

JOHN & JULIE LINDSTEDT  
14 Richard Avenue  
05-32

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, AUGUST 16, 2005

The Board consisted of:

Jonathan G. Gossels, Chairman  
Stephen M. Richmond, Clerk  
Elizabeth A. Taylor  
Jeffrey P. Klofft  
Richard D. Vetstein, Alternate

Notice was published in the Sudbury Town Crier on July 28 and August 4, 2005, posted, mailed and read at this hearing.

The Board was in receipt of a letter dated August 2, 2005 from the petitioners requesting this petition be withdrawn.

A motion was placed, seconded, and unanimously voted to allow the petitioners to withdraw their petition without prejudice.

(Petition for Special Permit to construct a garage on a non-conforming lot which would result in a side yard setback)

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Jonathan G. Gossels, Chairman

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Stephen M. Richmond, Clerk

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Elizabeth A. Taylor

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Jeffrey P. Klofft

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Richard D. Vetstein, Alternate

JENNIFER M. BOTT  
7 South Meadow Drive  
05-33

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, AUGUST 16, 2005

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Jonathan G. Gossels, Chairman  
Stephen M. Richmond, Clerk  
Elizabeth A. Taylor  
Jeffrey P. Klofft  
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Notice was published in the Sudbury Town Crier on July 28 and August 4, 2005, 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.

This petition is for a petition for Special Permit to allow a Single Accessory Dwelling Unit for a family member at 7 South Meadow Drive. Accompany the application, as required, were the following letters:

- from the Building Inspector dated July 7, 2005 which recommends approval and notes there is adequate parking, and the new construction will meet current Mass. Building Code requirements. The addition will not occupy more than 30% of the total residence area nor is it greater than 1,200 s.f. The owner must request a waiver of the 5-year waiting period for use of an addition as an accessory dwelling unit.

- from the Board of Health Director dated July 11, 2005 which notes the septic system leaching area will need to be upgraded for an accessory dwelling unit.

Ms. Bott explained that she would like to construct an in-law addition for her mother. To accomplish this involves adding on to the side of the house. She referred to the architectural plan depicting the design of the addition. It is proposed to take an existing full bath and convert it into a hallway with a closet next to the addition. The total square footage of the addition will be less than 1,200 s.f. and will comply with all setback requirements.

The entrance will be from the back yard and which will not be seen from the road. The house currently has a 3-car garage and one space will be for her mother.

JENNIFER M. BOTT  
7 South Meadow Drive  
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Ms. Bott said the addition will not affect the closest neighbor as there will still be a good distance separating the two houses. Additionally, it will be a one-story addition which will not impact the view of that neighbor.

Mr. Richmond asked about the window above the addition. Ms. Bott said the attic isn't usable and the architect added that window to be consistent with the existing house.

Mr. Gossels said he visited the site which is a very large lot with a great deal of distance between the side of the house and the existing neighbor. He was pleased with the design of the addition which places the door at the back of the house which will give no indication of a second dwelling unit.

Marjorie Wallace – 148 Nobscot Road viewed the plans and had no objection to the petition.

In response to a question from Mr. Richmond regarding the septic system, Ms. Bott said an engineer was out to the property and said there would be no problem with expanding the septic system.

Ms. Bott requested a waiver of the 5-year waiting period.

There were no further comments. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Jennifer M. Bott, owner of property, a Special Permit under the provisions of Section 5500 of the Zoning Bylaws, to allow a Single Accessory Dwelling Unit for a family member, property located at 7 South Meadow Drive, Residential Zone A-1, as follows:

1. This Accessory Dwelling Unit shall contain no more than 1,200 s.f.
2. The Board waives the applicable five-year period contained in Section 5522.
3. This Special Permit for an Accessory Dwelling Unit occupied by persons related to the family owning and residing in the principal dwelling is issued for the duration of such occupancy. This permit shall require the filing by the owner(s) of a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals, certifying such occupancy every four (4) years consistent with the Special Permit. This permit will automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit."

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

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REASONS: The petitioner requires a Special Permit to allow a single-family accessory dwelling unit. The Board finds that that the petitioner has fulfilled the requirements of the Bylaw for the granting of a Special Permit.

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Jonathan G. Gossels, Chairman

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Stephen M. Richmond, Clerk

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Elizabeth M. Taylor

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Jeffrey P. Klofft

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Richard D. Vetstein, Alternate

EVA BILODEAU  
24 Pokonoket Avenue  
05-34

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, AUGUST 16, 2005

The Board consisted of:

Jonathan G. Gossels, Chairman  
Stephen M. Richmond, Clerk  
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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.

Michael Bilodeau was present to represent a petition for Special Permit to allow demolition of an existing structure and construction of a new residence on a nonconforming lot

which will be larger than the existing structure. He explained that he originally had a building permit for a second story addition and there was an accident at the property. As a result the Fire Chief told him to demolish the structure. It is now proposed to construct a new house.

Mr. Gossels said the prior house was there by variance because it didn't meet the front yard setback requirements.

Mr. Bilodeau said the new building will be less nonconforming than the previous building. From the plot plan he explained his new proposed setbacks.

Discussion followed on the orientation and the design of the house as shown on the architectural plan submitted with the application. Mr. Bilodeau explained that the back of the house will be 35'9"; half of the house from the front is buried sub grade. From the garage side one would see the full height on half of the building. As opposed to the old structure which faced down Pokonoket Avenue, the new building will now face up Pokonoket Avenue because of the steepness of the grade. The front will be leveled to allow for a walkout garage at grade.

Mr. Gossels asked whether there was any possibility of rotating the house to minimize the impact of the height.

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Mr. Bilodeau replied that his opinion when designing the house was that turning the face, given the grade, would result in a one-car under garage which he felt would be unattractive and would still face the road.

Mr. Gossels said generally, when new, higher houses are proposed to be constructed, the Board generally likes to see them placed further back from the road because of the potential looming effect on the neighborhood.

Mr. Bilodeau said he wrestled with the design in an attempt to find the best way to position it on the lot.

Mr. Gossels suggested perhaps rotating it 90 degrees, entering the garage from the downhill side.

Mr. Bilodeau said this would not be feasible because then a large retaining wall would have to be constructed. He estimated it would have to be 14+ feet.

Stephen Bartlett – 21 Pokonoket Avenue – abutter directly across the street from the property said the height is also a concern of his. He has lived here for 27 years and said he was used to seeing a low building. He said this proposal is very different; however, given the steep grade of the street, he would be comfortable as long as Mr. Bilodeau recognizes the issues and the project is done with sensitivity.

Martha Romanoff – 21 Pokonoket Avenue said part of the problem is that the Bilodeau's are very good neighbors. While the house itself is a change from what they have been used to seeing, she didn't see a way around it. She said before she saw trees – now they have been cut down, the land has been leveled and the grade raised. This is even before the house is constructed, which makes her uncomfortable.

Mr. Bartlett said any change is difficult especially when one has been looking out at trees for such a long time. He believed that Mr. Bilodeau has listened to what he has said and has tried to be sensitive to his concerns.

Mr. Bilodeau said the front half will be buried and there will be a retaining wall and stairs to the front which he felt will be very attractive. The garage door most likely will be something decorative. It will look like the side of a Cape home with shrubbery to act as a buffer along the street. The windows at the back of the house will be cathedral – there is no second floor.

At Mr. Vetstein's request, Mr. Bilodeau described the proposed driveway configuration, although it was not shown on the plan. It will be close to, or the same, as the original access point.

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24 Pokonoket Avenue  
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Liam Vesely – 10 Pokonoket Avenue, the abutting owner downhill from this property, had no objection to this petition, echoing the previous abutters' sentiments with regard to the fact that the Bilodeaus are good neighbors. His said there is a significant drop from the Bilodeau property to his property – at least 25 feet. His concern is that the foundation will begin about 25 feet before the house goes up. This means he will be looking at a great deal of structure, which he saw no way to avoid.

Mr. Gossels asked whether there were ways to work out landscaping with Mr. Bilodeau.

Mr. Vesely said Mr. Bilodeau had suggested this previously.

Mr. Gossels said there are zoning issues and neighborly issues. He felt this to be a neighborly issue and it seemed to him that because of the good relationship between the neighbors, something could be worked out.

Mr. Gossels asked whether Mr. Bilodeau planned to plant trees. Mr. Bilodeau said he did.

Since there was no landscaping plan, Mr. Richmond suggested that if landscaping was a significant issue among the neighbors, the Board could continue this hearing in order for the applicant to submit a plan which would be incorporated as part of the decision.

Rather than a continuance, the neighbors agreed to a recess in the hearing to sketch out a landscaping plan with Mr. Bilodeau.

Following the recess, Mr. Veseley said the applicant has agreed to work with the abutters for putting in shrubbery to abate the visual impact of this house from the neighbors' perspectives. Shrubbery was sketched in on the plot plan which proposes shrubbery along the lot lines of Lot 67 and along Pokonoket Avenue. Also included on the plan was a "Statement of Intent: Applicant agrees to plant six (6) feet trees, shrubs and other plantings along boundary line with Lot 67 and along Pokonoket Avenue, with input from abutters, as approximately shown in this plan."

The abutters appeared comfortable with the landscape sketch. There was no further input. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Eva Bilodeau, 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 3,410 s.f., which will result in a front yard setback

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24 Pokonoket Avenue  
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deficiency of 12 feet  $\pm$ , property located at 24 Pokonoket Avenue, Residential Zone A-1, subject to the following:

1. The landscaping shall be consistent with the landscaping plan as agreed to by the neighbors.
2. 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.
3. Construction must be completed no later than one year after commencement."

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 original nonconforming structure. The original house was required to be demolished upon an order from the Fire Chief. Although portions of the new residence will be higher than the original structure and therefore more visible to the neighbors, it was found that because of the steep hill and irregular shaped lot, that the house could not be reoriented to be less visible. The neighbors who would be impacted by this construction had no objection to the construction but did express concerns with regard to visual impact. However, following a recess

to discuss their concerns with the applicant, they indicated their satisfaction with a plan on which landscaping was sketched in and which included a statement of intent from the applicant to provide landscaping with input from the neighbors.

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Jonathan G. Gossels, Chairman

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Stephen M. Richmond, Clerk

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Elizabeth A. Taylor

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Jeffrey P. Klofft

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Richard D. Vetstein, Alternate