

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
SEPTEMBER 20, 2005

The Board consisted of:

Jeffrey P. Klofft, Acting Chairman
Jonathan G. Gossels, Acting Clerk
Elizabeth A. Taylor
Richard L. Burpee, Associate
Constantine Athanas, Associate

Also: Nancy G. Rubenstein, Alternate
Jody Kablack, Town Planner

For the Applicant:

Louis W. Mountzoures, Esq., Pari Holdings LLC, applicant
Stacy Shunk, Esq., Devin, Barry & Austin, P.C.

The hearing was reconvened by the Acting Chairman, Mr. Klofft. The Board was in receipt of the following:

- Letter dated September 13, 2005 from Louis Mountzoures enclosing architectural house elevations, floor plans and North Road street elevations
- Email dated September 19, 2005 from Conservation Coordinator enclosing August 25, 2005 letter previously sent
- Letter dated September 19, 2005 from the Planning Board enclosing Town Planner's memo dated June 21, 2005 previously sent
- Email dated September 19, 2005 from Beau Schless, 43 Mary Catherine Lane
- Memo dated September 19, 2005 from the Building Inspector

Mr. Mountzoures displayed the plan noting that basically it is the same as was presented last month. With regard to the architectural, he said he attempted to find a house which afforded some first floor space, a 2-car garage that was set back from the house and enough living area that somebody could use for the family. The problem with pushing the garage back was that it encroached into the living area. With these architectural, the garage is set back 8 feet from the front and includes a small covered porch area. With the prior plan, the garage protruded out 4-5 feet from that same area.

Assuming this design is looked upon favorably, with the garage being pushed back, the house can be pushed forward a bit, maintaining the same distance, but giving more driveway area so a car can be parked in the driveway. Mr. Mountzoures felt this may help Mr. Stewart and Mr. Bardsley to some extent.

Mr. Mountzoures also did the elevations from North Road. The landscaping came off the previous plan. With the garages as proposed on the plan, he felt it would present a softer feel.

The development would be a mix of 2 and 3 bedroom homes. The actual living area, without the bonus room, is the same – 1,600 s.f. If you added that room which would be a laundry room and family room, it approaches 1,900 s.f.

Mr. Mountzoures said he did not get comments from the Design Review Board since this plan was only recently submitted. He said he did get comments from the Building Inspector expressing concerns with regard to codes and construction materials. He wanted to assure the Board that all of the Building Inspector's concerns would be addressed with the builder's set of plans.

Andrew Reynolds asked whether Mr. Mountzoures had taken into account orienting the houses in terms of energy, glass, environment etc. He would suggest orientation towards the south side.

Mr. Gossels said Mr. Mountzoures is responding to directions from the Board which is trying to minimize the street impact as this development is seen from Route 117. He said if it was a single house, you would want to orient it towards the south. However, since this is a relatively dense development, it has to be balanced with the need to minimize its impact on the neighborhood.

Mr. Klofft read excerpts from the correspondence received as listed above. He asked about the sidewalks as referenced in the Planning Board's letter.

Mr. Mountzoures said he has had discussions about putting the sidewalk on the south side towards Mossman Road all the way down. Assuming that things go as planned, he is somewhat willing to do this at his own expense; however, he does need some help from the town in dealing with the neighbors if easements are needed. He didn't see any wetland issues and would suggest saving as many trees as possible.

Mr. Gossels said a 24-foot road width is still being proposed. At a previous hearing the Board was shown plans of developments in other towns which had less than that. He asked if it was possible to go to 22 feet.

Ms. Kablack said 22 feet with a one-foot berm is acceptable. She said the Fire Chief doesn't like 18 foot driveways. She would stay with 22 feet.

Mr. Mountzoures said he would like to shorten the road a little bit and pivot one of the units which would open up the Stewart property to a better view into the wetland. He added that pivoting and pulling that unit up would actually make it more conforming. This may have some effect on the waivers.

Mr. Mountzoures said in reading the Conservation Coordinator's memo, he was confused as to what she was looking for and will discuss this when going for the Notice of Intent.

David Stewart felt single houses are much more in line with the character of this part of town. He felt is there was an opportunity to slide the development closer to Route 117 as it would provide the ability for the last two houses to have more of a back yard. He realized there are conservation issues but felt there is still an opportunity to do this.

Mr. Mountzoures pointed out the 100-foot buffer. He said he is building almost outside that area. He felt what he was proposing here is just to make the sight flow. He said he might be able to work something out with the Conservation Commission.

Mr. Stewart said there is a natural screen that goes right up to Route 117. He asked how much of that would be cleared to put a sidewalk along Route 117.

Ms. Kablack said there is actually a bit of shoulder there and felt there were only two trees that would have to be cut down. She was trying for as little tree cutting as possible.

Mr. Stewart asked for an explanation of the process from here on.

Mr. Klofft said assuming everyone is conceptually aligned, Mr. Mountzoures would come back with fully engineered drawings and landscape drawings, drainage calculations, etc., which would then be reviewed by the various members of the town Boards and Departments. Following that, the Board would move towards a decision with conditions. The timing would largely depend upon how long it takes to get the drawings together, what issues arise and when the Board can meet again.

In response to further questions from Mr. Stewart, Mr. Klofft said whenever there are issues that need to be brought up and addressed, it is done in a public hearing. There will be correspondence back and forth, but that will be made part of the record and will be made available to everyone. Additionally, where a preference may differ between one of the Boards, Departments, neighbors or abutters, the ZBA will render the final decision with a set of conditions that will be applied to that decision.

Andrew Reynolds wanted to go on record as having had a discussion with Mr. Mountzoures about putting up a fence on his side of the property to mitigate the traffic light from the development from shining into his dining room. He spoke with an arborist regarding one potentially diseased large tree on his property and would suggest that this be cut down.

Mr. Gossels suggested Mr. Reynolds send the Board a letter describing what was agreed to.

Mr. Mountzoures said he did speak with Mr. Reynolds about a month ago. He said he would be willing to pay for something and told Mr. Reynolds that it was conditional upon approval and no protracted litigation.

Mr. Stewart referred to the Planning Board's memo of August 29, 2005 regarding minimum lot sizes. Ms. Kablack said it was determined that there is no minimum lot size under the law.

Mr. Mountzoures said he will return with a definitive buildable set of construction drawings for everything except the units. He will need definitive engineering plans before he can do a landscape plan.

The hearing was continued to December 8, 2005.

Jeffrey P. Klofft, Acting Chairman

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