time of the ZBA's approval nor is it consistent with the spirit of the Selectmen's Site Plan Decision.

Mr. Klofft said he would favor a continuance of this hearing in order to hear back from the Selectmen. Other Board members agreed.

Attorney Fox said it was his understanding that he was here to renew three use special permits. He felt that technically discussions of the site plan were outside the jurisdiction of this hearing.

It was Mr. Klofft's opinion that if what has not been done is detrimental to the criteria for the granting of special permits; i.e., visual nuisance, then it goes to the use and the ZBA does have jurisdiction.

Mr. Richmond went through the list of conditions. He asked whether the hours of operation were acceptable to the applicant. Attorney Fox said they were. There is no heavy body work or fuel storage on the premises.

With regard to Condition 10, Mr. Gossels said this item was discussed extensively during the ZBA hearing particularly as to whether the driveway was adequately designed to deal with truck traffic coming into the dealership. Mr. Gossels said he has been on Route 20 and observed on numerous occasions the tractor-trailer trucks maneuver into the parking lot. He said it just raises the concerns that the Board was given many answers from the applicant during the hearing that don't seem to be what is there on the ground.

With regard to a question from Mr. Richmond on lighting, Attorney Fox said the Selectmen originally had concerns and Land Rover lowered the lighting during the evening hours to address those concerns.

The Board agreed to send a letter to the Selectmen asking for a review of their decision and sign off.

The public hearing was continued to June 8, 2004.

Jonathan G. Gossels, Chair

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Stephen A. Garanin, Alternate

DOROTHY MARTINDALE
122 Old Garrison Road
04-15

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 27, 2004

The Board consisted of:

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Elizabeth A. Taylor
Jeffrey P. Klofft
Stephen A. Garanin, Alternate

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Mr. Gossels, Chair, 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.

Michael Martindale was present to represent a Special Permit to allow demolition of an existing residence and construction of a new residence which will exceed the area of the original nonconforming residence at 122 Old Garrison Road.

Mr. Martindale explained that the Board previously granted a special permit for this address to the prior owner. However, it is proposed to change the style of the house from a 2-story colonial to a one-story cape style and to construct a barn. He has been working with the Historic Districts Commission (HDC) and has received permission to demolish the existing building. There have been minor changes to the plans since the time of application to the ZBA which incorporate the HDC's design recommendations as well as a slightly different location. Mr. Martindale pointed out those changes to the Board which are well within the setback requirements.

In response to a question from the Board, Mr. Martindale was not sure as to whether the house would be immediately demolished or whether he would live there prior to construction.

Mr. Richmond asked whether he had looked into donating the house to the Housing Authority since it would appear that the costs to demolish would be approximately the same as for moving the house.

Mr. Martindale said he had thought about it but did not know how to go about it. Mr. Richmond suggested he might want to contact the Sudbury Housing Authority.

DOROTHY MARTINDALE
122 Old Garrison Road
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Mr. Martindale agreed to provide the latest plans depicting the house location.

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 Dorothy Martindale, owner of property, a Special Permit under the provisions of Section 2460 of the Zoning Bylaws, to allow demolition of an existing residence and construction of a new residence not to exceed a total footprint area of 4,502 s.f. on a nonconforming lot, which will exceed the area of the original nonconforming structure, said residence to conform to all zoning setback requirements, property located at 122 Old Garrison Road, Wayside Inn Historic Preservation Residential Zone, subject to the following:

1. The new dwelling will be completed within twelve (12) months from issuance of a Building Permit, and the old structure will be demolished within six (6) weeks from the issuance of a Certificate of Occupancy for the new residence."

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 construction of a new residence, which will exceed the area of the original nonconforming structure, will not be substantially more detrimental to the neighborhood. The new structure will conform to all setback requirements and will be sited further back on the lot and be less visible. It will conform in style to the requirements of the Historic Districts Commission for this area. The Board notes that no abutters were present to oppose this petition.

Jonathan G. Gossels, Chair

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Stephen A. Garanin, Alternate

MAILLET & SON, INC.
279 Hudson Road
04-16

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 27, 2004

The Board consisted of:

Jonathan G. Gossels, Chair
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Stephen A. Garanin, Alternate

Notice was published in the Sudbury Town Crier on April 8 and 15, 2004, posted, mailed and read at this hearing.

Mr. Gossels, Chair, 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.

Marcel Maillet, developer, was present representing a petition for special permit to allow demolition of an existing residence and construction of a new residence on a nonconforming lot which will exceed the area of the original nonconforming structure at 279 Hudson Road.

Mr. Maillet explained that the existing house is 1,200 s.f. The new house will be 3,200 s.f. The lot consists of 2 acres and the new house will meet all setback requirements. The lot is nonconforming because of its frontage which is 150 feet.

Mr. Gossels asked whether Mr. Maillet discussed the proposed construction with the neighbors since this is a narrow lot and the surrounding homes are so close together. Mr. Maillet said his father has spoken with some of the neighbors. He said the neighbors were contacted when at the initial intent was to try a get two lots from the parcel buy purchasing additional land off of Lillian Avenue. However, the neighbors weren't contacted when it was decided to go with only one house lot.

Mr. Klofft said the front of the lot is very high and appears eventually comes down lower in the back. Mr. Maillet agreed this is correct.

Mr. Gossels said this is a very large lot and the location of the house seems to be more favorable than the existing house. He said the scale is appropriate to the area.

George Sharkey, 16 Haynes Road, abutter, said he didn't want to cause Mr. Maillet any problems; however, he did have one concern with regard to drainage as a result of the proposed
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279 Hudson Road
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septic system location. He said all of Lillian Avenue, approximately ten homes, are part of the Holman's Pine Rest subdivision. They are small lots. He said there is a situation with Hop Brook, a filtering process, that comes through Holman's Pine Rest and the adjacent property. He said Mr. Maillet's property is on a hill and the back part of it appears to have been a gravel pit.

Mr. Sharkey said the purchaser of the house that Mr. Maillet constructs will have to live with the same problems as the homes on Lillian Avenue. He said the plan shows the septic system located on the slope of the hill. His suggestion would be to locate the septic system at the back of the house on the second acre. That way, the homes on Lillian Avenue would not be affected in terms of drainage and runoff.

Mr. Gossels asked Mr. Maillet if he had a problem relocating the septic system. He replied that the system was designed for the front to accommodate the possibility of being able to construct a pool in the back. In addition, more trees would have to be cleared to place the system in the back. Mr. Maillet was not sure there was cause for concern with regard to drainage as the grade in front was not being changed that much.

Mr. Klofft asked where the septic system for the existing house was located. Mr. Sharkey said it was located on the flat portion of the lot level with the abutters. He pointed out the approximate location on the engineering plan submitted with the application.

Mr. Klofft said if the existing septic system is located as described, and the engineering plan is correct, there is only a difference of two feet in elevation. Mr. Sharkey said the plan was incorrect in terms of contours, as did Deborah Terren, 12 Lillian Avenue, abutter. They were concerned that the leach field location would cause drainage problems for those on Lillian Avenue who have thus far not had any problems.

Mr. Maillet said the plan was prepared by Thomas DiPersio, P.L.S., Thomas Land Surveyors; however, it was not stamped.

Ms. Taylor said it seems that if the proposed septic system will be essentially at the same elevation and there has never been a problem in the past, there should not be a problem now unless major earth removal is done.

Ms. Terren was not sure the existing septic system is located as previously described. She pointed out the two lots which she owns. Her major concern was ending up with a “skating rink” in her back yard if the septic system is constructed in the location as proposed.

In order to sort out the situation, Mr. Gossels would suggest this hearing be continued. He would also suggest Mr. Maillet obtain Board of Health approval and, at the same time, voice to the Board of Health the abutters’ concerns. Mr. Klofft suggested he also obtain a stamped plan showing contour lines.

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279 Hudson Road
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Mr. Richmond also would suggest the abutters speak with the Board of Health as well to better understand the situation from a Board of Health perspective. Mr. Sharkey did not see the need for this. He did not see what difference it would make to Mr. Maillet to locate the system on the back lot. He was not questioning the design of the septic system but the location. He felt that if it is located as proposed, sometime in the future the residents on Lillian Avenue could have enormous problems. Locating the system in the back will eliminate any problems.

Mr. Klofft said the members of this Board are not civil engineers. Bringing this to the Board of Health to obtain their opinion and expertise will provide the information necessary to determine whether the abutters’ concerns are legitimate or not.

Mr. Maillet agreed to obtain septic system approval from the Board of Health and a stamped engineering plan.

The hearing was continued to June 8, 2004.

Jonathan G. Gossels, Chair

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Stephen A. Garanin, Alternate

MAILLET & SON, INC.
43 Butler Road
04-17

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 27, 2004

The Board consisted of:

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Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Stephen A. Garanin, Alternate

Notice was published in the Sudbury Town Crier on April 8 and 15, 2004, posted, mailed and read at this hearing.

Mr. Gossels, Chair, 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.

Marcel Maillet, developer, was present to represent a petition for special permit to allow demolition of an existing residence and construction of a new residence which will exceed the area of the original nonconforming structure and which will result in front yard setback deficiencies on Butler Road and Butler Place. The property address is 43 Butler Road.

Mr. Maillet said the existing house is 900 s.f. The proposed house will be 1,800 s.f. The existing house is very close to Butler Place – approximately 2-3 feet from the road. The footprint size will be the same; the addition square footage will come from the construction of a second floor. By removing the house, better setbacks can be created which will improve the appearance of the lot and neighborhood.

Mr. Gossels said from the plan it appears there might be some additional room to work with at the back of the lot. Mr. Maillet said the location of the septic system might present problems; however, he would see if he could readjust the location of the house. He said the current septic system is two years old and will be used for the new house.

Mr. Gossels said he liked the plan; however, he still had concerns that it was too close to Butler Road. Again, Mr. Maillet said he would see if he could move it further back.

Mr. Gossels asked whether Mr. Maillet would be agreeable to a continuance for this purpose. Mr. Maillet asked whether he could be granted a special permit with a condition that he move it back as far as he can, ten feet if it's possible, if it doesn't infringe on the septic system setback requirements.

MAILLET & SON, INC.
43 Butler Road
04-17 Page 2

David Otis, 11 Butler Place, neighbor, was present. He said he has spoken with some neighbors who would not be unhappy to see the existing house demolished as it is too close to the road. His concern is that the intersection of Butler Place and Butler Road is a tricky one with a lot of pedestrian traffic in that area. The existing house makes it difficult to see traffic.

Mr. Gossels showed Mr. Otis the proposed plan and house location noting the Board would like to see the house moved even further back if possible. Mr. Otis agreed the new location would be a great improvement over what is there now.

Discussion followed on whether this hearing should be continued or whether a permit could be granted reflecting a requirement to move the house further back, parallel to Butler Road, up to 10 feet, if possible. There was general agreement that this could be done without continuing the hearing.

Mr. Richmond asked whether consideration had been given to donating the house to the Housing Authority. Mr. Maillet said the condition of the house was such that it would not be feasible.

There were no further comments from the abutters or Board. The public hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Maillet & Son, Inc., owner of property, a Special Permit under the provisions of Section 2460 of the Zoning Bylaws, to allow demolition of an existing residence and construction of a new residence not to exceed 1,800 s.f., which will exceed the area of the original nonconforming structure and will result in front yard setback deficiencies of 12 feet \pm on Butler Road and 21.9 feet \pm on Butler Place, property located at 43 Butler Road, subject to the following:

1. Every effort will be made to move the back line of the new house northwest to within 12 feet of the corner of the septic tank."

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 construction of a new residence, which will exceed the area of the original nonconforming structure, will not be substantially more detrimental to the

MAILLET & SON, INC.

43 Butler Road

04-17 Page 3

neighborhood. The proposed location of the new house is more appropriate to the lot and neighborhood and will alleviate visibility issues associated with the existing house being too close to the road. Further, the petitioner has agreed to move the house further back from Butler Road if it is possible to do so within the constraints of the septic system location. The scale and design of the new house will be consistent with other homes in the area and the Board finds the new house will be an improvement to the neighborhood.

Jonathan G. Gossels, Chair

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Stephen A. Garanin, Alternate

JAMES & ANNE SHEPHERD
92 Goodnow Road
04-18

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 27, 2004

The Board consisted of:

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Elizabeth A. Taylor
Jeffrey P. Klofft
Stephen A. Garanin, Alternate

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Mr. Gossels, Chair, 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.

James Shepherd was present to represent a petition for a Variance to construct a garage and deck which will result in rear yard setback deficiencies at 92 Goodnow Road. The garage is proposed to be 24X30 resulting in a setback deficiency of 9 feet, and the 15X20 foot deck will result in a deficiency of 18 feet.

Mr. Shepherd explained that when the Prichard property which surrounded his property was sold a few years ago part of that development involved extending Camperdown Lane. That extension comes right in behind his house. The house that was built behind him is 20 feet higher than his house because of the elevation of the land. Because that house looms over his house, he would like to create a deck with a screened area at the back of the house and construct a post and beam garage which is needed anyway to screen his property from the rear property owner.

Because the property is so much lower, it is not feasible to put in any plants as screening. Mr. Shepherd said the first floor of his neighbor's house is higher than the roof of his house.

Mr. Gossels said his visited the site and felt clearly there were topographical issues with regard to this property. He agreed that it could not have been anticipated that construction of this nature would have occurred. In Mr. Gossel's opinion, Mr. Shepherd's application made good sense.

Looking at the drawing, Mr. Richmond pointed out that the garage is set back from the barn. Mr. Shepherd said this was done simply for a visual effect. He said his architect suggested the structures not be lined up in a row. Mr. Richmond asked whether the garage could have been

JAMES & ANNE SHEPHERD

92 Goodnow Road

04-18 Page 2

pushed forward. Mr. Shepherd said this would involve removing some well established trees which screen the house from the driveway. From the plan he described how this area would be affected. He felt he had a small envelope to work with given his desire to minimize the loss of trees.

Mr. Klofft asked how the land slopes from where the garage would be to the road. Mr. Shepherd replied that the land slopes all the way down to the road. It is somewhat steep. It seemed to Mr. Klofft that given the slope of the land, moving the garage forward might create an elevation problem.

Mr. Richmond asked whether the applicant had spoken with the neighbor regarding his plans. Mr. Shepherd had not; he said the house is still under construction.

Mr. Klofft asked how far that house is from the rear lot line. Mr. Shepherd would estimate it to be approximately 70 feet. There is a buffer zone protected by deed covenant; however, there is a cart path where no vegetation will grow which leaves that portion not shielded.

Further discussion centered on the criteria for the granting of a variance after which the public hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: “To grant James C. & Anne Besse-Shepherd, owners of property, a Variance from the provisions of Section 2600, Appendix B of the Zoning Bylaws, to construct a 24X30 foot garage which will result in a rear yard setback deficiency of 9 feet \pm , and a 15X20 foot deck which will result in a rear yard setback deficiency of 18 feet \pm , property located at 92 Goodnow Road, Residential Zone A-1.”

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

REASONS: The lot in question is the remaining parcel from an 18th century farm. It currently contains the original farmhouse and a small barn. The applicant wishes to construct a detached garage near the barn. The lot is irregularly shaped and slopes from the rear to the front. The applicant wishes to construct the barn at the crest of the slope resulting in a rear setback deficiency of 9 feet \pm . The slope of the drive leading to the proposed garage site, the shape of the lot, as well as the historic character of the property creates a unique hardship. The conditions of this lot are flat and regular in shape and contain houses built within the last 10 years. This relief may be granted without substantial detriment to the public good or substantially derogating from the intent and purpose of the Bylaw because there is a deeded 50-foot buffer zone (which cannot be disturbed) between the rear of this property and the building envelope of the adjacent property.

JAMES & ANNE SHEPHERD
92 Goodnow Road
04-18 Page 3

Jonathan G. Gossels, Chair

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

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DANIEL & WENDY DURKIN

MINUTES OF THE PUBLIC HEARING
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Daniel and Wendy Durkin were present to represent a petition for special permit to alter and enlarge a nonconforming structure by constructing a garage and screened porch which will result in front yard setback deficiencies on Lakewood Drive and Beechwood Avenue.

This petition was previously before the Board as Case No. 04-10 which was withdrawn without prejudice in order to modify the plans to address the Board's concerns with regard to the orientation of the garage doors and size of the proposed construction.

Mr. Durkin said the doors of the garage were changed to face Lakewood Avenue instead of Beechwood Avenue. He noted the Board had concerns with regard to safety issues and the adjustment will allow for more room to park cars.

No abutters were present regarding this petition.

Mr. Gossels pointed out that at the last petition hearing, two concerns were raised. One was the parking and the reorientation of the garage doors addresses that issue. Mr. Gossels said he also raised the issue that the structure itself was too large. He said this plan does not change the size.

Mr. Durkin said one reason for the proposed size is for the proposed mudroom. Ms. Durkin said that size might change downward after discussions with the architect.

DANIEL & WENDY DURKIN

Mr. Gossels felt there to be a streetscape issue. He said the size of the garage in comparison to the location of other houses still sticks out too far and too high.

Ms. Durkin said she looked at other corner lot homes in the area and found some to be located further out than what is proposed here.

Mr. Klofft felt size was not as much an issue as the closeness to the road. It was his opinion that the readjustment of the garage doors to now face Lakewood Drive resolved the parking issue.

Further discussion followed on the plan submitted with the application after which the public hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Daniel and Wendy Durkin, 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 26X26.8 foot garage, and a 15.7X9.7 foot screened porch, and a 6X10 foot deck, which will result in front yard setback deficiencies of 7 feet ± on Lakewood Drive and 26.7 feet ± on Beechwood Avenue, property located at 20 Lakewood Drive, Residential Zone A-1."

VOTED: In favor: 4 (Richmond, Taylor, Klofft, Garanin) Abstain: 1 (Gossels)

REASONS: The petitioners require a Special Permit due to the nonconforming nature of the property. The majority found that the proposed construction, which will result in front yard setback deficiencies, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The petitioners have relocated the garage doors to face Lakewood Drive which addresses the concerns expressed by the Board in terms of parking and safety. Although the structure may appear large, the Board notes that this neighborhood is comprised of homes similar in size and orientation along narrow streets and finds the proposed construction will not detract from the appearance of the neighborhood or adversely affect traffic safety.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Stephen A. Garanin, Alternate

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 27, 2004

The Board consisted of:

Jonathan G. Gossels, Chair
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Stephen A. Garanin, Alternate

Notice was published in the Sudbury Town Crier on April 8 and 15, 2004, posted, mailed and read at this hearing.

Mr. Gossels, Chair, 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.

Addison Grimes was present to represent a petition for a Variance to construct a garage that will result in a front yard setback deficiency at 77 Cedar Creek Road.

Mr. Grimes referred to the plot plan and materials submitted with his application. The lot comprises 40,174 s.f.; however he has approximately 15,000 s.f. of usable land area. The house itself is located within the 100-foot wetland area.

Mr. Grimes has been before the Conservation Commission who has approved the project subject to erosion control measures (hay bales). A copy of the Wetland Determination was included with this application.

From the plans submitted with the application, Mr. Grimes said he attempted to show where all the wetlands were located. Looking at the house from the street, the two lots to the left are not buildable and are completely wetlands. As such there are no neighbors for at least 400+ feet.

Mr. Grimes said the proposed location is the only area suitable for this project. The septic system is on the right side of the front lawn. The wetlands come up next to the house and are actually very close to the house on the back corner. Therefore he is trying to put the garage next to the house as close as he can to maximize the displacement from the front; however, he can't push it all the way back.

ADDISON & ROBIN GRIMES

Several neighbors, including the four closest abutters, were informed of the proposed construction. Mr. Grimes said all were in favor of the project.

Mr. Grimes said he has an 1,800 s.f. house, three bedrooms, and three daughters. He would like to expand some storage and be able to park both cars inside a garage. The 2-car garage will allow for this. The existing single car garage will become a part of the family room and the ability to add an additional bedroom. From the design plan, Mr. Addison pointed out the areas of renovation and construction.

In response to a question from Mr. Klofft regarding the size of the overall construction compared to other homes in the area. Mr. Addison said he would be adding approximately 650 of living space for a total of 2,200 s.f. He believed with this construction he might now be as big as the closest house across the street. Right now his house is smaller than every other house on the street and is the only house that has had nothing done to it since 1965.

Ms. Taylor voiced concern that this might loom because of the height. Mr. Addison said he tried to address this in the design particularly since the house is not square to the street. The overall height will be similar to what is there now and porch roofs and a ridge roof over the garage were added to provide a break in the symmetry of the design to avoid a 2-story flat roof.

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

After deliberation the following motion was placed and seconded:

MOTION: "To grant Addison C. & Robin O. Grimes, owners of property, a Variance from the provisions of Section 2600, Appendix B of the Zoning Bylaws, to construct a 24X24 foot 2-car garage which will result in a front yard setback deficiency of 23 feet \pm , property located at 77 Cedar Creek Road, Residential Zone A-1."

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

REASONS: The petitioner requires a variance to construct a garage addition which will result in a front yard setback deficiency. The Board finds there to be special conditions relating to the soil conditions affecting the land or structures but not affecting generally the zoning district in which the land is located in that there are wetlands which comprise up to two-thirds of the lot. The house itself is located within the wetland buffer.

The construction can only be located as proposed due to soil conditions and location of the septic system and leach field. The Conservation Commission has approved the location of the garage subject to erosion control. A literal enforcement of the Bylaw would not allow for any construction resulting in a hardship to the applicant who, with a growing family, requires

ADDISON & ROBIN GRIMES

additional living space and the ability to garage his vehicles during inclement weather. Factoring in the soil conditions and needs of the applicant, the Board finds that that every effort has been made to minimize setback encroachment and wetland disturbance.

The Board finds that with the granting of this Variance there will be no substantial detriment to the public good. The two lots on the side where the garage will be constructed are not buildable. The design is consistent with the existing house and similar in design to other homes in the neighborhood. Further, the petitioner has contacted several neighbors and abutters who have no objection to the proposed construction.

For the above reasons, the Board finds that the granting of this Variance will not nullify or substantially derogate from the intent or purpose of the Bylaw.

Jonathan G. Gossels, Chair

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Stephen A. Garanin, Alternate

JAMES & CHARLENE JACKSON
700 Boston Post Road
04-21

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 27, 2004

The Board consisted of:

Jonathan G. Gossels, Chair
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Stephen A. Garanin, Clerk

Notice was published in the Sudbury Town Crier on 8 and 15, 2004, posted, mailed and read at this hearing.

Mr. Gossels, Chair, 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.

Charlene Jackson was present to represent a Special Permit to allow demolition of an existing residence and construction of a new residence which will exceed the area of the original nonconforming structure. The new residence will conform to all zoning setback requirements.

Ms. Jackson explained that the new house will be demolished prior to construction. It will be located close to the same area as the existing house. The property is nonconforming as it derives its frontage from a 20-foot right of way going out to Boston Post Road. The property is not visible from Boston Post Road.

The square footage of the existing house is 1,265 s.f. The proposed new house will be 2,400 s.f.

The Board reviewed the plot plan and design rendering of the proposed house and felt scale and design to be appropriate.

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

After deliberation the following motion was placed and seconded:

MOTION: "To grant James & Charlene Jackson, owners of property, a Special Permit under the provisions of Section 2460 of the Zoning Bylaws, to allow demolition of an existing residence and construction of a new residence not to exceed 2,400 s.f., which will exceed the area of the
JAMES & CHARLENE JACKSON
700 Boston Post Road
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original nonconforming structure, said residence to conform to all zoning setback requirements, property located at 700 Boston Post Road, 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 construction of a new residence, which will exceed

the area of the original nonconforming structure, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The existing house will be demolished prior to construction of the new residence and the resulting structure will be appropriate in terms of scale, design and will conform to all setback requirements.

Jonathan G. Gossels, Chair

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Stephen A. Garanin, Alternate